



**Orange County
Board of Commissioners**

Agenda

Business Meeting

May 3, 2022

7:00 p.m.

Richard Whitted Meeting Facility

300 West Tryon Street

Hillsborough, NC 27278

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

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

1. Additions or Changes to the Agenda

PUBLIC CHARGE

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

2. Public Comments (Limited to One Hour)

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

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

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

- b. Matters on the Printed Agenda

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

3. Announcements, Petitions and Comments by Board Members (Three Minute Limit Per Commissioner)

4. Proclamations/ Resolutions/Special Presentations

- a. Length of Service Awards and Retirement Recognition of Firefighters
b. EMS Week Proclamation
c. Provider Appreciation Day Proclamation



- d. Presentation of Manager's Recommended Fiscal Year 2022-23 Annual Operating Budget

5. Public Hearings

6. Regular Agenda

- a. Longtime Homeowner Assistance (LHA) Program Evaluation
- b. Consideration of a Resolution Naming the Chapel Hill/Orange County Visitors Center Conference Room as *The Lee Pavao Conference Room*

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. Application for Property Tax Exemption/Exclusion
 - e. Older Americans Month Proclamation
 - f. Approval of Addition of Non-voting Youth Member to Parks and Recreation Council (PRC)
 - g. Construction Bid Award for Emergency Services Efland EMS Station and Approval of Budget Amendment #10-C
 - h. Orange County Facilities Master Planning
 - i. Contract Extension with New River Tire Recycling, Inc.
 - j. Adoption of the Final Financing Resolution Authorizing the Issuance of Installment Purchase Financing for Various Capital Investment Plan Projects
 - k. Series 2022 General Obligation Bond Sale in the Amount of \$14,540,000
 - l. Application for North Carolina Education Lottery Proceeds for Chapel Hill Carrboro City Schools (CHCCS) and Contingent Approval of Budget Amendment #10-A Related to CHCCS Capital Project Ordinances
 - m. Application for North Carolina Education Lottery Proceeds for Orange County Schools (OCS) and Contingent Approval of Budget Amendment #10-B Related to OCS Capital Project Ordinances

9. County Manager's Report

Projected May 10, 2022 BOCC Budget Public Hearing & Work Session

First Budget & Capital Investment Plan Public Hearing
Food Council Presentation and Proposal for MOU Renewal
Additional Discussion on Regulation of Large Gatherings
Review of Upcoming Boards and Commissions Appointments

Projected May 12, 2022 Budget Work Session

Schools and Outside Agencies

May 19, 2022 Budget Work Session

Fire Districts, Public Safety, Human Services



10. County Attorney's Report

11. *Appointments

12. Information Items

- April 26, 2022 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
- Memorandum - NC Mountains to Sea Trail Progress Report

13. Closed Session

“To discuss matters related to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations,” NCGS § 143-318.11(a)(4).

Closed Session Minutes

14. Adjournment

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

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

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

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 3, 2022

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

SUBJECT: Length of Service Awards and Retirement Recognition of Firefighters

DEPARTMENT: Emergency Services
Human Resources

ATTACHMENT(S):

1. List of Individuals To Be Recognized
2. Proclamations Honoring the Retirements of:
 - William Blankenship, Chapel Hill
 - David Cheek, Chapel Hill
 - Paul Moss, Chapel Hill
 - Scott Trombley, Carrboro

INFORMATION CONTACT:

Kirby Saunders, 919-245-6123
Brenda Bartholomew, 919-245-2552

PURPOSE: To recognize sixty-five (65) fire district personnel (volunteer and career) who have provided a minimum of 20 years of service (average of 30 years) to Orange County, and to approve proclamations honoring the accomplishments of four (4) retiring firefighters.

BACKGROUND: In 2021, the Orange County Chief's Council requested that the Board of Commissioners create a Length of Service Awards Program to recognize the contributions of the County's firefighters. The Chief's Council proposed and approved the program criteria to recognize personnel from the ten (10) in-county fire departments and one (1) volunteer rescue squad that have provided at least 20 years of service or were retiring from service with a minimum of 20 years.

To honor and recognize the service of fire service personnel, Orange County will present service award certificates at the following intervals:

- 20 years
- Every 5 years thereafter

To honor and recognize the fire service personnel who will be retiring each fiscal year, the Board will consider proclamations recognizing the individual's achievements and contributions at the following intervals:

- Any time at or beyond 20 years of service

Emergency Services drafted the process for each department to submit names and accomplishments.

FINANCIAL IMPACT: Emergency Services utilized approximately \$450 of operational funds to purchase the necessary supplies for this recognition effort.

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.

This item honors and recognizes the impacts of the County's fire service personnel.

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

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

- 1) Recognize the County's sixty-five (65) fire service personnel who have provided at least 20 years of service; and
- 2) Approve and authorize the Chair to sign the attached proclamations honoring the accomplishments of the four (4) retiring firefighters.

Attachment 1

Retirement Recognitions			
Department	Fire Name	Last Name	Years of Service
Chapel Hill	William	Blankenship	29
Chapel Hill	David	Cheek	21
Chapel Hill	Paul	Moss	24
Carrboro	Scott	Trombley	26
Length of Service Awards			
Department	First Name	Last Name	Years of Service
Eno	(Captain) Tim	Crabtree	45
Eno	(Captain) Steve	Cook	30
Eno	(Deputy Chief) Daylon	Hayes	20
Caldwell	Brad	Allison	30
Caldwell	James	Emory	45
Caldwell	Troy	Blalock	35
Caldwell	Andy	Gates	45
Caldwell	Lee	Hollowell	25
Carrboro	Carl	Freeman	30
Carrboro	David	Riggs	27
Carrboro	Larry	Mann	24
Carrboro	Keith	Crabtree	22
Carrboro	Chad	Woods	20
Carrboro	Doug	Yates	20
Carrboro	Hugh	Miles	20
Orange Rural	Jeff	Cabe	34
Orange Rural	Mac	Cabe	40
Orange Rural	Adam	Guttman	20
Orange Rural	Pamela	Robinette	20
Orange Rural	David	Sykes	23
Orange Rural	Steve	Summey	39
Orange Rural	Deonza	Clark	20
Orange Rural	Wayne	Cheek	22
Orange Rural	Jeff	Roberts	28
Orange Rural	Wallace	Wilson	49
Orange Rural	David	Ballard	46
Orange Rural	Jim	Rodgers	25
Chapel Hill	S. Keith	Porterfield	41
Chapel Hill	Vencelin	Harris	28
Chapel Hill	M. Tommy	Gregory	28
Chapel Hill	Robert	Pruitt	26
Chapel Hill	James	Bona	23
Chapel Hill	Andrew	Fuentes	23
Chapel Hill	Darryl	Russell	22

Chapel Hill	David	Sasser	22
Chapel Hill	Richard	Cherry	22
Chapel Hill	Jose	Alvarez	21
Chapel Hill	Richard	Bucci	21
Chapel Hill	Jason	Grafford	21
Chapel Hill	Gerald	Boone	21
Chapel Hill	Ryan	Warner	21
Chapel Hill	Stacy	Graves	20
Orange Grove	Tommy	Holmes	47
Orange Grove	Tommy	Griggs	46
Orange Grove	Richard	Sykes	45
Orange Grove	Ben	Nichols	43
Orange Grove	Jane	Waddell	34
Orange Grove	Lee	Terry	30
Orange Grove	Bill	Waddell	28
Orange Grove	Ricky	Baker	20
Orange Grove	Allison	Eaton	20
Orange Grove	Bob	Eaton	20
New Hope	Mike	Tapp	51
New Hope	Eddie	Walker	28
New Hope	Brian	Blalock	27
New Hope	Cliff	Carroll	38
New Hope	Howard	Pratt	38
Cedar Grove	Jeff	Borland	34
Cedar Grove	Sammy	Borland	34
Cedar Grove	C.T.	Pope	45
Cedar Grove	Bill	Cole	40
Cedar Grove	Sydney	Cole	32
Cedar Grove	Andy	Summers	37
Cedar Grove	L.D.	Summers	34

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION RECOGNIZING AND HONORING WILLIAM BLANKENSHIP RETIRING BATTALION CHIEF, CHAPEL HILL FIRE DEPARTMENT

WHEREAS, in 1993, Mr. William Blankenship embarked on a career of public service by joining the Chapel Hill Fire Department as a full-time firefighter; and

WHEREAS, Mr. Blankenship made numerous contributions to the Chapel Hill Fire Department and ultimately reached the rank of Battalion Chief; and

WHEREAS, throughout his professional career, William Blankenship helped advance the Chapel Hill Fire Department by serving in a variety of roles including Training Captain, Captain, and ultimately as a Battalion Chief; and

WHEREAS, through his dedication and service to the residents of Chapel Hill and the greater Orange County community, Mr. Blankenship directly contributed to creating a safer and more resilient Orange County; and

WHEREAS, William Blankenship is retiring from the Chapel Hill Fire Department after serving the residents and visitors of Orange County for twenty-nine years;

NOW, THEREFORE, we, the Orange County Board of Commissioners, do hereby recognize and express deep appreciation for the invaluable service of William Blankenship to the Orange County community, and wish him well in his retirement.

This the 3rd day of May, 2022.

Renee Price, Chair
Orange County Board of Commissioners

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION RECOGNIZING AND HONORING DAVID CHEEK RETIRING CAPTAIN, CHAPEL HILL FIRE DEPARTMENT

WHEREAS, in 2001, Mr. David Cheek embarked on a career of public service by joining the Chapel Hill Fire Department as a full-time firefighter; and

WHEREAS, Mr. Cheek made numerous contributions to the Chapel Hill Fire Department and ultimately reached the rank of Captain; and

WHEREAS, throughout his professional career, David Cheek helped advance the Chapel Hill Fire Department by serving in a variety of roles including Firefighter Lieutenant, and ultimately as a Captain; and

WHEREAS, through his dedication and service to the residents of Chapel Hill and the greater Orange County community, Mr. Cheek directly contributed to creating a safer and more resilient Orange County; and

WHEREAS, David Cheek is retiring from the Chapel Hill Fire Department after serving the residents and visitors of Orange County for twenty-two years;

NOW, THEREFORE, we, the Orange County Board of Commissioners, do hereby recognize and express deep appreciation for the invaluable service of David Cheek to the Orange County community, and wish him well in his retirement.

This the 3rd day of May, 2022.

Renee Price, Chair
Orange County Board of Commissioners

ORANGE COUNTY BOARD OF COMMISSIONERS
PROCLAMATION RECOGNIZING AND HONORING
PAUL MOSS
RETIRING BATTALION CHIEF, CHAPEL HILL FIRE DEPARTMENT

WHEREAS, in 1997, Mr. Paul Moss embarked on a career of public service by joining the Chapel Hill Fire Department as a full-time firefighter; and

WHEREAS, Mr. Moss made numerous contributions to the Chapel Hill Fire Department and ultimately reached the rank of Battalion Chief; and

WHEREAS, throughout his professional career, Paul Moss helped advance the Chapel Hill Fire Department by serving in a variety of roles including, Captain, USAR Task Force Leader and ultimately as a Battalion Chief; and

WHEREAS, through his dedication and service to the residents of Chapel Hill and the greater Orange County community, Mr. Moss directly contributed to creating a safer and more resilient Orange County; and

WHEREAS, Paul Moss is retiring from the Chapel Hill Fire Department after serving the residents and visitors of Orange County for twenty-four years;

NOW, THEREFORE, we, the Orange County Board of Commissioners, do hereby recognize and express deep appreciation for the invaluable service of Paul Moss to the Orange County community, and wish him well in his retirement.

This the 3rd day of May, 2022.

Renee Price, Chair
Orange County Board of Commissioners

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION RECOGNIZING AND HONORING SCOTT TROMBLEY RETIRING CAPTAIN, CARRBORO FIRE-RESCUE DEPARTMENT

WHEREAS, in 1995, Mr. Scott Trombley embarked on a career of public service by joining the Carrboro Fire-Rescue Department as a full-time firefighter; and

WHEREAS, Mr. Trombley made numerous contributions to the Carrboro Fire-Rescue Department and ultimately reached the rank of Captain; and

WHEREAS, throughout his professional career, Captain Trombley helped advance the Carrboro Fire-Rescue Department by creating and assisting with the implementation of a Community Risk Reduction program for the Carrboro Fire-Rescue Department; and

WHEREAS, through his dedication and service to the residents of Carrboro and the greater Orange County community, Scott Trombley directly contributed to creating a more safe and resilient Orange County; and

WHEREAS, Captain Scott Trombley is retiring from the Carrboro Fire-Rescue Department after serving the residents and visitors of Orange County for twenty-six years;

NOW, THEREFORE, we, the Orange County Board of Commissioners, do hereby recognize and express deep appreciation for the invaluable service of Scott Trombley to the Orange County community, and wish him well in his retirement.

This the 3rd day of May, 2022.

Renee Price, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 3, 2022

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

SUBJECT: EMS Week Proclamation

DEPARTMENT: Emergency Services

ATTACHMENT(S):
EMS Week Proclamation

INFORMATION CONTACT:
Kirby Saunders, 919-245-6123
Kim Woodward, 919- 245-6133

PURPOSE: To approve a proclamation designating the week of May 15 through 21, 2022, as Emergency Medical Services Week in Orange County.

BACKGROUND: The American College of Emergency Physicians (ACEP) has announced that the 47th annual Emergency Medical Services (EMS) Week will be celebrated throughout the nation on May 15 through 21, 2022, in recognition of the dedicated professionals who provide emergency services to residents and visitors. EMS is now firmly established as an essential public function and a vital component of the medical care continuum. On any given day, EMS practitioners help save lives by responding to medical emergencies, including heart attack, difficulty breathing, a fall or accident, drowning, cardiac arrest, stroke, drug overdose or acute illness. EMS may provide both basic and advanced medical care at the scene of an emergency and enroute to a hospital. EMS practitioners care for their patients' medical needs and show caring and compassion to their patients in their most difficult moments.

With mobile integrated healthcare and community paramedicine (MIH-CP), EMS is also increasingly a valued participant in achieving the nation's overall healthcare goals of improved patient health and lowered costs. Emergency Medical Services Week brings together local communities and medical personnel to publicize safety and honor the dedication of those who provide the day-to-day lifesaving services of medicine's "front line." The Emergency Medical Services system in Orange County includes Telecommunicators, Fire Departments, Law Enforcement Officers, Paramedics, Emergency Medical Technicians, South Orange Rescue Squad, First Choice, North State Ambulance Service, Priority Care, Emergency Nurses, Emergency Physicians, County Staff, Carolina AirCare, and the University of North Carolina Department of Emergency Medicine.

The Orange County Emergency Medical Services system responded to 19,378 reported emergencies last year, providing EMS response, medical assessment, treatment, and ambulance transportation when medically necessary. Emergency Services staffs eight (8)

ambulances and Two (2) paramedic certified EMS Supervisors daily. The division is staffed with eight (8) EMS Supervisors, four (4) paramedic certified Field Training Officers, thirty-two (32) paramedics and twenty-eight (28) emergency medical technicians who are all exceptionally dedicated and skilled. Two (2) Community Paramedics have also provided invaluable service to the aging population of the County. EMS providers proved indispensable throughout the pandemic. EMS assisted in the staffing of the mass vaccination clinics providing over 58% of the total vaccines. The Orange County Community Paramedics continued the vaccination delivery to over 450 individuals who were unable to physically or safely travel to a vaccine clinic. Emergency Medical Responders throughout Orange County provide a valuable service to the residents and visitors and help make Orange County a safer place to live.

With the theme, "EMS: Rising to the Challenge," everyone is reminded that the Orange County emergency medical services system has demonstrated exceptional ability to stand strong and maintain the highest standards of care throughout the pandemic.

FINANCIAL IMPACT: There is no financial impact associated with 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: CREATING A SAFE COMMUNITY**

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

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

RECOMMENDATION(S): The Manager recommends that the Board approve and authorize the Chair to sign the proclamation designating the week of May 15-21, 2022 as Emergency Medical Services Week in Orange County, in recognition of the many dedicated EMS providers who daily serve the residents and visitors of Orange County.

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION

EMERGENCY MEDICAL SERVICES WEEK

MAY 15-21, 2022

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, the emergency medical services system consists of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, telecommunicators, educators, administrators and others; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week;

NOW THEREFORE, we, the Orange County Board of Commissioners, do hereby proclaim the week of May 15-21, 2022, as

EMERGENCY MEDICAL SERVICES WEEK

With the theme, "EMS: Rising to the Challenge," and encourage the community to observe this week with appropriate programs, ceremonies and activities.

This the 3rd day of May, 2022.

Renee Price, Chair
Orange County Board of Commissioners

Laura Jensen
Clerk to the Board

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 3, 2022

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

SUBJECT: Provider Appreciation Day Proclamation

DEPARTMENT: Board of County Commissioners

ATTACHMENT(S):
Draft Proclamation

INFORMATION CONTACT:
Anna Richards, Commissioner, 919-245-
2130
Laura Jensen, 919-245-2130

PURPOSE: To consider a proclamation designating May 6, 2022 as Provider Appreciation Day in Orange County.

BACKGROUND: Established in 1996, Provider Appreciation Day is an annual celebration that affords an opportunity to recognize the contributions of child care providers to the overall health and welfare of the community and the essential role they play for the County's working families. The early years of a child's life from birth to age five is the most critical time in a child's development in which the brain's architecture is built and early learning sets the trajectory for future success. The Orange County child care community provides critical care, education, and enrichment opportunities for children of all backgrounds. The COVID-19 pandemic created tremendous hardship for child care providers and the families of Orange County who depend on them. However, the child care community continued to meet the needs of families while risking their health and financial stability to remain open. The proclamation affirms the important role the child care community plays in support of young children, their families, and the local economy.

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

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**
The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

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

RECOMMENDATION(S): The Manager recommends the Board approve and authorize the Chair to sign the proclamation.

ORANGE COUNTY BOARD OF COMMISSIONERS

PROVIDER APPRECIATION DAY PROCLAMATION

WHEREAS, Child Care Aware® of America and other organizations nationwide are recognizing Child Care Providers on May 6, 2022, through Provider Appreciation Day; and

WHEREAS, Provider Appreciation Day is an annual celebration that affords an opportunity to recognize the contributions of child care providers to the overall health and welfare of our community and the essential role they play for our county's working families; and

WHEREAS, the early years of a child's life from birth to age five is the most critical time in a child's development in which the brain's architecture is built and early learning sets the trajectory for future success; and

WHEREAS, our child care community provides critical care and education opportunities for Orange County's young children, as well as support for social and emotional development; and

WHEREAS, our child care community provides enrichment opportunities and nurtures development for children of all backgrounds; and

WHEREAS, our child care providers form a vital building block of our local economy supporting Orange County's families as they work; and

WHEREAS, the COVID-19 pandemic has created tremendous hardship for child care providers and the families of Orange County who depend on them, who have continued to meet the needs of families while risking their health and financial stability to remain open; and

WHEREAS, our future depends on the quality of the early childhood experiences provided to young children today; support for high-quality child care represents a worthy commitment to our children's future;

NOW, THEREFORE, we, the Orange County Board of Commissioners, hereby proclaim May 6, 2022, as Provider Appreciation Day, affirming the important role our child care community plays in support of our young children, their families, and our local economy, and urge all residents of Orange County to recognize child care providers for their work.

This the 3rd day of May 2022.

Renee Price, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 3, 2022

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

SUBJECT: Presentation of Manager's Recommended Fiscal Year 2022-23 Annual
Operating Budget

DEPARTMENT: County Manager/ Finance and
Administrative Services

ATTACHMENT(S):

UNDER SEPARATE COVER

*Recommended FY 2022-23 Annual
Operating Budget (To be provided prior
to the meeting)- Will also be available at:
[https://www.orangecountync.gov//County
-Budgets](https://www.orangecountync.gov//County-Budgets)*

*PowerPoint Presentation (To be
provided under separate cover prior to or
at the meeting)*

INFORMATION CONTACT:

Bonnie Hammersley, (919) 245-2300
Travis Myren, (919) 245-2308
Gary Donaldson, (919) 245-2453
Rebecca Crawford, (919) 245-2152

PURPOSE: To receive a presentation on the Manager's Recommended FY 2022-23 Annual Operating Budget.

BACKGROUND: Each year in the month of May, the County Manager presents the Board of County Commissioners with a recommended spending plan for the next fiscal year. During the meeting, the Manager provides a brief presentation of the Recommended FY 2022-23 Annual Operating Budget.

The Board of County Commissioners will conduct two Public Hearings - the first at 7:00 p.m. on Tuesday, May 10, 2022, and the second on Thursday, June 2, 2022 at 7:00 pm. In addition, the Board has scheduled the following Budget Work Sessions:

- May 12, 2022 - Budget Work Session with Chapel Hill-Carrboro City Schools, Orange County Schools and Outside Agencies.
- May 19, 2022 - Budget Work Session with Fire Districts and County Departments within the following **Functional Leadership Teams: Public Safety** (Courts, Criminal Justice Resource Department, Emergency Services and the Sheriff's Office); **Human Services** (Child Support, Department of Social Services, Department of Aging, Health, Housing and

Community Development, Human Rights and Relations, Library Services and Alliance Health).

- May 26, 2022 - Budget Work Session with Durham Tech and County Departments within the following **Functional Leadership Teams: Support Services** (Asset Management Services, Community Relations, Finance and Administrative Services, Human Resources and Information Technology); **General Government** (Board of County Commissioners, Board of Elections, County Attorney, County Manager, Register of Deeds and Tax Administration); **Community Services** (Animal Services, Cooperative Extension, Department of Environmental, Agriculture, Parks and Recreation, Economic Development, Orange Public Transportation, Planning and Inspections, Solid Waste and Sportsplex) including Non-Departmental items.
- June 9, 2022 - Budget Work Session for Board to review budget amendments and finalize decisions (Resolution of Intent to Adopt) on the FY 2022-23 Annual Operating Budget and the FY 2022-2032 Capital Investment Plan.
- June 21, 2022 - Business Meeting for the Adoption of the FY 2022-23 Annual Operating Budget and the FY 2022-2032 Capital Investment Plan.

All meetings start at 7:00 p.m.

FINANCIAL IMPACT: There is no financial impact associated with the presentation of the Manager's Recommended FY 2022-23 Annual Operating Budget. Decisions that the Board makes as part of its discussion on the Manager's Recommended FY 2022-23 Annual Operating Budget will have financial impacts.

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

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

RECOMMENDATION(S): The Manager recommends that the Board receive the presentation of the Manager's Recommended FY 2022-23 Annual Operating Budget.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 3, 2022

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

SUBJECT: Longtime Homeowner Assistance (LHA) Program Evaluation

DEPARTMENT: Housing and Community
Development

ATTACHMENT(S):

Attachment 1: 2021 LHA Program Data
Attachment 2: Tax Assistance Application
Package LHA Insert

INFORMATION CONTACT:

Corey Root, Director, Housing and
Community Development, 919-245-
2492
Nancy Freeman, Tax Administrator,
Orange County Tax Office, 919-245-
2735
Gary Donaldson, Chief Financial Officer,
Orange County Finance, 919-245-
2453

PURPOSE: To receive information about the results of the 2021 Longtime Homeowner Assistance (LHA) program and consider options for program changes for a potential continuation of the LHA program in 2022.

BACKGROUND: On October 5, 2021, the Orange County Board of Commissioners authorized the program design for the Longtime Homeowner Assistance Program (LHA) to assist households affected by the 2021 property tax revaluation. LHA launched on October 8, 2021 to serve households earning no more than 80% of the area median income who had lived in their homes for at least 10 years and experienced an increase in Orange County property taxes in 2021. Between October 8 and December 15, the Housing & Community Development Department received 125 applications. Housing staff worked alongside colleagues in the Tax Office and Finance & Administrative Services Department to award \$16,364 across 91 households in property tax assistance (Attachment 1). There were some very small award amounts – as low as \$1.51 – and the largest award was \$1,334.63. A third of the awards were under \$50 and 52% of awards were under \$100.

In addition to the communication plan about the program presented in October, in response to requests from non-profit partners, Housing staff also organized and staffed three in-person events to help people complete LHA applications – at Piney Grove Baptist Church and Dorothy M. Johnson Community Center in Hillsborough, and Lattisville Grove Missionary Baptist Church in Cedar Grove (a planned event at the Roger Eubanks Neighborhood Association Community Center was canceled due to facility issues). Applications were relatively slow in the beginning weeks of the program, and picked up greatly toward the end of the application period. 72.8% of all received applications were approved. The most common reason for application denial was the

household not having a tax increase (30 denials), followed by households not owning their home for ten or more years (6 denials), and the household being over income (3 denials).

Of the 91 approved applicants, 45% were white, 44% were black, 4% were multi-racial, and 1% Asian. 60% of the approved applications were age 65 or over.

Staff from the three participating departments offer the following proposed program design changes should the Board wish to continue the LHA program in 2022 with the remaining \$233,636 allocated for this purpose:

- 1) Change program design to cover more of the amount owed by the taxpayer. Using data from the 2021 LHA program, staff proposes three options:
 - a. Institute a baseline minimum award amount: The award amount would be equal to the difference between the County Tax portion of the 2020 tax bill and the 2022 tax bill, with a minimum award amount of \$300 (note that the average award amount for 2021 was roughly \$190). Estimated amount of assistance for 2022: **\$37,290**
 - b. Base award on full bill amount: The amount will be equal to the difference between the full bill amount of the 2020 tax bill and the 2022 tax bill with no minimum: **\$46,861**
 - i. For 2021, the range of assistance \$1.94 - \$2,974.00, average \$348
 - ii. Minimal award amounts: 56 under \$300, 33 under \$100, and 21 under \$50
 - iii. If the minimum award amount was set at \$300, the estimate would be \$55,731
 - c. Standard award amount: The award amount would be a standard award amount with a cap, based on approximately one-half of the average County tax portion for 2021 recipients, which would result in an award amount of \$830: Estimated amount of assistance for 2022: **\$94,684**
 - i. Cap the award amount so it is no more than that actual bill amount.
 - ii. This follows a similar method used by another county.
 - d. Capping tax amount based on income: Homeowners earning 80% area median income (AMI) or under pay no more than 3% of income on total property tax bill. Estimated amount of assistance for 2022: **\$176,587**
 - e. Awards cover half of total tax bill: Award would cover half of total tax bill for homeowners earning 80% AMI or under, up to these total amounts:
 - i. \$1000.00 for households with incomes ≤ 61- 80% AMI
 - ii. \$1250.00 for households with incomes ≤ 31- 60% AMI
 - iii. \$1500.00 for households with incomes ≤ 30%- below AMI
 - iv. The amount of assistance that may be granted for this option will vary based on the level of income of the applicants. Assuming a 50% increase in the number of applicants, an estimated range is **\$169,123 to \$243,454**.
- 2) Adjust program operation dates to August 1 through December 1, 2022. This would start the program two months earlier, immediately following when homeowners receive property tax notices in July. It would also move the deadline back by two weeks which will allow staff additional needed time for application processing, which was a challenge in 2021.
- 3) Include an informational insert with the tax assistance application packet, with the goal of both increasing awareness about LHA and making the process of applying for all assistance programs simpler for taxpayers.

- 4) Formalize policy for heirs' properties where there are more than one person/households listed on the deed. Staff recommends considering the 10 year occupancy requirement based on the amount of time the property has remained within the family (rather than current owners who may be heirs of a previous owner). Staff also recommends providing assistance based on the income of the household members who reside in the home rather than the income of all heirs.
- 5) Formalize policy for Family Trust owned properties. Staff recommends that the applicant should be a trustee for the trust. Staff also recommends providing assistance based on the income of the household members who reside in the home rather than the income of all trustees.
- 6) Require that the applicant provide a copy of the targeted tax bill. Staff recommends that the applicant provide the tax bill to avoid incorrect application of funds or award amounts. Staff in the Tax Office can assist the applicant with obtaining a copy as needed, and it would be the applicant's responsibility to identify the correct tax bill/property.
- 7) Reduce the requirement to have owned and lived in the home for 10 years to 5 years to increase access to the program.
 - a. Mecklenburg County's *HOMES* program has a 3-year residency requirement and the applicant must own the property.
 - b. Charlotte's *Aging In Place* program has a 5-year residency requirement and the applicant must own the property.
 - c. Another similar County program is considering changing the 10 year requirement to 5 years.

FINANCIAL IMPACT: The program would expend the remaining \$233,636 in ARPA funding that has been allocated to assist long-term, low-income households affected by the tax revaluation of property.

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

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

ENVIRONMENTAL IMPACT: There are no Orange County Environmental Responsibility Goal impacts applicable to this item.

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

- 1) Discuss and consider the design change and options detailed in "1" above;
- 2) Discuss and consider the additional proposed design changes detailed in "2, 3, 4, 5, 6 and 7" above; and

- 3) Based on the discussion of those proposals, consider approving some or all of the design changes for the Longtime Homeowner Assistance program – if the Board wishes to continue the program in 2022.

Longtime Homeowner Assistance Program Data (2021)

Longtime Homeowner Assistance Program Spending				
Week	Apps Reviewed	Eligible Apps	Funds Disbursed	Percent of funds disbursed
Week 1 (10/25 - 10/31)	6	4	\$ 306.04	2%
Week 2 (11/1 - 11/7)	8	7	\$ 2,420.70	15%
Week 3 (11/8-11/14)	10	6	\$ 737.14	5%
Week 4 (11/15-11/21)	10	7	\$ 1,785.53	11%
Week 5 (11/22-11/28)	Holiday	Holiday	Holiday	Holiday
Week 6 (11/29-12/5)	11	8	\$ 1,166.53	7%
Week 7 (12/6-12/12)	7	6	\$ 2,007.95	12%
Week 8 (12/13-12/15)	73	53	\$ 7,940.25	49%
Total	125	91	\$ 16,364.14	100%

Minimum Award	\$ 1.51
Maximum Award	\$ 1,334.63
Median Award Amount	\$ 96.98
Average Award Amount	\$ 179.83

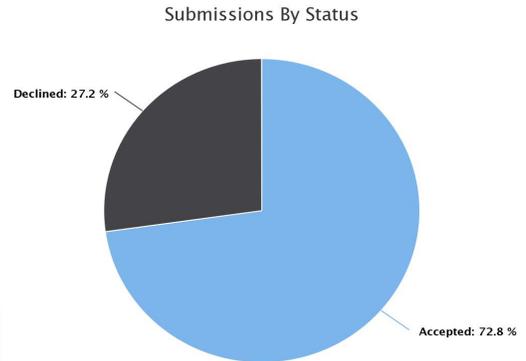
Ineligible Applications	
Reasons for denial	Number denied
Taxes did not increase	30
Did not own home for 10 or more years	6
Household over Income	3

*some applicants may have been denied for more than one reason

Most awards were under \$100.00		
Award Amount	Awards	Percent
\$1-\$50	31	34%
\$51-\$100	16	18%
\$101-\$200	15	16%
\$201-\$300	14	15%
\$301-\$500	9	10%
\$501-\$999	4	4%
\$1,000+	2	2%
Total	91	100%

Racial Demographics of Program Participants		
Asian	1	1%
Black	40	44%
Multi-Racial	4	4%
White	41	45%
No Data	5	5%
Total	91	100%

Age Demographics of Program Participants		
Age		Percent
≥55	11	12%
56-60	7	8%
61-65	17	19%
66-70	17	19%
71-75	14	15%
76-80	3	3%
81-85	8	9%
86+	10	11%
(no data)	4	4%
Total	91	100%



DID YOUR PROPERTY TAXES Increase this year?

The Orange County **Longtime Homeowner Assistance (LHA)** program provides property tax bill assistance to help you stay in your home. You are still eligible to apply even if you have another form of assistance for your tax bill.

YOU MUST:

- Live in Orange County
- Have owned and lived in your home for at least 10 years
- Have experienced an increase in property taxes due to the 2021 Tax Revaluation
- Earn at or below these income limits:

Household Size	Household Income
1	\$48,400
2	\$55,300
3	\$62,200
4	\$69,100
5	\$74,650
6	\$80,200
7	\$85,700
8	\$91,250



**Applications are accepted from
August 1 through December 1
for the Current Year Tax Bill**

THREE WAYS TO APPLY:

1. **Online Application Portal:**
www.orangecountync.gov/LHAP_Portal
2. **On Paper:**
Pick up a paper application at the Orange County Housing and Community Development Department offices:
Hillsborough Office:
300 West Tryon Street, 3rd Floor, Hillsborough, NC 27278
Chapel Hill Office:
2501 Homestead Road, Chapel Hill, NC 27516
 Completed paper applications can be dropped in the drop boxes outside of the Housing and Community Development offices or mailed to:
Orange County Housing and Community Development
P.O. Box 8181, Hillsborough, NC 27278
3. **Phone/Email:**
Housing Helpline staff can help people complete and submit applications and to give information on the supporting documentation needed. Call **919-245-2655** or email **HousingHelp@orangecountync.gov**.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 3, 2022

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

SUBJECT: Consideration of a Resolution Naming the Chapel Hill/Orange County Visitors Center Conference Room as *The Lee Pavao Conference Room*

DEPARTMENT: County Manager

ATTACHMENT(S):

- 1) Orange County Property Naming Policy
- 2) Resolution
- 3) Photographs of Conference Room and Lee Pavao

INFORMATION CONTACT:

Bonnie Hammersley, 919-245-2300

PURPOSE: To consider a resolution naming the conference room at the new Orange County Visitors Center, located at 308 W. Franklin Street in Chapel Hill, as "The Lee Pavao Conference Room".

BACKGROUND: Lee Pavao served for eight years as an elected official on the Chapel Hill Town Council, including two years as Mayor Pro-Tem. Mr. Pavao worked closely with Orange County leaders and the Board of County Commissioners, as well as the Visitors Bureau staff and hospitality industry leaders. Mr. Pavao spent his career in advertising and lent his expertise to area marketing, sales and tourism campaigns to increase tourism in Orange County and in order to support economic development and increased occupancy and sales tax revenues.

Lee Pavao joined J. Walter Thompson Company (JWT) in New York, but was soon after drafted into the U.S. Army (1956-1958). Pavao returned to JWT New York (1958-1963) before being reassigned to a number of JWT's European offices (Amsterdam 1963-1965, Madrid 1967-1969) before returning to New York. Pavao spent the rest of his career in various JWT offices in Latin America (primarily Sao Paulo and Lima) before being named President and CEO of JWT Brazil in 1980, eventually assuming responsibility for JWT operations across Latin America. Lee and his wife Joan retired to Chapel Hill in 1988, and Joan passed away in 1990. Mr. Pavao threw himself into a second career as a community volunteer, town leader, advocate for tourism development, senior citizens and grandfather.

The J. Walter Thompson Company, Lee Pavao papers, were received by the David M. Rubenstein Rare Book Manuscript Library at Duke University as a gift in 2019. <https://archives.lib.duke.edu/catalog/jwtpavaolee>

The Lee Pavao papers include advertisements and advertising designs, clippings, correspondence, meeting minutes and planning documents, photographs, presentations, reports, slides, speeches and other materials relating to Pavao's career, primarily in Latin American offices in Brazil and Peru. Client companies represented include Ford, Kellogg and Kodak.

In 2012, the Orange County community gave a standing ovation to Mr. Pavao when he became a recipient of the Order of the Long Leaf Pine award for his 30 years of volunteer service in Orange County.

In recognition and appreciation of Lee Pavao's contributions to Orange County, the proposal to name the Visitors Center conference room at 308 W. Franklin Street as "The Lee Pavao Conference Room" was initially presented to the Board of Orange County Commissioners for consideration on April 26, 2022. The Board expressed its intent to consider the proposal as outlined in the Board's attached policy.

The Visitors Center's official Grand Opening is scheduled for May 19, 2022.

FINANCIAL IMPACT: There is no financial impact related to this item.

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

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

RECOMMENDATION(S): The Manager recommends that the Board approve and authorize the Chair to sign the attached resolution naming the Orange County Visitors Center conference room as "The Lee Pavao Conference Room".

POLICY FOR INSERTION INTO THE POLICY MANUAL

MEETING DATE: February 21, 1989

NUMBER: A-0390

EFFECTIVE DATE: February 21, 1989

REVISIONS: November 9, 2005
 March 3, 2009
 November 17, 2015
 December 13, 2016

POLICY: Orange County Property Naming Policy**Policy "Policy Statement"**

County owned buildings, facilities and land shall bear such names as the Orange County Board of Commissioners shall approve pursuant to this policy. This policy follows all applicable local, state and federal laws, rules and regulations.

Purpose

This policy is to establish the Board of County Commissioners as the responsible authority for naming of County buildings, facilities, and land.

Guidelines

- 2.1. The naming of public buildings, facilities and land shall be done only by the Board of County Commissioners by resolution adopted by majority vote.
 - 2.1.1. Property to be given names or titles shall be either owned by Orange County government or leased by Orange County government for its use.
 - 2.1.2. Properties to be named or given a title include county-owned or leased buildings.
 - 2.1.3. Official names or titles for property belonging to the County shall only be changed by the Board of County Commissioners as it deems appropriate after a public participation process.
 - 2.1.4. Current names for property belonging to the County shall remain the same unless changed by the Board of County Commissioners upon relocation or change in function of the property.
 - 2.1.5. Property belonging to Orange County may be named for living persons with the following qualifications.
 - a. Any areas or rooms in buildings, other physical facilities, collections of books, records or other printed or audio-visual materials, land or water areas
 - b. Living persons who secure funding and/or make a significant contribution to the life and well-being to Orange County.
 - c. Leased property that has been conferred a name by the lessor that is a person's name need not be renamed if it has locational or other value

- 2.1.6 Official names or titles for property belonging to or leased by the County shall be based upon geographical, historical, ecological, functional, or other such factors as the Board of County Commissioners deems appropriate. If a geographical reference of locational value is derived from the name of a person, such as a street name, it may be used in naming County property.
- a. A public building/facility under construction/renovation or land purchased for park development or conservation/preservation will be given a "working title" which will only become the official title of the property when formally approved as such by the BOCC
 - b. Memorial naming of a public building, facility or land is in addition to the official title of the building/facility/land and is bestowed in accordance with Section 2.2 of this policy
 - c. Leased property naming will respect historical names that may already be attached to the facility or as may be negotiated with the owner of the building.
- 2.1.7 Exceptions to this policy of naming property belonging to the County may be made by the Board of County Commissioners as it deems appropriate.
- 2.1.8 This policy does not apply to the naming of public streets, roads, alleys and other similar thoroughfares.
- 2.1.9 this policy shall not be construed as the mechanism for selling the permanent naming rights to County structures, buildings, facilities or land.
- 2.2. Memorial Naming (in honor of a deceased individual) of Public Buildings, Facilities, or Land: In the event Orange County wishes to honor a deceased individual by naming a public Building, facility or land after such an individual, the following shall apply:
- 2.2.1. The person who is being honored by such a memorial shall have made a significant contribution to the well-being and betterment of Orange County.
 - 2.2.2. The party requesting a memorial shall submit a brief biography of the person to Orange County government for recording purposes.
 - 2.2.3. The memorial naming of a public building, facility or land will be in addition to the official name as defined in Section 2.1.6 of this policy.
 - 2.2.4. Renaming a public building, facility or land which has previously been named in honor of or in memorial to an individual shall only be done in extraordinary circumstances as determined by the Board.

Procedures

- 2.3. A public building/facility under construction/renovation or land purchased for park development or conservation/preservation shall be given a "working title" by staff for easy identification of the property.

- 2.4. The proposed naming of a public building, facility or land may be generated in the following manner.
 - a. Staff shall recommend to the BOCC an official title of the public building, facility or land in accordance with Section 2.1.6 of this policy. Such recommended by staff will be made prior to the completion of any project to construct, renovate or develop the property.
 - b. Any person, firm or association may propose a name for a County owned building, facility or land by submitting the proposal in writing to the County Manager or Clerk to the Board.
 - c. Under certain circumstances the BOCC may wish to set in place a public process for soliciting input in the official naming of a public building, facility or land.
- 2.5. The County Manager shall prepare a report with recommendations for the proposed naming of the public building, facility or land and present it to the BOCC for consideration at a regularly scheduled public meeting.
- 2.6. Upon receipt of the report and the recommendations of the manager the BOCC will state its intent to consider the adoption of a resolution for the naming or renaming of the public building, facility or land at the next or some subsequent meeting as determined by the BOCC.
- 2.7. The Board may determine the public building, facility or land is of significant public interest and direct a notice be published informing the public of the Board's intent to consider the naming or renaming of the public building, facility or land and fix a time and place for a public hearing on the question.
- 2.8. Upon approval of the resolution by the BOCC, the public building, facility or land shall bear the name assigned to it from and after the date of Board action or such subsequent date as the BOCC may prescribe.

ORANGE COUNTY BOARD OF COMMISSIONERS

RESOLUTION NAMING THE ORANGE COUNTY VISITORS CENTER CONFERENCE ROOM AS THE LEE PAVAO CONFERENCE ROOM

WHEREAS, Lee Pavao served for eight years as an elected official on the Chapel Hill Town Council, including two years as Mayor Pro-Tem, and worked closely with Orange County leaders, board of county commissioners and Visitors Bureau staff to raise awareness of tourism as a key economic driver for Orange County; and

WHEREAS, Lee Pavao was born to Portuguese-American parents, served in the U.S. Army (1956-1958) and after graduation from Dartmouth University, joined J. Walter Thompson Advertising Company (JWT) in New York where he spent a globetrotting 30+ year career including postings in five countries and responsibilities for all of Latin America, and ultimately a seat on company's Worldwide Board of Directors; and

WHEREAS, Lee and his wife, Joan, retired to Chapel Hill, NC in 1988, and when Joan passed away in 1990, Lee threw himself into a second career as a community volunteer, town leader, advocate for senior citizens and economic development and growing the hospitality and tourism industry; and

WHEREAS, The J. Walter Thompson Company, Lee Pavao papers, were received by the David M. Rubenstein Rare Book Manuscript Library at Duke University as a gift in 2019 and includes advertisements and advertising designs, clippings, correspondence, meeting minutes and planning documents, photographs, presentations, reports, slides, speeches and other materials relating to Pavao's career, primarily in Latin American offices in Brazil and Peru. Client companies represented include Ford, Kellogg and Kodak: <https://archives.lib.duke.edu/catalog/jwtpavaolee>; and

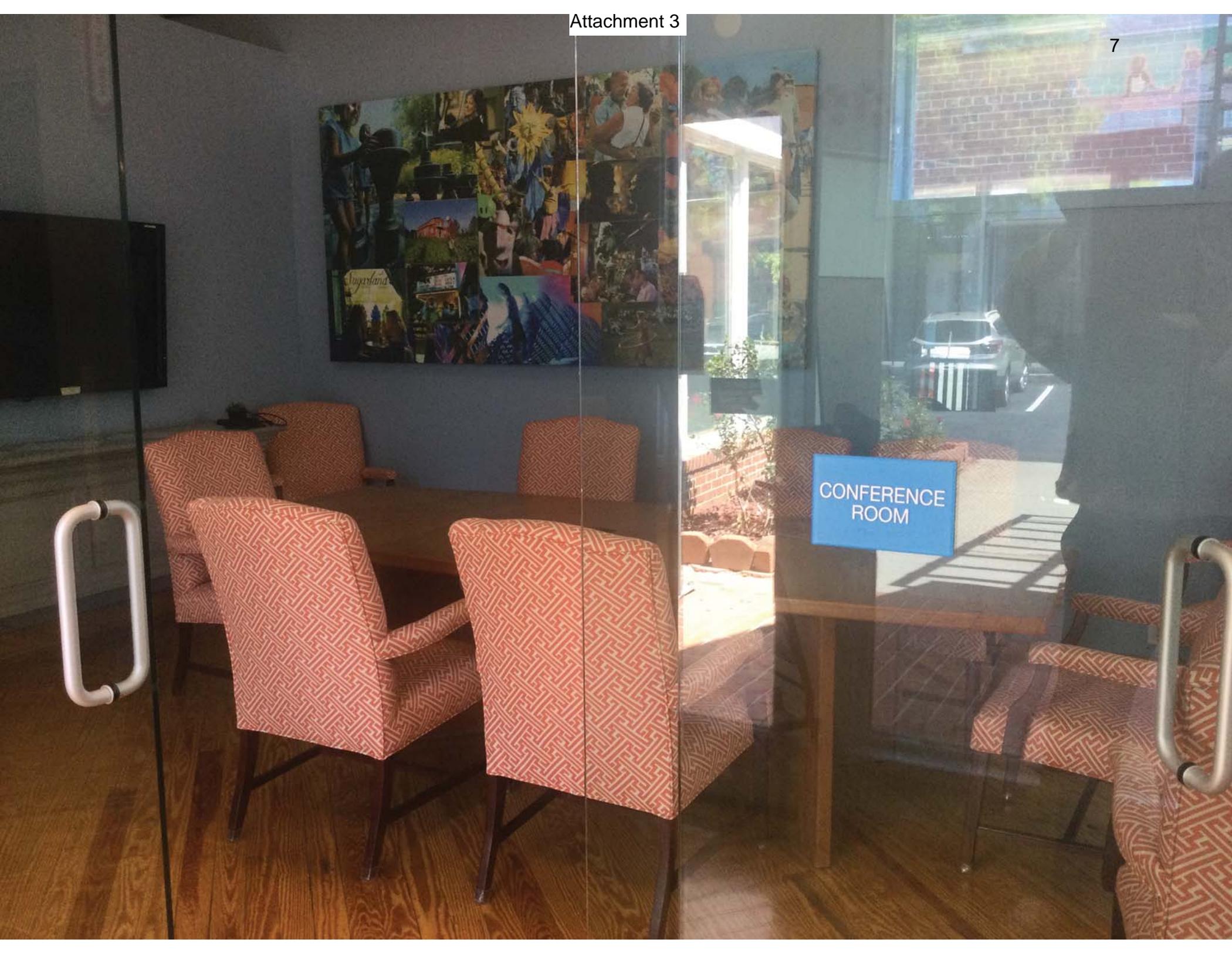
WHEREAS: Lee Pavao received numerous honors for his service to Orange County. From the Long Leaf Pine Award bestowed by former NC Governor Beverly Perdue, to Chapel Hill Historical Society's 2014 Town Treasure Honor to the /Orange County Visitors Bureau's Tourism Leadership Accolade, and dozens of additional honors; and

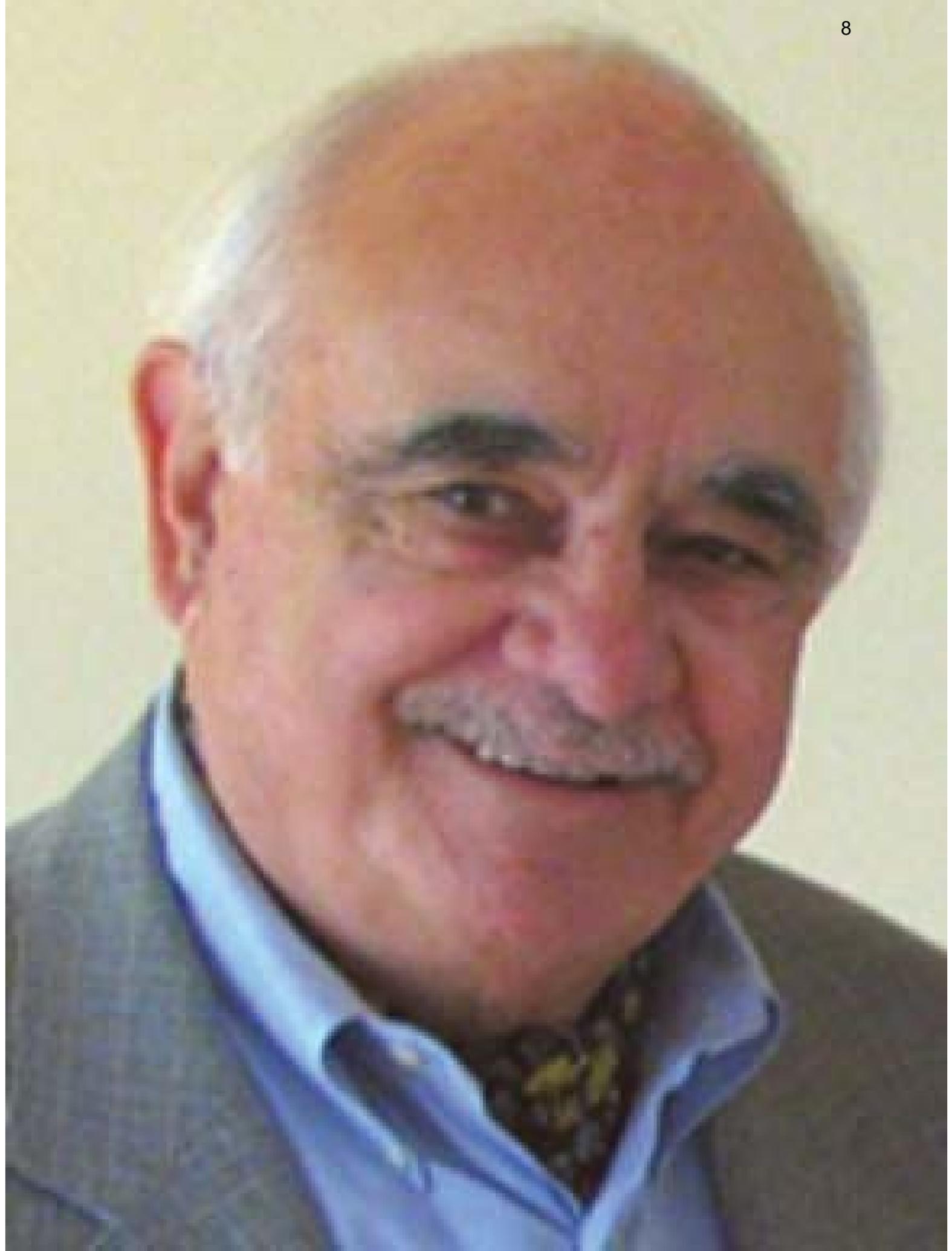
WHEREAS, Leonel "Lee" Pavao died at his home on May 13, 2019;

NOW, THEREFORE, be it resolved that the Orange County Board of Commissioners does hereby recognize the late Lee Pavao for his community service and dedication to Orange County's economy through the development of hospitality and tourism by naming the conference room of the Orange County Visitors Center at 308 W. Franklin Street, Chapel Hill as "The Lee Pavao Conference Room".

This day, the 3rd day of May, 2022.

Renee Price, Chair
Orange County Board of Commissioners





**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 3, 2022

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

SUBJECT: Minutes

DEPARTMENT: Board of County Commissioners

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

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

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

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

Attachment 1: April 5, 2022 Business Meeting
Attachment 2: April 12, 2022 Budget Work Session

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

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

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

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

1 DRAFT

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

8 The Orange County Board of Commissioners met for a Business Meeting on Tuesday, April
9 5, 2022 at 7:00 p.m. at the Whitted Human Services Center in Hillsborough, NC.

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

14 **COUNTY COMMISSIONERS ABSENT:** None

15 **COUNTY ATTORNEYS PRESENT:** John Roberts

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

19
20 Chair Price called the meeting to order at 7:00 p.m.

21
22 **1. Additions or Changes to the Agenda**

23 Bonnie Hammersley proposed removing items 6-a and 6-b from the agenda and
24 delaying discussion until staff can conduct further research and analysis. She indicated 6-a will
25 be brought back on May 3, 2022, and 6-b may be back as early as April 26, 2022.

26 Chair Price said one of the reasons for the delay of item 6-b is so the Towns have an
27 opportunity to review the plan.

28
29 Chair Price dispensed with reading the public charge.

30
31 **2. Public Comments (Limited to One Hour)**

32 a. Matters not on the Printed Agenda

33 None.

34
35 b. Matters on the Printed Agenda

36 (These matters will be considered when the Board addresses that item on the agenda below.)
37

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

39 Commissioner Hamilton said she attended a Community Block party of the Gaines
40 Chapel Community on Saturday, April 2, 2022. She thanked county staff from Environmental
41 Health, Animal Services, and other departments that provided information to event attendees.
42 She said she talked to residents in the area who are concerned about safe water and sewer.
43 She also shared that she visited some Chapel Hill-Carrboro City Schools and Orange County
44 Schools. She said that she was dismayed to see the conditions in some of the older schools
45 and highlighted the need for the community to pull together and provide safe schools for
46 children.

47 Commissioner Greene congratulated the University of North Carolina men's basketball
48 team and Coach Hubert Davis for a great season.

49 Commissioner Bedford had no announcements.

50 Commissioner Fowler echoed Commissioner Fowler's congratulations. She said the
51 Climate Council will participate in Carrboro's Earth Day event on Saturday, April 23, 2022 from

1 5:00-7:30 pm at Carrboro Town Commons. She shared that she joined several other
2 commissioners in touring the Orange County Durham Technical Community College campus on
3 March 21, 2022. She said it was great to see the programs and courses offered to students,
4 especially the medical-related courses. She said that she attended the Alcoholic Beverage
5 Control Board (ABC) meeting and indicated the Board will hear a request from the ABC Board
6 tonight. She shared that Juvenile Crime Prevention Council met and is getting ready to send out
7 a request for proposal for the coming year.

8 Commissioner Richards said she and Commissioner Greene visited Faithfull Farms a
9 couple of weeks ago. She said it was a great opportunity to see a local food provider up close,
10 and she learned a lot about modern farming. She shared that she also attended the tour of
11 Durham Tech. She said the Partnership for Young Children met and made awards to partners in
12 the community for providing childcare and early learning. Commissioner Richards congratulated
13 this year's winners of the Pauli Murray Award. She said she also attended the Chamber of
14 Commerce's Annual Meeting. She said she listened in on the North Carolina Clean
15 Transportation Plan virtual information session and intends to continue attending those
16 meetings. She said she learned a lot about what the state is doing on transportation, and as the
17 county does its capital planning, reducing emissions and similar goals should be kept in mind.

18 Commissioner McKee had no announcements.

19 Chair Price said she attended the tour of the schools with Commissioner Hamilton. She
20 said it was revealing and showed the importance of regular maintenance, and in some cases
21 showed the need for new buildings. She said that some school layouts are antiquated and are
22 not amenable to 21st century needs. She praised teachers and staff for everything they do for
23 students. She said she attended a meeting with the manager and mayors about the Greene
24 Tract. She said that she has shared some preliminary notes with the Commissioners and will
25 send further information when available. She said that some questions arising are if there is a
26 need for a new school and when, and how to respond to area residents' request for commercial
27 development in the area. She said past reports have shown interest in small convenience stores
28 nearby but asked how that can be accommodated without leaving residents in a food desert.
29 She petitioned the board and staff to request that the North Carolina Department of
30 Transportation install signalization at the intersection of Buckhorn Rd. and West Ten Rd. She
31 said as that area grows, there will be more activity and residents are expressing concerns about
32 safety.

33 **4. Proclamations/ Resolutions/ Special Presentations**

34 **a. Public Safety Telecommunicators Week Proclamation**

35 The Board considered proclaiming the week of April 10 through 16, 2022 as Public Safety
36 Telecommunicators Week in Orange County.

37
38
39 **BACKGROUND:** Every year across the nation, the second full week of April is dedicated to the
40 professional women and men who serve as public safety telecommunicators. First conceived by
41 Patricia Anderson of the Contra Costa County (California) Sheriff's Office in 1981, this practice
42 was recognized by Representative Edward J. Markey (D-Massachusetts) in what became
43 House Joint Resolution 284 to create "National Public Safety Telecommunicators Week". With
44 the continued efforts of the International Association of Public Safety Communications Officials
45 and the National Emergency Number Association, the act to recognize public safety
46 telecommunicators became a permanent proclamation in 1994.

47
48 Each day hundreds of Orange County residents and those passing through rely on the expertise
49 and dedication of public safety telecommunicators. These professionals help save countless
50 lives by responding to emergency calls, dispatching law enforcement, fire and emergency
51 medical personnel and equipment and providing support to the residents and visitors to the

1 County. Their skills in high- pressure situations allow rapid emergency response, aid and
2 compassion in times of great distress and critical decision-making within seconds.
3

4 Orange County Communications is the primary answering point for all emergency and
5 nonemergency service calls in the County. In 2021 NC PSAP's (Public Safety Answering Points)
6 answered 7.5 million 9-1-1 calls. Orange County 9-1-1 Telecommunicators answered 86,806 9-
7 1-1 calls and handled 116,903 administrative calls. The telecommunicators dispatched over
8 180,000 calls for service with an average of six telecommunicators on duty. The
9 communications center operates twenty-four hours a day, seven days a week with a staff of
10 twenty-six full time telecommunicators.
11

12 Orange County's telecommunicators continue to strive for excellence in performance and are
13 among the highest trained in the state.
14

15 Orange County's telecommunicators provide a valuable service to the residents, visitors and to
16 public safety providers.
17

18 Kirby Saunders, Emergency Services Director thanked the Board for this proclamation.
19 He reviewed the background information for the item and commended the telecommunicators in
20 Orange County for their work.

21 Kevin Medlin, 911 Communications Division Chief, thanked the Board for honoring the
22 telecommunicators with this proclamation.
23

24 Commissioner McKee read the following proclamation:
25

26 **ORANGE COUNTY BOARD OF COMMISSIONERS**

27 **PUBLIC SAFETY TELECOMMUNICATORS WEEK**

28 **2022**

29 **A PROCLAMATION**

30
31
32
33
34 **WHEREAS,** Thousands of dedicated Telecommunicators daily serve the residents of the
35 United States and Canada by answering their telephone calls for law enforcement, fire, and
36 emergency medical services by dispatching the appropriate assistance as quickly as possible;
37 and
38

39 **WHEREAS,** Professional Telecommunicators are the link between those residents who call
40 for help and the agencies which provide the help; and
41

42 **WHEREAS,** The critical functions performed by professional Telecommunicators impact all
43 aspects of public safety and include those performed by forestry and conservation operations,
44 highway safety and maintenance activities, and many other operations performed by federal,
45 state and local government agencies; and
46

47 **WHEREAS,** Professional Telecommunicators work to improve the emergency response
48 capabilities of these communication systems through their leadership and participation in
49 training programs and other activities provided by the Association of Public Safety
50 Communications Officials - International and the National Emergency Number Association; and
51

1 **WHEREAS,** These associations are organizations of more than 100,000 people engaged in
 2 the design, installation and operation of emergency response communications, and have set
 3 aside the week beginning April 10, 2022, to recognize Telecommunicators and their crucial role
 4 in the protection of life and property;

5
 6 **NOW, THEREFORE,** we, the Orange County Board of Commissioners, hereby proclaim the
 7 week of April 10-16, 2022, as "Public Safety Telecommunicators Week" in Orange County,
 8 North Carolina, in honor and recognition of our County's Telecommunicators and the vital
 9 contributions they make to the safety and well being of our residents, those passing through our
 10 County and our public safety providers.

11
 12 Adopted this 5th day of April, 2022.

13
 14
 15 _____
 16 Renee Price, Chair
 17 Orange County Board of Commissioners
 18

19 A motion was made by Commissioner McKee, seconded by Commissioner Fowler, to
 20 approve the proclamation and authorize the Chair to sign it.

21
 22 **VOTE: UNANIMOUS**

23
 24 The Board thanked Kirby Saunders and Kevin Medlin for their service to the community,
 25 as well as the telecommunicators.

26 Chair Price said there is some movement afoot at the state and national level to
 27 recognize telecommunicators as first responders. She asked Kirby Saunders and Kevin Medlin
 28 to comment on this.

29 Kevin Medlin said telecommunications are not currently recognized as part of public
 30 safety or first responders in federal job descriptions. He said they are now classified as a
 31 clerical position. He stated that telecommunicators are the first contact first responders and that
 32 the rest of the process and system breaks down without them. He said professional
 33 organizations are working to change this classification and he hopes to have the Board's
 34 support in this effort.

35 Chair Price said he would have the Board's support.

36
 37 **b. Native Plant Month Proclamation**

38 The Board considered proclaiming April 2022 as Native Plant Month in Orange County.

39
 40 **BACKGROUND:** The US Congress first designated April as National Native Plant Month in
 41 2021. Congress has acted again in 2022 to designate April 2022 as National Native Plant
 42 Month. In both years, various states and local governments across the country have declared
 43 Native Plant Month.

44
 45 In recent decades, the increase of invasive non-native plant species has become a national
 46 concern, as many of these species tend to force out native species, thus threatening the eco-
 47 system and species reliant on native plants, such as pollinators.

48
 49 The attached proclamation proposes that the Board of Commissioners designate April 2022 as
 50 Native Plant Month in Orange County.
 51

1 Commissioner Richards read the following proclamation:
2

3 **ORANGE COUNTY BOARD OF COMMISSIONERS**
4
5 **NATIVE PLANT MONTH**
6 **PROCLAMATION**
7

8 **WHEREAS**, native plants are indigenous species that have evolved and occur naturally in a
9 particular region, ecosystem, and habitat; and

10
11 **WHEREAS**, native plants are vital for maintaining and restoring the healthy ecosystem needed
12 to sustain our environment, including but not limited to seed dispersal; pollination of crops and
13 natural vegetation; prevention of flooding, drought, and erosion; regulation of disease-carrying
14 organisms; and moderation of weather extremes; and

15
16 **WHEREAS**, native plants provide shelter as well as nectar, pollen, and seeds that serve as food
17 for native butterflies, insects, birds, amphibians and other wildlife in ways that non-native plants
18 cannot; and

19
20 **WHEREAS**, there are more than 17,000 native plant species in the United States, which include
21 trees, shrubs, vines, grasses, and wildflowers; and

22
23 **WHEREAS**, North Carolina is home to more than 3,900 native plant species, including trees,
24 shrubs, vines, grasses, and wildflowers, making it one of the most diverse states for native
25 plants in the Southeast;

26
27 **WHEREAS**, 969 of the native plant species in North Carolina have been designated as
28 significantly rare and/or in decline and may be in danger of extinction; and

29
30 **WHEREAS**, 94 of those 969 imperiled plants have been found in Orange County; and

31
32 **WHEREAS**, habitat loss and degradation, extreme weather events, and invasive species have
33 contributed to the decline of native plants in the United States; and

34
35 **WHEREAS**, native plants are essential components of resilient ecosystems and our natural
36 heritage;

37
38 **NOW, THEREFORE, BE IT RESOLVED** that the Orange County Board of Commissioners
39 hereby designates April 2022 as "Native Plant Month" in Orange County, and recognizes the
40 benefits of native plants to the environment and economy of Orange County, the state of North
41 Carolina, and the United States.

42
43 THIS THE 5TH DAY OF APRIL, 2022.
44

45
46 _____
47 Renee Price, Chair
48 Orange County Board of Commissioners

49 A motion was made by Commissioner Richards, seconded by Commissioner McKee, to
50 approve the proclamation and authorize the Chair to sign it.
51

1 **VOTE: UNANIMOUS**

2
3 Chair Price invited Terri Buckner to address the Board. She noted this proclamation was
4 brought to the Board through Terri Buckner's efforts.

5 Terri Buckner thanked the Board for recognizing the importance of native plants. She
6 said that native plants provide nectar and pollen for pollinators and seeds for wildlife. She said
7 the recent loss of monarch butterflies has resulted in high demand in local nurseries for
8 milkweed plants. She noted that pollinators are vital for pollinating food bearing plants. She said
9 that native plants have evolved over centuries to be in harmony with the environments around
10 them. She said there is still a lot to learn about the role the native plants play. She said that non-
11 native plants often spread rapidly and displace native plants that cannot compete with the new
12 introductions. She said that she hopes to have a local program to educate landowners,
13 gardeners, and nursery buyers on the importance of native plants in landscaping in
14 environmental protection. She thanked the Board again for this proclamation.

15 Christian Hirni, Land Conservation Manager, said staff supports the promotion of
16 planting native plants on public and private lands. He also said that they support the removal or
17 mitigation of non-native species. He said staff takes this issue seriously and there have been
18 several workdays and efforts over the years to address non-native plants on county park lands
19 and reserves. He said that county staff are part of campaigns to eliminate and mitigate the
20 spread of several non-native and invasive plant species, including hydrilla in the Neuse River
21 basin, and the fig buttercup. He said staff have drafted a proposal for an invasive species
22 management policy for county-owned lands, and the policy is awaiting approval from the
23 Commission for the Environment, and will likely come to the Board for adoption in the future. He
24 said staff are also in the final stages of creating a countywide park and conservation
25 stewardship volunteer program with a focus on identifying and locating invasive species.

26 Commissioner Greene explained that native species are frequently found along
27 roadways and often have power lines running along them. She said power companies like to
28 eradicate plants below and can either do it chemically or by chopping. She asked if there has
29 been any effort to eliminate use of herbicides by power companies in Orange County. She also
30 asked if the county has any power to prevent them from using herbicides.

31 David Stancil, Department of Environment, Agriculture, Parks and Recreation Director,
32 said he and the Commission for the Environment members spent time working on this issue
33 with the Department of Transportation and the energy companies around ten years ago. He said
34 they had a heavy spraying policy at that time along some of the most prominent roadways. He
35 said he has not had a recent conversation with energy providers, but his understanding is they
36 are taking a more multi-faceted approach now, focusing more on traditional practices. He said
37 the Commission for the Environment passed a resolution about that in 2010 with the Board's
38 support and he could mention the conversation again.

39 Chair Price said she worked for an organization in the 1990's that asked Duke Energy to
40 mow instead of using herbicides. She said if the property owner requested it, they would mow
41 rather than use herbicides. She said if areas can be identified and convince landowners to
42 request companies mow rather than use herbicides, it may make some headway.

43 David Stancil said rights of way are important breeding areas for native species, and he
44 will investigate this issue again.

45 Commissioner Richards asked if there are programs actively engaged in promoting
46 native species.

47 David Stancil said the county has a sustainable landscaping policy, which means when
48 the county builds parks and properties, native plants are used. He said this is done effectively
49 on county-owned lands, and there are agencies locally that are great partners in educating on
50 planting native species. He said staff could do a better job of reaching out to the community at
51 large.

1 Chair Price said at one time the Planning Board would suggest native plants for new
2 developments.

3 Commissioner Richards said she is a gardener and would like to plant native plants.

4 Christian Hirni said staff works closely with Cooperative Extension and the North
5 Carolina Forest Service for when people are looking for nurseries that provide native species.
6 He said that list can be shared.

7 Chair Price thanked Terri Buckner again for being present.
8

9 **c. Presentation of Manager's Recommended FY 2022-32 Capital Investment Plan (CIP)**

10 The Board received a presentation of the Manager's Recommended FY 2022-32 Capital
11 Investment Plan.
12

13 **BACKGROUND:** Each year, the County produces a Capital Investment Plan (CIP) that
14 establishes a budget planning guide related to capital needs for the County and Schools. The
15 CIP has been enhanced to provide specific project funding in years 6-10 as well. The 10-Year
16 CIP is evaluated annually to include year-to-year changes in priorities, needs, and available
17 resources. Approval of the CIP commits the County to the first year funding only of the capital
18 projects; all other years are used as a planning tool and serves as a financial plan.
19

20 **Capital Investment Plan – Overview**

21 The FY 2022-32 CIP includes County Projects, School Projects, and Proprietary Projects. The
22 School Projects include Chapel Hill-Carrboro City Schools, Orange County Schools, and
23 Durham Technical Community College – Orange County Campus projects. The Proprietary
24 Projects include Water and Sewer, Solid Waste Enterprise Fund, and Sportsplex projects.
25

26 The CIP has been prepared anticipating moderate economic growth of approximately 2% in
27 property tax growth and 4% in sales tax growth annually over the next ten years. The CIP will
28 rely substantially on debt financing to fund the projects and these required debt amounts are
29 fully integrated in the County's Long-Term Debt Model.
30

31 Travis Myren gave the following PowerPoint presentation:
32
33

1 Slide #1



2
3
4
5
6
7
Travis Myren said tonight would be a high level overview of the Capital Investment Plan for FY 2022-32. He said he would be giving a more detailed project by project discussion next Tuesday, April 12, 2022.

Slide #2

FY2022-32 Recommended Capital Investment Plan

- Highlights and Changes
 - 10 Year Project Enumeration

Appropriations	Current Fiscal Year 2022-23	Year 1 Fiscal Year 2023-24	Year 2 Fiscal Year 2024-25	Year 3 Fiscal Year 2025-26	Year 4 Fiscal Year 2026-27	Year 5 Fiscal Year 2027-28	Year 6 Fiscal Year 2028-29	Year 7 Fiscal Year 2029-30	Year 8 Fiscal Year 2030-31	Year 9 Fiscal Year 2031-32	Year 10 Fiscal Year 2032-33	Year Total
311 Computer Aided Dispatch (CAD) and Records Management System (RMS) Replacement			600,000									600,000
Bingham Park										475,075		475,075
Blackwood Farm Park	15,000	313,000	275,000	305,000					99,000	999,000		2,320,000
Cedar Grove Community Center			412,000								361,685	583,685
Endler Station Park, Phase II			512,500					95,052	950,513			2,568,075
Climate Change Mitigation Project	516,645	550,170	561,703	572,176	435,550	429,296	642,114	655,605	336,119	710,817	715,771	6,396,391
Communication System Improvements	360,808	215,000	215,500	211,525	241,304							905,128
Conservation Easements		1,000,000	1,000,000		1,000,000		1,000,000		1,000,000			5,000,000
Court Street Allevia		360,000										360,000
Emergency Services Substations	2,000,000	410,000	1,000,000		800,000	1,000,000		800,000	4,100,000			12,910,000
Facility Accessibility, Safety and Security Improvements	368,200	1,240,435	566,304	1,656,988	34,676	75,400	725,058	147,716	258,726	348,118	618,352	6,078,413
Fairview Park Improvements			1,000,000			178,151	1,182,518					4,959,681

1 Travis Myren commented on some changes in this year's CIP. He said extending the
 2 tables allows enumerated planning for the completed 10 year period. He said the old plan had
 3 enumerated projects for years 1-5 and grouped 6-10 together. He said these changes allow for
 4 more specific modeling showing impacts of investments.

5
 6 Slide #3



7
 8 Travis Myren said that staff has renewed their focus on the operating side of the budget.
 9 He said that existing debt, deferred maintenance, and a hypothetical bond beginning in 2027 is
 10 all shown here.

11
 12

1 Slide #4

FY2022-32 Recommended Capital Investment Plan

- Highlights and Changes
 - Renewed Focus on Impact to Operating Budget

Operational Impact of CIP Projects - RECOMMEND												
Fiscal Years 2022-32												
Operational Impact	Current Fiscal Year 2021-22	Year 1 Fiscal Year 2022-23	Year 2 Fiscal Year 2023-24	Year 3 Fiscal Year 2024-25	Year 4 Fiscal Year 2025-26	Year 5 Fiscal Year 2026-27	Year 6 Fiscal Year 2027-28	Year 7 Fiscal Year 2028-29	Year 8 Fiscal Year 2029-30	Year 9 Fiscal Year 2030-31	Year 10 Fiscal Year 2031-32	Ten Year Total
County												
Cedar Grove Park, Phase 2											86,000	86,000
Emergency Services Substation				546,544	546,544	546,544	1,093,128	1,093,128	1,093,128	1,093,128	5,465,616	8,314,888
Millon Road Nature Park (New Rope Preserve)											5,000	5,000
Information Technology Governance Council Initiatives		254,000	254,000	254,000	254,000	254,000	254,000	254,000	254,000	254,000	2,540,000	4,290,000
Information Technology Infrastructure		143,000	206,000	247,000	371,000	463,000	428,000	445,000	440,000	471,000	3,766,000	5,766,000
Little River Park, Phase 2							3,000	7,000	2,000	3,000	5,000	5,000
Millhouse Road Park									86,000	86,000	86,000	258,000
Mountain to Sea Trail				11,000	11,000	11,000	11,000	42,000	42,000	42,000	41,000	254,000
Soccer.com Soccer Center, Phase 2							181,000	183,000	182,000	182,000	182,000	830,000
Trails Center Park and Educational Campus, Phase 2											155,000	155,000
Upper Lee Station Preserve							57,000	57,000	57,000	57,000	57,000	285,000
County Total	240,000	1,004,544	1,067,544	1,461,544	1,328,128	1,580,128	1,580,128	1,580,128	1,580,128	1,580,128	13,791,888	17,624,488
Propertiers												
Consolidated Neighbors Road Street & Recycling Center				105,000	105,000	105,000	315,000	315,000	315,000	315,000	1,260,000	1,605,000
Sportsplex - New Facilities				117,000	117,000	117,000	351,000	351,000	351,000	351,000	1,404,000	1,738,000
Propertiers Total				222,000	222,000	222,000	666,000	666,000	666,000	666,000	5,324,000	6,343,000
Operational Impact Total	240,000	1,004,544	1,110,000	1,360,128	1,080,128	1,112,128	1,112,128	1,112,128	1,112,128	1,112,128	13,791,888	18,124,488



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Travis Myren pointed out two impacts on this slide, the first being the Emergency Services substation. He said this is recommended to be a new station with personnel and operating cost. He said another new station will come forward in year 6 with its own new personnel and operating costs. He said staff is trying to do a better job of fully informing the Board on the impacts of Capital Investments. He said that sometimes the projects come with projected revenue, like the Sportsplex project in year 4.

11 Slide #5

FY2022-32 Recommended Capital Investment Plan

- Major Education Projects
 - Supplemental Deferred Maintenance
 - Round 1 – FY 2020-21
 - \$30 million over three (3) years ~ Now four (4) Years
 - Allocated by Average Daily Membership in FY2020-21 (CHCCS 59.99%; OCS 40.01%)
 - Round 2 – FY 2022-23
 - \$3 million planning funds in FY 2022-23 and \$27 million construction in FY 2023-24
 - Allocated by Average Daily Membership in FY 2022-23 (TBD)

Fiscal Year	Original Allocation	Recommended Allocation	Total by Year
FY2020-21	\$5,950,000		\$5,950,000
FY2021-22	\$3,600,000		\$3,600,000
FY2022-23	\$14,253,000	\$3,000,000	\$17,253,000
FY2023-24	\$6,197,000	\$27,000,000	\$33,197,000
TOTAL	\$30,000,000	\$30,000,000	\$60,000,000

1 Travis Myren said \$9.5 million of the Supplemental Deferred Maintenance funding has
 2 been appropriated already. He said the recommended CIP would recommend appropriating the
 3 rest of the \$20.5 million and add \$3 million in additional funding for planning next year and \$27
 4 million in FY 23-24. He said this provides planning time and allows schools to aggregate the
 5 funds to complete larger renovation projects.

6
 7 Slide #6

FY2022-32 Recommended Capital Investment Plan

- Major Education Projects
 - Orange County Campus – DTCC - \$500,000
 - Existing Building Expansion vs. New Stand Alone Facility
 - 13,000 to 18,000 Square Foot Addition
 - Program Areas Served
 - Emergency Medical Services
 - Health and Wellness
 - Skilled Trades
 - Back to Work and Small Business Center
 - Student Study Areas
 - Student Support Services Office Space
 - Construction budgeted in FY2023-24 for \$10.5 million

6

ORANGE COUNTY
NORTH CAROLINA

8
 9 Travis Myren said the campus proposal, at one time, was for a stand-alone facility and
 10 would have cost around \$26 million. He said that project will now be covered by Durham
 11 County's bond at the main campus. He said the expansion is proposed at the Orange County
 12 campus with a total cost of \$11 million.

13
 14

1 Slide #7

FY2021-26 Recommended Capital Investment Plan

- Major County Projects
 - EMS Substation Plan
 - Precise Locations Guided by EMS System Analysis
 - Years 1 and 2 Colocation with Chapel Hill Fire - \$300,000 for Planning in FY2022-23
 - Two Net New Substations in Years 5 and 8
 - Emergency Responder Radio System
 - New Approach Using Bi-Directional Antennas to Achieve Building Penetration
 - Reduce Number of Towers Needed
 - Study and Acquisition Funds in FY2022-23 - \$347,500
 - Blackwood Farm Park Phase II Planning
 - New Hope Church Road Overlook
 - Picnic Area
 - Planning Funds in FY2022-23 - \$110,000



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Travis Myren said that there is an EMS systems study underway that will align call volumes with where the stations are located. He said that colocation has been requested by Chapel Hill Fire. He said that there are no additional stations until years 5 and 8. He said that will allow time to plan for those stations.

Commissioner McKee asked about the year 1-2 colocation with Chapel Hill Fire.

Travis Myren said there is currently a colocation, and this will be an additional station. He said the system study will show which station will be best for the colocation.

Commissioner McKee asked if the colocation would change after years 1 and 2.

Travis Myren said no.

Commissioner McKee said he feels strongly about colocation.

Travis Myren said it makes sense from a capital and operating standpoint.

Travis Myren said the Emergency Responder Radio System was a high ticket item at over \$40 million and was driven by need to place towers at less densely populated areas of the county to achieve building penetration. He said technology has evolved, and bi-directional antennas are now an option. He said the CIP is recommending a study to review thirty sites and the outcomes will have a dramatic impact on the number of new tower sites that will need to be built.

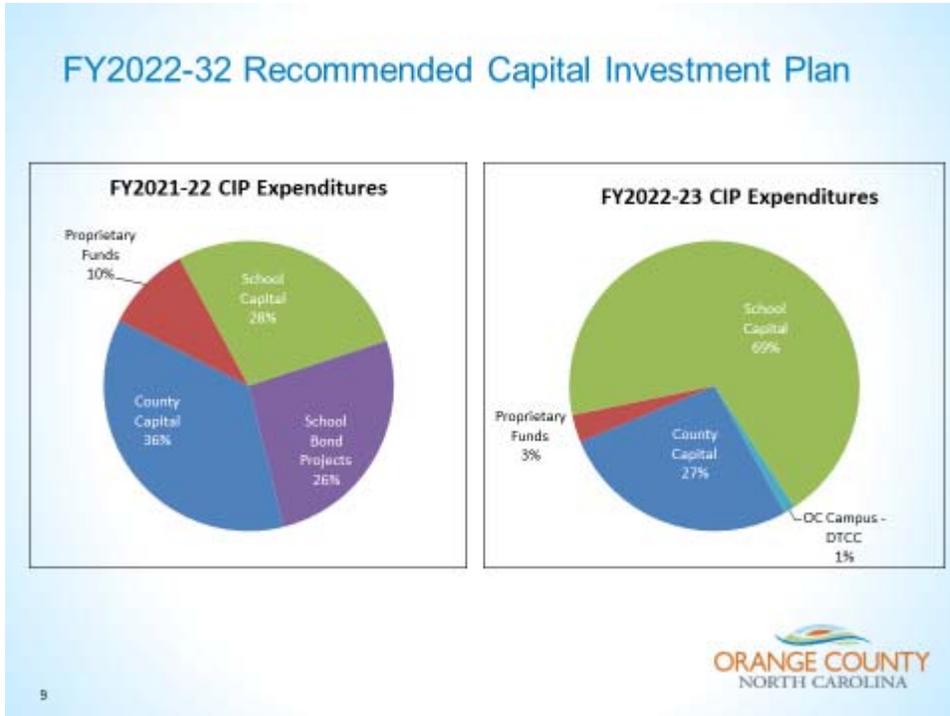
Travis Myren said the Blackwood Farm will be a nice addition to the county's park system. He said there is planning for a phase 3 that will be \$775,000.

1 Slide #8



2
3 Travis Myren reviewed the totals of the investment plan. He said that there is an
4 increase in debt service.

5
6 Slide #9



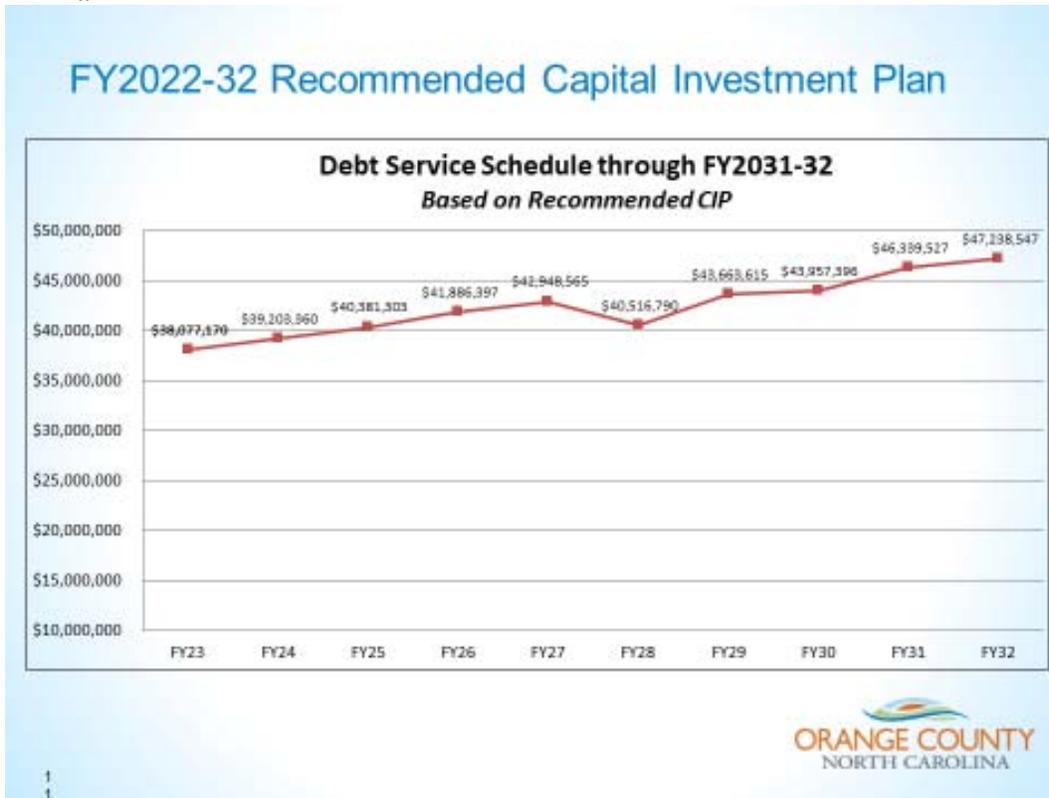
7
8 Travis Myren said the proportion allocated to school capital is going up due to additional
9 appropriations for supplemental deferred maintenance program.
10

1 Slide #10



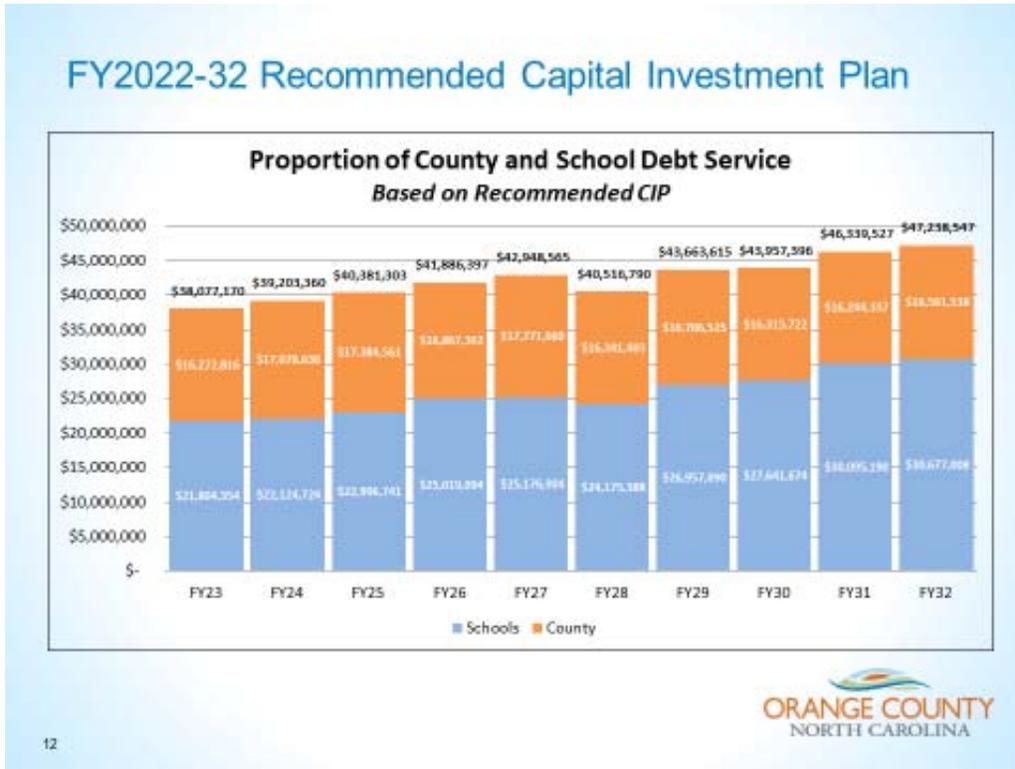
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Slide #11

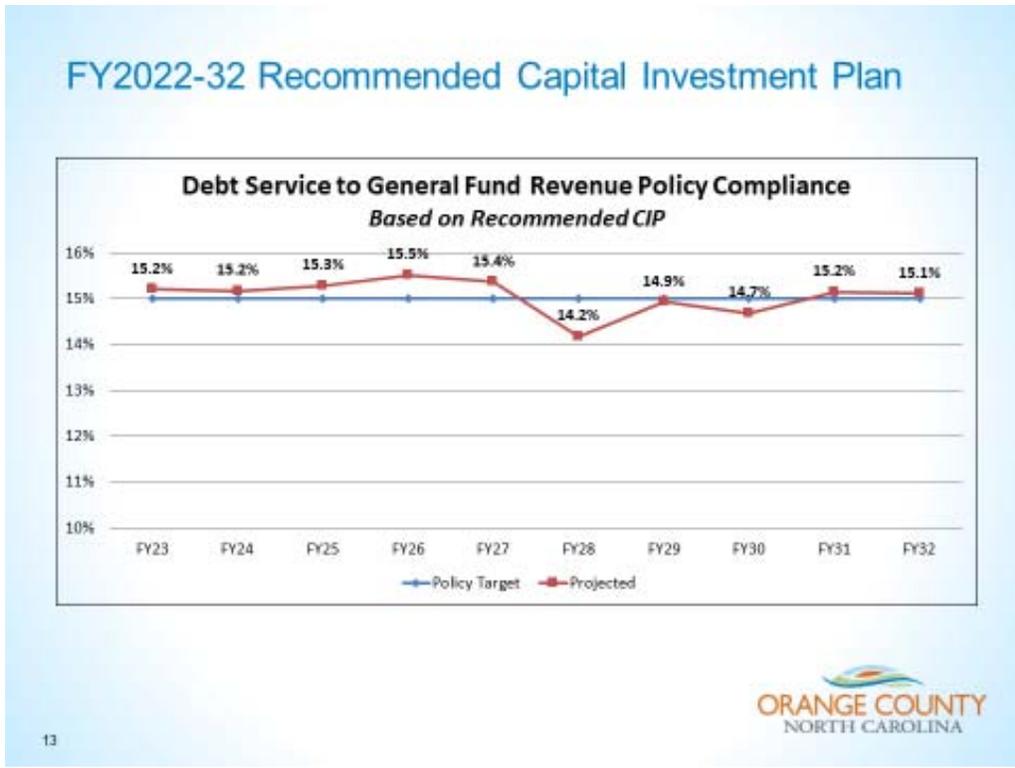


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6

1 Slide #12



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4 Slide #13



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6 Travis Myren said the Board has set General Fund Revenue Policy at 15%. The said this
7 essentially measures the county's ability to pay its debt.

1 Slide #14

FY2022-32 Recommended Capital Investment Plan

Tax Equivalent Analysis		
Fiscal Year	FY2022-32 Recommended CIP	Need
FY2022-23	.25 cents	To Fund Currently Approved Debt Projects
FY2023-24	1 cents	To Fund Supplemental School Deferred Maintenance
FY2024-25	0 cents	
FY2025-26	0 cents	
FY2026-27	1.12 cents	To Fund \$130 M Bond Referendum
FY 2027-28 through FY 2031-32	0 cents	
TOTAL	2.37 cents	



14

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3
4 Travis Myren said that to fund the CIP there will be a cumulative impact of 2.37 cents
5 over the ten-year planning period.

6 Slide #15

- ### FY2022-32 Recommended Capital Investment Plan
- Horizon Issues
 - Full Costs Not Included in FY2022-32 CIP
 - Full Funding of School Capital Needs
 - Crisis Diversion Facility
 - Affordable Housing
 - Community Center Space Needs
 - Central Recreation Center
 - Emergency Responder Radio System Build Out
 - County Master Facility Plan Recommendations
- 
- 15

7

1 Travis Myren said staff is currently tracking things that are under consideration, but not
 2 detailed enough to be in the CIP. He said these are “horizon issues.” He said there is more
 3 school needs than the planned bond will cover. He said those issues need to be talked through
 4 to determine financing. He said staff will be working with the Board to model scenarios. He said
 5 that the Crisis Diversion Facility is under discussion and they are looking into how to get it to the
 6 design/development phase. He said Affordable Housing is an ongoing issue and hopefully there
 7 will be a plan for the Greene Tract within the 10 year period. He said there are also community
 8 center space needs. He said a feasibility study is being done for Rogers Road Community
 9 Center and their request for an expansion. He said the study will inform the amount of funding
 10 necessary for that project. He said they are also funding the emergency services radio upgrade
 11 issues. He said the County Master Facility Plan will take care of a lot of issues like what to do
 12 with old county sites.

13
 14 Slide #16



15 Commissioner Greene asked if the Link Building will be addressed in the master plan.

16 Travis Myren said yes.

17 Commissioner Bedford asked if a consultant was hired for the master facilities plan.

18 Travis Myren said they are in the final stages of signing a contract for a consulting firm
 19 and the contract will come to the Board on April 26, 2022.

20 Commissioner Bedford asked if that is for one year or longer.

21 Travis Myren said they have asked for delivery in January of 2023, so there will be time
 22 to consider those recommendations in the next plan year.

23 Commissioner Bedford asked about slide #14 and what the tax increase covered.

24 Travis Myren said it would include everything for next year’s plan.

25 Commissioner Richards asked if Travis Myren was able to find out about charging
 26 stations and how many there may be.

27 Travis Myren said he will have that information for the Board on April 12th.

28 Commissioner Richards said she is interested in an overhaul of the county’s vehicle
 29 fleet. She said that she would like to know what the county is doing facilities wise to
 30 accommodate the electric vehicles and how that feeds into lowering emissions. She said that
 31 she hopes as they make the investments that they are looking at the climate responsibilities as
 32 well. She said she would like some answers back on the Piedmont Food Processing center and
 33

1 how this facility is being utilized. She said that as these investments are made, hope to address
2 county's environmental goals.

3 Commissioner Hamilton thanked Travis Myren for his presentation, especially the
4 horizon issues. She said the old schools are energy inefficient and renovations can also help
5 address sustainability goals. She said that those issues can be addressed widely.

6 Commissioner Fowler said she appreciates the addition of \$30 million for school capital
7 needs. She seconded Commissioner Richards's and Commissioner Hamilton's thoughts on
8 sustainability. She said even without a climate plan, things should be as energy efficient as
9 possible. She explained that is what she was trying to do last year with changing the Climate
10 Tax funds to address that. She said that if they do not use those funds well then made the
11 Board could reconsider that.

12 Commissioner Bedford said at the tour of Durham Tech, one of the issues and barriers is
13 access to transportation. She said it would be helpful to know what it would cost for busses,
14 vans, and repairs and for a shuttle between the main and Orange County campus. She said this
15 would include capital and operating. She said she is unsure how it ties into the transit tax. She
16 said that she is interested in this for next year.

17 Chair Price said she has mentioned this need to GoTriangle.

18 Commissioner Greene said the transit plan the Board will see is based on constrained
19 funding and is not recommending any new routes. She said there will be a section of plan that
20 anticipates regional routes for future when there is funding. She said that a direct route in
21 between the campuses has not been talked about in the plan.

22 Chair Price thanked Travis Myren and the county manager for their work on this plan.

23 Travis Myren commended Kirk Vaughn for his work with modeling.

24 Chair Price recognized Gary Donaldson and Rebecca Crawford as well.

25 Bonnie Hammersley said after next week's work session they can start thinking about
26 amendments and how they want to submit them. She said on May 3rd she will be presenting the
27 operating budget and amendments can be submitted as well.

30 **5. Public Hearings**

31 **a. Public Hearing on the Financing of Various Capital Investment Plan Projects**

32 The Board conducted a public hearing on the issuance of approximately \$46 Million to finance
33 capital investment projects and equipment for the fiscal year; and considered approving a
34 related resolution supporting the County's application to the Local Government Commission
35 (LGC) for its approval of the financing arrangements.

36
37 **BACKGROUND:** County staff estimates that the total amount to be financed for capital
38 investment projects and equipment will be approximately \$46 Million. The statutes require that
39 the County conduct a public hearing on the proposed financing. A copy of the published notice
40 for this public hearing is provided (Attachment 2).

41
42 The notice of public hearing was advertised in *The Herald Sun* and the *News of Orange*.

43
44 After conducting the public hearing and receiving public input, the Board will consider the
45 adoption of the resolution (Attachment 1). This resolution formally requests the required
46 approval from the North Carolina Local Government Commission (LGC) for the County's
47 financing, and makes certain findings of fact as required under the LGC's guidelines. County
48 staff has been in contact with the LGC staff, and staff expects no issues in receiving LGC
49 approval.

50

1 The total of the estimated project costs is \$43 million, while the requested approval is for a loan
2 amount not to exceed \$46 million. The difference between the two figures covers financing
3 costs. The \$46 million figure was derived while staff was considering financing that would be a
4 public sale bond offering, instead of the private bank placement now being pursuing. The public
5 sale offering has higher financing costs, and the means in which bonds are sold to investors can
6 lead to a higher loan amount even with no higher total cost to the County. The final loan amount
7 will not exceed the amount the County needs to pay project costs and financing costs.
8

9 If the Board adopts the resolution indicating its intent to continue with the financing plan, the
10 Board will be asked to consider a resolution giving final approval to the financing plans at its
11 Business meeting on May 3, 2022. Under the current schedule, County staff expects to set the
12 final interest rates and close by the end of May.
13

14 Gary Donaldson Gary Donaldson, Chief Financial Officer, gave the following PowerPoint
15 presentation:
16

17 Slide #1



18
19
20

1 Slide #2

Purpose

- Conduct Public Hearing for Limited Obligation Bonds pursuant to NC Statute Section 160A-20
- Close Public Hearing
- Obtain Board Approval of Resolution to Proceed with Filing Local Government Commission Application for Series 2022 Limited Obligation Bonds
- Funds our FY 2021-22 Capital Investment Plan through this Series 2022 Limited Obligation Bonds are secured by a Deed of Trust, with a security interest in various County and School facilities.
- The Series 2022 Limited Obligation Bonds will fund various County projects including:

- Vehicles and Equipment (5-8 Years useful life):	\$3.6 Million
- County Projects (up to 20 years useful life):	\$34.2 Million
- School Projects (up to 20 years useful life):	\$5.2 Million
TOTAL:	\$43 Million



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Gary Donaldson said the “not to exceed” amount is \$46 million.

Slide #3

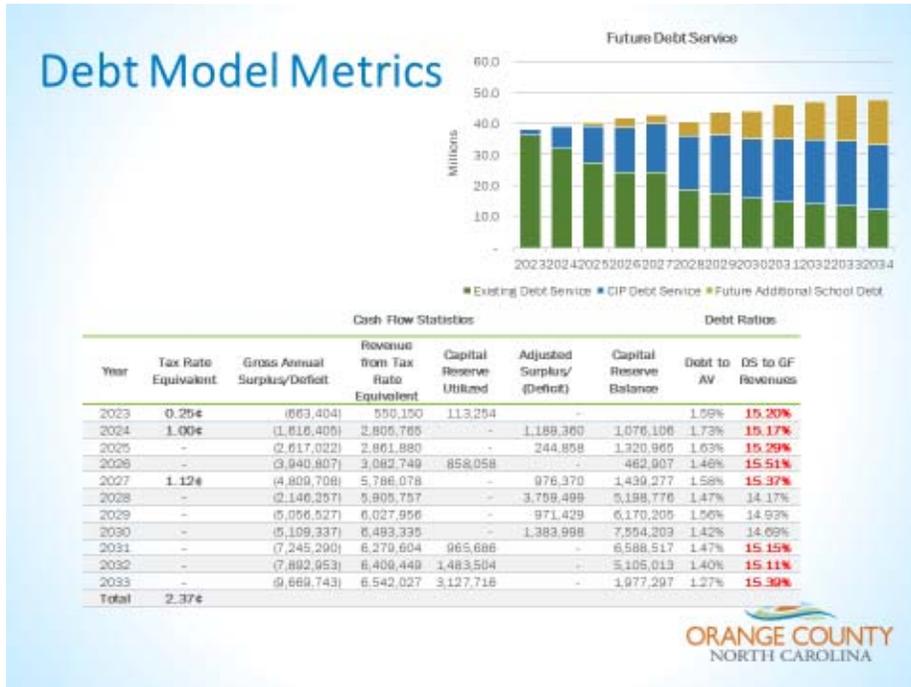
Project	Est. Amount (\$)
Lake Orange Dam Remediation	873,309
Parks and Recreation Repairs and Renovations (RAR)	163,522
Lands Legacy	250,000
Conservation Easement for Moorefields Foundation	262,000
Neuse River Rules Nutrient Management	27,000
Solid Waste Vehicle Replacements	516,739
Solid Waste Equipment Replacement – Grinder	833,500
Construction and Demolition (CAD) Construction Phase II	230,643
High Rock Improvements	470,000
Facility Accessibility, Safety and Security Improvements	195,584
Heating, Ventilation and Air Conditioning (HVAC) Projects	1,354,548
Major Plumbing Repairs	51,410
Orange County Southern Branch Library (County portion)	18,866,438
Parking Lot Improvements	241,048
Phillip Nick Waters Building Remediation	545,242
Roof & Building Façade Projects	1,212,106
Criminal Justice Resource Department	17,598
Southern Campus Expansion (Parking Improvements)	299,422
Communication System Improvements	157,755
Emergency Services Substations	
Efland Emergency Medical Service (EMS) & Medical Examiners Station	4,713,208
Waterstone Emergency Medical Service (EMS) Station & Location Study	3,006,702
Sportsplex - Facility Maintenance/Replacement	104,332
Information Technology Governance Council (ITGC) Initiatives	500,000
Information Technology (IT) Infrastructure	1,376,519
Sheriff Vehicles	255,473
Emergency Medical Services (EMS) Vehicles	439,091
Department of Environment, Agriculture, Parks and Recreation (DEAPR) Vehicles	66,650
Animal Services Vehicles	47,866
Orange Public Transit (OPT) Vehicle Replacement	110,827
Chapel Hill – Carrboro Schools	
Technology	908,047
Roofing	484,607
Recurring Capital	1,810,800
Fire Safety	164,172
Supplemental Deferred	217,568
Stormwater Management	105,295
Orange County Schools	
Recurring Capital	1,189,200
Supplemental Deferred	320,400



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Gary Donaldson said this is a list of all projects and they will come back in May with a final project list. He said there may be some changes.

1 Slide #4



2 Gary Donaldson said the debt model is integrated into the decision-making process. He
 3 said staff may go through twenty iterations a week to review scenarios as requests are made.
 4 He said paying off the existing debt service provides capacity for future debt service. He said
 5 that staff has had presentations with rating agencies and they are extremely comfortable
 6 knowing that Orange County does a long term operating and debt model.
 7
 8

9 Slide #5

- ### Key Financing Terms
- Security Pledge- County Assets serve as Collateral and subject to Annual County Appropriations
 - Maturity Term- 5- 20 Year maturities matches the useful life of the assets
 - February 1 and August 1 Repayment Dates to Bank Trustee
 - Estimated Interest Rates- 2-3% subject to market conditions
 - Series 2022 Limited Obligation Bonds Maximum Annual Debt Service not exceeding \$4.1 million in FY 2024 (based on current market interest rates)
 - Source of Repayment- Property Tax, Solid Waste Fees and Sportsplex Fees
 - Limited Obligation Bonds are Subordinate Lien to AAA General Obligation Bonds
 - Current Limited Obligation Bonds- AA1/AA+/AA+ from Moody's, Standard & Poor's and Fitch Ratings
- ORANGE COUNTY**
NORTH CAROLINA

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 11
 12
 13

1 Slide #6

Questions/Comments



2
3 Commissioner Fowler asked the total value of county assets.

4 Gary Donaldson said the county has to achieve a 50% threshold for financing, and the
5 estimated total of the county's assets are around \$200 million. He said when looking at projects
6 that will be put up as collateral, 50% of that number is what is deemed comfortable.

7 Bob Jessup, Bond Counsel, clarified that on \$100 million of assets, the county could
8 borrow up to \$200 million. He said county must maintain a collateral value equal to
9 approximately 50% of the total amount of debt that's outstanding. He said every year as debt is
10 added, the county may or may not have to add to collateral. He summarized that the debt
11 capacity is twice what is pledged as collateral. He said that in this case there is close to \$200
12 million, so there is probably \$80 million used for collateral.

13 Commissioner Hamilton asked about points A and B of the Resolution.

14 Bob Jessup said that was a typographical error, and B should have stated \$46 million.

15 Commissioner Hamilton asked about the Southern Campus expansion on the list of
16 projects to be financed.

17 Gary Donaldson said that is for parking improvements at the County's Southern Human
18 Services Campus and is not connected to the Durham Tech campus expansion.

19 Commissioner Fowler said if B in the Resolution is meant to be \$46 million, what should
20 A have been.

21 Bob Jessup said that the first number should be up to \$46 million to pay all the project
22 costs and the financing costs. He said that a more refined number will come back on May 3 for
23 final approval.

24 Commissioner Richards said it would be good to know if regular contributions, like the
25 Conservation Easement fund, have been used.

26 Bonnie Hammersley said staff will go in detail about that during the April 12, 2022
27 meeting.

28
29 A motion was made by Commissioner Greene, seconded by Commissioner Fowler, to
30 open the public hearing.

31
32 **VOTE: UNANIMOUS**

33
34 There was no one signed up to speak for the public hearing.

35
36 A motion was made by Commissioner Greene, seconded by Commissioner Hamilton, to
37 close the public hearing.

1
2 **VOTE: UNANIMOUS**
3

4 A motion was made by Commissioner Fowler, seconded by Commissioner McKee, to
5 adopt the resolution, supporting the application to the Local Government Commission for
6 approval of the financing, as corrected.
7

8 **VOTE: UNANIMOUS**
9

10
11 **6. Regular Agenda**

12 **a. Longtime Homeowner Assistance (LHA) Program Evaluation**

13 This item was deferred until a later date.
14

15 **b. Manufactured Homes Action Plan**

16 This item was deferred until a later date.
17

18 **c. Alcoholic Beverage Control (ABC) Board Request for Salary Range Update for the ABC Board General Manager**

19 The Board considered a request from the Alcoholic Beverage Control (ABC) Board to update
20 the ABC General Manager's salary range to either correlate to that of a County department
21 head or increase the salary cap for the ABC General Manager by 20% to \$132,379.20.
22

23
24 **BACKGROUND:** North Carolina General Statutes stipulate that the salary of the General
25 Manager of a local ABC board *"shall not exceed the salary authorized by the General*
26 *Assembly for the clerk of superior court of the county in which the appointing authority was*
27 *originally incorporated unless such compensation is otherwise approved by the appointing*
28 *authority."*
29

30 The Chair of the Orange County ABC Board has requested that the Board of
31 Commissioners consider allowing the ABC Board to grant a performance based salary
32 increase to the ABC Board's General Manager that exceeds the State limitation. The
33 FY2021-22 authorized salary for the Orange County Clerk of Superior Court is \$110,316.
34 The ABC General Manager's current salary is within statutory maximum at \$110,316.
35

36 According to the ABC Board's compensation policies, a performance rating of average or
37 above would qualify for an increase of between three percent (3%) and five percent (5%).
38 The ABC Board General Manager does not receive any additional compensation beyond
39 the amount reported in his annual salary. The ABC Board Chair has provided the attached
40 memorandum to support the ABC Board's request. The ABC Board Chair has indicated
41 that updating the General Manager's salary range will address salary compression and
42 align with other ABC Boards.
43

44 The ABC Board Chair is requesting correlating the General Manager's salary range to that
45 of a County department head. If that request is not BOCC approved, then the ABC Chair
46 requests to increase the salary cap for the General Manager position by 20% to
47 \$132,379.20. The Durham and Wake counties' ABC General Manager caps are \$145,000
48 and \$194,463 respectively.
49

50 The Board of Commissioners previously considered a request from the ABC Board regarding
51 the General Manager's salary in June 2021. An excerpt of the minutes from the Board's June

1 15, 2021 Business meeting is attached.

2
3 Chair Price reviewed the background information for the item.

4 Gary Donaldson stated that correlating the salary with department heads will not be
5 feasible due to variations within that range. He said the salary cap of \$132,379.20 is more likely.

6 Commissioner Hamilton asked who sets the Clerk of Court's salary.

7 John Roberts said that is determined by the state.

8 Commissioner Hamilton said it is hard to know if 20% is an appropriate cap. She said
9 she does not feel comfortable making the decision without more information.

10 Commissioner Bedford said she served on ABC Board in the past and that the board
11 puts a lot of effort and time into evaluating the General Manager's salary. She said she is
12 comfortable with the decision making by that board. She said that there is compression within
13 the management team. She said she is interested in approving the 20% salary increase cap.
14 She said that since the BOCC appoints members of ABC board, she is comfortable with this.

15 Commissioner Fowler said the Assistant General Manager's max is close to the General
16 Manager's. She said she would feel comfortable with the 20% cap. She said that by statute next
17 year the Clerk will go up to \$113,000. She said this should help things for a few years.

18 Commissioner Richards asked what the goal is with the increase. She asked if it is really
19 compression issue. She said that she examined the Durham and Wake County salaries and
20 asked if the increase will also help retain talent.

21 Bonnie Hammersley clarified that this comes directly from the ABC Board by statute.
22 She said that if they want to exceed the Clerk of Court salary, statute requires the BOCC
23 approval.

24 Chair Price elaborated that the county has no input on the Clerk of Court's salary and
25 that it is controlled by the state.

26 Commissioner Richards asked if it should be higher than 20%.

27 Chair Price said she does not know if it will enough and that she is still struggling with
28 why the ABC manager's salary is tied to the Clerk of Court salary.

29 Commissioner McKee said the ABC Board is a state board and has no oversight other
30 than members that the BOCC appoints to it. He said that the state limitation in the salary is in
31 effect with this decision and requires the BOCC to override that. He said he does not want to
32 determine whether it's effective or fair because that's for the independent board to decide. He
33 said that his interest is simply determining whether it should exceed Clerk of Court.

34 Commissioner Greene referenced minutes from June 15, 2021. She summarized the
35 discussion. She said she feels she does not have enough information to vote yes.

36 Patrick Burns, ABC Board Chair, said that comparing the General Manager's position to
37 Clerk of Court makes no sense. He said that the ABC system is a retail operation. He said the
38 General Manager is responsible for taking care of employees, building stores, and overseeing
39 functions of a retail business. He said there is a lot of complexity to the position, and it has
40 grown a lot the past few years. He said the last time, in June of 2021, it seems it was looked at
41 as a raise for just one person. He said it is really room for the ABC Board to determine the GM
42 salary and not allowing this will make the compression issue worse. He did say that no one can
43 make more than the General Manager. He said that the ABC Board is trying to get to a point
44 where they can evaluate and compensate and retain employees. He said that the pandemic has
45 increased sales and that those increases have also been shared with contributions to treatment
46 opportunities. He said that they are above the statutory requirement for contributions for
47 treatment opportunities. He said there are department heads within a salary range that are not
48 at the top.

49 Commissioner Greene said she wished more comparable had been included besides
50 Durham and Wake since those populations are larger.

1 Pat Burns said these positions seemed more comparable than the Clerk of Court
2 position.

3 Commissioner Greene said she meant more data from other ABC General Managers in
4 counties that are similar sizes to Orange County.

5 Chair Price said that Durham and Wake counties have many more stores and the
6 comparison from those counties was also a concern to her.

7 Pat Burns said there is a new store coming in Southern Village.

8 Chair Price said Chatham or Alamance may be more comparable with the number of
9 stores.

10 Pat Burns said that for sales for the state, Orange County hovers around 10th.

11 Commissioner Hamilton asked if the Board could get more information on the size of
12 counties, number of stores, and number of employees. She said if she must make the decision,
13 she wants to know the basis on which she is making it,

14 Commissioner McKee said the BOCC is not approving a salary for the General
15 Manager, only approving a salary cap for the ABC Board to decide the salary. He said this is a
16 state statute board. He said that the BOCC's sole responsibility is to find a work around for the
17 County Clerk tie in and that he would not want to tie it to department heads because it ties it to a
18 county. He said he has no issue approving the increase in the salary cap.

19 Chair Price said the question is if the percentage is reasonable.

20 Commissioner McKee said this is a max of 20% for the cap but the 20% is not a
21 guaranteed increase by the ABC Board.

22 Chair Price said she understands.

23 Commissioner Richards said she is comfortable with ABC Board's recommendation if
24 they think 20% is appropriate.

25 Tony DuBois, the General Manager for the Orange County ABC Board, said Durham
26 County does about \$50 million while Orange County does \$30 Million. He said that Wake
27 County is huge, so it is not really comparable. He said that Durham and Orange Counties both
28 have ten stores. He said it's hard to compare between counties because of all the differences
29 but they provided Durham and Wake because they are close neighbors, He said that Durham
30 increased theirs to \$180,000.

31 Commissioner Fowler asked if there were numbers for Alamance.

32 Tony DuBois said that Alamance only has five stores.

33 Chair Price said Orange and Durham are the same in number of stores and close in
34 number of employees.

35
36 A motion was made by Commissioner McKee, seconded by Commissioner Fowler, to
37 increase the salary cap for the ABC General Manager to \$132,000.

38
39 **VOTE: UNANIMOUS**
40
41
42

1 **7. Reports**

2 **a. Report on 2021 Tax Appeals Results**

3 The Board received a report on the results of the 2021 Appeals Process.

4
5 **BACKGROUND:** 2021 was a Revaluation year, and in March 2021, the Notices of Revaluation
6 were mailed to property owners. Due to public concerns, the Board of Commissioners approved
7 a resolution at the June 15, 2021 Business meeting to extend the adjournment date of the
8 Board of Equalization and Review (BOER) until September 1, 2021, extending the
9 corresponding appeal period as well.

10
11 Based on information brought to the Tax Office by community leaders, and additional research
12 by the Tax Office, the BOER directed the Tax Office on July 28, 2021 to review the additional
13 properties in the Northside area because of use restrictions in the area.

14
15 The BOER adjourned on September 1, 2021 and held post-adjournment hearings through mid-
16 December 2021.

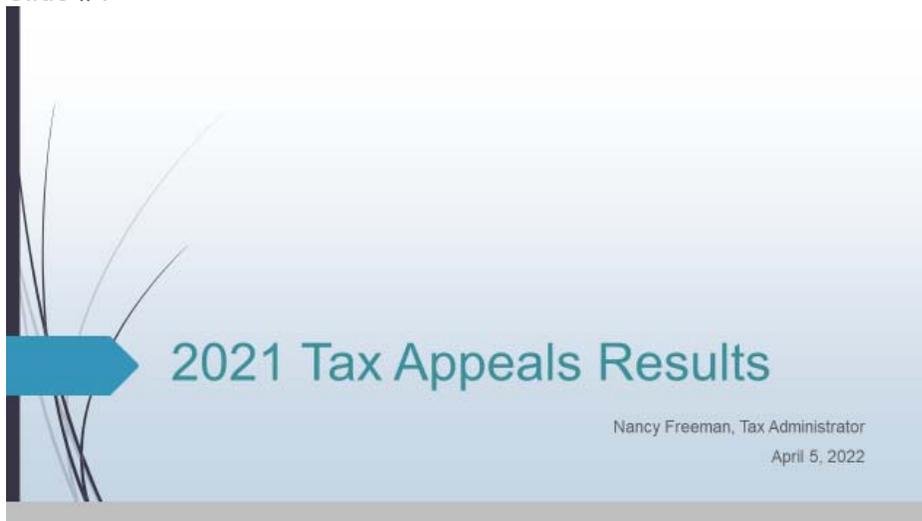
17
18 As of December 16, 2021, all Decision Notices for 2021 formal appeals were completed and
19 mailed. Appellants had a 30-day window from the date of the decision notice to appeal to the
20 North Carolina Property Tax Commission (NCPTS).

21
22 This report provides the results of the 2021 appeals, and the effects of the additional time
23 provided by the extension of the 2021 appeal period. It also provides the results of the
24 neighborhood conservation districts review.

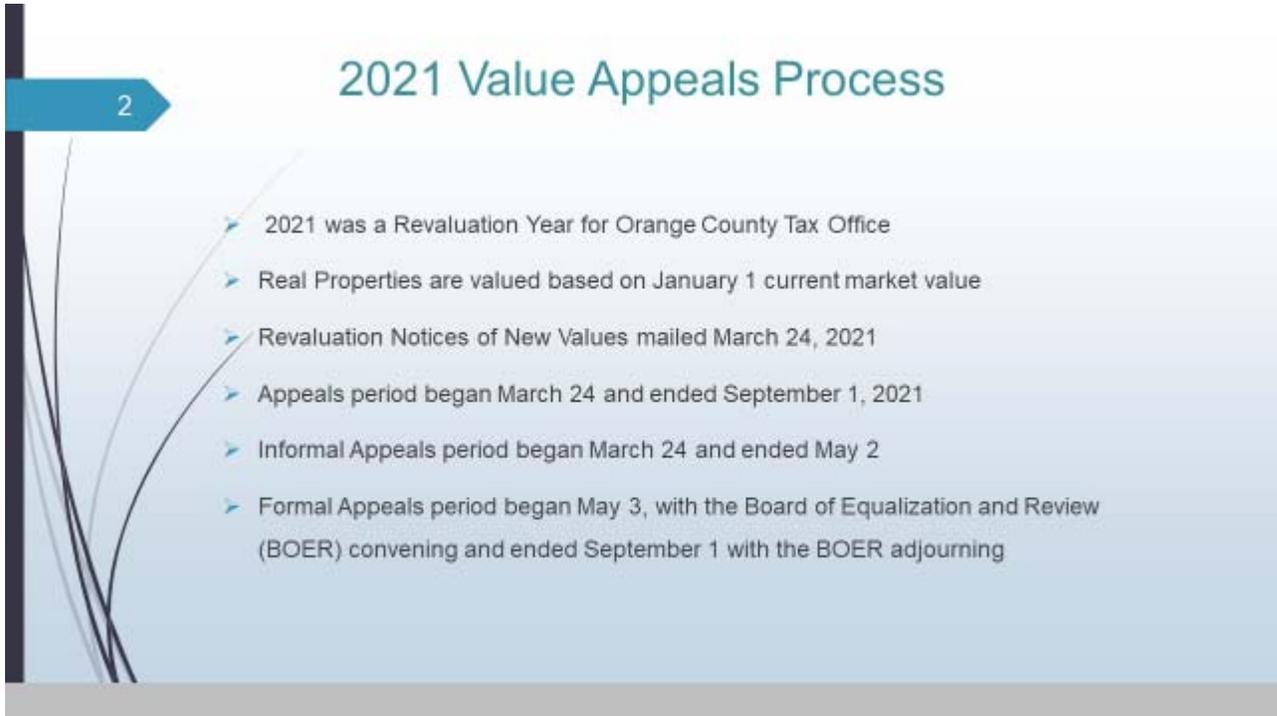
25
26 It should be noted that a value appeal initiates a review of the property by the assigned
27 appraiser, who will correct inaccuracies in the property record and adjust the value of the
28 property accordingly through application of the approved Schedule of Values. Any resulting
29 change in value may coincide with the appellant's opinion of value or be less or greater than the
30 appellant's opinion. The resulting value must reflect market value as of the most recent
31 revaluation date, as is required by the North Carolina General Statutes.

32
33 Nancy Freeman, Tax Administrator, gave the following PowerPoint presentation:

34
35 Slide #1



1 Slide #2

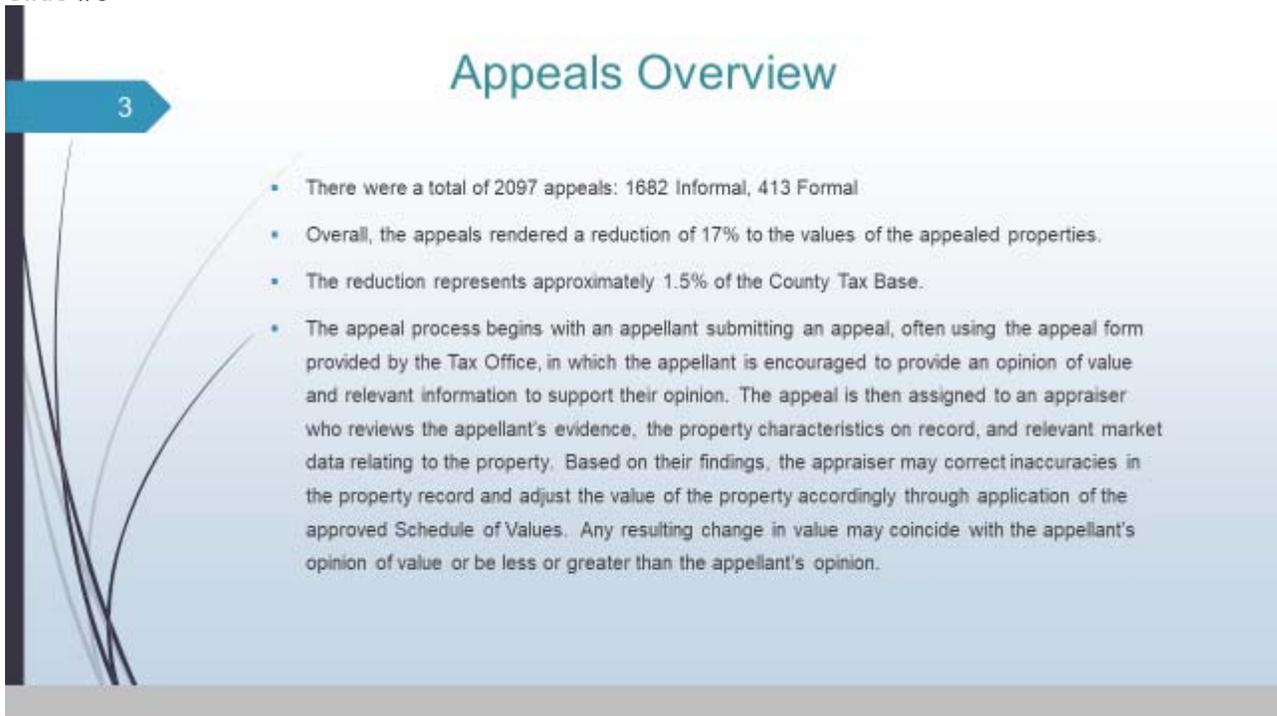


2021 Value Appeals Process

- 2021 was a Revaluation Year for Orange County Tax Office
- Real Properties are valued based on January 1 current market value
- Revaluation Notices of New Values mailed March 24, 2021
- Appeals period began March 24 and ended September 1, 2021
- Informal Appeals period began March 24 and ended May 2
- Formal Appeals period began May 3, with the Board of Equalization and Review (BOER) convening and ended September 1 with the BOER adjourning

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Slide #3



Appeals Overview

- There were a total of 2097 appeals: 1682 Informal, 413 Formal
- Overall, the appeals rendered a reduction of 17% to the values of the appealed properties.
- The reduction represents approximately 1.5% of the County Tax Base.
- The appeal process begins with an appellant submitting an appeal, often using the appeal form provided by the Tax Office, in which the appellant is encouraged to provide an opinion of value and relevant information to support their opinion. The appeal is then assigned to an appraiser who reviews the appellant's evidence, the property characteristics on record, and relevant market data relating to the property. Based on their findings, the appraiser may correct inaccuracies in the property record and adjust the value of the property accordingly through application of the approved Schedule of Values. Any resulting change in value may coincide with the appellant's opinion of value or be less or greater than the appellant's opinion.

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Nancy Freeman said that the 1.5% reduction aligns with the County's estimate.

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Informal Appeal Period

- ❖ During Informal Appeals Period, appeals are distributed to appraisers who review the properties and determined a new value or no change to value.
- ❖ In total, there were 1,682 Informal Appeals
- ❖ Decision notices for 2021 Informal appeals were mailed five times, beginning on May 5 and ending on September 9, 2021
- ❖ Decision Notices included:
 - ❖ Property Identification
 - ❖ Resulting Value/Decision
 - ❖ Notification of Right to Appeal by September 1 or within 30 days of the Date of the Notice, whichever is longer
- ❖ There were 67 properties appealed formally that were also appealed informally.

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Formal Appeal Period

The Formal Appeals Period is established by the date the Board of Equalization and Review (BOER) convenes and adjourns. Property owners may submit a formal appeal while the Board is in session. Both the property owner and the appraiser assigned to the property gather information and provide it to the Board of Equalization and Review as evidence. At the hearing, the property owner/appellant may present evidence in person, or provide it for Board's review without being present. The appraiser presents evidence for County at the hearing.

In 2021 the BOER convened on May 3, which was the last day by statute that the BOER was allowed to convene.

The adjournment was extended to September 1 to allow more time for property owners to appeal their value.

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Formal Appeal Period: Schedule of Hearings

Month	Number of Meetings	Number of Appeals
May	2	9
June	8	55
July	2	26
August	7	78
September	7	85
October	6	75
November	5	47
December	3	38
	40	413

Total number of formal appeals: 413
 20 Meetings Prior to Adjournment, 185 Appeals Heard
 20 Post-Adjournment Meetings, 228 Appeals Heard
 10 Meetings for Commercial Properties
 3 In-Person Meetings

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Slide #7

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Formal Appeals Period (continued)

- ❖ As the meetings were conducted, decision notices were mailed to the appellants.
- ❖ Formal Decision Notices include:
 - ❖ Property Identification
 - ❖ Board's Decision/Resulting Value
 - ❖ Notification of Property Owner's Right to Appeal to the North Carolina Property Tax Commission (NCPTC) within 30 days of the Date of the Notice
 - ❖ Specific Requirements of the Appeal to the NCPTC, including the requirement to notice both the NCPTC and the County of the appeal.
- ❖ The first decision notices were mailed on July 12, 2021. Notices were mailed nine more times, with the final round of notices being mailed December 16, 2021.
- ❖ Minutes from the meetings are published on the Orange County website here: <https://nc-orangecounty.civicplus.com/AgendaCenter>

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Further Appeals: North Carolina Property Tax Commission

- Property owners who are not satisfied with the decision of the BOER have the right to appeal to the North Carolina Property Tax Commission (NCPTC) within 30 days of the Date of the Notice of Decision received in response to the BOER Hearing.
- The NCPTC requires that the appellant send notice of their intent to appeal the BOER decision to the NCPTC and the County. Additionally the NCPTC requires that the appellant send them a copy of the BOER notice, and complete/return a form AV-14, which is provided by the NCPTC when the appeal is received.
- There were 12 appeals for 2021 values to the Property Tax Commission including a total of 20 parcels. Three properties owned by one appellant have been dismissed due to untimeliness. None of the properties appealed were in the Northside Review area.
- The average number of appeals to the NCPTC for the last three years is seven. In comparison, in 2017, the last revaluation year, there were 29 appeals to the NCPTS.

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Slide #9

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Results of the Northside Appeals

- After revaluation notices were mailed, Tax Office was made aware of inconsistencies in the valuation of properties identified in Chapel Hill's Northside Neighborhood Conservation District and Carrboro's Lloyd/Broad Neighborhood Preservation District.
- There were 191 informal appeals and 51 formal appeals in the identified areas. 23 of the formal appeals were the result of an informal appeal.
- At the informal level, there was a net reduction of \$7,859,135. 155 parcels had a reduction, with the average amount of \$71,925. 31 increased in value, average of \$106,100. 5 properties had no change.
- Of these 51 formal appeals there was a net decrease of \$1,882,500. 35 of the properties decreased in value, 15 increased in value, and 1 had no change. The Average decrease was \$86,217 and the average increase was \$75,673.
- On July 28, the Tax Office requested that the Board of Equalization and Review exercise its power and duties as noted in NC General Statute 105-322 (g) (1) (b,c,d) and requested the Tax Office review the remaining approximately 472 properties in the identified areas that had not been appealed and make any necessary corrections to these properties and their values to be consistent with the actions taken on properties that were informally or formally appealed.

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Results of Northside Appeals (continued)

- Reviews and field visits were made of the remaining properties in the affected neighborhoods, which included approximately 472 properties. 68% decreased in value, 29% increased in value, and 3% had no change in value. Overall change in value was a reduction of \$10,695,500.
- After review, using data provided about the neighborhood conservation districts, data compiled based on sales in the area, and field visits to the properties, values were adjusted on many of the properties.
- Smaller properties that were conforming to the restrictions of the Northside Neighborhood Conservation District on average received a reduction in value of at least 20%. The average reduction in value was \$71,901.
- Larger, legally non-conforming properties were reviewed and some were adjusted to reflect an increase in value. The average increase was \$79,400.

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Slide #11

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Results of Northside Appeals (continued)

- While the majority of the Northside appeals occurred early in the appeal period, there were 42 appeals after the original deadline of June 30th.
- In order for staff to review all properties and provide the most consistent and accurate review, most value notices were mailed for the properties appealed in the Northside area in late August and early September, after all of the affected properties were reviewed.
- The involvement of the community, the property owners who appealed their value and the community leaders who provided information about the neighborhood conservation districts were key to making the changes to provide more equitable values.
- We look forward to continued communication with property owners, involved government entities, and community leaders to provide information on changes that will provide vital information for the best valuation of properties in Orange County.

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1 Slide #12

Review of East 54 Condominiums

- On June 8, a formal appeal of a property located at East 54 Condominiums brought forth the fact that there was a notable difference in fair market values of the condo units in the referenced buildings that face the golf course versus the units that face the parking lot.
- The Tax Office researched the issue and found that there was a need to review a total of 92 properties to determine more equitable valuations for the properties. At the August 12 Board of Equalization and Review meeting the Board directed the Tax Office to make necessary corrections to these properties and their values to be consistent with the action taken on the appeal from June 8.
- 92 properties were reviewed, with 72 properties decreasing in value, 19 increasing in value and 1 no change. Value notices were mailed September 7. The overall change in value for the affected condominiums was a reduction of \$1,936,600.
- As in the case of the Northside Review, the information provided by the property owners who appealed their values and provided information previously unknown to the Tax Office was the key to making the adjustments to more equitably value these properties.

2
3 Commissioner Greene said it seems reasonable to her that the properties facing golf
4 course are more valuable.

5 Nancy Freeman said more reduced in value than were raised and that those facing the
6 parking lot were overvalued.

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8 Slide #13

2021 Tax Appeals Results

- Real property sales increased steadily prior to the January 1, 2021 revaluation date. This resulted in a substantial increase in valuation county-wide for the 2021 Revaluation.
- The function of the Revaluation was complicated throughout by the onset of the COVID epidemic. Tax Office Staff was able to successfully review and value all properties and send notices in March 2021.
- The extension of the deadline to appeal provided additional time for property owners to appeal, due to the COVID and also due to the information and subsequent review of properties in the Northside neighborhood conservation district.
- The online appeals module put into production in March 2021 successfully provided an effective way for property owners to appeal value without an in-person visit.
- The final number of appeals is below the estimated number for 2021. The original estimate was set at up to 5,000 appeals, based on the number of appeals in 2009.
- Continued outreach to the communities, and the continued involvement of our taxpayers to provide information about properties in Orange County will help us to continue to provide successful revaluations in the future.

9
10

1 Commissioner Fowler thanked Nancy Freeman and the Tax Office for their work and
2 expressed appreciation.

3 Commissioner Bedford echoed Commissioner Fowler's comments in thanking tax office
4 staff for their hard work. She also thanked the BOER for their time and work as well.

5 Chair Price said it was a long process, but worth it. She said that in addition to helping
6 people reduce their taxes, the appeals process also made the county more accessible to more
7 people.
8

9 **8. Consent Agenda**

- 11 • Removal of Any Items from Consent Agenda
- 12 • Approval of Remaining Consent Agenda
- 13 • Discussion and Approval of the Items Removed from the Consent Agenda

14
15 Commissioner Bedford asked to pull item 8-f from the consent agenda.

16
17 A motion was made by Commissioner Bedford, seconded by Commissioner Fowler, to
18 approve the remaining consent agenda.
19

20 **VOTE: UNANIMOUS**

21 **a. Minutes**

22 The Board considered corrections and/or approval of the draft minutes for the February 22,
23 2022, March 1, 2022, and March 10, 2022 Board of County Commissioners meetings.

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

25 The Board considered adopting a resolution to release motor vehicle property tax values for
26 seven taxpayers with a total of seven bills that will result in a reduction of revenue.

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

28 The Board considered adopting resolution to release property tax values for eleven taxpayers
29 with a total of nineteen bills that will result in a reduction of revenue.
30

31 **d. Advisory Boards and Commissions – Appointments**

32 The Board will consider approving Boards and Commissions appointments as reviewed and
33 discussed during the March 10, 2022 Work Session.

34 **e. Amendment to the Advisory Board Policy**

35 The Board considered one substantive deletion from the Advisory Board Policy.

36 **f. Request for Road Additions to the State Maintained Secondary Road System for 37 Bridgeton Place and Forest Creek Road in the Creek Wood Subdivision**

38 The Board considered making a recommendation to the North Carolina Department of
39 Transportation (NCDOT), and the North Carolina Board of Transportation (NC BOT), concerning
40 a petition to add Bridgeton Place and Forest Creek Road in the Creek Wood Subdivision to the
41 State Maintained Secondary Road System.

42 **g. Major Subdivision Preliminary Plat Revision – The Lodges at Chapel Hill**

43 The Board considered a revision to a previously approved major subdivision Preliminary Plat for
44 "The Lodges at Chapel Hill".

45 **h. First Reading: Emergency Services Franchise by Ordinance – First Choice Medical 46 Transport, LLC**

47 The Board considered, on First Reading, granting the renewal of a franchise agreement by
48 ordinance to First Choice Medical Transport, LLC (First Choice) to provide routine convalescent
49 transport services and surge capacity emergency services for basic life support (BLS)
50 transportation.

1 **i. First Reading: Emergency Services Franchise by Ordinance – LifeStar Emergency**
 2 **Services - 2023, LLC**

3 The Board considered, on First Reading, granting the renewal of a franchise agreement by
 4 ordinance to LifeStar Emergency Services - 2023, LLC (LifeStar) to provide routine
 5 convalescent transport services and surge capacity emergency services for basic life support
 6 (BLS) transportation.

7 **j. First Reading: Emergency Services Franchise by Ordinance – South Orange Rescue**
 8 **Squad**

9 The Board considered, on First Reading, granting the renewal of a franchise agreement by
 10 ordinance to South Orange Rescue Squad, Inc. (SORS) to continue providing emergency
 11 services basic life support transport service, special event coverage, as well as technical rescue
 12 services.

13 **k. First Reading: Emergency Services Franchise by Ordinance – North State Medical**
 14 **Transport**

15 The Board considered, on First Reading, granting the renewal and upgrade of a franchise
 16 agreement by ordinance to North State Investment Group, LLC d/b/a North State Medical
 17 Transport (North State) and the Franchise Agreement under which they will operate.

18 **l. Contract Award for Financial and Compliance Audit Services with Mauldin & Jenkins,**
 19 **LLC**

20 The Board considered authorizing a one-year contract with two (2) one-year renewal options for
 21 Mauldin & Jenkins, LLC to perform full audit services which includes financial, single audits and
 22 financial statement preparation for Orange County; and considered authorizing the Chair to sign
 23 the North Carolina Local Government Commission audit contract on behalf of the BOCC
 24 pending staff and attorney review.

25
 26 Regarding item 8-f, Commissioner Bedford said her husband is listed as representing
 27 the Homeowner's Association and that is his job. She said there is no conflict of interest
 28 because this is his regular job, and he isn't receiving an increase or percentage for doing his
 29 work. She said that he wasn't assigned to this community because of her service as a
 30 commissioner. She said she wanted to bring it up so there was no perceived conflict of interest
 31 and because she has to vote.

32
 33 A motion was made by Commissioner Fowler, seconded by Commissioner Greene, to
 34 approve item 8-f.

35
 36 **VOTE: UNANIMOUS**

37
 38 **9. County Manager's Report**

39 Bonnie Hammersley said April 12th will be a Budget Work Session.

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

42 John Roberts said the legislature is in session this week but will not be taking any votes.
 43 He said he notified the board of when he would reinstate the collections policy and that he
 44 intends to do that in the next couple of months. He said there will be a phased approach for
 45 solid waste and environmental health and that July 1 will be the start of collections for other
 46 departments.

47
 48 **11. *Appointments**

49 None.

50
 51 **12. Information Items**

1 DRAFT

2 **MINUTES**
3 **ORANGE COUNTY**
4 **BOARD OF COMMISSIONERS**
5 **BUDGET WORK SESSION-CIP**
6 **April 12, 2022**
7 **7:00 p.m.**

8 The Orange County Board of Commissioners met for a CIP Budget Work Session on
9 Tuesday, April 12, 2022 at 7:00 p.m.

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

13 **COUNTY COMMISSIONERS ABSENT:** Commissioner Earl McKee

14 **COUNTY ATTORNEYS PRESENT:** John Roberts

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

18
19 Chair Price called the Board of County Commissioners meeting to order at 7:00 p.m. All
20 Commissioners were present except for Commissioner McKee.

21 Chair Price said that Commissioner McKee will be late to the meeting.

22 Chair Price explained that public comment is not taken at Budget Work Sessions or
23 regular Work Sessions but encouraged the public's attendance. She said there will be two
24 public hearings for members of the public to comment on the budget.

25
26 **1. Discussion of Manager's Recommended FY 2022-32 Capital Investment Plan (CIP)**

27
28 Travis Myren introduced the information below:

29
30 **BACKGROUND:** Each year, the County produces a Capital Investment Plan (CIP) that
31 establishes a budget planning guide related to capital needs for the County and Schools. The
32 CIP has been enhanced to provide specific enumeration of project funding in years 6-10 as well.
33 The 10-Year CIP is evaluated annually to include year-to-year changes in priorities, needs, and
34 available resources. Approval of the CIP commits the County to the first-year funding only of the
35 capital projects; all other years are used as a planning tool and serves as a financial plan.

36
37 **Capital Investment Plan – Overview**

38 The FY 2022-32 CIP includes County Projects, School Projects, and Proprietary Projects. The
39 school Projects include Chapel Hill-Carrboro City Schools, Orange County Schools, and
40 Durham Technical Community College – Orange County Campus projects. The Proprietary
41 Projects include Water and Sewer, Solid Waste Enterprise Fund, and Sportsplex projects.

42
43 The CIP has been prepared anticipating moderate economic growth of approximately 2% in
44 property tax growth and 4% in sales tax growth annually over the next ten years. The CIP will
45 rely substantially on debt financing to fund the projects and these required debt amounts are
46 fully integrated in the County's Long-Term Debt Model (page 24 provides a bar chart of the ten-
47 year funding plan).

48
49 The meeting discussion will focus on County and Proprietary CIP projects. Note: Page numbers
50 are referenced below as they appear in the CIP document. See Attachment A for the Overall
51 CIP Summary (page 20), County CIP Projects Summary (page 32), and the Proprietary CIP

1 Summaries (page 25). Discussion of the Schools CIP projects is scheduled for the May 12,
 2 2022 Budget Work Session. The Orange County Campus - Durham Technical Community
 3 College new academic building project will also be discussed at the May 26, 2022 meeting.

4
 5 Discussion at this meeting will also be directed to the Debt Service and Debt Capacity –
 6 General Fund (page 133), the Water and Sewer Debt Service requirements paid with Article 46
 7 Quarter Cent Sales Tax proceeds (page 134), and Debt Service requirements for Solid Waste
 8 (page 135) and Sportsplex (page 136).

9
 10 Travis Myren, Deputy County Manager, gave the following PowerPoint presentation:
 11

12 Slide #1



13
 14
 15 Slide #2



16
 17 Travis Myren said the school districts and Durham Technical Community College
 18 (DTCC) will present both their capital and operating budgets during each of their respective

1 meetings with the Board. He said that the County’s operating and capital budgets are scheduled
 2 for adoption on June 21, 2022.

3

4 Slide #3



5

6 Travis Myren said the orange sections of the graph represent the county portion and that
 7 is the focus of tonight. He said this amount stays relatively constant, with a few increases and
 8 decreases over the 10 years. He noted that net new colocated EMS substations will be funded
 9 in FY 2023-24 and FY 2026-27, and accounts for the slight increase in those years, along with
 10 funding the Soccer.com complex expansion in the latter year. He said the next big increase is
 11 FY2029-30 when another EMS substation is proposed and the development of Twin Creeks
 12 Park.

13

14

1 Slide #4

FY2022-23 Recommended County Projects

- Inflationary Adjustments on County Projects
 - All County project costs updated to reflect current construction and equipment costs
 - Electrical and Fire Alarms increased by approximately 60%
 - Whitted Roof project increased by approximately 80%
 - HVAC projects increased between 30-60%
 - EMS Substations pending adjustment based on Efland Substation bid
 - General inflationary adjustments added to other future projects
 - 3% annually for other projects
 - 5% annual for communication equipment


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Travis Myren said Steve Arndt, Director of Asset Management Services, his staff went through all capital requests and looked at current construction costs. He noted that construction costs are incredibly expensive right now, and some projects have increased by almost 80%. He said the Efland EMS Substation bid took place this afternoon and is overbudget, so staff will be bringing a recommendation back to the Board on how to make up the difference and proceed with the project.

10 Slide #5

FY2022-23 Recommended County Projects

- Climate Change Mitigation Projects - \$550,150 (p. 35)
 - Established in FY2019-20
 - Dedicated quarter cent of property tax annually
 - 50% reserved for school projects; 50% reserved for community projects
 - Funds transferred from the General Fund into Capital Project to preserve unspent funding from prior year


5

1 Travis Myren said this started with a quarter cent of property tax allocated to it. He said
 2 that he included more detail on this out of interest during the CIP introduction presentation on
 3 the fifth.

4
 5 Slide #6

FY2022-23 Recommended County Projects

- Supplemental Weatherization – First Year Project FY19-20

Before



After



- \$150,000 grant
- In partnership - Housing and Community Development, Orange County Home Preservation Coalition, Orange County Affordable Housing Coalition
- HVAC unit replacement, energy star-rated replacement windows and appliances, and insulating attics and crawlspaces
- \$61,797 remaining



6
 7 Travis Myren said this is an example of a multi-year project. He said the funds were
 8 awarded in FY 2019-20, and funds continue to be spent down.

9 Chair Price asked if all of the money is dedicated already.

10 Travis Myren said the money was awarded in FY 2019-20 and the program is continuing
 11 to spend down the initial \$150,000 grant balance.

12 Commissioner Hamilton asked what year the \$550,150 in Climate Mitigation Funds will
 13 be available.

14 Travis Myren said it is projected to be available in FY 2022-23.

15 Commissioner Hamilton asked if that amount is new money, or also includes unspent
 16 funds from the previous fiscal year.

17 Travis Myren said that amount is new.

18 Commissioner Hamilton asked if there is a way to see how much was unspent from the
 19 previous year.

20 Travis Myren asked Gary Donaldson, Chief Finance Officer, for that amount.

21 Gary Donaldson and Travis Myren said the total project balance is \$1.2 million, and
 22 there are several projects in the pipeline where grants have been awarded but money has not
 23 yet been drawn down.

24 Commissioner Greene clarified that she believes the Board wants to know the amount
 25 from previous years that is uncommitted.

26 Travis Myren said staff will follow up with that information.

27 Chair Price said it was almost all committed, but the schools haven't spent all of their
 28 grant money.

29 Commissioner Greene said she would like to know what school projects in the last round
 30 of funding scored highly enough to be approved.

1 Travis Myren directed her to slides 8, 9, and 10, and reviewed the information.

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Slide #7

FY2022-23 Recommended County Projects

- Solar on Habitat Homes – FY20-21



\$95,000 grant

- Serves 10 homes
- Leveraged over \$70,000 in equipment and monetary donations
- \$26,280 savings per household over the useful life of the system



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Slide #8

FY2022-23 Recommended County Projects

FY2019-20 Project Awards

Project	Applicant	Funding	Status
LED Campaign	Orange County	\$19,272	\$10,649.58 remaining. quotes in progress to spend remaining funds and distribute LED bulbs to low income families in partnership with non-profits. To date: <ul style="list-style-type: none"> • 6,200 bulbs distributed through partners (PORCH, Rogers Eubanks Neighborhood Center, and Refuge Support Center)
Solar for Schools	Orange County Schools	\$150,000	Schools have identified roofs to add solar; exploring possible joint RFP
Solar for Schools	Chapel Hill Carrboro County Schools	\$150,000	Schools have identified roofs to add solar; exploring possible joint RFP
Supplemental Weatherization	In partnership with Housing and Community Development and the Orange County Home Preservation Coalition and the Orange County Affordable Housing Coalition	\$150,000	\$61,797.00 remaining. Projects include replacing HVAC units, purchasing energy star-rated replacement windows and appliances, and insulating attics and crawlspaces to improve energy efficiency for low income residents.



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1 Slide #9

FY2022-23 Recommended County Projects

FY2020-21 Project Awards

Project	Applicant	Funding	Status
Solar Panels on Affordable Habitat Homes	Habit for Humanity of Orange County	\$95,000	Performance Agreement In progress
Water Heater Replacements	NAACP of Chapel Hill	\$122,300	1 st installment of \$20,350 pd. 11/21
Cane Creek Reservoir 352.4kW DC Solar Array	OWASA	\$75,000	1 st installment of \$37,500 pd. 2/22
Tree Planting Program	Town of Chapel Hill	\$40,000	Performance Agreement routed/signed 3/2022
Solar Powered Electric Vehicle Charging Station	Town of Chapel Hill	\$18,500	Performance Agreement routed/signed 4/22
Cedar Falls Park Multipurpose Field LED Light Conversion	Town of Chapel Hill	\$128,057	Performance Agreement routed/signed 3/22; \$102,445.60 paid 4/22



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Travis Myren noted that no applications were received from the schools this year.

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Slide #10

FY2022-23 Recommended County Projects

FY2021-22 Project Awards

Project	Applicant	Funding	Status
Low Income HVAC Replacement	Rebuilding Together of the Triangle	\$113,000	Performance Agreement In Progress
Neighborhood Energy Resiliency Project	NC Sustainable Energy Association	\$90,000	Performance Agreement In Progress
Food Waste Monitor	Eno River Farmers Market	\$4,000	Performance Agreement In Progress
Food Waste Monitor	Town of Carrboro	\$3,765	Performance Agreement In Progress
Sustainability Upgrades-Bike Rack and Charging Station	Carrboro Arts Center	\$17,000	Performance Agreement In Progress
203 Project Solar PV Array and Green Roof	Town of Carrboro	\$40,567.50	Performance Agreement In Progress
Climate Change for Schools-Solar Array Project. Install 100kW rooftop PV array at 3 campuses: Chapel Hill High School, East Chapel Hill High School and Carrboro High School (\$250k)	Chapel Hill Carrboro Schools	\$268,332.50	Approved by CFE in February 2022, the HRC reviewed at their meeting in March 2022; currently awaiting official approval from HRC.



10

Commissioner Greene asked if there was any money left over from the FY 2020-21 round of funding.

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1 Travis Myren said no. He said the uncommitted total the Board is seeking would only
2 come from FY 2021-22 because the schools did not request the full amount allocated for them.
3 He said that the school system did not apply in 2021. He said he does not know the exact
4 number that would have been unallocated in 2021 but that he can provide that information.

5 Commissioner Richards says that she is having a hard time understanding why the
6 school system is not using the funds that is available to them for climate.

7 Commissioner Bedford said that the Chapel Hill-Carrboro Schools did apply for solar in
8 the last year and that was approved by the Board in the fall. She said that Orange County
9 schools have not brought a project.

10 Commissioner Hamilton said that she sits on the capital needs workgroup and that has
11 brought a better understanding of the challenges that the schools face with handling any large
12 capital project. She said that personnel is a major challenge in this area.

13 Chair Price asked if what they are looking at now is \$550,150 that will be set aside and
14 there have been no applications for the use of those funds.

15 Travis Myren said that the \$550,150 is what will be available for use next year and the
16 grant cycle has not started yet.

17 Chair Price asked if what they are being shown demonstrates past year funding and
18 funds that have not been drawn down by the grant recipients.

19 Travis Myren said yes.

20 Chair Price asked if there is a stipulation in the grant that says awardees must have
21 used their previous allocation before being awarded any additional or future grant funds.

22 Travis Myren said that he does not believe so.

23 Commissioner Richards also noted that there is also no timeline required for completion
24 of the grant project in the agreements. She said this would be an ongoing lag due to the grant
25 cycle timing.

26 Chair Price said that she is aware of the lag but was seeking clarification on if there was
27 a restriction in place for additional funds before using previous grant awards.

28 Travis Myren said that restriction is not currently part of the policy.

29 Commissioner Greene asked if the Board could have estimated finish lines for those
30 grants in progress for future presentations.

31 Travis Myren said yes.

32 Commissioner Hamilton said when they first established these funds, the community
33 projects had a lot of interest but at the same time they know they are in an environment with
34 labor and equipment shortages. She said that all entities, large and small, will be struggling with
35 using this money in the most effective way. She said that there may be need to think about
36 better ways to allocate funds to get better use for climate mitigation.

37 Commissioner Greene said that all of the projects that have been authorized to go
38 forward have sustainability goals built in. She said she would like to keep focus on external
39 grants that go to community members such as low income housing, ReBuilding Together of the
40 Triangel, The Arts Center, the Farmers Market, and Habitat for Humanity. She said these have
41 a benefit and she is not saying schools are not important for this but these entiteis are the
42 original focus of the grant.

43 Chair Price said that one thing they were intersted in was how quickly the group could be
44 implementing the project because there are other organizations that could use the money rather
45 than it be sitting without use for a few years.

46 Travis Myren said they can explore time to intiate a project with a timeline of completion.

47 Chair Price said there are a lot of projects coming forward with only so much money
48 available, so she doesn't want awarded money to go to waste.

FY2022-23 Recommended County Projects

- Court Street Annex - \$160,000 (p. 36)
 - Juvenile Justice and Adult Probation Offices
 - Electrical panel and circuit replacement needed for code compliance



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Travis Myren said this facility will also be part of the Facility Master Plan. Commissioner Bedford asked where this property is located. Travis Myren said this property faces King St. in Hillsborough.

Slide #12

FY2022-23 Recommended County Projects

- Facility Safety & Accessibility - \$1,240,435 (p. 37)

Fire Alarm System Upgrades	
Dickson House	\$ 17,365
Emergency Services	\$ 141,245
Gateway Center	\$ 163,200
Board of Elections (GSA)	\$ 79,680
Passmore Center	\$ 121,600
Seymour Center	\$ 107,120
Southern HS	\$ 183,120
Total	\$ 813,330



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Travis Myren said fire alarm system upgrades are driven by technological obsolescence.

Slide #13

FY2022-23 Recommended County Projects

- Facility Safety & Accessibility - \$1,240,435 (p. 37)
- Accessibility Projects
 - Countywide accessibility projects - \$25,000
- Elevator Upgrades
 - Justice Facility Elevator - \$209,886
 - Whitted Connector Elevator - \$176,719
- Safety Projects
 - Central Recreation security cameras - \$9,500
 - Dickson House security cameras - \$6,000



13

1
2 Travis Myren said accessibility projects can include sidewalks, power doors, or
3 modernization of equipment to improve accessibility. He noted that elevator upgrades are due
4 every ten years or so.

5 Commissioner Bedford asked what Dickson House is.

6 Travis Myren said it is located across from the Link Center and houses the Hillsborough
7 Visitor's Center.

8 Chair Price said it also houses the Alliance for Historic Hillsborough. She said the house
9 is county property and is historic.

10 Chair Price asked if the steps at the old courthouse will be addressed as an accessibility
11 project.

12 Travis Myren asked Steve Arndt to comment.

13 Steve Arndt said other money has been allocated for that issue and work is in progress.

14 Chair Price said lights are needed outside of the Whitted facility.

15 Alan Dorman, Asset Management Services, Assistant Director, said there were some
16 lights that were out, but this issue has been addressed and the lights are on this evening.

17 Commissioner Richards asked if solar lights are being put in as the lights are replaced.

18 Alan Dorman said the new lights are LED lights.

19 Chair Price mentioned an email she received regarding security cameras at the
20 Passmore Center and the Sportsplex.

21 Bonnie Hammersley and Travis Myren said they received the email and will look into it.
22
23

1 Slide #14

FY2022-23 Recommended County Projects

- Generator Projects - \$240,000 (p. 39)
- Automatic Transfer Switch at Motor Pool and Transportation Services - \$105,000
 - Manual switch does not meet current electrical standards
- Relocation of Detention Center Generator to AMS Maintenance Shop - \$135,000



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Travis Myren said the detention center generator will be relocated, rewired, and new electrical panels will be purchased.

6 Slide #15

FY2022-23 Recommended County Projects

- Heating Ventilation and Cooling Projects - \$109,000 (p. 41)
 - Replacement of major components countywide – \$50,000
 - Professional services for Passmore Center and Mural Courtroom planned HVAC replacements - \$59,000

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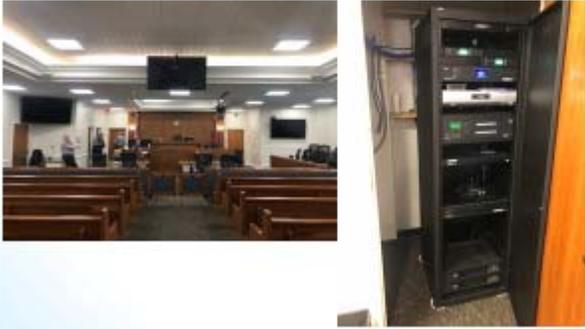


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1 Slide #16

FY2022-23 Recommended County Projects

- Justice Facility Improvements - \$225,000 (p. 43)
 - Upgrade audio visual capabilities in Mural Courtroom and Courtrooms 3 & 4
 - Facilitates hybrid court sessions




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Travis Myren said COVID accelerated the courthouse technology needs so they have been holding some hearings electronically. He said the Administrative Office of the Courts is funding an upgrade for two courtrooms and that this proposal would update an additional three courtrooms. He said this comes at the request of the Chief Superior Court Judge and the Chief District Court Judge.

Slide #17

FY2022-23 Recommended County Projects

- Lake Orange Dam Rehabilitation - \$280,000 (p. 44)
 - Repair spillway channel - \$180,000



Structural crack/weeping on fill wall (09/28/2020) *Close up of structural crack/weeping (09/28/2020)*

- Shoreline survey of Lake Orange - \$100,000



17

1 Travis Myren said this is a multiyear project to repair and replace sections of the Lake
 2 Orange dam. He said the orange outlines illustrated on the slide show cracks in the dam. He
 3 said the project includes repairs and a survey. He said the survey will show where county land
 4 begins and private land ends.

5 Commissioner Hamilton said she noticed that the capital investment plan notebook said
 6 that staff is hopeful that federal infrastructure funds may be available for this project. She asked
 7 what year federal infrastructure funding may be available, how much, and where would
 8 budgeted money go instead.

9 Travis Myren said he will follow up with timeline of potential funding. He said if federal
 10 money is received, this amount would be taken out of CIP and not borrowed.

11 Chair Price asked what the \$2 million in professional services is for (from the CIP
 12 notebook)

13 Kirk Vaughn, Budget Analyst, and Travis Myren said it for the replacement of the
 14 spillway channel.

15 Travis Myren explained that there was a typo and the construction cost amount and
 16 professional services amount shown in the CIP notebook should be switched. He said that
 17 construction should be shown as \$2 million and professional services about \$2,000.
 18

19 Slide #18

FY2022-23 Recommended County Projects

- Motor Pool Equipment - \$61,502 (p. 47)
 - 50% funded by Transportation Grants - \$30,751
 - Replace forklift – \$28,502
 - Install rotary lift – 33,000




18

20 Travis Myren said that half of the cost for the rotary lift is covered by federal funds.
 21
 22
 23

1 Slide #19

FY2022-23 Recommended County Projects

- **Parking Lot Improvements - \$15,000 (p. 48)**
 - Striping and painting at multiple facilities
 - Repairs to the Passmore Center parking lot

19

ORANGE COUNTY
NORTH CAROLINA

2
3 Travis Myren said that the parking lot improvements project is a standard project always
4 at \$15,000.

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6 Slide #20

FY2022-23 Recommended County Projects

- **Phillip Nick Waters Building Remediation - \$550,000 (p. 50)**
 - 3rd party forensic engineering services to determine root cause of water penetration
 - Install appropriate weep hole drainage around windows
 - Refine HVAC controls and operations to control humidity

20

ORANGE COUNTY
NORTH CAROLINA

7
8 Travis Myren said there continues to be a water penetration issue at this facility.
9 Commissioner Bedford asked if this is separate from the warehouse repair that was in a
10 past budget amendment.

1 Travis Myren said that this is separate.
 2 Commissioner Bedford asked if the warehouse issue was fixed.
 3 Travis Myren said yes.

4
5 Slide #21

FY2022-23 Recommended County Projects

- **Piedmont Food & Agriculture Processing Facility - \$242,000 (p. 51)**
 - Design and replace HVAC units at end of life
 - *Funded by Article 46 Sales Tax*

Equipment Type	Description	Purchase Date	Replacement Date
HVAC-EQUIP	Trane Heat Pump	1995	7/22
HVAC-EQUIP	Trane Heat Pump	2000	7/22
HVAC-EQUIP	Trane Heat Pump	2000	7/22
HVAC-EQUIP	Trane Heat Pump	2000	7/22
HVAC-EQUIP	Trane Heat Pump	2000	7/22
HVAC-EQUIP	Trane Heat Pump	2000	7/22



21



6
7 Travis Myren said this work will need to be done even if this building is used for
 8 something besides food incubation or is sold for other purposes.
 9

10 Slide #22

FY2022-23 Recommended County Projects

- **Roofing and Building Façade Projects - \$671,500 (p. 52)**
 - Annual roof inspections & repairs - \$25,000
 - Replacement for both Whitted buildings - \$646,500
 - Guided by the 2022 update of the Roof Asset Management Plan (RAMP)

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1 Slide #23

FY2022-23 Recommended County Projects

- County Sustainability Projects - \$50,000 (p. 56)
 - Annual funding for sustainability projects in County facilities
 - Electric vehicle charging stations for public use
 - Seymour Center (2) - replacement
 - Durham Tech Park and Ride lot (6) - replacement
 - Solar EV charger located at Orange County Public Transportation - new
 - Orange County's North Campus (2) - new



ORANGE COUNTY
NORTH CAROLINA

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4 Commissioner Greene asked about the reasoning behind pushing out the expansion of
5 the Southern Orange Campus until FY 2030-31. She asked if the development agreement will
6 still be binding then.

7
8 Travis Myren said part of expansion was for dental offices. He said that the mobile
9 dental clinic eliminated that need. He said the previous health director had invisioned an
10 expansion of medical services provided but that did not get implemented to that removed the
11 need for that portion of the expansion. He said the only thing left is the front part of the building
12 where meeting room is and adding A/V upgrades.

13 Commissioner Greene asked if it would still cost \$5 million.

14 Travis Myren said that is the total old cost and it needs to be revised based on the
15 changes he noted.

16 Commissioner Richards asked if sustainability projects would include transitioning the
17 county's vehicle fleet to electric and hybrid vehicles.

18 Travis Myren said there was a lighting project at Hillsborough Commons completed with
19 these funds too. He said that when the county projects are designed and constructed,
20 sustainability is built into the project budget rather than added on. He said that they start with
21 the most sustainable options first. He said that as a result that is why they have geo-thermal and
22 solar panels at the northern campus.

23 Commissioner Richards asked if those are built into the design during county building
24 and rehab.

25 Bonnie Hammersley said those are the standards that the county follows. She said this
26 \$50,000 is just for little projects that might come up throughout the year. She said all county
27 projects are looked at from a sustainability perspective. She said they rarely certify LEED but
28 build that would be LEED certified with the attempt all the way to LEED Gold. She said there is
29 not a separate budget for sustainability with county projects.

30 Chair Price asked if county is eligible to apply for the Volkswagen settlement money
from the state.

Travis Myren said yes and the county will apply.

1 Chair Price asked if these projects could be added to those settlement funds grant.

2 Travis Myren said more projects could be completed.

3 Chair Price asked if there is a charge for using electric vehicle charging stations.

4 Travis Myren said no.

5 Commissioner Fowler asked if the vehicle fleet would be replaced with electric vehicles
6 and hybrids.

7 Travis Myren said two vehicles are scheduled to be hybrid. He said there aren't enough
8 charging stations in parking lots for the county to successfully operate electric vehicles. He said
9 they are working on a staff recommendation on which can be electrified and how much it will
10 cost to install additional charging facilities in the parking lot.

11 Commissioner Richards said she was at the unveiling of the Chapel Hill electric buses.
12 She asked if the county is pursuing state funds for the electricification of the fleet.

13 Theo Letman, Transportation Services Director, said the county was awarded a low
14 emission grant from state. He said there are delays in the production of electric vehicles. He
15 said there are supply chain issues and there are only a couple of manufacturers that produce
16 the type of vehicles the county uses.

17 Commissioner Richards said the beauty of the 10 year plan is that electric vehicles can
18 be built into future years. She said it also takes several years to get these vehicles designed,
19 tested, and on the road, so it will require taking a long term approach.

20 Chair Price said the county has been looking at the VW grant for years, maybe even four
21 years ago. She said that the county is making an attempt and has 28 hybrid cars and SUVs and
22 1 electric motorcycle for the Sheriff.

23
24 Slide #24

FY2022-23 Recommended County Projects

- County Sustainability Policy
 - Build sustainable features in base project budgets

Northern Campus Project

Bonnie B. Davis Center

- 65 kW Photovoltaic systems (174 solar panels) saved the county \$5,400 to date since April
- Solar Water Heater with 2 independent solar panels
- 2 Rain Water Cisterns for landscape watering use
- Electric Vehicle Charging Stations that serve 2 vehicles with possibility of adding 2 stations
- Occupancy Sensors for both lighting and HVAC units to save money when unoccupied
- LED lighting and low flow plumbing fixtures

Parks Operations Base

- 20 kW Photovoltaic system (55 solar panels)
- LED lighting and low flow plumbing fixtures

Detention Center

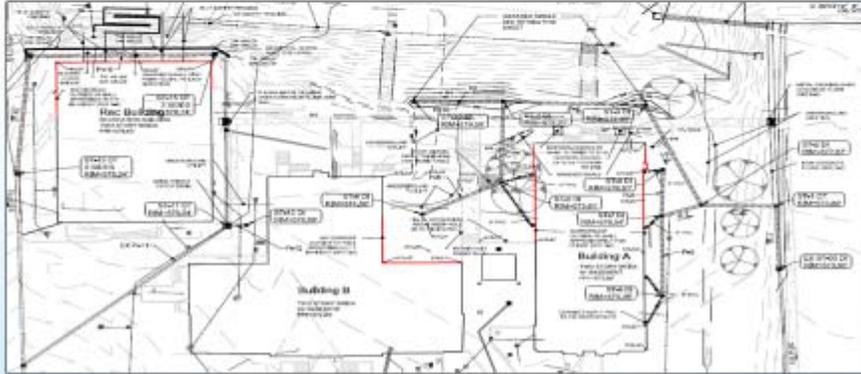
- Geothermal HVAC Systems with 68 wells at 400' deep
- 150kW PV systems saving \$7,100 since being live in May (406 Solar Panels)
- Electrical Vehicle Charging station serving 2 cars

ORANGE COUNTY
NORTH CAROLINA

1 Slide #25

FY2022-23 Recommended County Projects

- Whitted Site Improvements – Add \$345,000 (p. 57)
 - Originally budgeted in FY2019-20 @ \$575,000
 - Let for bid twice with value engineering
 - Site drainage improvements, building waterproofing, and site grading changes



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Travis Myren said more money likely needs to be added to the budget based on the bid results.

Slide #26

FY2022-23 Recommended Vehicle Replacements

- Vehicle Replacements - \$1,420,671 (p. 58)
 - Public Safety Priorities

• Animal Services Replacement	\$51,861
• Emergency Services (Ambulance + 4 Admin)	\$642,447*
• Sheriff's Office vehicles (15 replacements)	\$450,000
• Hillsborough Fire Marshal (reimbursed)	\$54,000**
• Total Public Safety	\$1,198,308

*One ES Administration vehicle fully funded by grant - \$52,631

**Fire Marshal vehicle purchased in current fiscal year – will be removed by amendment



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1 Slide #27

FY2021-22 Recommended Vehicle Replacements

- Vehicle Replacements - \$1,420,671 (p. 58)
 - Administrative Vehicles

• AMS Vehicle Replacements (3)	\$90,630
• DEAPR Vehicle Replacement (1)	\$35,245
• DSS Vehicle Replacement (1)	\$27,625
• Environmental Health (2)	\$43,603
• <u>Health Department (1)</u>	<u>\$25,260</u>
• Total Administrative	\$222,363
 - DSS and Health replacements are recommended hybrids
 - *Conducting evaluation of electrical charging infrastructure and business cases to create alternative recommendations for electric vehicle replacements*
 - *Staff amendment will be created*



27

2
 3 Travis Myren said staff will come back with recommendations on how to further electrify
 4 the county's fleet.
 5 Chair Price asked when vehicles will be purchased.
 6 Theo Letman and Travis Myren said they will be purchased in September.
 7 Travis Myren said he will come back with recommendations before the Board adopts the
 8 budget.
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 10

1 Slide #28

FY2022-23 Recommended Vehicle Replacements

Vehicle	Vehicle #	Requesting Department/Division	Year Made	Current Miles	Useful Life	Cost	Replace or Remount	Replacement/Remount Year
Ford Ambulance	2024	EMS	2016	130570		393348	Replace	2022-23
Ford F150	861	EMS	2012	137175		73300	Replace	2022-23
Ford F150	868	EMS	2013	115857		67558	Replace	2022-23
Chevy 1/2 ton Van	664	EMS	2004	37158		55610	Replace	2022-23
Ford F250	947	Animal Services	2016	103195		50861	Remount	2022-23
Toyota Prius	730	OS	2021	132076		27625	Replace	2022-23
Chevy Blazer	517	AMS- Facility Maintenance	2004	109980		30863	Replace	2022-23
Jeep Cherokee	542	Env Health	2002	80824		23445	Replace	2022-23
Honda Hybrid	717	Health	2006	54182		25260	Replace	2022-23
Ford Van	379	AMS- Facility Maintenance	1997	113729		30030	Replace	2022-23
Ford Van	673	AMS- Facility Maintenance	2005	139342		30030	Replace	2022-23
Dodge Stratus	457	Env Health	2000	96002		20158	Replace	2022-23
	434	DEAPR	1999	60776		35245	Replace	2022-23



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1 Slide #29

FY2022-23 Recommended Information Technology Projects

- Information Technology Infrastructure - \$1,281,556 (p. 60)
 - Cyber Security Initiatives \$200,000
 - Server and Network Upgrades \$400,000
 - Laptop/Desktop Replacement Schedule \$681,556
 - **Total Technology Infrastructure \$1,281,556**
- Operating costs of software maintenance included by year

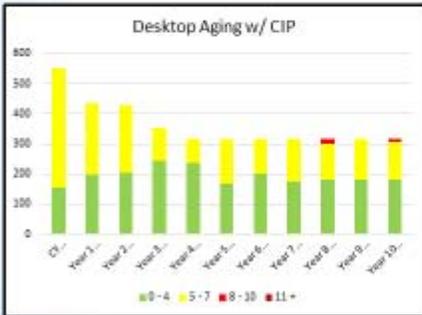


2
3 Chair Price asked if county is still participates in the Gov Deals program for auction.
4 Travis Myren and Theo Letman said yes.
5 Travis Myren said this is the program the county uses to dispose of vehicles that are
6 scheduled for replacement.

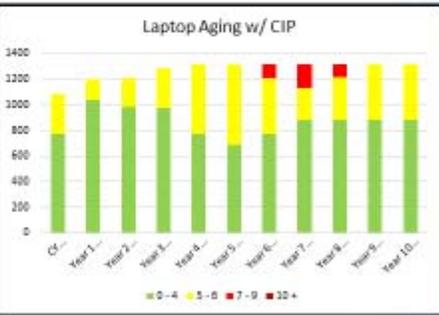
7
8 Slide #30

FY2022-23 Recommended Information Technology Projects

- Laptop and Desktop Replacements (p. 60)



Desktop Aging w/ CIP



Laptop Aging w/ CIP

50% of desktops to be replaced by laptops for continuity of operations



9
10 Travis Myren said laptops and desktops are replaced around every 7 years.

1 Slide #31

FY2022-23 Recommended Information Technology Projects

- Register of Deeds Automation – \$80,000 (p. 52)
 - Multiyear account to finance technology improvements in Register of Deeds Office
 - Mandated under General Statute

31

ORANGE COUNTY
NORTH CAROLINA

2
3 Commissioner Bedford asked if someone in IT is responsible for maintaining technology
4 at the courthouse.

5 Jim Northrup said county IT staff does maintain and support equipment in the
6 courtrooms. He said the upgrade project in the CIP is a joint project with the Administrative
7 Office of the Courts.

8 Chair Price asked about having something at the Southern facility.

9 Jim Northrup said the backup center is at the Southern Human Services Center. He said
10 most sequel databases are backed up into the cloud, and most file databases are backed up in
11 the data center and replicated at Southern Human Services. He said the replication gets put off
12 site every 30 days.

13 Chair Price asked if any other additions were needed at the moment for security
14 purposes.

15 Jim Northrup said the county is where it wants to be at the moment, but back up
16 strategies are constantly changing. He said some of the capital for server upgrades applies to
17 those that run the backups.

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1 Slide #32

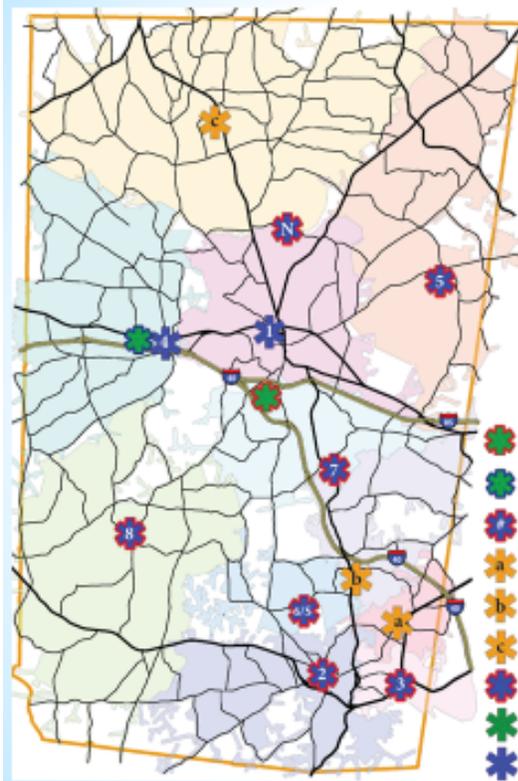
FY2022-23 Recommended Emergency Services Projects

- Communication System Improvements – \$210,000 (p. 62)
 - Multiyear plan to upgrade for Time Division Multiple Access (TDMA) compliance
 - Emergency Services
 - Sheriff's Office
 - Health Department
 - Upgrade required as a user of the Statewide VIPER radio system
 - Future years escalated by five percent (5%) annually based on current market conditions



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4 Slide #33



Emergency Services Substation Long Range Plan

- FY2016-17
 - Colocation with Chapel Hill Fire Department at Glen Lennox
- FY2020-21
 - Standalone station in Buckhorn-Efland area
- FY2021-22
 - Co-location with Orange Rural Fire and at Waterstone
- FY2022-23
 - Design funds for co-location with Chapel Hill Fire
- FY2023-24
 - Construction of co-location with Chapel Hill Fire



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1 Slide #34

FY2022-23 Recommended Emergency Services Projects

- EMS Substation Project - \$410,000 (p. 63)
 - Paging and antenna systems at Waterstone and Efland - \$110,000
 - Design fees for colocation with Chapel Hill Fire - \$300,000



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4 Travis Myren said the floorplan shown is a sample for the Waterstone colocation. He said Fire and EMS each have their own portion of the building with vehicle bays in the center.

5 Commissioner Fowler asked if the facility is new or is existing and if renovations are
6 planned.

7 Travis Myren said this will be a new facility with existing staff. He said in later years there
8 are some net new facilities anticipated and those would be additions to the system and require
9 additional personnel and operating expenses.

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11

1 Slide #35

FY2022-23 Recommended Emergency Services Projects

- Radio & Paging System Upgrade – \$440,195 (p. 65)
 - Paging Equipment Replacement - \$62,695
 - Alert emergency responders
 - Foundation for future upgrades
 - Equipment at end of life
 - New Approach to Emergency Radio System
 - Original project = 17 towers @ \$45 million
 - Coverage, capacity, and penetration
 - Achieve in-building penetration using bi-directional antennas (BDA's) to boost signal
 - Critical facility needs assessment for 30 sites and engineering study of Eno Mountain tower - \$77,500
 - Phase 1 installation of BDA's in schools - \$300,000



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Slide #36

FY2022-23 Recommended Information Technology and Communications Projects

School Type	Number of Schools to Address	Benchmark Testing		BDA Installation		Ongoing Maintenance	
		Benchmark Testing Cost Per School	Benchmark Testing Total Cost	BDA Installation Cost Per School	BDA Total Cost	Ongoing Maintenance Cost Per School	Ongoing Maintenance Total Cost
Elem.	11	\$1,332	\$14,652	\$78,000	\$608,000	\$2,000	\$22,000
Middle	6	\$1,540	\$9,240	\$120,000	\$720,000	\$2,000	\$12,000
High	3 (2 empty)	\$1,848	\$7,392	\$201,000	\$603,000	\$2,000	\$10,000
		Est. Total Cost (Paid by County)	\$31,184	Est. Total Cost (Paid by County)	\$2,181,000	Est. Total Cost (Paid by District)	\$44,000

School Type	Number of Schools to Address	Benchmark Testing		BDA Installation		Ongoing Maintenance	
		Benchmark Testing Cost Per School	Benchmark Testing Total Cost	BDA Installation Cost Per School	BDA Total Cost	Ongoing Maintenance Cost Per School	Ongoing Maintenance Total Cost
Elem.	7	\$1,332	\$9,324	\$78,000	\$546,000	\$2,000	\$14,000
Middle	3	\$1,540	\$4,620	\$120,000	\$360,000	\$2,000	\$6,000
High	3	\$1,848	\$5,544	\$201,000	\$603,000	\$2,000	\$4,000
		Est. Total Cost (Paid by County)	\$19,488	Est. Total Cost (Paid by County)	\$1,509,000.00	Est. Total Cost (Paid by District)	\$24,000

* Total number of schools

Estimated Total Benchmark Testing (Provided by County)	\$48,924	Estimated Total Installation Cost (Paid by County)	\$3,580,780	Est. Total Annual Maintenance Cost (Paid by District)	\$68,000
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Kirby Saunders, Emergency Services Director, said these facilities are primarily public schools in both districts. He said staff's proposal for next year is to assess each facility and prioritize based on location and ability to communicate. He said there are schools that staff

1 already knows emergency services cannot communicate inside those facilities because the
2 radios will not work. He said the only way to solve that problem was to build new towers and
3 that gets quite expensive. He said that this proposal would resolve that inability to communicate
4 in critical facilities like schools over the next four to five years, while continuing to work on on
5 street coverage.

6 Commissioner Fowler asked if towers are public or private.

7 Kirby Saunders said both private and stated-owned VIPER towers are used. He said
8 there are 3 or 4 towers in Orange County and the rest are located in surrounding counties.

9 Chair Price asked why more money isn't being spent sooner to address communication
10 gaps.

11 Kirby Saunders said staff wants to complete benchmark testing first and be sure of
12 individual needs at each of the schools to prioritize accordingly.

13 Chair Price asked if this will all be done prior to next school year. She said it sounds like
14 immediate need.

15 Kirby Saunders said the benchmark testing could likely be completed by then, but the
16 timeline of installation is unknown. He said the benchmarking and installation are two separate
17 projects.

18 Commissioner Hamilton thanked staff for prioritizing schools. She asked if the equipment
19 can be moved.

20 Kirby Saunders said yes.

21 Commissioner Bedford asked if hospitals have capability.

22 Kirby Saunders said newly constructed areas of hospitals are on the VIPER network and
23 that UNC Hospitals also has a law enforcement agency inside of it that operates on the State
24 VIPER network so he does not believe there are any communications issues inside of the
25 facilities at UNC Hospitals.

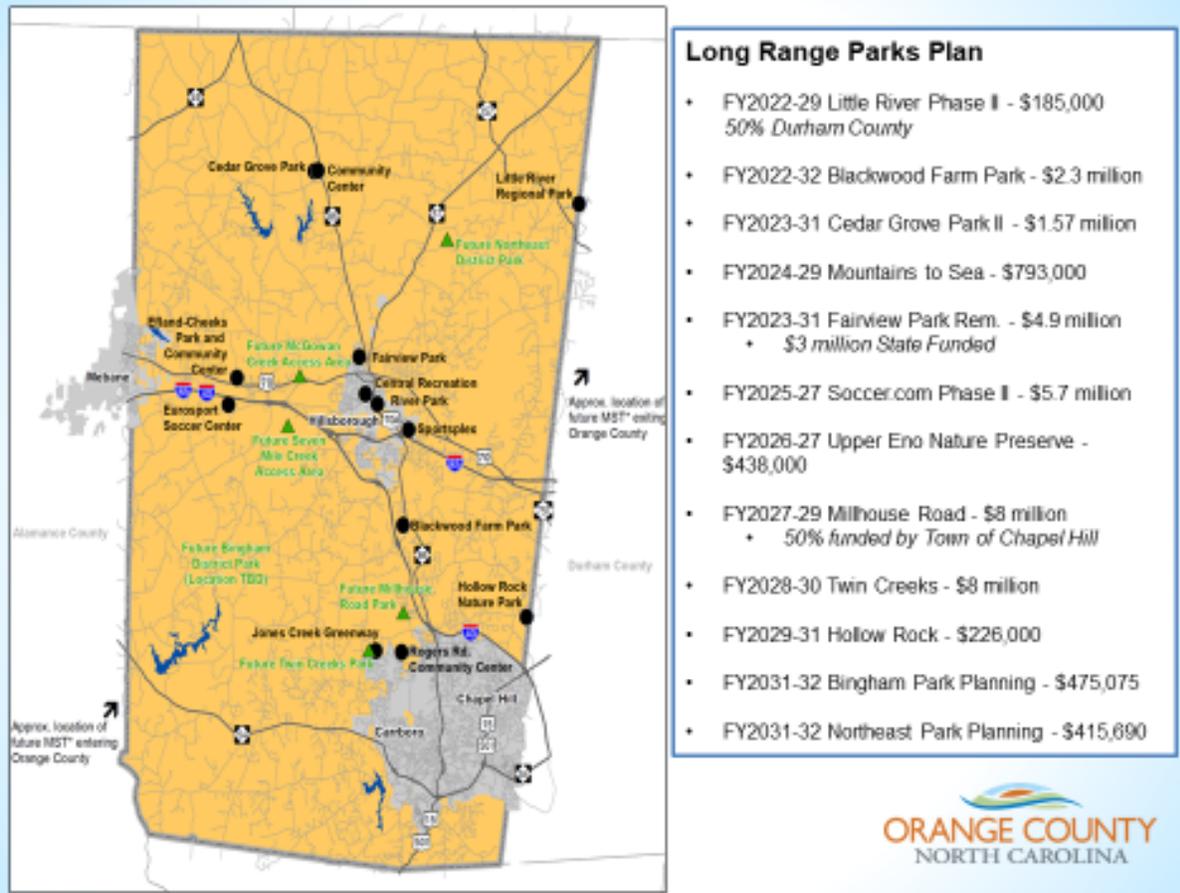
26 Commissioner Bedford asked if rehab centers and nursing homes present an issue as
27 well.

28 Kirby Saunders said that is not currently in the study, but can be. He said they have not
29 identified any that have no communication.

30 Bonnie Hammersley said those facilities are privately owned as well, so the property
31 owner would have to do that.

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1 Slide #37



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4 Travis Myren said that this slide shows where all of the current parks are and where
5 future ones are planned. He said they are all in some part of the 10-year plan and all are
6 staggered throughout the CIP. He said those that are closer in time include revenue producing
7 or projects with a shared cost to the county.

8 Commissioner Fowler asked if soccer.com is partnering with the county.

9 Travis Myren said that would be an example of a revenue producing facility.

10 Commissioner Fowler asked if the county will fund all of it.

11 Travis Myren said yes.

12 Commissioner Richards asked about the improvement at the soccer.com facility.

13 David Stancil said it includes construction of new fields, parking issues, adding
14 restrooms, and maintaining facilities. He said there is also discussion about stormwater needs
15 there. He said there will need to be a decision made about if the fields will be natural or
16 synthetic turf.

17 Commissioner Richards asked if these parks are in the economic development zone.

18 David Stancil said it is colocated next to Gravelly Hill Elementary School.

19 Commissioner Richards said she is still wrapping her head around why the fields are in
20 the economic development zone when the county is looking to attract businesses. She said the
21 expansion of the fields decreases available land for businesses and the county is already
22 limited on areas available for businesses to locate.

23 David Stancil said the original siting decision was made in 2005-2008.

24 Commissioners Richards said she understands that they cannot undo things they have
set in motion.

1 Chair Price said that Preston Loop is residential and added there. She said that Gravelly
2 Hill came in and helped with economic development. She said that soccer.com has been a
3 money-maker by bringing international tournaments. She said there were discussions about
4 needing to add a hotel and other amenities for the tourists that the fields bring.

5 Commissioner Richards said that since the county has not built those, the tourists go to
6 Mebane.

7 Travis Myren said a policy decision was made several years ago to locate the facilities
8 there. He said there is demand for expansion and rather than create an entirely new facility the
9 county purchased the adjacent property and is expanding current facilities.

10 Chair Price said this is an economic development driver.

11 Commissioner Bedford said she agrees with taking a fresh look at parks and past
12 decisions.

13 Commissioner Richards said she is trying to understand economic development zones
14 and limitations.

15 Chair Price said she thinks that having the soccer fields next to the school is better
16 buffer than having an industrial complex. She said that the school construction brought water
17 and sewer to the area and then economic development started to pop up. She said the
18 soccer.com facility has helped with economic development.

19 David Stancil said there is a national and international tournament that comes each fall.

20 Commissioner Greene said it would be beneficial to have a hotel in the area.

21 David Stancil said the showcase folks were good about requiring visitors to get hotel
22 rooms inside the county where they were playing. He said a lot stayed in Chapel Hill and a few
23 in Hillsborough. He said more hotels and places to eat would increase that benefit.

24 Commissioner Hamilton asked how maintenance is built into cost of field. She said
25 especially if they are artificial turf. She said Cedar Park fields are disintegrating because of the
26 heavy use.

27 David Stancil said he has heard the same about fields she referenced. He said there will
28 need to be a cost benefit analysis of natural surface versus synthetic turf.

29 Commissioner Hamilton asked if Cedar Falls should be in county's CIP.

30 David Stancil said the county funded the field initially and the town did a renovation
31 where the county contributed. He said he does not know if town will ask for additional funding.

32 Bonnie Hammersley said the county contributed at the time but there is no obligation.
33 She said that county employees maintain soccer.com fields and they are dedicated to the
34 maintenance of those fields.

35 Commissioner Hamilton said artificial fields seem to require a capital expenditure when
36 they need to be replaced and that it is a substantial cost. She said that has not yet been built
37 into budgets.

38 David Stancil said that he cannot speak for the town but he believes the fields at Cedar
39 Park have deteriorated much faster than expected. He also noted that the county does not have
40 an obligation to maintain those fields.

41

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1 Slide #38

FY2022-23 Recommended Parks, Open Space, and Trail Development Projects

- **Blackwood Farm Park**
 - **Current Improvements**
 - Turn lanes on New Highway 86
 - Entryway and parking improvements
 - Picnic shelters and restrooms
 - Amphitheater and fishing station
 - Trails and disc golf course



38

2
3 Travis Myren continued the presentation. He said that phase two of the Blackwood Farm
4 Park is planned for next year.

5
6 Slide #39

FY2022-23 Recommended Parks, Open Space, and Trail Development Projects

- **Blackwood Farm Park - \$310,000 (p. 67)**
 - **Current Improvements**




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1 Slide #40

FY2022-23 Recommended Parks, Open Space, and Trail Development Projects

- Blackwood Farm Park - \$310,000 (p. 67)
 - Current Improvements



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5 Travis Myren said that the picture on the right is the amphitheater.

Slide #41

FY2022-23 Recommended Parks, Open Space, and Trail Development Projects

- Blackwood Farm Park - \$310,000 (p. 67)
 - Planned Improvements
 - Renovation of the farmstead - \$200,000
 - Planning funds for Phase III - \$110,000
 - New Hope Church Road Overlook
 - Picnic area and facilities

41



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1 Slide #42

FY2022-23 Recommended Parks, Open Space, and Trail Development Projects

- Blackwood Farm Park - \$310,000 (p. 67)
 - Planned Improvements



ORANGE COUNTY
NORTH CAROLINA

42

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3 Chair Price asked if the overlook at New Hope Church road will be open all the time or
4 only when there is an event.

5 David Stancil said it will be open all the time. He said that he thinks of it like a Blue
6 Ridge Parkway overlook. He said that the expectation is to have that open all the time, but if
7 there are issues, that can change. He said there will be a picnic shelter nearby as well.

8 Chair Price asked if historic road will be preserved.

9 David Stancil said yes and incorporating in the trail in some places.

10 Commissioner Bedford asked if there will be offices at this park.

11 David Stancil said the farmhouse will eventually be an exhibit of historic agriculture. He
12 said that first they have to get past the remediation problems but ultimately they are hoping to
13 open the house up as an exhibit.

14 Chair Price asked if there will be offices in there.

15 David Stancil said no, that the green building on previous slide will be the new park
16 office.

17 Commissioner Bedford asked if there is space for summer camps.

18 David Stancil said yes there will be a picnic shelter, the amphitheater, and there are
19 hopes to build a nature center. He said that Piedmont Wildlife already uses it for summer
20 camps.

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1 Slide #43

FY2022-23 Recommended Parks, Open Space, and Trail Development Projects

- Conservation Easements - \$1,000,000 (p. 69)
 - Budgeted every other year at \$1,000,000
 - \$500,000 in County Funding
 - \$500,000 in Grant Funding
 - Provides matching funds to preserve farmland, natural areas, and water quality buffers
 - Approximately 2,500 acres currently protected by conservation easements throughout the County
 - Current project balance - \$3.4 million (50% Grant)



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Travis Myren continued the presentation. He said they are making sure to only borrow for projects that are ready to go, so that borrowed funds are not accumulating. He said the county will pay for them initially and then reimburse themselves with borrowed funds.

7 Slide #44

FY2022-23 Recommended Parks, Open Space, and Trail Development Projects

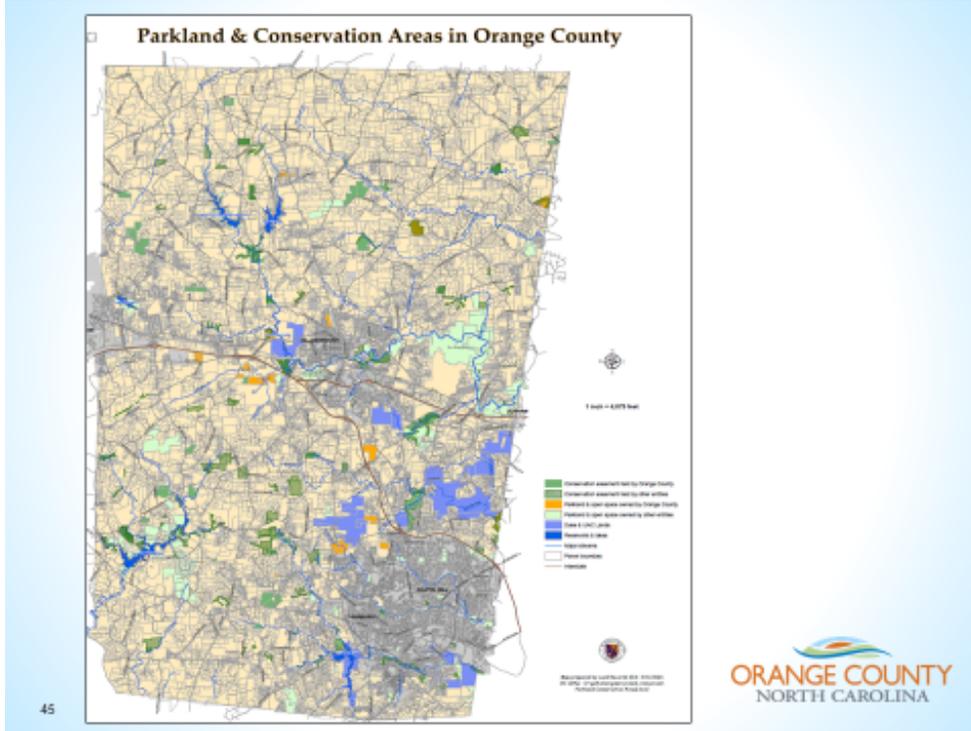
- Lands Legacy Program - \$500,000 (p. 72)
 - Established in 2000
 - Preserve and protect critical natural and cultural resources
 - Threatened farmland and future park sites
 - Wildlife habitat and prime forests
 - Watershed stream buffers
 - Cultural, archaeological, and historic sites
 - Current project balance of \$1.9 million – (\$1.5 million County funds)



44

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Travis Myren said this did not originally have a recurring budget. He said the the Lands Legacy Program could be a source for future parkland.

1 Slide #45



2
3 Travis Myren said that this map depicts all of the parkland and conservation land in
4 Orange County.

5
6 Slide #46

FY2022-23 Recommended Parks, Open Space, and Trail Development Projects

- Little River Park - \$125,000 (p. 73)
 - Replace playground equipment
 - Cooperative agreement with Durham County – 50% of costs

7
8 Travis Myren said that the county's share of the Little River Park is \$62,500 with Durham
9 County contributing 50% of the project cost.

1 Slide #47

FY2022-23 Recommended Parks, Open Space, and Trail Development Projects

- Neuse River Rules for Nutrient Management - \$175,000 (p. 76)
 - Alternative Implementation Agreement
 - Each jurisdiction agrees to budget and implement projects



Stormwater Device Retrofit at Cedar Grove



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Travis Myren said this allows the county to implement various nutrient reduction projects and get credit for those every year. He said that every year there will be \$175,000 budgeted to maintain compliance with the Alternative Implementation Agreement.

David Stancil said this is the arrangement that the county has with the state.

Commissioner Bedford asked if money could be used on hydrilla.

David Stancil said yes.

Chair Price asked where the water shown in the photo is supposed to go.

David Stancil said it eventually flows into streams.

Slide #48

FY2022-23 Recommended Parks, Open Space, and Trail Development Projects

- Park and Recreation Facility Renovations, Repairs, and Safety Improvements - \$180,000 (p. 78)
 - Annual request for ongoing capital improvements
 - Parks facility repairs and replacement
 - Safety and security improvements
 - Site lighting
 - Landscaping and tree maintenance
 - Signage
 - Preventative maintenance



48

1 Commissioner Bedford said this needs to have inflation escalation built across the 10
 2 years.

3 Travis Myren said her point is noted.

4 Slide #49



Solid Waste Facilities

- A. Eubanks Road District Center
- B. Ferguson Neighborhood Center
- C. Bradshaw Quarry Neighborhood Center
- D. High Rock Neighborhood Center
- E. Walnut Grove District Center



6 Travis Myren said this slide depicts where the solid waste facilities are located.

7 Slide #50

FY2022-23 Recommended Solid Waste Projects

Solid Waste

- Solid Waste Vehicle and Equipment Replacements - \$722,363 (p. 86)

	22-23	23-24	24-25	25-26	26-27
Environmental Support	26,250 Ford Transit Van #850 6,500 AC Repair Machine	49,000 SUV (Durango) #848 75,000 Column Lifts 181	28,841 Dodge Caravan #885	None	None
	32,750	124,000			
Disposal	26,250 Dodge Pickup #1687 26,250 Dodge Pickup #1637	272,490 Overhaul 3150 Cat Excavator #433 38,870 Ford Pickup #854 125,423 Overhaul Cat 32 Excavator #862 27,563 Dodge Pickup #1686 38,870 Ford F350 Serv Trk #1688	931,289 9630 Track Loader #852 29,447 Conveyor # 490 32,414 Ford Pickup #853	585,448 Articulating Dump Truck #449 255,256 Wheel Loader #460 255,834 Hook Truck #1768	796,348 Dozer 06-#446 126,289 Dump Truck #1679
	52,500	392,376	613,190	1,096,538	922,637
Recycling	270,000 Auto-tie Baker 15,000 Ice Machine 285,000	38,870 Ford F250 Pickup #851 389,358 New Automated Curbside Trk New seats 121,350 Automated Rear Loader 44,890 Forklift #432 55,125 Bobcat 5220 #450	387,804 Automated Curbside #023 387,804 Automated Curbside #024 775,608	407,195 Automated #1968 407,195 Automated #1967 60,775 Bobcat #582	172,090 Road Tractor #846 204,190 Side Loader #807 35,736 Ford F250 #855 427,956 Ford Loader # 1963
		612,082		875,165	500,012
Sanitation	352,119 Front-end loader #1959	232,049 Hook Truck #922 38,870 Ford Pickup #800 389,719 Front Loader #881	51,541 Skidsteer #7862 245,653 Hook Truck #927 295,182	94,993 Skidsteer #7588 34,934 Ford F250 Pickup #852 86,124	36,785 Skid Steer #7054 30,691 SUV/Pickup #9 19 298,625 Hook Truck #2022
		632,636			356,051

1 Travis Myren said this is exclusively replacing equipment.
 2 Chair Price asked if this included any of the vehicles that were previously mentioned.
 3 Travis Myren said no that this will be a similar exercise for solid waste as with other
 4 departments.

5
 6 Slide #51

FY2022-23 Recommended Sportsplex Projects

- Sportsplex Projects - \$520,000
 - Point of sale equipment and IT infrastructure - \$35,000 (p. 89)
 - Renovation to increase office space - \$100,000 (p. 89)
 - Pool timer and scoreboard - \$40,000 (p. 94)
 - Pool pump replacement - \$25,000 (p. 94)
 - Pool HVAC system - \$320,000 (p. 94)

51

ORANGE COUNTY
NORTH CAROLINA

7
 8 Commissioner Bedford referred to page 84 and asked they are waiting on the
 9 comprehensive plan to be done and this is why it is out a couple of years.

10 Travis Myren said staff is waiting on the comprehensive plan. He said there are no areas
 11 designated.

12 Chair Price asked if there is a need for Twin Parks right now or has that need
 13 decreased.

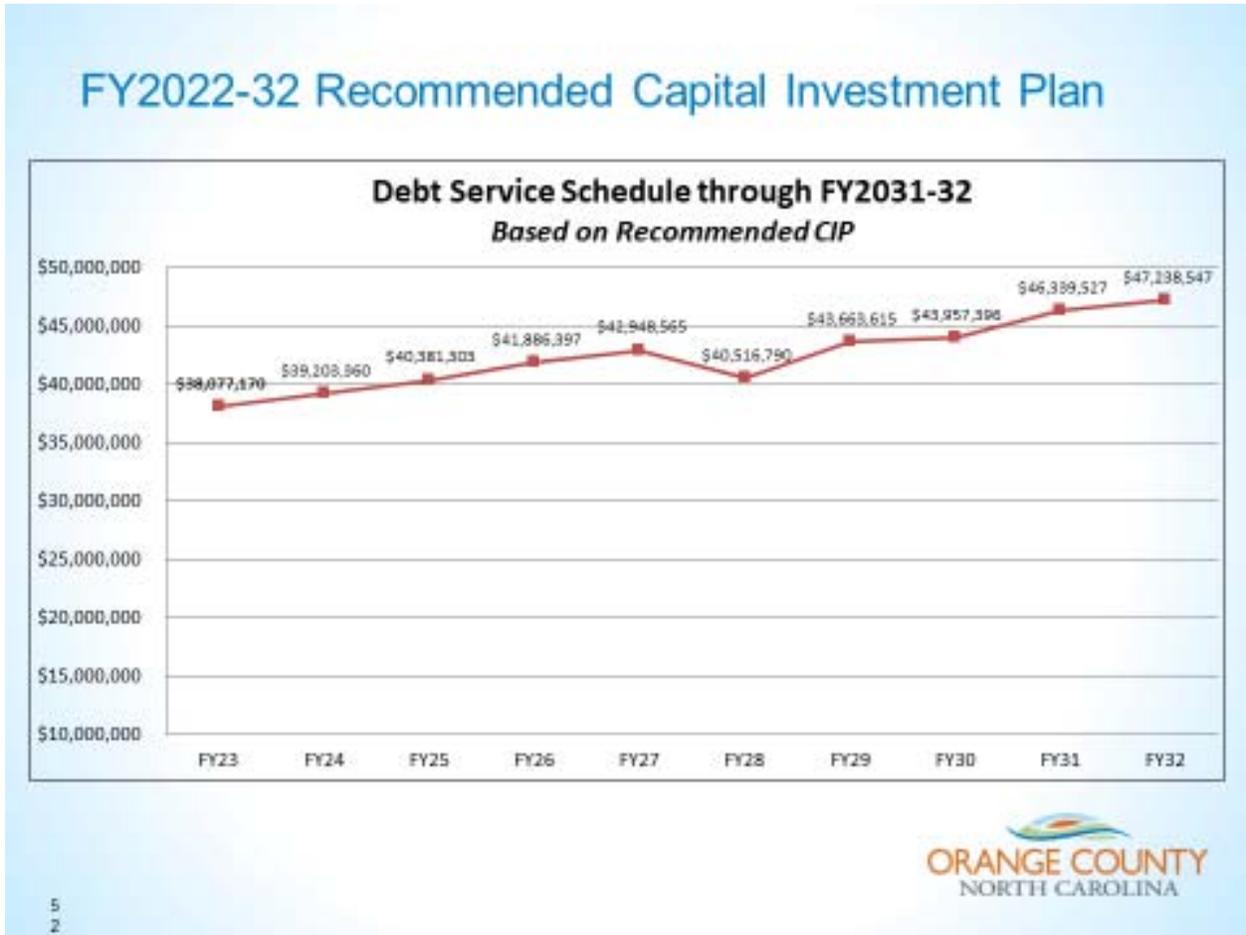
14 David Stancil said no and that the county built the greenway section. He said that the
 15 Town of Carrboro is planning on finishing that section for connection to the Bolin Creek Trail. He
 16 said they hear about that park sometimes from landowners but that it's a complicated facility
 17 because there are roads leading to where park would be built. He said it is still a combo
 18 education center and park. He said that there is still a colocation part of it because the ball fields
 19 at Twin Creek are close to the schools, but it isn't an easy or cheap park to build. He said it will
 20 be the county's largest park once it is built.

21 Travis Myren said projects were prioritized by revenue or if a partner is involved.

22 Chair Price said she was just wondering if needs had changed over time. She asked if
 23 people are allowed in there.

24 David Stancil said there are signs asking people to stay on trails.
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1 Slide #52



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Travis Myren said this includes everything that is in the document.
 Commissioner Richards asked if there is a total for all of the park projects together.
 Travis Myren said no but that he can get one.
 Commissioner Richards said she was adding them up as they went and she was close to \$20 million dollars.
 Kirk Vaughn said that the total parks funding in the ten-year plan is \$46 million.
 Commissioner Richards said that is what she was looking for. She said she is trying to prioritize the needs with the available funds.
 Travis Myren said there are general categories they can place them in.
 Bonnie Hammersley said that staff can arrange the information any way that the commissioners need.

1 Slide #53

FY2022-32 Recommended Capital Investment Plan

Tax Equivalent Analysis		
Fiscal Year	FY2022-32 Recommended CIP	Need
FY2022-23	.25 cents	To Fund Currently Approved Debt Projects
FY2023-24	1 cents	To Fund Supplemental School Deferred Maintenance and Durham Tech
FY2024-25	0 cents	
FY2025-26	0 cents	
FY2026-27	1.12 cents	To Fund \$130M Bond Referendum
FY 2027-28 through FY 2031-32	0 cents	
TOTAL	2.37 cents	

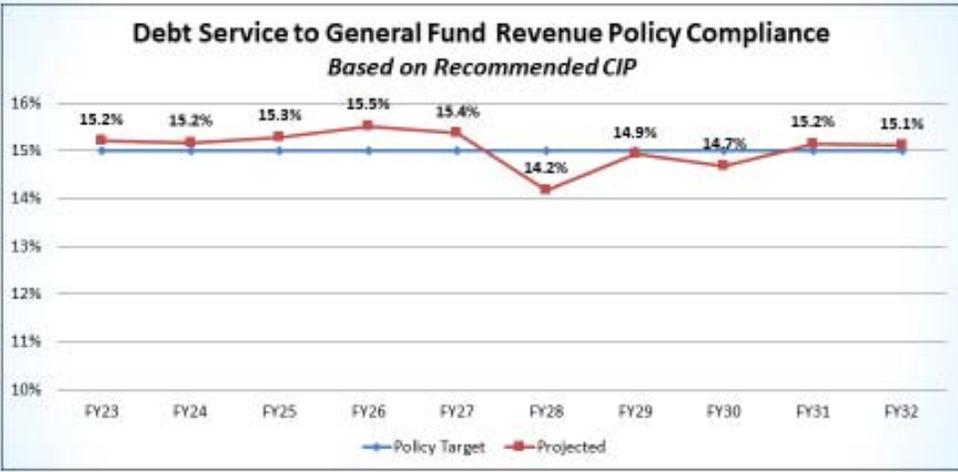


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4 Slide #54

FY2022-32 Recommended Capital Investment Plan

Debt Service to General Fund Revenue Policy Compliance
Based on Recommended CIP



Fiscal Year	Policy Target	Projected
FY23	15.0%	15.2%
FY24	15.0%	15.2%
FY25	15.0%	15.3%
FY26	15.0%	15.5%
FY27	15.0%	15.4%
FY28	15.0%	14.2%
FY29	15.0%	14.9%
FY30	15.0%	14.7%
FY31	15.0%	15.2%
FY32	15.0%	15.1%



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1 Slide #55

FY2022-32 Recommended Capital Investment Plan

- **Horizon Issues**
 - Full Costs Not Included in FY2022-32 CIP
 - Full Funding of School Capital Needs
 - Crisis Diversion Facility
 - Affordable Housing
 - Community Center Space Needs
 - Central Recreation Center
 - Emergency Responder Radio System Build Out
 - County Master Facility Plan Recommendations



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Slide #56

FY2022-32 Recommended Capital Investment Plan

- **Next Steps**
 - Document Review
 - Clerk to the Board's Office
 - County Manager's Office
 - Orange County Website – orangecountync.gov
 - Upcoming Budget Meetings
 - **April 12** **Work Session for Capital Investment Plan**
 - May 3 Presentation of FY2022-23 Recommended Operating Budget
 - May 10 & June 2 Public Hearings on Operating Budget and CIP
 - May 12 Work Session for School Districts and Outside Agencies
 - May 19 Work Session for Fire Dist., Public Safety, Human Services
 - May 26 Work Session for Durham Tech, Support Serv., General Govt., and Comm. Services
 - June 9 Amendments and Intent to Adopt
 - **June 21** **Adoption of Operating and Capital Budget**



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Chair Price asked about the process for amendments.

Bonnie Hammersley said amendments will be put in document on the website as received. She said they should be sent to her, Travis, or Gary Donaldson. She explained that the document is a moving, live document throughout this process. She said commissioners can send amendments to anything they have heard tonight.

1 Commissioner Bedford said Year 1 looks good and that it is helpful to go through project
2 by project. She asked the commissioners to consider this discussion for the June retreat. She
3 said it might be helpful to hear how each person prioritizes the issues. She said she would like
4 to know that in these ten years, as they distinguish wants from needs, what are the critical
5 needs. She said that citizens also have issues they would like to have addressed and expect
6 certain things. She said that during the meeting on debt, there is no financial difference in a
7 bond versus issuing debt. She said that they need to consider if they want to continue moving
8 forward with a bond or if they have public hearings and issue debt. She said that they need to
9 continue to be cautious with pushing items out further in the CIP. She said the public should
10 understand that these items may be pushed out. She said some of the placeholder projects are
11 more important to her than what is in the plan. She said she wants to prevent the public from
12 thinking these projects are automatically happening.

13 Chair Price said there was a request to look at 10 years out because they used to look at
14 only five. She said this is all guessing further out. She said do not look at years 6-10 if they do
15 not want to, but staff is trying to accommodate requests from the full board.

16 Commissioner Greene said a bond requires voter approval for a specific purpose. She
17 said that if a bond is passed it must be used for what the public agreed to. She said that while it
18 does take more effort to get a bond approved, once it is, it will guarantee completion of the
19 project.

20 Commissioner Hamilton said it is helpful to have the 10-year view and they need to look
21 at the whole process as an educational opportunity. She said that given the needs, they must
22 look long term and prioritize. She said that she agrees there should be a placeholder for other
23 upcoming projects. She said it is Board's responsibility to communicate clearly with the
24 community.

25 Chair Price said that bonds should be planned in time for an educational campaign with
26 community.

27 Bonnie Hammersley thanked the Board for their input and reminded them of the next
28 meeting on Thursday.

29 Commissioner Bedford asked John Roberts to be prepared to comment on whether
30 timing matters for past appropriated funding on outside agency boards based on the new ruling.

31
32 A motion was made by Commissioner Fowler, seconded by Commissioner Bedford, to
33 adjourn the meeting at 8:54 p.m.

34
35 **VOTE: UNANIMIOUS**

36
37
38 Renee Price, Chair
39
40

41 Recorded by Tara May, Deputy Clerk to the Board

42
43 Submitted for approval by Laura Jensen, Clerk to the Board.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 3, 2022

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

SUBJECT: Motor Vehicle Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Resolution
Releases/Refunds Data Spreadsheet
Reason for Adjustment Summary

INFORMATION CONTACT:

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

PURPOSE: To consider adoption of a resolution to release motor vehicle property tax values for seven taxpayers with a total of seven 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 \$2,128.99 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2021-2022 is \$18,920.67.

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-2022-019

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 _____, 2022.

Clerk to the Board of Commissioners

**BOCC REPORT - REGISTERED MOTOR VEHICLES
MAY 3, 2022**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL EXPLANATION
Asby, Dustin	62703757	2020	18,350	18,350	(164.52)	*Situs error (illegal tax)	
Bennett, Stacy	64232724	2021	20,220	20,220	(171.05)	*Situs error (illegal tax)	
Clark, Carrie Ann	65117190	2021	30,251	30,251	(212.14)	*Situs error (illegal tax)	
Hall, Roger	65501360	2021	19,100	500	(164.16)	Antique plate (property classification)	
Lowe, William	60894198	2020	36,396	36,396	(300.06)	*Situs error (illegal tax)	
Riefkohl, Edward	64751106	2021	127,185	127,185	(910.76)	*Situs error (illegal tax)	
Thompson, Heather Dianne	65394852	2020	9,780	0	(206.30)	County Changed to Person (illegal tax)	
				Total	(2,128.99)		

Adjustment Descriptions

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

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

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

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

**Situs error: An incorrect rate code was used to calculate bill. Value remains constant but bill amount changes due to the change in specific tax rates applied to that physical location.*

Classification GS 105-330-9(b): e.g. Antique automobiles are designated a special class of property under the NC Constitution.

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

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

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

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

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

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

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

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

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

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

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

Antique Vehicle: A motor vehicle manufactured in 1980 and prior

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

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

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

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

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 3, 2022

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

SUBJECT: Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Resolution
Releases/Refunds Data Spreadsheet

INFORMATION CONTACT:

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

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

BACKGROUND: The Tax Administration Office has received ten 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 \$1,766.34 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-2022-020

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 _____, 2022.

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
 MAY 3, 2022**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL INFORMATION
King, Beverly C	1066222	2020	7,482	0	(110.12)	Assessed in error (illegal tax)	Real property sold in 2017 and personal property moved to Florida
King, Beverly C	1066222	2021	7,482	0	(106.08)	Assessed in error (illegal tax)	Real property sold in 2017 and personal property moved to Florida
Rhodes, Donald Alexander	3193630	2020	7,540	7540	(336.57)	Assessed in error (illegal tax)	Gap Bill: Vehicle registered in Virginia 36 of the 49 months of the gap period
Volpe, Mark	3199517	2020	27,430	0	(292.37)	Assessed in error (illegal tax)	Gap Bill: Vehicle registered in Florida during gap period
Volpe, Mark	3199398	2020	24,510	0	(335.89)	Assessed in error (illegal tax)	Gap Bill: Vehicle registered in Florida during gap period
Xiao, Yang	3199154	2021	16,550	0	(585.31)	Assessed in error (illegal tax)	Gap Bill: Vehicle registered in California during gap period
				Total	(1,766.34)		
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: May 3, 2022

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

SUBJECT: Application for Property Tax Exemption/Exclusion

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Exempt Status Resolution
Spreadsheet
Request for Exemption/Exclusion

INFORMATION CONTACT:

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

PURPOSE: To consider one untimely application for exemption/exclusion from ad valorem taxation for one bill for the 2021 tax year.

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

One applicant is 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 this application, the Board will have considered a total of thirty-two untimely applications for exemption of 2021 taxes since the 2021 Board of Equalization and Review adjourned on September 1, 2021. Taxpayers may submit an untimely application for exemption of 2021 taxes to the Board of Commissioners through December 31, 2021.

Based on the information supplied in the application and based on the above-referenced General Statutes, the application 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 2021/2022 taxes due to the County, municipalities, and special districts in the amount of \$750.64.

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 2021/2022 exemption.

NORTH CAROLINA

RES-2022-021

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 2021 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 2021 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 _____, 2022.

Clerk to the Board of Commissioners

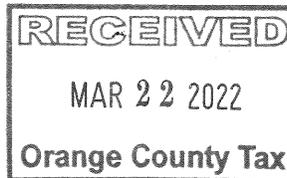
Late exemption/exclusion application - GS 105-282.1(a1)

**BOCC REPORT - REAL/PERSONAL
LATE EXEMPTION/ EXCLUSION
May 3, 2022**

NAME	ACCOUNT NUMBER	BILL YEAR	ORIGINAL VALUE	TAXABLE VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Coble, Margaret Anne	263701	2021	106,800	53,400	(750.64)	Late application for exemption General Statute 105-277.1 (homestead exemption)
					(750.64)	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.



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

Date: 3/21/22

To Whom It May Concern:

I, (PRINT NAME) MARGARET ANNE COBLE
wish to be considered for Property Tax Exemption, Exclusion or Deferral for the tax year 2021
on Tax Abstract or Parcel Identification Number(s) (PIN) #
9865608721

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 was originally unaware of this exemption being available to me but submitted my application in December 2021. At that time I didn't submit the Show of Good Cause document & request your consideration of this request at this time. I recently was disabled by a car accident & can no longer work & any reduction would be beneficial.
How did you find out about the program(s)? Information of back of tax invoice.

Thank you,

Margaret A. Coble
(Signature)

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 3, 2022

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

SUBJECT: Older Americans Month Proclamation

DEPARTMENT: Aging and Advisory Board on Aging

ATTACHMENT(S):

Older Americans Month Proclamation

INFORMATION CONTACT:

Janice Tyler, Director, 245-4255

Heather Altman, Chair, Advisory Board
on Aging

PURPOSE: To approve a proclamation joining Federal and State governments in designating the month of May as Older Americans Month and a time to honor older adults for their contributions to the community.

BACKGROUND: May is Older Americans Month, a tradition dating back to 1963. For many years the Orange County Board of Commissioners has issued a proclamation for Older Americans Month. This year's national theme is *Age My Way*. Just as every person is unique, so too is how they age and how they choose to do it – and there is no “right” way. This year's theme focuses on how older adults can age in their communities, living independently for as long as possible and participating in ways they choose.

In tough times, communities find strength in people – and people find strength in their communities. In the past two years, everyone has seen this time and again in Orange County as friends, neighbors, and businesses have found new ways to support each other.

In the community, older adults are a key source of this strength. Through their experiences, successes, and difficulties, older adults have built resilience that helps them to face new challenges. When communities tap into this, they become stronger too. Ensuring that older adults remain involved and included in communities for as long as possible benefits everyone. Today, aging is about eliminating outdated perceptions and redefining the way you want to age.

President Lyndon B. Johnson signed the Older Americans Act into law in July 1965. Since that time, the Act has provided a nationwide aging services network and funding that helps older adults live with dignity in the communities of their choice for as long as possible. These services include senior centers, daily lunch programs, caregiver support, community-based assistance, preventive health services, elder abuse prevention, and much more.

While the Department on Aging offers outstanding programs and services to older adults year-round, Older Americans Month offers an opportunity to emphasize how older adults can access the home- and community-based services they need to live independently in their communities.

It is also an occasion to highlight how the community has been involved in a year-long grassroots planning effort to develop the 2022-27 Master Aging Plan, which is focused on continuing to develop Orange County as an Age Friendly Community. This planning effort is centered on supporting older adults to age in community. Over 150 older adults, local organizations, County departments and municipalities participated in this effort which very much carried through the Older Americans Month theme of “Age My Way.”

Today there are over 32,000 Orange County residents who are 60+, and of that group, almost 2,000 are age 85+. As large numbers of baby boomers reach retirement age, it is a goal to keep them physically and socially active through their 80s and beyond. Lifelong participation in community, social, creative and physical activities have proven health benefits, including retaining mobility, muscle mass and cognitive abilities. Older adults are not the only ones who benefit from their engagement in community life. Studies show their interactions with family, friends, and neighbors across generations enrich the lives of everyone involved.

Let’s all celebrate aging and the journey. To “*Age My Way*” is the best way!

FINANCIAL IMPACT: There is no financial impact associated with approval of the proclamation.

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, and programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

The Older Americans Act provides funding for senior centers, daily lunch programs, caregiver support, preventive health services, adult day care and other community based assistance.

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

RECOMMENDATION(S): The Manager recommends that the Board approve the proclamation designating May as Older Americans Month and authorize the Chair to sign the proclamation.

ORANGE COUNTY BOARD OF COMMISSIONERS

PROCLAMATION

OLDER AMERICANS MONTH – MAY 2022

THEME – “AGE MY WAY”

Whereas, Orange County includes over 32,000 persons aged 60 and older who contribute their strength, wisdom, and experience to our community; and

Whereas, Orange County benefits when people of all ages, abilities, and backgrounds are welcomed, included and supported; and

Whereas, Orange County recognizes our need to create a community that provides the services and supports older Americans need to thrive and live independently for as long as possible; and

Whereas, Orange County can work to build an even better community for older residents by:

- Planning programs that encourage independence.
- Ensuring activities are responsive to individual needs and preferences.
- Increasing access to services that support aging in place.

Now, therefore, we, the Orange County Board of Commissioners, do hereby proclaim May 2022 to be Older Americans Month, and urge everyone to recognize the contributions of our older residents, help to create an inclusive society, and join efforts to support older Americans’ choices about how they age in their communities.

The 3rd day of May, 2022.

Renee Price, Chair
Orange County Board of Commissioners

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 3, 2022

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

SUBJECT: Approval of Addition of Non-voting Youth Member to Parks and Recreation Council (PRC)

DEPARTMENT: Environment, Agriculture,
Park and Recreation (DEAPR)

ATTACHMENT(S):

1. PRC Memorandum
2. Resolution of Amendment
3. Code of Ordinances (Sec. 26-115,
Sec. 26-117 Proposed Changes)

INFORMATION CONTACT:

David Stancil, DEAPR Director,
919-245-2510
Kalani Allen, Administrative Support,
919-245-2510

PURPOSE: To consider approval of a resolution amending the Code of Ordinances to allow the addition of a youth delegate non-voting member to the Orange County Parks and Recreation Council (PRC).

BACKGROUND: The Parks and Recreation Council, comprised of 12 appointed members from Orange County, has expressed an interest in adding a youth member in a non-voting capacity. The new non-voting member would be an Orange County applicant between 13 and 17 years of age to be solicited in conjunction with the Clerk's office, and then appointed by the BOCC. The proposed addition of non-voting youth member requires a change to the Orange County Code of Ordinances section that governs the PRC. A memorandum from the PRC, along with a Resolution of Amendment to approve the proposed changes to Article 26 of the Code of Ordinances, is attached.

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

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

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**

Ensure that Orange County residents are able to engage government through voting and volunteering by eliminating disparities in participation and barriers to participation.

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

The fair treatment and meaningful involvement of all people regardless of race or color; religious or philosophical beliefs; sex, gender or sexual orientation; national origin or ethnic background; age; military service; disability; and familial, residential or economic status.

With the addition of a youth delegate member, the member can provide input on issues and concerns relating to youth participation in recreation activities and County parks.

If approved, the PRC would work with the Clerk's office to construct application questions and promote the position.

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

RECOMMENDATION(S): The Manager recommends that the Board approve and authorize the Chair to sign the attached Resolution of Amendment with changes to Article 26 of the Code of Ordinances, adding of a non-voting youth delegate member to the Parks and Recreation Council.

Attachment 1

**ORANGE COUNTY
PARKS AND RECREATION COUNCIL**

MEMORANDUM

TO: Orange County Board of County Commissioners

FROM: Parks and Recreation Council

DATE: April 7, 2022

RE: Parks and Recreation Council Youth Delegate Member Position Proposal

At its December, February and April meetings, the Parks and Recreation Council (PRC) discussed the value in having a non-voting “youth delegate” member on the Council. After discussion with the County Attorney’s office, we understand that this would require an amendment to the Code of Ordinances (Article 26) to be approved by the Board of Commissioners.

It is recommended that this position be a 13th member of the Council but be a non-voting position, to be held by an Orange County resident youth (13 to 17 years of age) who has an interest in parks and recreation activities in Orange County. Interested youth would be solicited to apply using the existing application (with a date of birth line) and the appointment process. The Council suggests that the appointed youth member serve the appropriate number of terms, and drop off upon reaching their 18th birthday, at which time a new solicitation would begin.

The addition of a youth delegate member position to the PRC council would bring valuable insight to decisions relating to parks and recreation, from one who participates in recreation activities and/or visits parks regularly with their family.

Thank you for your consideration of this proposal. Please let us know if we may provide any additional information, or if there are any questions.

Copies: John Roberts, County Attorney
Laura Jensen, Clerk to the BOCC
Bonnie Hammersley, County Manager
Travis Myren, Deputy County Manager
Parks and Recreation Council
David Stancil, DEAPR Director

*c/o Orange County Department of Environment, Agriculture, Parks & Recreation
PO Box 8181
Hillsborough, NC 27278
Phone: (919) 245-2510
Fax: (919) 644-3351*

RESOLUTION OF AMENDMENT
A RESOLUTION AMENDING CHAPTER 26 OF THE ORANGE COUNTY CODE
OF ORDINANCES

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

WHEREAS, the Orange County Parks and Recreation Council, an advisory board to the Board of County Commissioners, has proposed an amendment to the Orange County Code of Ordinances to allow an additional non-voting member; and

WHEREAS, the Parks and Recreation Council sees the value of having the perspective of a youth member on the Council, as youth are a large part of the constituency and users of County recreation programs and facilities; and

WHEREAS, the Board of County Commissioners also sees the value of having a youth representative to advise and provide feedback on County recreation activities and park facilities, promoting a diversity of age for the Council's future work, and hereby determines that Chapter 26 of the Orange County Code of Ordinances should be amended accordingly;

NOW THEREFORE BE IT RESOLVED AND ORDAINED, that the Code of Ordinances, Orange County, North Carolina, Chapter 26, is hereby amended to add new language to subsections 26-115 and 26-117 as shown in the attached to provide for the addition of a non-voting youth member to the Parks and Recreation Council, to help provide diversity and perspective of local youth for the deliberations and work of the Council, with applications for such new member to be solicited by the Clerk to the Board's Office for future consideration and appointment.

This Amendment shall become effective on May 31, 2022.

Adopted by the Orange County Board of Commissioners this the 3rd day of May, 2022.

By:

Attest:

Renee Price, Chair
Orange County Board of Commissioners

Laura Jensen, Clerk to the Board

Changes to Code of Ordinances, Article 26, to Create a Non-Voting Youth Member for the Parks and Recreation Council.

Sec. 26-115. - Creation; name; number of members.

There is hereby created an Orange County Parks and Recreation Council composed of 12 residents of Orange County as voting members plus one non-voting youth delegate, to be known as the Orange County Parks and Recreation Council.

Amended: February 5, 1979

April 21, 2015

Sec. 26-117. - Appointment of the Council.

Each member of the Council shall be a county resident appointed by the county board of commissioners.

The county parks and recreation council shall be composed of seven members representing the seven townships in Orange County, plus one each from the cities of Chapel Hill, Carrboro, and Hillsborough with ~~the remaining~~ two members at-large and one non-voting youth delegate being between the ages 13 and 17.

Amended: February 5, 1979

June 4, 2002

April 21, 2015

Update Date: _____

ORD-2022-013

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 3, 2022

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

SUBJECT: Construction Bid Award for Emergency Services Efland EMS Station and Approval of Budget Amendment #10-C

DEPARTMENT: Asset Management Services,
Emergency Services, and
Finance and Administrative
Services

ATTACHMENT(S):

1. Certified Bid Tabulation

INFORMATION CONTACT:

Angel Barnes, 919.245.2628
Kirby Saunders, 919.245.6123
Jovana Amaro, 919.245.2651
Steven Arndt, 919.245.2658

PURPOSE: To:

- 1) Approve a construction contract with J. Kester & Rose, LLC, for the construction of the Efland Emergency Services Station and Medical Examiner's Review Quarters and approve Budget Amendment # 10-C; and
- 2) Authorize the County Manager to execute the Agreement, subject to final review by the County Attorney, and any subsequent amendments for contingent and unforeseen requirements up to the approved budget amount on behalf of the Board.

BACKGROUND: In 2019, the Board approved a contract with the consulting firm Stewart-Cooper-Newell Architects (SCN) for the development of construction drawings, bid documents to provide for bid solicitation, and construction bid award for the Efland Emergency Services EMS Station and Medical Examiner's Quarters.

In February 2022, Orange County published an Advertisement for Bids, and on April 12, 2022, the County received four (4) sealed bids from General Contractors.

FINANCIAL IMPACT: On April 12, 2022, Orange County received sealed bids to perform construction on the Efland Substation. Due to high inflation in the construction market, the bids came in over the project's budget. The total cost to complete the Efland Substation will need to increase from \$4,375,000 to \$7,171,409, or by \$2,796,409. It is proposed that \$1,000,000 be transferred in pay-as-you-go funding from the Future Capital Needs project and the remaining \$1,796,409 come from additional financing authorization. This amends the following project budgets in the County Capital Fund, outside of the General Fund. Budget Amendment 11-C

provides for the use of the above-mentioned funds, and amends the following Capital Project Ordinances:

Future ES Substations (\$2,796,409) - Project # 10053

Revenues for this project:

	Current FY 2021-22	FY 2021-22 Amendment	FY 2021-22 Revised
Alternative Financing	\$8,720,000	\$1,796,409	\$10,516,409
Transfer from General Fund	\$50,000	\$1,000,000	\$1,050,000
Total Project Funding	\$8,770,000	\$2,796,409	\$11,566,409

Appropriated for this project:

	Current FY 2021-22	FY 2021-22 Amendment	FY 2021-22 Revised
ES Substations Expenditures	\$8,770,000	\$2,796,409	\$11,566,409
Total Costs	\$8,770,000	\$2,796,409	\$11,566,409

Future Capital Needs (-\$1,000,000) - Project # 19900

Revenues for this project:

	Current FY 2021-22	FY 2021-22 Amendment	FY 2021- 22 Revised
Transfer from General Fund	\$1,000,000	(\$1,000,000)	\$0
Total Project Funding	\$1,000,000	(\$1,000,000)	\$0

Appropriated for this project:

	Current FY 2021-22	FY 2021-22 Amendment	FY 2021- 22 Revised
Unallocated	\$1,000,000	(\$1,000,000)	\$0
Total Costs	\$1,000,000	(\$1,000,000)	\$0

Efland Emergency Services Station Cost Breakdown

Acquisition/Land	Land and Acquisition	\$464,649.00
Professional Services	Design, bid, commissioning, special inspections, surveys	\$451,214.00
Construction Services	Building, site, security, access controls, station alerting	\$5,887,144.00
Owner Costs	Furniture, fixtures, equipment including cooler	\$368,402.00
Total Costs		\$7,171,409.00

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

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

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

ENVIRONMENTAL IMPACT: 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.
- **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 construction contract with J. Kester & Rose, LLC, for the construction of the Efland Emergency Services Station and Medical Examiner's Review Quarters and approve Budget Amendment # 10-C; and
- 2) Authorize the County Manager to execute the Agreement, subject to final review by the County Attorney, and any subsequent amendments for contingent and unforeseen requirements up to the approved budget amount on behalf of the Board.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 3, 2022

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

SUBJECT: Orange County Facilities Master Planning

DEPARTMENT: Asset Management Services

ATTACHMENT(S):

1. O'Brien Atkins Associates Contract for Facilities Master Planning

INFORMATION CONTACT:

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

PURPOSE: To approve a Design Services contract with O'Brien Atkins Associates, Durham, NC, totaling \$298,215 for Facilities Master Planning services throughout the County.

BACKGROUND: Orange County issued a request for qualifications (RFQ) and has identified O'Brien Atkins Associates of Durham, NC to help develop a Facilities Master Plan to guide the development of County properties and programs over the next twenty-year timeframe.

The work will include a review of background information, related plans and programs, an inventory and condition analysis of selected facilities, a population growth assessment and program demand analysis, a related gap analysis and action plan, development of program options and recommendations, and preparation and presentation of the final Master Plan Report.

The planning effort will encompass all major County buildings within Orange County. However, it will not include facilities and properties operated by Parks and Recreation or Solid Waste Management. These departments conduct separate facilities planning efforts.

The cost of this contract requires approval by the Board of County Commissioners.

FINANCIAL IMPACT: The total cost of the contract is \$298,215. This effort was authorized and funded as part of the 2020-21 Capital Investment Plan (CIP) planning process.

SOCIAL JUSTICE IMPACT: The following Orange County Social Justice Goal is associated with 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: The following Orange County Environmental Responsibility Goal impacts are associated with 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.
- **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.

RECOMMENDATION(S): The Manager recommends that the Board

- 1) Approve the contract to O'Brien Atkins totaling \$298,215 for Facilities Master Planning Services; and
- 2) Authorize the County Manager to sign this contract after review by the County Attorney.

[Departmental Use Only]
 TITLE MasterPlan
 FY 2021/2022

NORTH CAROLINA

SERVICES AGREEMENT NO RFP/RFQ

ORANGE COUNTY

This Services Agreement (hereinafter "Agreement"), made and entered into this 18th day of April, 2022, ("Effective Date") by and between Orange County, North Carolina a political subdivision of the State of North Carolina (hereinafter, the "County") and O'Brien/Atkins Associates, PA, (hereinafter, the "Provider").

WITNESSETH:

That the County and Provider, for the consideration herein named, do hereby agree as follows:

1. Services

a. Scope of Work.

- i) This Agreement is for services to be rendered by Provider to County with respect to (*insert type of project*): Fee proposal for providing professional planning and design services for the Orange County Government Facilities Master Plan. Please see attached Proposal labeled Exhibit 1. Our proposal has been organized into the following sections:
 - ii) 1. Scope of Project
 - iii) 2. Proposed Scope of Services
 - iv) 3. Deliverables
 - v) 4. Proposed Schedule
 - vi) 5. Proposed Team
 - vii) 6. Clarifications
 - viii) 7. Proposed Fees
 - ix) 8. Invoicing & Payments
- x) By executing this Agreement, the Provider represents and agrees that Provider is qualified to perform and fully capable of performing and providing the services required or necessary under this Agreement in a fully competent, professional and timely manner.
- xi) Time is of the essence with respect to this Agreement.
- xii) The services to be performed under this Agreement consist of Basic Services, as described and designated in Section 3 hereof. Compensation to the Provider for Basic Services under this Agreement shall be as set forth herein.

2. Responsibilities of the Provider

- a. Services to be provided. The Provider shall provide the County with all services required in Section 3 to satisfactorily complete the Project within the time limitations set forth herein and in accordance with the highest professional standards.
- b. Standard of Care.
 - i) The Provider shall exercise reasonable care and diligence in performing services under this Agreement in accordance with the highest generally accepted standards of this type of Provider practice throughout the United States and in accordance with applicable federal, state and local laws and regulations applicable to the performance of these services. Provider is solely responsible for the professional quality, accuracy and timely completion and submission of all work related to the Basic Services.
 - ii) Provider shall be responsible for all errors or omissions of its agents, contractors, employees, or assigns in the performance of the Agreement. Provider shall correct any and all errors, omissions, discrepancies, ambiguities, mistakes or conflicts at no additional cost to the County.
 - iii) The Provider shall not, except as otherwise provided for in this Agreement, subcontract the performance of any work under this Agreement without prior written permission of the County. No permission for subcontracting shall create, between the County and the subcontractor, any contract or any other relationship.
 - iv) Provider is an independent contractor of County. Any and all employees of the Provider engaged by the Provider in the performance of any work or services required of the Provider under this Agreement, shall be considered employees or agents of the Provider only and not of the County, and any and all claims that may or might arise under any workers compensation or other law or contract on behalf of said employees while so engaged shall be the sole obligation and responsibility of the Provider.
 - v) If activities related to the performance of this Agreement require specific licenses, certifications, or related credentials Provider represents that it or its employees, agents and subcontractors engaged in such activities possess such licenses, certifications, or credentials and that such licenses certifications, or credentials are current, active, and not in a state of suspension or revocation.
 - vi) In determining the Basic Services to be provided, should any documents be referenced in this Agreement, the terms of this Agreement shall have priority in any conflict between the terms of referenced documents and the terms of this Agreement.
 - vii) Should this Agreement involve project designs, the construction or creation of which is to be bid out or fulfilled by other contractors, and bidding or negotiation with contractors produce prices which, when added to the other elements of the approved total project cost, produce a cost that is in excess of the approved total project cost, the Provider shall participate with the County in negotiation and design adjustments to the extent such are necessary to obtain prices within the

approved total project cost. All activity of the Provider with respect to these matters shall constitute Basic Services and shall be performed by the Provider without additional compensation. If negotiation and design adjustments fail to bring costs within the total project cost the County may reject all bids and Provider will redesign or reduce portions of the project in an effort to reduce the bid prices to within the total project cost and rebid the project. One such redesign is included within Basic Services. If this second letting for bids does not produce bids that are within the approved total project cost initially or after negotiations with the contractor the cost is not reduced to an amount within the total project cost, the Provider is not obligated to engage in further redesign.

3. Basic Services

- a. Basic Services. The Services to be rendered pursuant to this Agreement are as follows (fully describe services to be provided): This Facilities Master Plan will evaluate existing Orange County buildings and property and project space needs for a 20-year planning horizon. We will interview the Counties 38 departments and determine their space needs and use that information to develop options for both the utilization of existing facilities and new facilities as well. We will prepare phasing plans and cost estimates.

4. Duration of Services

- a. Term. The term of this Agreement shall be from 04/18/2022 to 04/18/2023.
- b. Scheduling of Services.
 - i) The Provider shall schedule and perform its activities in a timely manner.
 - ii) Should the County determine that the Provider is behind schedule, it may require the Provider to expedite and accelerate its efforts, including providing additional resources and working overtime, as necessary, to perform its services in accordance with the approved project schedule at no additional cost to the County.
 - iii) The Commencement Date for the Provider's Basic Services shall be 04/18/2022.

5. Compensation

- a. Compensation for Basic Services. Compensation for Basic Services shall include all compensation due the Provider from the County for all services satisfactorily (as determined by the County) performed pursuant to this Agreement. The maximum amount payable for Basic Services shall not exceed Two Hundred Ninety Eight Thousand Two Hundred Fifteen Dollars (\$298,215.00). Payment for satisfactorily performed Basic Services shall become due and payable within thirty (30) days of Provider properly invoicing County. Payment shall be subject to provisions of Section 5(b).
- b. Disputes. In the event the amount stated on an invoice is disputed by the County, the County may withhold payment of all or a portion of the amount stated on an invoice

until the parties resolve the dispute. Should Provider fail to perform its duties under the terms of this Agreement, County may, without fault or penalty, withhold any payment associated with the work to be performed until such time as said work is completed.

- c. Additional Services. County shall not be responsible for costs related to any services in addition to the Basic Services performed by Provider unless County requests such additional services in writing and such additional services are evidenced by a written amendment to this Agreement.

6. Responsibilities of the County

- a. Cooperation and Coordination. The County has designated (Alan Dorman) to act as the County's representative with respect to the Project who shall have the authority to render decisions within guidelines established by the County Manager or the County Board of Commissioners and who shall be available during working hours as often as may be reasonably required to render decisions and to furnish information.

7. Insurance

- a. General Requirements. Provider shall obtain, at its sole expense, Commercial General Liability Insurance, Automobile Insurance, Workers' Compensation Insurance, and any additional insurance as may be required by County's Risk Manager as such insurance requirements are described in the Orange County Risk Transfer Policy and Orange County Minimum Insurance Coverage Requirements (each document is incorporated herein by reference and may be viewed at http://www.orangecountync.gov/departments/purchasing_division/contracts.php). If County's Risk Manager determines additional insurance coverage is required such additional insurance shall consist of NA (if no additional insurance required mark N/A as being not applicable). Provider shall not commence work until such insurance is in effect and certification thereof has been received by the County's Risk Manager.

8. Indemnity

- a. Indemnity. To the extent authorized by North Carolina law the Provider agrees, without limitation, to defend, indemnify and hold harmless the County from all loss, liability, claims or expense, including attorney's fees, arising out of or related to the Project and arising from property damage or bodily injury including death to any person or persons caused in whole or in part by the negligence or misconduct of the Provider except to the extent same are caused by the negligence or willful misconduct of the County. It is the intent of this provision to require the Provider to indemnify the County to the fullest extent permitted under North Carolina law.

9. Amendments to the Agreement

- a. Changes in Basic Services. Changes in the Basic Services and entitlement to additional compensation or a change in duration of this Agreement shall be made by a written Amendment to this Agreement executed by the County and the Provider. The Provider shall proceed to perform the Services required by the Amendment only after receiving a fully executed Amendment from the County.

10. Termination

- a. Termination for Convenience of the County. This Agreement may be terminated without cause by the County and for its convenience upon seven (7) days' prior written notice to the Provider.
- b. Other Termination. The Provider may terminate this Agreement based upon the County's material breach of this Agreement; provided, the County has not taken all reasonable actions to remedy the breach. The Provider shall give the County seven (7) days' prior written notice of its intent to terminate this Agreement for cause. Either party may terminate this Agreement upon notice to the other party that obligations pursuant to this Agreement are made impractical due to declarations of emergency by Orange County or by North Carolina due to events directly impacting Orange County. Both parties shall remain responsible for all payment and performance due up to the receipt of such notice, but shall have no further obligation or responsibility beyond that date provided the terminating party has taken all reasonable steps to complete the performance of its obligations.
- c. Compensation After Termination.
 - i) In the event of termination, the Provider shall be paid that portion of the fees and expenses that it has earned to the date of termination, less any costs or expenses incurred or anticipated to be incurred by the County due to errors or omissions of the Provider. Upon request of the County, the Provider shall submit to County all relevant documentation, including but not limited to, job cost records, to support its claims for final compensation.
 - ii) Should this Agreement be terminated, the Provider shall deliver to the County within seven (7) days, at no additional cost, all deliverables including any electronic data or files relating to the Project.
- d. Waiver. The payment of any sums by the County under this Agreement or the failure of the County to require compliance by the Provider with any provisions of this Agreement or the waiver by the County of any breach of this Agreement shall not constitute a waiver of any claim for damages by the County for any breach of this Agreement or a waiver of any other required compliance with this Agreement.
- e. Suspension. County may suspend the Basic Services and this Agreement at any time for County's convenience and without penalty to County upon three (3) days' notice to Provider. Upon any suspension by County, Provider shall discontinue work on the Basic Services and shall not resume the Basic Services until notified to proceed by County.

11. Additional Provisions

- a. Limitation and Assignment. The County and the Provider each bind themselves, their successors, assigns and legal representatives to the terms of this Agreement. Neither the County nor the Provider shall assign or transfer its interest in this Agreement without the written consent of the other.

- b. Governing Law. This Agreement and the duties, responsibilities, obligations and rights of respective parties hereunder shall be governed by the laws of the State of North Carolina. By executing this Agreement Provider affirms that Provider and any subcontractors of Provider are and shall remain in compliance with Article 2 of Chapter 64 of the North Carolina General Statutes. By executing this Agreement Provider certifies that Provider has not been identified, and has not utilized the services of any agent or subcontractor identified, on the list created by the State Treasurer pursuant to G.S. 147-86.58. By executing this Agreement Provider certifies that Provider has not been identified, and has not utilized the services of any agent or subcontractor identified, on the list created by the State Treasurer pursuant to G.S. 147-86.81.
- c. Non-Discrimination. Provider shall at all times remain in compliance with all applicable local, state, and federal laws, rules, and regulations including but not limited to all state and federal non-discrimination laws, policies, rules, and regulations and the Orange County Non-Discrimination Policy and Orange County Living Wage Policy (each policy is incorporated herein by reference and may be viewed at http://www.orangecountync.gov/departments/purchasing_division/contracts.php.) Any violation of the Orange County Non-Discrimination Policy is a breach of this Agreement and County may immediately terminate this Agreement without further obligation on the part of the County. This paragraph is not intended to limit and does not limit the definition of breach to discrimination.
- d. Dispute Resolution. Any and all suits or actions to enforce, interpret or seek damages with respect to any provision of, or the performance or non-performance of, this Agreement shall be brought in the General Court of Justice of North Carolina sitting in Orange County, North Carolina. It is agreed by the parties that no other court shall have jurisdiction or venue with respect to such suits or actions. Binding arbitration may not be initiated by either Party, however, the Parties may agree to nonbinding mediation of any dispute prior to the bringing of such suit or action.
- e. Entire Agreement. This Agreement represents the entire and integrated agreement between the County and the Provider and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties. Modifications may be evidenced by facsimile signatures.
- f. Severability. If any provision of this Agreement is held as a matter of law to be unenforceable, the remainder of this Agreement shall be valid and binding upon the Parties.
- g. Ownership of Work Product. Should Provider's performance of this Agreement generate documents, items or things that are specific to this Project such documents, items or things shall become the property of the County and may be used on any other project without additional compensation to the Provider. The use of the documents, items or things by the County or by any person or entity for any purpose other than the Project as set forth in this Agreement shall be at the full risk of the County.

- h. Non-Appropriation. Provider acknowledges that County is a governmental entity, and the validity of this Agreement is based upon the availability of public funding under the authority of its statutory mandate.

In the event that public funds are unavailable or not appropriated for the performance of County's obligations under this Agreement, then this Agreement shall automatically expire without penalty to County immediately upon written notice to Provider of the unavailability or non-appropriation of public funds. It is expressly agreed that County shall not activate this non-appropriation provision for its convenience or to circumvent the requirements of this Agreement.

In the event of a change in the County's statutory authority, mandate or mandated functions, by state or federal legislative or regulatory action, which adversely affects County's authority to continue its obligations under this Agreement, then this Agreement shall automatically terminate without penalty to County upon written notice to Provider of such limitation or change in County's legal authority.

- i. Signatures. This Agreement together with any amendments or modifications may be executed electronically. All electronic signatures affixed hereto evidence the consent of the Parties to utilize electronic signatures and the intent of the Parties to comply with Article 11A and Article 40 of North Carolina General Statute Chapter 66.
- j. Notices. Any notice required by this Agreement shall be in writing and delivered by certified or registered mail, return receipt requested to the following:

Orange County
 Attention: Alan Dorman
 P.O. Box 8181
 Hillsborough, NC 27278

Provider's Name
 O'Brien/Atkins Associates
 PO Box 12037
 RTP, NC 27709

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties, by and through their authorized agents, have hereunder set their hands and seal, all as of the day and year first above written.

ORANGE COUNTY:

PROVIDER:

By: _____
Bonnie Hammersley

By: _____
Jay Smith,PLA, ASLA, LEED AP
Printed Name and Title

ORANGE COUNTY—DEPARTMENT USE ONLY

Party/Vendor Name: O'Brien/Atkins Associates, PA Party/Vendor Contact Person: Jay Smith Contact Phone: 919.941.9000 Party/Vendor Address: Post Office Box 12037 City Research Triangle Park State: NC Zip: 27709
 Department: AMS Amount: \$298,215.00 Purpose: Orange County Facilities Master Plan Budget Code(s): _____
 Vendor # 60654 (N/A if new vendor) Vendor is a BOCC consultant? Yes No Contract Type: (Check one)
 New Renewal Amendment Effective Date _____ Approved by Board Yes No Agenda Date: _____
 --- For Section XIV. c. contracts only, Approved by Board in Current FY Budget Yes No

This agreement is approved as to technical form and content and I as Department Director affirmatively state work on this project has not been initiated prior to execution of the agreement:

Department Director's Signature _____ Date: _____

Agreements for emergency services or repair are not subject to the above affirmation. If services related to this agreement have already begun or been completed please briefly describe the nature of the emergency condition that was addressed:

Information Technologies

(Applicable only to hardware/software purchases or related services) This agreement has been reviewed and is approved as to information technology content and specifications:

Office of the Chief Information Officer _____ Date: _____

Risk Management

This agreement is approved for sufficiency of insurance standards, specifications, and requirements:

Office of the Risk Management Officer _____ Date: _____

Financial Services

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

Office of the Chief Financial Officer _____ Date: _____

Legal Services

This agreement is approved as to legal form and sufficiency:

Office of the County Attorney _____ Date: _____

Clerk to the Board

Received for record retention:

All DocuSign contracts must be copied to the Clerk upon completion: occlerkdocs@orangecountync.gov

The following signature block is for hard copies only and is not required for DocuSign contracts:

Office of the Clerk to the Board _____ Date: _____



O'Brien/Atkins Associates, PA
Architecture | Engineering | Landscape Architecture | Planning | Interiors

April 14, 2022

Steven A. Arndt, MBA, CFM
Asset Management Services Director
Orange County Government

Re: Orange County Facilities Master Plan

Dear Steve:

O'Brien Atkins Associates is pleased to present this fee proposal for providing professional planning and design services for the Orange County Government Facilities Master Plan. Our proposal has been organized into the following sections:

1. Scope of Project
2. Proposed Scope of Services
3. Deliverables
4. Proposed Schedule
5. Proposed Team
6. Clarifications
7. Proposed Fees
8. Invoicing & Payments

1. Scope of Project

Base Services: This Facilities Master Plan will evaluate existing Orange County buildings and property and project space needs for a 20-year planning horizon. We will interview the Counties 38 departments and determine their space needs and use that information to develop options for both the utilization of existing facilities and new facilities as well. We will prepare phasing plans and cost estimates.

2. Proposed Scope of Services

O'Brien Atkins proposes the following scope of services to meet the intent of this project assignment.

Task 1 - Visioning

- Facilitate a kickoff visioning session with the oversight committee and the County's leadership
 - Describe the County's aspirations for their growth and delivering services to the citizens of Orange County
 - Set goals and direction for work place strategies in County facilities
 - Define strategic goals the Facilities Master Plan should address
 - Review placemaking precedents and identify development opportunities
 - Prioritize the County's goals and aspirations



- Summary report the Counties goals for their growth

Task 2 - Investigation

- Tour the existing County facilities
- Review existing 2021 Facilities Report
- Compile list of current County leases
- Prepare a base map illustrating all facility locations and summary table
- Prepare a physical land analysis of the Counties properties in the Hillsborough area
 - Natural features analysis including terrain, hydrology - flood plains streams and wetlands
 - Buildable area study

Task 3 - Space Needs Analysis

- Department Inventory - The consultant will prepare a department survey instrument for distribution by the County's Project Manager to the department contacts. Data to be requested will include:
 - Departmental mission and function
 - Identification of space driver – staff or equipment
 - Identification of key workload/service demand indicators (i.e., population type served; number of permits, files, calls, requests for services, or other; response time; judicial case filings and detention population)
 - Historic staff counts and workload indicators since 2012
 - Identification of any current staff working remotely and description of in-office space needs
 - Functional space relationships and adjacencies both internally and to other departments
 - Current space allocations and unmet space needs
 - Equipment with significant impact on space needs
 - Use of automation and special communication systems
 - Data/record storage practices
 - Relationship to general public access and visitation
 - Parking needs to include public/visitor, staff, and county/state vehicle totals
 - Staff opinions on any safety, security, or health concerns
 - Staff opinions about functional space problems and deficiencies
 - Staff preference for approach to the department reception area (in- person or remote)



- Department Interviews - Following receipt and review of the survey information, the consultant will conduct in-person and/or virtual interviews with each of the 38 departments. This additional level of information will allow the consultant to:
 - Understand any planned organizational or operational changes
 - Understand the impact of COVID-19 and remote working on existing and future operations
 - Study departmental efficiencies
 - Assess existing operations in terms of function, operational mandates, related service requirements and individual facility and internal unit adjacencies to determine efficiencies via consolidation of functions, improvement of or sharing of space or the use of technology

- Upon completion of all surveys and interviews, the consultant will create a department profile for each physical location. The department profiles will provide a consolidated location for each department's existing conditions, functional characteristics, issues, and any data relevant to developing Personnel and Space Needs Projections. These profiles will be used as tool throughout the master plan to identify:
 - Location or co-location issues
 - Critical adjacencies for optimum efficiency of space, consolidation and technology implementation
 - Historic growth trends and key growth factors
 - How customers access and receive services (in-person versus virtual)
 - How staff provides customer services (in-person versus virtual)

- Space Standards & Benchmarking
 - Applicable industry, state, and/or local space standards will be reviewed and used as a benchmark to assess current space utilization. Attention will be given to the potential space impact of current operational and/or technological trends. The space standards will serve as a benchmark to assess current office, equipment, and parking space utilization for each department.
 - Based on public and private practice and the consultant's professional planning experience, recommended space standards for administrative office, support space, public areas and circulation, equipment and storage unit sizes, and parking will be provided.
 - For a master plan, the size of an individual office or area is not as important as the space-per-person or space-per-equipment standard. Based on the recommended net square foot space standards and the type of department (staff versus equipment driven), the consultant will recommend a space-per-unit (staff or equipment) allocation standard, expressed as department gross square foot (DGSF) per staff, for each department.



- Projections Database
 - Using data obtained from the completed survey instruments and detailed interviews, the consultant will develop a projections database for the County.
 - The first database component will be to prepare a projection of future personnel requirements for each staff-driven department. The projections will quantify changes in personnel in five-year increments up to 20 years. The personnel projections will consider official County population forecasts, historic trends, and agency-specific workload factors indicative of the functions performed. For departments that are not staff-driven, the consultant will identify the impacting growth factor and project the unit need in five year increments for 20 years.
 - Using the unit projection (staff or other) and recommended department space standard (DGSF/unit), the consultant will calculate total DGSF required for each department in five-year increments for 20 years. Space projections will be at a department gross level to develop block space needs for options development.
- Gap Analysis
 - The consultant will identify the gaps between existing facilities and the overall ability to meet current and future space projections. The analysis of the current state to future needs will identify the facility gaps and the opportunities for future development.

Task 4 - Conceptual Planning & Design

- Prepare 3 planning concepts that accommodate the space needs identified
 - Phasing plans for short, mid and long-range plans
 - Refine plans in work sessions with County and select a preferred option
- Real estate broker overview of existing County owned facilities
 - Broker opinion of values for the following County owned facilities identified in the RFP that have been relocated to new facilities or temporarily vacated due to unsafe building conditions (i.e., mold).
 - Dept of Environment & Agricultural Services
 - Detention Facilities
 - Public Defender Building
 - John Link Government Services Center
 - Identification of relocations sites for potential future construction and/or lease.
 - Review status of current leases
 - Cost analysis Pro's & Cons of owned versus leased scenarios
 - Potential remote work strategies
 - Conceptual design of a new County Administration facility



- Basic programming of uses and departments
- Blocking diagram of floor plans
- 3D elevations

Task 5 - Communications & Presentations

- Work sessions with the owner's oversight committee
 - 9 work sessions - Once a month over the course of the project
- Monthly reports of the teams completed work, next steps and schedule
- 3 County Commissioners meeting presentations
 - 2 progress updates
 - 1 Final presentation

Task 6 - Documentation

- We will prepare a detailed outline of the master plan report for the team to review
- We will prepare a draft of the master plan report for the County's review and comment
 - Executive summary
 - Space needs analysis
 - Action plan of prioritized list or recommendations
 - Conceptual plans
 - Phasing plans
 - Order of magnitude cost estimates
- We will prepare a final digital master plan report
- We will prepare 3 color renderings that highlight key facilities in the County's growth

3. Deliverables

1. Summary of visioning session
2. Summary of facilities Investigation
3. Space needs analysis
4. Conceptual design plans
5. Phasing and relocation strategies
6. Master plan document

4. Proposed Schedule

We anticipate beginning the project on May 1, 2022 and completing by January 31, 2023. Once we are under contract, we will prepare a detailed schedule of milestones and task.

5. Proposed Team

Post Office Box 12037 | Research Triangle Park, NC | 27709

919.941.9000 | www.obrienatkins.com



O'Brien/Atkins proposes the following team for this project:

Base Services:

O'Brien Atkins will provide the following Master plan services: Project Management, Space Needs, Benchmarking, Space Projections, Leasing and Disposition of Real Estate, Land Planning, Architectural Concept Design and Order of Magnitude Cost Estimating.

- OBA – project lead, Land Planner and Architectural designer
- CGL – Space Planner
- CBRE – Real Estate Lease Evaluations
- Palacio Collaborative – Order of Magnitude Cost Estimating

Supplemental Team members if needed:

- Terracon – Environmental / Mold, Asbestos and Indoor Air Quality

6. Clarifications

- Site surveys are not included
- Site and Building Environmental studies are not included
- Geothermal well evaluation is not included
- Traffic or Transportation analysis and planning is not included
- Detailed design plans or permitting plans are not included

7. Proposed Fees

O'Brien Atkins proposes to provide the Scope of Design Services outlined in this proposal. A summary of the fee by phase is as follows:

Base Services	
Task 1 - Visioning	\$19,490
Task 2 - Investigation	\$21,450
Task 3 - Space Needs Analysis	\$72,805
Task 4 - Conceptual Planning and Design	\$98,170
Task 5 - Communication & Presentations	\$39,720
Task 6 - Documentation	\$46,580
Total Fee \$298,215	

The total fee is **Two Hundred Ninety-Eight Thousand Two Hundred Fifteen Dollars (\$298,215)**. Direct reimbursable expenses are included in the fee named above.



8. Invoicing and Payments

O'Brien Atkins will invoice Orange County on a monthly percent complete basis for services performed. Payments are due within thirty (30) days of receipt of invoices.

Closing

O'Brien Atkins appreciates the opportunity to work with Orange County and looks forward to successfully delivering this project. If the contents and terms are acceptable, please sign below and return a copy for my records – this will serve as our notice to proceed.

Sincerely,
OBRIENATKINS ASSOCIATES, PA



Jay W. Smith, PLA, ASLA, LEED AP
Principal

Director of Landscape Architecture and Planning

cc: Kevin G. Montgomery, FAIA, LEED AP BD+C

John L. Atkins III, FAIA, LEED AP

Accepted

Date

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 3, 2022

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

SUBJECT: Contract Extension with New River Tire Recycling, Inc.

DEPARTMENT: Solid Waste

ATTACHMENT(S):
Contract Amendment

INFORMATION CONTACT:
Robert Williams, 919-918-4904

PURPOSE: To approve and authorize the County Manager to sign a contract extension with New River Tire Recycling, Inc. for the loading, transport, and recycling/disposal of scrap tires.

BACKGROUND: Orange County currently has a contract with New River Tire for the recycling of scrap tires with an option to renew for two additional three-year periods.

Orange County issued a Request for Proposals in March 2022 for tire recycling and received no responses. New River has agreed to a renewal of the contract.

FINANCIAL IMPACT: The financial impact will include the costs of recycling tires, estimated to be \$250,000 per year.

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

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

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

RECOMMENDATION(S): The Manager recommends that the Board approve and authorize the Manager to sign the Contract amendment with New River Tire.

NORTH CAROLINA

CONTRACT AMENDMENT

ORANGE COUNTY

THIS CONTRACT AMENDMENT (“Amendment”) is made and entered into this ___ day of _____, 20__ by and between **ORANGE COUNTY** (hereinafter referred to as “**County**”) and **New River Tire Recycling, Inc.** (hereinafter referred to as “**Provider**”).

WITNESSETH:

THAT WHEREAS, the County and Provider entered into a contract dated June 1, 2017, (hereinafter the “Original Agreement”), for the recycling of scrap tires; and

WHEREAS, the County and Provider desire to amend the Original Agreement while keeping in effect all terms and conditions of the Original Agreement not inconsistent with the terms and conditions set forth below.

NOW THEREFORE, for and in consideration of the mutual covenants and agreements made herein, the parties agree to amend the Original Agreement as follows:

1. Section 3 ii is amended to reflect the information contained in Attachment A hereto.
2. Section 4a is amended to reflect a term of May 1, 2022 to April 30 2024.
3. Section 5 is amended to reflect a maximum payable not-to-exceed amount of \$250,000 per year.
4. Except for the changes made herein, the Original Agreement shall remain in full force and effect to the extent it is not inconsistent with this Amendment. In the event there is a conflict between the terms of the Original Agreement and the terms of this Amendment, this Amendment shall control.

IN TESTIMONY WHEREOF, this Amendment has been executed by the parties hereto, as of the date first above written.

ORANGE COUNTY

PROVIDER

Bonnie Hammersley
County Manager

New River Tire Recycling, Inc._____

New River Tire Recycling LLC

Ph. 276-728-0201 Fax 336-368-6800
newrivertire@yahoo.com
www.newrivertirerecycling.com



P.O. Box 1752 Pilot Mountain, NC 27041
312 E 52 Bypass Pilot Mountain, NC 27041

Orange County Solid Waste

1514 Eubanks Road

Chapel Hill, NC 27516

After reviewing the contract between New River Tire Recycling, LLC and Orange County Solid Waste, a price increase will go into effect on May 1st, 2022. The current per ton price is \$73.50 and \$53.50 if brought to our facility. The new pricing will be as follows:

\$175.00 per ton- NRTR picks up at Orange County Solid Waste

\$150.00 per ton- Orange County bring to our (NRTR) facility

\$250.00 per ton for tires on rims

\$350.00 per ton for dirty tires/foreign debris (The entire load will be charged the upcharge)

\$400.00 per ton for OTR's and Skid Steer tracks (OTR's are considered anything 5' tall/wide and bigger; the entire load will be up charged)

A fuel surcharge will be charged per load, except when brought to our location:

\$3.00-\$3.25 = \$20.00

\$3.26-\$3.50 = \$40.00

\$3.51-\$3.75 = \$60.00

\$3.76-\$4.00 = \$80.00

This format will continue indefinitely.

Orange County Solid Waste will be responsible for loading NRTR when picked up.

_____ Yes, I agree to these terms

_____ No, I would like to decline these terms

Signature of Orange County Representative

Date

Printed Name

Thank you,

Ben Bryant- Owner

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 3, 2022

Action Agenda

Item No. 8-j

SUBJECT: Adoption of the Final Financing Resolution Authorizing the Issuance of
Installment Purchase Financing for Various Capital Investment Plan Projects

DEPARTMENT: Finance and Administrative
Services

ATTACHMENT(S):

Attachment 1. Resolution Approving
Financing Terms and
Documents for 2022
Installment Financing

Attachment 2. Deed of Trust

Attachment 3. Trust Agreement

INFORMATION CONTACT:

Gary Donaldson, (919) 245-2453
Rebecca Crawford, (919) 245-2152
Robert Jessup, (919) 933-9891

PURPOSE: To adopt the final financing resolution authorizing the issuance of up to \$43,000,000 in installment financing to finance capital investment projects and equipment for the fiscal year. The financing will also include amounts to pay transaction costs.

BACKGROUND: At the April 5, 2022 Business meeting, the Board of County Commissioners conducted a public hearing and was provided preliminary information of capital projects and equipment financing and refinancing existing debt obligations. The Board made a preliminary determination to finance costs of these projects and equipment, and financing costs by the use of an installment financing, as authorized under Section 160A-20 of the North Carolina General Statutes.

With the resolution, the Board will be giving final approval for the financing. It substantially approves the final financing documents, and authorizes staff to complete the closing. Staff anticipates receiving the required approval of the Local Government Commission on the afternoon of May 3, and then closing the financing by mid-May. Between now and then, staff will work with the lender and other financing team members to confirm final details of the funding and County payment arrangements so staff can address the remaining blanks in the documents. This process is consistent with past practice.

FINANCIAL IMPACT: A preliminary estimate of maximum debt service applicable to the capital investment projects and equipment financing would require the highest debt service payment of \$4.14 million in FY 2024 (based on current market interest rates). The tax rate equivalent for the estimated highest debt service payment is approximately \$0.0193 (1.93 cents).

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: CREATE A SAFE COMMUNITY**
The reduction of risks from vehicle/traffic accidents, childhood and senior injuries, gang activity, substance abuse and domestic violence.
- **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 agenda 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.
- **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 approve the final financing resolution authorizing the steps to proceed with the financing of the stated capital projects and equipment and refinancing of existing obligations.

Resolution providing final approval of terms and documents for Spring 2022 installment financing

Introduction --

The Board of Commissioners has previously determined to carry out various public improvements and acquisitions, as identified in the County's capital improvement plan and as described on Exhibit A. The Board has determined to carry out the financings by using an installment financing, as authorized under Section 160A-20 of the North Carolina General Statutes. In an installment financing, the County secures the financing by its promise to pay and a mortgage-like interest in some or all of the property to be acquired or improved, but not by a pledge of specific revenues or the taxing power.

County staff recommends that the County accept a proposal from Truist Commercial Equity, Inc. (the "Lender") to provide the financing. County staff has made available to the Board the draft documents listed on Exhibit B (the "Documents"), which relate to the County's carrying out the financing plan.

This resolution provides the County Board's final approval of the financing terms and the substantially final financing documents.

The Board of Commissioners of Orange County, North Carolina, RESOLVES, as follows:

1. *Determination To Proceed with Financing --* The Board confirms its decision to carry out the proposed installment financing as described above, to provide financing for new public improvements and acquisitions. The County will carry out the projects with financing from the Lender substantially in accordance with a financing proposal from the Lender dated March 15, 2022.

Under the financing plan, the County will receive funds from the Lender to carry out the projects. The County will repay the funds over time, with interest. The County will secure its repayment obligation by granting a mortgage-like interest in some or all of the following facilities listed on Exhibit C.

2. *Approval of Documents; Direction To Execute Documents --* The Board approves the forms of the Documents submitted to this meeting. The Board

authorizes the Chair and the County Manager, or either of them, to execute and deliver the Documents when in final form. The Documents in their respective final forms must be in substantially the forms presented, with changes as the Chair or the County Manager may approve. The execution and delivery of any Document by an authorized County officer will be conclusive evidence of that officer's approval of any changes.

The Documents in final form, however, must be consistent with the financing plan described in this resolution and must provide (a) for the amount financed by the County not to exceed \$43,000,000, (b) for an annual interest rate or rates not to exceed 2.41% (in the absence of default, or a change in tax status), and (c) for a financing term not to extend beyond February 1, 2043. The amount financed under the Documents may include amounts to pay financing expenses and other necessary and incidental costs.

3. *Officers To Complete Closing* – The Board authorizes the County Manager, the Finance Officer and all other County officers and employees to take all proper steps to complete the financing in accordance with this resolution.

The Board authorizes the County Manager to hold executed copies of all financing documents authorized by this resolution in escrow on the County's behalf until the conditions for their delivery have been completed to her satisfaction, and then to release the executed documents for delivery to the appropriate persons or organizations.

Without limiting the generality of the previous paragraphs, the Board specifically authorizes the County Manager (a) to approve and enter into, on behalf of the County, any additional agreements appropriate to carry out the financing plan contemplated by this resolution, and (b) to approve changes to any documents previously signed by County officers or employees, provided that the changes do not substantially alter the intent from that expressed in the form originally signed. The County Manager's authorization of the release of any document for delivery will constitute conclusive evidence of her approval of any changes.

In addition, the County Manager and the Finance Officer are authorized to take all appropriate steps for the efficient and convenient carrying out of the County's ongoing responsibilities with respect to the financing. This authorization includes, without limitation, contracting with third parties for reports and calculations that may

be required under the Documents, this resolution or otherwise with respect to the financing.

4. Additional Provisions – The Board authorizes all County officers and employees to take all further action as they may consider desirable to carry out the purposes of this resolution. In particular, the Board directs the Clerk to this Board to apply the County’s seal to the final form Documents, and to attest to the application of the seal. The Board ratifies all prior actions of County officers and employees to this end. Upon the unavailability or refusal to act of the County Manager, the Chair or the Finance Officer, any other of those officers may assume any responsibility or carry out any function assigned in this resolution. In addition, the Vice Chair or any Deputy or Assistant Clerk may carry out or exercise any rights or responsibilities assigned in this resolution to the Chair or the Clerk. The Board repeals all other Board proceedings, or parts of proceedings, in conflict with this resolution, to the extent of the conflict. This resolution takes effect immediately.

Exhibit A – list of projects to be financed with estimated amounts

Project	Est. Amount (\$)
Lake Orange Dam Remediation	908,438
Parks and Rec R&R	203,268
Conservation Easement	262,000
Neuse River Rules Nutrient Management	56,198
Solid Waste Vehicle Replacements	516,739
Solid Waste Equipment Replacement - Grinder	833,500
C&D Construction Phase II	230,643
High Rock Improvements	470,000
Facility Accessibility, Safety and Security Improvements	195,584
HVAC Projects	106,996
Major Plumbing Repairs	43,960
Orange County Southern Branch Library (County portion)	18,965,438
Parking Lot Improvements	241,648
Phillip Nick Waters Building Remediation	545,242
Roof & Building Façade Projects	434,778
Criminal Justice Resource Department	17,598
Southern Campus Expansion	299,422
Communication System Improvements	157,755
Emergency Services Substations	
Efland EMS & Medical Examiners Station	5,438,929

Waterstone EMS Station & Location Study	3,506,703
Sportsplex - Facility Maintenance/Replacement	104,333
ITGC	150,383
IT Infrastructure	1,507,944
Sheriff Vehicles	255,473
EMS Vehicles	439,092
DEAPR Vehicles	68,650
Animal Services Vehicles	47,666
OPT Vehicle Replacement	110,627
Chapel Hill - Carrboro Schools	
Technology	908,047
Roofing	484,607
Recurring Capital	1,810,800
Fire Safety	164,172
Supplemental Deferred	217,568
Stormwater Management	105,295
Orange County Schools	
Recurring Capital	1,189,200
Supplemental Deferred	320,400
TOTAL	\$41,319,098

The County will also use additional loan proceeds to pay financing costs.

Exhibit B -- Draft Documents

(a) A draft dated April 26, 2022, of a Fourth Supplemental Trust Agreement to be dated on or about May 11, 2022, between the County and The Bank of New York Mellon Trust Company, N.A. (the "Trustee"), providing for the advance of funds to the County, for the issuance of two limited obligation bonds to the Lender, for the County's obligation to repay the amounts advanced, and for the County's responsibilities for the use and care of the collateral

(b) A draft dated April 26, 2022, of a Deed of Trust Supplement #4 to be dated on or about May 11, 2022, from the County to a deed of trust trustee for the Trustee's benefit, providing for a security interest in property to secure the County's repayment obligations and its other obligations under the financing documents.

Exhibit C – Potential Collateral Facilities

The County's Government Services Annex at 208 S. Cameron St., along with the County's Link Center and the District Attorney's office building in Hillsborough

The County's Emergency Operations Center on Meadowlands Drive in Hillsborough

The Northern County Campus land and buildings

The County's Southern Campus land and buildings in Chapel Hill

The planned Efland EMS and Medical Examiner's Station

The County's interest in the Carrboro 203/Southern Branch Library Building

s★h draft of April 26

Prepared by and return after recording to:

Robert M. Jessup Jr.
Sam Smotherman Barnes
Sanford Holshouser LLP
209 Lloyd St., Suite 350
Carrboro, NC 27510

DEED OF TRUST SUPPLEMENT #4

PINs	9874-15-3612	9864-39-4358
	9874-80-2738	9880-00-8527
	9788-15-1996	9844-78-8137

Brief description:

Link Center Building at 200 S. Cameron St., Government Services Annex at 208 S. Cameron St. and District Attorney’s office building at 144 E. Margaret Lane, all in Hillsborough

North Campus Site off Highway 70

Emergency Operations Center on Meadowlands Drive in Hillsborough

Southern Campus Site off Homestead Rd. in Chapel Hill

Visitors’ Center on Franklin St. in Chapel Hill

New County EMS building, 3800 US 70 West, Efland

County’s interest in the 203 Building/Southern Branch Library

Building at 203 S. Greensboro Street, Carrboro

Supplements RB 6486, Page 413; RB 6613, Page 17; RB 6633, Page 1121; and RB 6657, Page 704.

STATE OF NORTH CAROLINA))	The collateral is or includes fixtures.
--	--

ORANGE COUNTY)	This instrument secures future advances.
-----------------	--

DEED OF TRUST SUPPLEMENT #4

THIS DEED OF TRUST SUPPLEMENT #4 (this "Supplement") is dated as of May 11, 2022, and is granted by **ORANGE COUNTY, NORTH CAROLINA**, a political subdivision of the State of North Carolina (the "County"), to **Amy K. Johnson**, as trustee (the "Deed of Trust Trustee"), for the benefit of **THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A., AS TRUSTEE** ("BNY-M").

Introduction

The County is issuing its \$41,070,000 Limited Obligation Bonds, Series 2022 (the "2022 Bonds"), under a Fourth Supplemental Trust Agreement dated as of May 11, 2022 (the "2022 Agreement"), between the County and BNY-M, as trustee. The County is issuing the 2022 Bonds to provide funds, to be used together with other available funds, to acquire, construct, equip and otherwise improve a variety of County facilities and assets, as well as to pay financing costs and other related costs.

The 2022 Agreement supplements a Trust Agreement dated as of June 1, 2018 (the "2018 Agreement"), between the County and BNY-M, as trustee, which the parties previously supplemented by (a) a First Supplemental Trust Agreement dated as of April 1, 2019, (b) a Second Supplemental Trust Agreement dated as of October 1, 2019, and (c) a Third Supplemental Trust Agreement dated as of May 1, 2020 (the 2018 Agreement as supplemented, the "Prior Agreement"). Under the Prior Agreement, the County has issued its \$7,510,000 Limited Obligation Bonds, Series 2018, its \$14,135,000 Limited Obligation Bonds, Series 2019A, its \$29,745,000 Limited Obligation Bonds, Series 2019B, and its \$40,731,000 Limited Obligation Bond, Series 2020 (together, the "Prior Bonds"). The County secured its repayment obligation with respect to the Prior Bonds by granting a security interest in certain Mortgaged Property, as defined in the Existing Deed of Trust (as defined below).

The parties have now agreed that the Mortgaged Property will also secure the County's repayment obligations with respect to the 2022 Bonds as provided in the 2022 Agreement.

Accordingly, **this Supplement supplements the Deed of Trust and Security Agreement** granted by the County for the benefit of BNY-M dated as of June 1, 2018 (the “2018 Deed of Trust”) and recorded at RB 6486, Page 413, Orange County Registry, which has been previously supplemented by instruments recorded at RB 6613, Page 17, RB 6633, Page 1121, and RB 6657, Page 704, Orange County Registry (those instruments, together with the 2018 Deed of Trust, are referred to as the “Existing Deed of Trust” in this Supplement). The Existing Deed of Trust, as modified by this Supplement, is referred to as the “Modified Deed of Trust” in this Supplement.

The Mortgaged Property includes the real property described in Exhibit A. The County is the record owner of that real property.

The County executes and delivers this Supplement to secure current advances under the 2022 Agreement of \$41,070,000, as well as (a) total outstanding advances with respect to the Prior Bonds of approximately \$76,837,000, and (b) potential future advances up to a total maximum principal amount outstanding at any one time of \$200,000,000, all as described and pursuant to the Existing Deed of Trust. The time during which such future advances may be made is 30 years from June 1, 2018. The current scheduled date for final repayment of amounts secured under the Modified Deed of Trust is February 1, 2043.

NOW, THEREFORE,

(1) in consideration of the execution and delivery of the 2022 Bonds and the 2022 Agreement and other good and valuable consideration, the receipt and sufficiency of which the County acknowledges,

(2) to secure the County’s performance of all its covenants under this Supplement, the Existing Deed of Trust, the 2022 Agreement, the Prior Agreement, the 2022 Bonds and the Prior Bonds (together, the “Loan Documents”), and

(3) to charge the Mortgaged Property with that payment and performance,

the County sells, grants and conveys to the Deed of Trust Trustee, her successors and assigns forever, in trust, with power of sale, the Mortgaged Property, as defined in the 2019B Deed of Trust, which includes the property described in Exhibit A;

TO HAVE AND TO HOLD the Mortgaged Property with all privileges and appurtenances belonging thereunto, to the Deed of Trust Trustee, her successors and assigns forever, upon the trusts, terms and conditions and for the purposes set out below, in fee simple in trust;

SUBJECT, HOWEVER, to the encumbrances described in Exhibit B;

BUT THIS CONVEYANCE IS MADE UPON THIS SPECIAL TRUST: if the County pays its "Obligations," as defined in Section 1-1 below, in full and in accordance with the Loan Documents, and the County complies with all the terms, covenants and conditions of the Loan Documents, this conveyance will be null and void and will be canceled of record at the County's request and cost, and title will revert as provided by law;

BUT IF, HOWEVER, THERE OCCURS AN EVENT OF DEFAULT UNDER THE LOAN DOCUMENTS, then BNY-M will have the remedies provided for in this Modified Deed of Trust, including directing the Deed of Trust Trustee to sell the Mortgaged Property under power of sale.

The County covenants with the Deed of Trust Trustee and BNY-M that the County is seized of and has the right to convey the Mortgaged Property in fee simple, that the Mortgaged Property is free and clear of all liens and encumbrances other than Permitted Encumbrances, as defined in the Prior Agreement and the 2022 Agreement, that title to the Mortgaged Property is marketable, and that the County will forever warrant and defend title to the Mortgaged Property (subject to the Permitted Encumbrances) against the claims of all persons.

THE COUNTY COVENANTS AND AGREES with the Deed of Trust Trustee and BNY-M (and their respective heirs, successors and assigns), in consideration of the foregoing, as follows:

1. Security Provided

1-1 Security for Payment and Performance. The Modified Deed of Trust secures the County's payment, as and when the same become due and payable, of all amounts payable by the County under the Loan Documents (the "Obligations") and the County's timely compliance with all terms, covenants and

conditions of (a) the Loan Documents and (b) any Additional Bonds, as defined in and as may be executed and delivered pursuant to the Prior Agreement.

1-2 Present and Future Advances. This Deed of Trust is executed to secure all the County's present and future obligations to the Trustee related to the Mortgaged Property as described in and pursuant to the Modified Deed of Trust. The total amount, including present and future obligations, that may be secured by this Modified Deed of Trust at any one time is \$200,000,000. The period within which future obligations may be incurred is 30 years from June 1, 2018.

1-3 Existing Deed of Trust Otherwise Confirmed. Except as provided by this Supplement, the County ratifies, approves and confirms the terms of the Existing Deed of Trust.

1-4 County's Obligation Limited. Notwithstanding any other provision of the Loan Documents, the parties intend that this transaction will comply with North Carolina General Statutes Section 160A-20. No deficiency judgment may be entered against the County in violation of Section 160A-20.

No provision of this Supplement should be construed or interpreted as creating a pledge of the County's faith and credit within the meaning of any constitutional debt limitation. No provision of this Supplement should be construed or interpreted as an illegal delegation of governmental powers, nor as an improper donation or lending of the County's credit within the meaning of the North Carolina constitution. The County's taxing power is not and may not be pledged, directly or indirectly contingently, to secure any moneys due under this Supplement.

Nothing in this Section is intended to impair or prohibit foreclosure under the Modified Deed of Trust if the Obligations are not paid when due or otherwise upon the occurrence of an Event of Default under the Loan Documents.

No provision of this Supplement restricts the County's future issuance of any of its bonds or other obligations payable from any class or source of the County's moneys (except to the extent the Loan Documents restrict the incurrence of additional obligations secured by the Mortgaged Property).

To the extent of any conflict between this Section and any other provision of this Supplement, this Section takes priority.

2. Miscellaneous

2-1 Notices.

(a) Any communication provided for in this Supplement must be in English and must be in writing, and “writing” includes facsimile transmission and electronic mail.

(b) For the purposes of this Supplement, any communication sent by facsimile transmission or electronic mail will be deemed to have been given on the date the communication is similarly acknowledged by a County Representative (in the case of the County) or other authorized representative (in the case of any other party). No such communication will be deemed given or effective without such an acknowledgment. Any electronic communication to the Trustee is subject to the provisions of Section 9.02 of the 2018 Agreement.

(c) Any other communication under this Supplement will be deemed given on the delivery date shown on a United States Postal Service certified mail receipt, or a delivery receipt (or similar evidence) from a national commercial package delivery service, if addressed as follows:

(i) if to the County, to Orange County Manager, Re: Notice under 2022 LOB Deed of Trust, Post Office Box 8181, Hillsborough, NC 27278

(ii) if to the Deed of Trust Trustee, to Deed of Trust Trustee, c/o The Bank of New York Mellon Trust Company, N.A., Re: Notice for 2022 Orange County (NC) Financing, 10161 Centurion Parkway North, Jacksonville, FL 32256

(iii) if to BNY-M, to The Bank of New York Mellon Trust Company, N.A., Re: Notice for 2022 Orange County (NC) Financing, 10161 Centurion Parkway North, Jacksonville, FL 32256

(c) The County must send a copy of any notice it sends or received under this Supplement to Truist Commercial Equity, Inc., 1414 Raleigh Road, Chapel Hill, NC 27517, Attention: Jeff Stoddard with a copy to Tax-Exempt Lending Group, Truist Bank, 150 Stratford Road, 2nd Floor, Winston-Salem, NC 27104, Attention: Alex Johnston.

(d) Any addressee may designate additional or different addresses for communications by notice given under this Section to each of the others. The County must send copies of any notices it sends to the Deed of Trust Trustee also to BNY-M.

2-2 Definitions. All capitalized terms used in this Supplement and not otherwise defined have the meanings ascribed to them otherwise in the Loan Documents.

2-3 Governing Law; Forum. The County, BNY-M and the Deed of Trust Trustee intend that North Carolina law will govern this Supplement and all matters of its interpretation. To the extent permitted by law, the County, BNY-M and the Deed of Trust Trustee agree that any action brought with respect to this Supplement must be brought in the North Carolina General Court of Justice in Orange County, North Carolina.

2-4 Limitation of Liability of Officers and Agents. No officer, agent or employee of the County, BNY-M or the Deed of Trust Trustee will be subject to any personal liability or accountability by reason of the execution of this Supplement or any other documents related to the transactions contemplated by this Supplement. Those officers or agents are deemed to execute documents in their official capacities only, and not in their individual capacities. This Section does not relieve any officer, agent or employee from the performance of any official duty provided by law.

2-5 Covenants Run with the Land. All covenants contained in the Modified Deed of Trust run with the real estate encumbered by the Modified Deed of Trust.

2-6 Further Instruments. Upon the request of BNY-M or the Deed of Trust Trustee, the County will execute, acknowledge and deliver any further instruments reasonably necessary or desired by BNY-M or the Deed of Trust Trustee to carry out more effectively the purposes of this Supplement or any other document related to the transactions contemplated by this Supplement, and to subject to the liens and security interests of this Supplement all or any part of the Mortgaged Property intended to be given or conveyed, whether now given or conveyed or acquired and conveyed subsequent to the date of this Supplement.

2-7 Entire Agreement; Amendments. This Supplement, together with the other Loan Documents, constitutes the entire agreement with respect to its general subject matter between the County, the Trustee and the Deed of Trust Trustee. This Supplement may not be changed except in accordance with the other Loan Documents. The Deed of Trust Trustee's consent is not required for any changes.

[The remainder of this page has been left blank intentionally.]

IN WITNESS WHEREOF, the County has caused this instrument to be signed, sealed and delivered by duly authorized officers, as of the day and year first above written.

(SEAL)

ATTEST:

**ORANGE COUNTY,
NORTH CAROLINA**

Laura Jensen
Clerk, Board of Commissioners

By: _____
Bonnie B. Hammersley
County Manager

* * * * *

**STATE OF NORTH CAROLINA;
ORANGE COUNTY**

I, a Notary Public of such County and State, certify that Bonnie B. Hammersley and Laura Jensen personally came before me this day and acknowledged that they are the County Manager and the Clerk of the Board of Commissioners, respectively, of Orange County, North Carolina, and that by authority duly given and as the act of such County, the foregoing instrument was signed in the County's name by such County Manager, sealed with its corporate seal and attested by such Clerk.

WITNESS my hand and official stamp or seal, this _____ day of May, 2022.

[SEAL]

Notary Public

My commission expires: _____

[Deed of Trust Supplement #4 dated as of May 11, 2022,
for the benefit of The Bank of New York Mellon Trust Company, N.A., as Trustee]

EXHIBIT A – Pledged Sites Description

TRACT 1 [Government Service Annex, Link Center and District Attorneys' Office]:

BEING that certain property containing 9.202 acres, more or less, adjacent to South Cameron Street as shown on a plat entitled "Recombination Survey Properties of Orange County" as prepared by Riley Surveying, P.A. dated June 5, 2007 and recorded June 7, 2007 in Plat Book 102, Page 36, Orange County Register of Deeds.

PIN Number: 9874-15-3612

TRACT 2 [North Campus Site]:

BEING all of that 19.334-acre parcel, more or less, shown on survey entitled "Recombination Survey, Property of Orange County" dated as of September 6, 2019 and recorded in Plat Book 120, Page 159, Orange County Registry.

PIN Number: 9864-39-4358

TRACT 3 [E-911 Center in the Meadowlands -- Approximately 22,000-square foot building located on Meadowlands Drive, Hillsborough]

BEGINNING at a point located in the eastern margin of the 60 foot wide right-of-way of Meadowlands Drive, said beginning point being further located South 12° 12' 30" West 360.84 feet from a nail located at the intersection of the center line of Meadowlands Drive with the center line of the 60 foot wide right-of-way of N.C. Highway 70; and running thence from said beginning point South 73° 36' 46" East 407.39 feet to a point; thence South 04° 48' 02" West 329.70 feet to a point; thence North 67° 16' 01" West 494.62 feet to a point located in the aforesaid easterly margin of the right-of-way of Meadowlands Drive; thence with said easterly margin of the right-of-way of Meadowlands Drive in two calls as follow: (1) with the arc of a circular curve to the left having a radius of 525.05 feet (and a chord course and distance of North 23° 54' 22" East 134.12 feet), an arc distance of 134.49 feet to a point; thence (2) North 16° 34' 02" East 135.34 feet to the point or place of BEGINNING; containing 3.00 acres and being Lot A as shown on a survey entitled "Subdivision of Property Surveyed for Meadowlands Associates" by Alois Callemyn Land Surveyors dated February

26, 1996 and recorded in Plat Book 75, Page 146, in the Orange County Registry.

PIN Number: 9874-80-2738

TRACT 4 [Visitor's Center Building, Franklin Street -- Approximately 7,400-square foot building located at 501 W. Franklin St., Chapel Hill]

BEING all of that 13,953 square foot, more or less, parcel labeled as PIN Number: 9788-15-1996 as shown on survey entitled "Physical Survey prepared for the County of Orange" dated as of July 8, 1996 and last revised on July 17, 1996 completed by Jose L. Torres, Registered Land Surveyor, L-3771 and recorded in Plat Book 76, Page 103, Orange County Registry.

PIN Number: 9788-15-1996

TRACT 5 [Southern Campus Site]

BEGINNING in the center of the public road leading from Calvander to Orange Church witnessed by an iron stake on the South side of said road; running thence South 2 degrees 30 minutes east 1,304 feet to an iron stake and pointers in the line of the University of North Carolina property; thence with said property East 1,194 feet to an iron stake in Will Freeland's land; thence with his line North 1,190 feet to the center of said road; thence with the center of said road North 84 degrees West 1,250 feet to the beginning, containing 34.10 acres, more or less, as surveyed by J. Ralph Weaver, County Surveyor, on November 20, 1940, and being part of the land formerly owned by Mrs. J. Walker Womble.

BEING also described as the Lands of the County of Orange and the Project Homestead Lease Lot as shown on that plat entitled "Easement Plat for Orange County Senior Center" and recorded in Plat Book 102, Page 99, Orange County Registry.

PIN Number: 9880-00-8527

TRACT 6 [Efland EMS]

PARCEL FIVE- EFLAND EMS:

BEING ALL OF TRACTS 3, 4, 5, 6, 7, INCLUSIVE, AS SHOWN ON THAT PLAT ENTITLED "BOUNDARY & PHYSICAL SURVEY PREPARED FOR THE COUNTY OF ORANGE, PROPERTIES OF EFLAND REAL PROPERTY, LLC" BY PHILLIP W. RILEY, LICENSE NUMBER L-3066 AS RECORDED IN PLAT BOOK 119, PAGE 84, ORANGE COUNTY REGISTRY. PIN: 9844-78-8137

EXHIBIT B -- Existing Encumbrances

As to all Tracts: the Deed of Trust and Security Agreement granted by the County for the benefit of BNY-M dated as of June 1, 2018, and recorded at RB 6486, Page 413, Orange County Registry, as previously supplemented (referred to as the "Existing Deed of Trust" in this instrument, and further defined above).

All references to books and pages in the lists below are to the Orange County Registry.

As to Tract 1:

1. Subject to Matters shown on plats recorded in Plat Book 102, Page 34; Plat Book 102, Page 36; Plat Book 59, Page 179; and Plat Book 110, Page 91.
2. Conservation Easement to Orange County recorded in Book 4296, page 308.
3. Title to that portion of the Land lying below the mean high water mark of Eno River.
4. Riparian rights incident to the Land.
5. Easement to the Town of Hillsborough recorded in Book 1030, Page 546.
6. Easement(s) to Duke Power Company recorded in Book 1146, Page 153.
7. Right of Way Agreement between Orange County and Duke Energy Carolinas, LLC recorded in Book 5905, Page 73.

As to Tract 2:

1. Subject to matters shown on plat recorded in Plat Book 118, Page 105, and Plat Book 120, Pages 156 and 159
2. Subject to matters shown on plat recorded in Plat Book 94, Page 68 including a 30-foot joint driveway easement and septic easement located on the Land.
3. Rights of others for ingress and egress purposes in and to the use of easements located on the Land.
4. Commissioners' Second Revised Final Report recorded in Book 3446, Page 26 and Order of Confirmation recorded in Book 3446, Page 29.

5. Title to that portion of the Land within the right-of-way of US Hwy 70 and West Hill Ave.
6. Easement(s) to Duke Power Company recorded in Book 114, Page 95.
7. Easement(s) and/or Right(s) of Way to Jean A. Hall, heirs and assigns recorded in Book 3446 at Page 39, Orange County Registry.
8. Non-exclusive perpetual right and easement of ingress and egress for a driveway for Dorothy Hall Holloway and Husband, Bill Holloway and their successors and assigns, recorded in Book 3831 at Page 375, Orange County Registry.
9. Declaration of Restrictions and Provisions for Private Road Maintenance recorded in Book 376 at Page 552.
10. Easement recorded in Book 376 at Page 555, Orange County Registry.
11. Easement(s) and/or Right(s) of Way to Hillsboro Power and Light Co. recorded in Book 87 at Page 437, Orange County Registry.
12. Easement(s) and/or Right(s) of Way to State Highway Commission recorded in Book 183 at Page 512, Orange County Registry.
13. Terms and conditions and rights of others in and to that Buffer Easement recorded in Book 6625 at Page 2007, Orange County Registry.
14. Buffer Easement recorded in Book 6625 at Page 2012, Orange County Registry.

As to Tract 3:

1. Restrictions appearing of record in Book 654, Page 517 and amended in Book 1081 at Page 425.
2. Subject to matters shown on plat recorded in Plat Book 75, Page 146.
3. Easement(s) to Town of Hillsborough recorded in Book 804, Page 444.
4. Easement(s) to Duke Power Company recorded in Book 676, Page 500.
5. Easement(s) to Public Service Company of North Carolina recorded in Book 1083, Page 235.
6. Title to that portion of the Land within the right-of-way of Meadowland Drive.
7. Termination Agreement recorded in Book 4126, Page 346.
8. Town of Hillsborough Conditional Use Permit #2007-04 recorded in Book 4416, Page 496.
9. Sand Filter SCM (Stormwater Control Measure) Operation and Maintenance Agreement recorded in Book 6468 at Page 214, Orange County Registry.
10. Stormwater Control Measure Access and Maintenance Easement to the Town of Hillsborough recorded in Book 6616 at Page 1294, Orange County Registry.

As to Tract 4:

1. Subject to matters shown on plats recorded in Plat Book 76, Page 103; Plat Book 16, Page 27; and Plat Book 49, Page 72.
2. Party Wall Agreement recorded in Book 194, Page 47.
3. Sewer Easement to Marjorie Patricia Perl recorded in Book 316, Page 636.

4. Encroachment Agreement between Orville B. Campbell and Chapel Hill Publishing Company, Inc. recorded in Book 705, page 72.

As to Tract 5:

1. Special Needs Housing Program Deed of Trust, Assignment of Rents and Leases, and Security Agreement from Inter-Faith Council for Social Service, Inc. to A. Robert Kucab, Trustee for North Carolina Housing Finance Agency to secure a note in the amount of \$150,000.00 and recorded in Book 1636, page 285, Orange County Registry. As modified by Modification to Promissory Note, Deed of Trust and Declaration of Deed Restrictions recorded in Book 5911, page 372, Orange County Registry.
2. Orange County Home Program Deed of Trust and Security Agreement from Interfaith Council for Social Services, Inc. to Geoffrey E. Gledhill, Trustee for the benefit of Orange County to secure a note in the amount of \$50,000.00 and recorded in Book 1731, Page 1, Orange County Registry. As affected by that Request for Notice recorded in Book 2358, Page 156, Orange County Registry.
3. Lease from Orange County, North Carolina as Lessor and Inter-Faith Council for Social Service, Inc. recorded in Book 1579, Page 152, Orange County Registry.
4. Agreement between Interfaith Council for Social Service, Inc., Orange County, and Orange Water and Sewer Authority recorded in Book 1543, Page 313, Orange County Registry.
5. Restrictions appearing in that Declaration of Deed Restrictions between Inter-Faith Council for Social Service, Inc. and North Carolina Housing Finance Agency recorded in Book 1636, Page 300, Orange County Registry.
6. Matters shown on plat recorded in:
 - a. Plat Book 59, Page 96;
 - b. Plat Book 78, Page 51;
 - c. Plat Book 78, page 88;
 - d. Plat Book 80, Page 179; and
 - e. Plat Book 102, Page 99, Orange County Registry.
7. Easement(s) and/or Right(s) of way to Duke Power Company as recorded in Book 131 at Page 368 and Book 1610 at Page 213, Orange County Registry.
8. Easement(s) and/or Right(s) of Way to University of North Carolina recorded in Book 136 at Pages 341 and 528, Orange County Registry.
9. Ordinance to Extend the Corporate Limits of the Town of Chapel Hill recorded in Book 725, Page 436, Orange County Registry and adopted Ordinance to Extend the Corporate Limits of the Town of Chapel Hill recorded in Book 818, Page 223, Orange County Registry.
10. Deed of Easement to Orange Water and Sewer Authority recorded in Book 1684, Page 47 and Book 1684, Page 50, Orange County Registry.

11. Right of Way Agreement between Orange County and Duke Energy Corporation recorded in Book 3800, Page 116 and Book 4162, Page 547, Orange County Registry.
12. Stormwater Operations and Management Plan recorded in Book 4349, Page 234, Orange County Registry.
13. Orange Water and Sewer Authority Dedication recorded in Book 4504, Page 77, Orange County Registry.
14. Town of Chapel Hill Special Use Permit recorded in Book 1283, Page 256, Orange County Registry as modified by that Modification of Special Use Permit recorded in Book 1437, Page 33; by Special Use Permit Modification recorded in Book 4349, Page 228; and by that Special Use Permit Modification recorded in Book 5878, Page 49, Orange County Registry.

As to Tract 6 --

Easement(s) to Morris Telephone Company recorded in Book 214 at Page 633 and Book 219, Page 785.

Easement(s) to Duke Power Company recorded in Book 214 at Page 633 and Book 219, Page 782.

Matters shown on plat recorded in Plat Book 19 at Page 72.

Right of way to North Carolina Board of Transportation recorded in Book 256 at Page 1209

Right of Way to Orange County, North Carolina recorded in Book 636 at Page 30.

Terms and conditions of Boundary Line Agreement between Efland Volunteer Fire Company, Inc. and Efland Real Property, LLC recorded in Book 6539 Page 133.

Subject to matters shown on recorded Plat Book 119 at Page 84 including possible deed overlap between parcel 3 and adjacent parcel owned by Clarence Loftin having PIN numbers: 9844-78 6326; 9844-78-6242; 9844-78-8137; and 9844-88-1320, located on the land.

Deed Overlap shown on that certain survey entitled Boundary and Physical Survey prepared for the County of Orange Properties of Efland Real Properties, LLC, prepared by Phillip W Riley, bearing the seal and certification of Phillip W Riley, PLS, dated 10/22/18.

s☆h draft of April 26

Fourth Supplemental Trust Agreement

by and between

Orange County, North Carolina

and

**The Bank of New York Mellon Trust
Company, N.A., as Trustee**

Relating to the issuance of

**[\$43,000,000]
Limited Obligation Bonds
Series 2022**

THIS FOURTH SUPPLEMENTAL TRUST AGREEMENT is dated as of May 11, 2022 (this “Supplemental Agreement”), is between **ORANGE COUNTY, NORTH CAROLINA**, a political subdivision of the State of North Carolina (the “County”), and **THE BANK OF NEW YORK MELLON TRUST COMPANY, N.A.**, a national banking association having an office in Jacksonville, Florida, as trustee (the “Trustee”), and relates to the issuance of [\$43,000,000] Limited Obligation Bonds, Series 2022 (the “2022 Bonds”).

Introduction

The County and the Trustee executed and delivered a Trust Agreement dated as of June 1, 2018 (the “2018 Agreement”). The 2018 Agreement provides for the issuance of a 2018 series of limited obligation bonds (the “2018 Bonds”), and allows for the issuance of additional series of limited obligation bonds. The 2018 Agreement provides that the parties will enter into a supplemental agreement for each issue of limited obligation bonds.

The County and the Trustee are now entering into this Supplemental Agreement to supplement the 2018 Agreement and provide for the issuance of the 2022 Bonds as additional bonds under the Trust Agreement. The 2022 Bonds are issued and secured on a parity with the 2018 Bonds and the rest of the “Prior Bonds,” as defined below.

The County is issuing the 2022 Bonds to provide funds to be used, together with other available funds, on a project (the “2022 Project”) to acquire, construct, equip and otherwise improve a variety of County facilities and assets, including those described in Exhibit A, and to pay financing costs and other related costs.

Each of the 2022 Bonds represents an “installment contract” within the meaning of Section 160A-20 of the North Carolina General Statutes, between the County and the owner of that Bond. The Trustee serves under this Supplemental Agreement for and on behalf of the bondholders.

Unless the context clearly requires otherwise, capitalized terms used in this Supplemental Agreement and not otherwise defined have the meanings set forth in Exhibit B or in the “Prior Agreement,” as defined in Exhibit B.

NOW, THEREFORE, in consideration of the covenants contained in this Supplemental Agreement, the parties agree as follows:

ARTICLE I

THE 2022 BONDS

Section 1.01. Provision for 2022 Bonds; Advance. (a) The County will issue, and the Trustee will authenticate and deliver, 2022 Bonds in an aggregate principal amount of [\$43,000,000].

(b) The County acknowledges that the amount paid to it from the issuance and sale of the 2022 Bonds will be \$_____. The County will use the amount paid as provided in this Supplemental Agreement to pay 2022 Project Costs.

Section 1.02. Bonds Constitute Installment Contracts. Each of the 2022 Bonds, together with the County's corresponding obligations under the Trust Agreement and the Deed of Trust, constitutes a separate "installment contract" within the meaning of Section 160A-20 between the County and the owner of that Bond. The County's payment obligations, and its other obligations under this Agreement and with respect to the Bonds, are secured by the lien on the Mortgaged Property created under the Deed of Trust and by the other security provided for in the Trust Agreement.

Section 1.03. Agreement Supplements 2018 Agreement; 2022 Bonds Are Additional Bonds. (a) This Supplemental Agreement is a "supplemental agreement" for the issuance of Additional Bonds as provided in the 2018 Agreement, and the 2022 Bonds are "Additional Bonds" as defined in the 2018 Agreement.

(b) Except as modified by this Supplemental Agreement, all terms of the Prior Agreement remain in effect and apply with respect to the 2022 Bonds to the same extent as to all Prior Bonds.

Section 1.04. Form and Details; Payments. (a) The 2022 Bonds will be issued initially as two fully registered bonds. The 2022 Bonds will be in substantially the form of Exhibit C, with any changes as the Trust Agreement

permits or requires. Each 2022 Bonds will be dated the date of its initial delivery to the Lender. All interest payments will be calculated based on a 360-day year consisting of twelve 30-day months and subject to adjustment as provided in this Supplemental Agreement.

(b) One of the 2022 Bonds (the “2022A Bond”) will be designated “Limited Obligation Bond, Series 2022A.” The 2022A Bond will be (i) numbered RA-1 for identification, (ii) payable as to interest semiannually until payment on each Payment Date at the 2022A Interest Rate, and (iii) payable as to principal on February 1 in installments in years and amounts as follows:

Maturity Date (February 1)	Principal Amount (\$)	Maturity Date (February 1)	Principal Amount (\$)
[To come]			

(c) The other of the 2022 Bonds (the “2022B Bond”) will be designated “Limited Obligation Bond, Series 2022B.” The 2022B Bond will be (i) numbered RB-1 for identification, (ii) payable as to interest semiannually until payment on each Payment Date at the 2022B Interest Rate, and (iii) payable as to principal on February 1 in installments in years and amounts as follows:

Maturity Date (February 1)	Principal Amount (\$)	Maturity Date (February 1)	Principal Amount (\$)
[To come]			

(d) Exhibit D shows a schedule of payments due on the 2022 Bonds with respect to each Payment Date. Upon any change to the 2022A Interest Rate or the 2022B Interest Rate, the affected Bondholder shall promptly prepare a substitute Exhibit D reflecting the new interest rate and resulting payment schedule, and deliver a copy of the new schedule to the County, the Trustee and to the LGC. The Trustee has no responsibility to calculate any new payments, with those matters lying only between the County and the affected Bondholders.

Section 1.05. Event of Taxability. Except as otherwise provided herein, upon the occurrence of an Event of Taxability and for as long as any portion of the 2022A Bond remains outstanding, the 2022A Interest Rate shall be converted to the Taxable Rate. This adjustment shall survive full payment on the 2022A Bond until such time as the federal statute of limitations under which the interest on the 2022A Bond could be declared taxable under the Code has expired. In addition, upon an Event of Taxability, the County shall, immediately upon demand, pay to the Bondholder (or prior Bondholders, if applicable) (i) an additional amount equal to the difference between (A) the amount of interest actually paid on the 2022A Bond during the Taxable Period and (B) the amount of interest that would have been paid during the Taxable Period had the 2022A Bond borne interest at the Taxable Rate, and (ii) an amount equal to any interest, penalties and additions to tax (as referred to in Subchapter A of Chapter 68 of the Code) owed by the Bondholder as a result of the Event of Taxability.

Except as otherwise provided herein, upon the occurrence of an Event of Taxability and for as long as any portion of the 2022B Bond remains outstanding, the 2022B Interest Rate shall be converted to the Taxable Rate. This adjustment shall survive full payment on the 2022B Bond until such time as the federal statute of limitations under which the interest on the 2022B Bond could be declared taxable under the Code has expired. In addition, upon an Event of Taxability, the County shall, immediately upon demand, pay to the Bondholder (or prior Bondholders, if applicable) (i) an additional amount equal to the difference between (A) the amount of interest actually paid on the 2022B Bond during the Taxable Period and (B) the amount of interest that would have been paid during the Taxable Period had the 2022B Bond borne interest at the Taxable Rate, and (ii) an amount equal to any interest, penalties and additions to tax (as referred to in Subchapter A of Chapter 68 of the Code) owed by the Bondholder as a result of the Event of Taxability.

As appropriate, each affected Bondholder shall promptly prepare a substitute Exhibit D reflecting the new interest rate and resulting payment schedule, and deliver a copy of the new schedule to the County, the Trustee and to the LGC. The Trustee has no responsibility to calculate any such additional interest, penalties or charges, or to confirm that any have been paid, with those matters lying only between the County and the affected Bondholders.

Section 1.06. Default Rate. While any default by the County under the 2022 Bonds, the Deed of Trust or the Trust Agreement is continuing, the 2022 Bonds will bear interest (but only during the pendency of the default) at the Default Rate. If a default only applies to the 2022A or the 2022B Bond, then only the affected 2022 Bond will be subject to interest at this default rate. As appropriate, each affected Bondholder shall promptly prepare a substitute Exhibit D reflecting the new interest rate and resulting payment schedule, and deliver a copy of the new schedule to the County, the Trustee and to the LGC. The Trustee has no responsibility to calculate any such additional interest, penalties or charges, or to confirm that any have been paid, with those matters lying only between the County and the affected Bondholders.

Section 1.07. Redemption Dates and Prices. The 2022 Bonds are subject to redemption as described in Section 2.01.

Section 1.08. Delivery of 2022 Bonds. The Trustee will authenticate and deliver the 2022 Bonds when it has received the following items:

- a) Certified copies of County Board resolutions (i) approving the terms and conditions under which the 2022 Bonds are to be executed and delivered and (ii) authorizing the execution, delivery and issuance of the 2022 Bonds, this Supplemental Agreement, and Deed of Trust Supplement #4 (as described in Exhibit B)
- b) Evidence satisfactory to the Trustee that the LGC has approved the issuance of the 2022 Bonds
- c) An executed copy of this Supplemental Agreement

d) An executed copy of Deed of Trust Supplement #4, which extends the benefit of the security provided to the Trustee under the Prior Deed of Trust to secure the County's performance of its obligations under this Supplemental Agreement and 2022 Bonds, as contemplated by Section 1.06(iv) of the 2018 Agreement

e) An Opinion of Bond Counsel to the effect that the execution and delivery of the 2022 Bonds as Additional Bonds is permitted under the terms of the Prior Agreement and has been duly authorized

f) A County Certificate directing the Trustee as to the application of the proceeds from the sale of the 2022 Bonds

g) Evidence of the issuance or proposed issuance of one or more lender's title insurance policies (or an appropriate endorsement to an existing policy) in favor of the Trustee, in an aggregate face amount of insurance equal to the total amount of Outstanding Bonds plus the principal amount of the 2022 Bonds, and including the instrument referenced in (d) above as an insured instrument

Section 1.09. Limited Obligation. The 2022 Bonds are limited obligations of the County, as provided and described in Section 4.05 of the 2018 Agreement.

ARTICLE II

REDEMPTION

Section 2.01. Redemption Dates and Prices. (a) Principal of the 2022 Bonds is subject to redemption and prepayment prior to the scheduled Payment Dates only under the terms of this Article.

(b) Principal of the 2022A Bond is not subject to prepayment prior to the scheduled Payment Dates.

(c) (i) The County may prepay the principal of the 2022B Bond, in whole or in part, at the County's option, on any date, upon payment of the principal amount to be prepaid plus interest accrued to the prepayment date.

(ii) No premium or penalty is payable for a redemption of the 2022B Bond made under this Section after May 12, 2032. For a prepayment made on or before May 12, 2032, the County must pay the Make Whole Prepayment Premium.

(iii) If the County redeems a portion of the 2022B Bond, the County will prepare, and the Trustee will deliver, a new 2022B Bond in principal amount equal to the unpaid portion to the registered owner upon the surrender of the 2022B Bond.

Section 2.02. Redemption Notices. (a) The Trustee, at the County's direction, upon being satisfactorily indemnified by the County with respect to expenses and with at least two Business Days' notice, will send notice of redemption no less than 30 nor more than 60 days prior to the redemption date, to the registered owner of the 2022B Bond at its address as it appears on the Trustee's registration books, by registered or certified mail. The Trustee shall also send a copy of the notice to the LGC.

(b) Any redemption notice may state that the redemption to be effected is conditioned upon --

- (i) the Trustee's receipt on or prior to the redemption date of moneys sufficient to pay the principal of and interest on the 2022B Bonds or portions thereof to be redeemed; or
- (ii) any other condition not unacceptable to the Trustee.

If a notice contains a condition and the Trustee either (i) does not receive moneys sufficient to pay the principal of and interest on the 2022B Bond on or prior to the redemption date, or (ii) the stated condition is not fulfilled,

in either case on or before the redemption date,

then redemption will not be made, and the Trustee must, within a reasonable time, give notice the same way the redemption notice was given that the moneys were not so received (or condition was not fulfilled) and the redemption was not made.

(c) Each redemption notice must specify (i) the complete designation of the 2022B Bond to be redeemed, (ii) the CUSIP numbers of the 2022B Bonds to be redeemed, if any, (iii) the dated dates, maturity dates and interest rates of the 2022 Bonds to be redeemed, (iv) the date fixed for redemption, (v) any conditions to the redemption, as contemplated by subsection (b) above, (vi) the principal amount of 2022B Bond or portions thereof to be redeemed, (vii) the applicable redemption price, (viii) the address of the place or places of payment, (ix) the Trustee's name and telephone number, and the name of a contact person, (x) that interest accrued to the date fixed for redemption will be paid as specified in the notice, and (xi) that on and after the established redemption date, interest on 2022B Bond which have been redeemed will cease to accrue. The Trustee must also include in any redemption notice any additional information provided by the County for use in the notice.

Section 2.04. 2022B Bond Payable on Redemption Date; Interest Ceases To Accrue. If on or before the date fixed for redemption funds are deposited with the Trustee to pay the principal of and interest accrued to the redemption date on 2022B Bonds called for redemption, the 2022B Bond (or portions of the 2022B Bond) called for redemption ceases to accrue interest from and after the redemption date. Thereafter, that 2022B Bond, or portion called for redemption, (a) is no longer entitled to the benefits provided by the Trust Agreement and (b) is not deemed to be Outstanding under the Trust Agreement.

ARTICLE III

DEPOSIT AND USE OF 2022 PROCEEDS; OTHER FUNDS

Section 3.01. Disbursement of Proceeds. The Trustee will apply proceeds from the sale of the 2022 Bonds as provided in the certificate described in Section 1.07(f).

Section 3.02. Creation and Use of 2022 Proceeds Fund. The Trustee will establish a special fund designated as the "Orange County 2022 Proceeds Fund." The Trustee will keep this Fund separate and apart from all other funds and moneys held by it, and will hold and administer this Fund as provided in this Supplemental

Agreement. Moneys in the 2022 Proceeds Fund will be expended only as described in Sections 3.03 and 3.04. The Trustee is not required to disburse any moneys from the 2022 Proceeds Fund during the continuation of any Event of Default.

Section 3.03. Deposits to 2022 Proceeds Fund; Payment of Project Costs.

(a) The Trustee will deposit into the 2022 Proceeds Fund the amount specified in the certificate referenced in Section 1.07(f) and all other amounts paid to it for deposit in the 2022 Proceeds Fund.

(b) The Trustee will disburse moneys in the 2022 Proceeds Fund from time to time, either to pay 2022 Project Costs directly or to reimburse the County for previous expenditures on any of those costs, upon receipt of a requisition substantially in the form of Exhibit E. The Trustee will accept requisitions that the County submits by electronic mail or by facsimile transmission. The Trustee may rely conclusively on requisitions as authorization for payments, and the Trustee has no duty or responsibility to verify any matters in the requisitions. The County will also send a copy of each requisition by electronic mail or facsimile transmission to the Lender at the address or number provided by the Lender to the County from time to time, but the Lender has no rights or role in determining whether the Trustee will pay a requisition.

(c) Unless otherwise directed by the County, the Trustee will disburse moneys from the 2022 Proceeds Fund that are due to the County by wire transfer to any bank account in the United States as the County may designate to the Trustee from time to time.

Section 3.04. Transfer of Unexpended Proceeds. Upon the first to occur of (a) July 1, 2025, or (b) receipt of a County Certificate stating that there are no more 2022 Project Costs to be paid from the 2022 Proceeds Fund, the Trustee will withdraw all remaining moneys in the 2022 Proceeds Fund and deposit those moneys in the Payment Fund. The Trustee will then apply those moneys to Bond payments as directed by a County Representative. In the absence of any direction from the County, the Trustee will deposit those moneys in the Interest Account and use them to pay interest on the 2022 Bonds as the same becomes due.

Section 3.05. Use of Funds and Accounts from 2018 Agreement. The Trustee is to maintain and administer the Bond Payment Fund (and its principal and

interest accounts) and the Net Proceeds Fund established under the 2018 Agreement to the same effect and purpose as provided in the 2018 Agreement with respect to the 2022 Bonds as to the 2018 Bonds and all Bonds generally.

ARTICLE IV

OTHER MODIFIED TERMS

Section 4.01. Financial Information to Lender. The County will send to the Lender a copy of the County's audited financial statements for each Fiscal Year within 30 days of the County's acceptance of the statements, but in any event within 270 days of the completion of each Fiscal Year. The County will send to the Lender a copy of the County's adopted budget ordinance within 30 days after its adoption by the County Board. The County shall also furnish the Lender, at such reasonable times as the Lender may request, all other financial information (including, without limitation, the County's annual budget as submitted or approved) as the Lender may reasonably request. The County shall permit the Lender or its agents and representatives to inspect the County's books and records and make extracts therefrom.

Section 4.02. Amendments Require Lender's Consent. This Supplemental Agreement may only be amended by a writing signed by the Lender. Otherwise, the provisions of the Trust Agreement concerning the amendment of the Trust Agreement apply.

Section 4.03 Permission To Use Information. The County agrees and consents that the Lender may use information related to the 2022 Bonds in connection with marketing, press releases or other transactional announcements or updates provided to investors or trade publications, including, but not limited to, the placement of the County's logo or other identifying name on marketing materials or of "tombstone" advertisements in publications of its choice at the Lender's own expense.

Section 4.04 No Advisory or Fiduciary Relationship. In connection with all aspects of the transaction contemplated hereunder, the County acknowledges and agrees, that: (a) (i) the County has consulted its own legal, accounting,

regulatory and tax advisors to the extent it has deemed appropriate, (ii) the County is capable of evaluating, and understands and accepts the terms, risks and conditions of the transactions contemplated hereby, (iii) the Lender is not acting as a municipal advisor or financial advisor to the County and (v) the Lender has no fiduciary duty pursuant to Section 15B of the Securities Exchange Act to the County with respect to the transactions contemplated hereby and the discussions, undertakings and procedures leading thereto (irrespective of whether the Lender has provided other services or is currently providing other services to the County on other matters); (b) (i) the Lender is and has been acting solely as a principal in an arm's-length commercial lending transaction and, has not been, is not, and will not be acting as an advisor, agent or fiduciary, for the County, or any other person or entity and (ii) the Lender has no obligation to the County with respect to the transactions contemplated hereby except those obligations expressly set forth herein; (c) notwithstanding anything herein to the contrary, the County and the Lender intend that the 2022 Bonds represent a commercial loan transaction not involving the issuance and sale of a municipal security, and that any bond, note or other debt instrument that may be delivered to the Lender is delivered solely to evidence the repayment obligations of the County under the 2022 Bonds; and (d) the Lender may be engaged in a broad range of transactions that involve interests that differ from those of the County, and the Lender has no obligation to disclose any of such interests to the County. To the fullest extent permitted by law, the County hereby waives and releases any claims that it may have against the Lender with respect to any breach or alleged breach of agency or fiduciary duty in connection with any aspect of any transactions contemplated hereby. If the County would like a municipal advisor in this transaction that has legal fiduciary duties to the County, the County is free to engage a municipal advisor to serve in that capacity. The Lender's participation is pursuant to and in reliance upon the bank exemption and/or the institutional buyer exemption provided under the municipal advisor rules of the Securities and Exchange Commission, Rule 15Ba1-1 *et seq.*, to the extent that such rules apply to the transactions contemplated hereunder.

ARTICLE V

ADDITIONAL PROVISIONS

Section 5.01. Notices.

(a) Any communication provided for in this Supplemental Agreement must be in English and must be in writing, and “writing” includes facsimile transmission and electronic mail.

(b) For the purposes of this Supplemental Agreement, any communication sent by facsimile transmission or electronic mail will be deemed to have been given on the date the communication is similarly acknowledged by a County Representative (in the case of the County) or other authorized representative (in the case of any other party). No such communication will be deemed given or effective without such an acknowledgment. Any electronic communication to the Trustee is subject to the provisions of Section 9.02 of the 2018 Agreement.

(c) Any other communication under this Supplemental Agreement will be deemed given on the delivery date shown on a United States Postal Service certified mail receipt, or a delivery receipt (or similar evidence) from a national commercial package delivery service, if addressed as follows:

(i) if to the County, to Orange County Manager, Re: Notice under 2022 LOBs Trust Agreement, Post Office Box 8181, Hillsborough, NC 27278

(ii) if to the Trustee, to The Bank of New York Mellon Trust Company, N.A., Re: Notice for 2022 Financing for Orange County, 10161 Centurion Parkway North, Jacksonville, FL 32256

(iii) If to the LGC, to the North Carolina Local Government Commission, Attn: Secretary of the Commission, Re: Notice for 2022 Orange County LOBs Financing, Longleaf Building, 3200 Atlantic Ave., Raleigh, NC 27604

(iv) If to the Lender, to Truist Commercial Equity, Inc., 1414 Raleigh Road, Chapel Hill, NC 27517, Attention: Jeff Stoddard, with a copy to Tax-Exempt Lending Group, Truist Bank, 150 Stratford Road, 2nd Floor, Winston-Salem, NC 27104, Attention: Alex Johnston.

(d) Any addressee (including the LGC and the Lender) may designate additional or different addresses for communications by notice given under this Section to each of the others.

(e) Any communication sent under this Agreement must also be sent to the County and the Trustee, along with any other parties to which the communication may be addressed. Any party sending a communication under this Supplemental Agreement must also send a copy to the Lender, so long as the Lender is the registered owner of any portion of the 2022 Bonds. Any party sending a communication under this Supplemental Agreement that relates to amendments or defaults must also send a copy to the LGC.

(f) Whenever this Supplemental Agreement requires the giving of a notice, the person entitled to receive the notice may waive the notice, in writing. The giving or receipt of the notice will then not be a condition to the validity of any action taken in reliance upon the waiver.

Section 5.02. Definition of "Restricted Yield." With respect to the 2022 Bonds, a "Restricted Yield" means a "yield," within the meaning of Treas. Regs. Secs. 1.103-13(c), -13(d), 1.148-9T(a), or any successor or other provision that may be applicable, not in excess of a "yield" equal to _____%.

Section 5.03. Consent to Jurisdiction. The Trustee consents to jurisdiction in the State of North Carolina for any lawsuit arising from this Supplemental Agreement, or arising from any of the related transactions contemplated by this Supplemental Agreement.

Section 5.04. Binding Effect; Limitation of Rights. This Supplemental Agreement is binding upon, inures to the benefit of and is enforceable by the parties and their respective successors and assigns. Nothing expressed or implied in this Supplemental Agreement or the 2022 Bonds gives any person other than the Trustee, the County and the Owners any right, remedy or claim under or with respect to this Supplemental Agreement.

Section 5.05. Severability. If any provision of this Supplemental Agreement is determined to be unenforceable, that does not affect any other provision of this Supplemental Agreement.

Section 5.06. Counterparts. This Supplemental Agreement may be signed in several counterparts, including separate counterparts. Each will be an original, but all of them together constitute the same instrument.

Section 5.07. Restriction on Transfer. Notwithstanding any provision or indication in the Trust Agreement to the contrary, the Trustee will not register the transfer of any 2022 Bonds except to (a) a bank, insurance company, or similar financial institution, or (b) any direct or indirect wholly-owned subsidiary either of the Lender or of any transferee referenced in (a) (in either case, an “Affiliate”), provided that the Affiliate agrees to transfer the 2022 Bonds to a permitted transferee under this paragraph before it ceases to be an Affiliate if at the time it ceases to be an Affiliate it would not qualify as a permitted transferee under this paragraph, or (c) any other entity approved by the LGC. In connection with any such transfer, the transferring owner must notify the Trustee that the transfer is permitted pursuant to this Section 5.07. The Trustee shall be fully protected in relying on such notification.

Section 5.08. Definitions; Rules of Interpretation. Unless the context clearly requires otherwise, capitalized terms used as defined terms in this Supplemental Agreement and not otherwise defined have the meanings set forth in Exhibit B, and if not defined there will have the meanings set forth in the Prior Agreement. This Supplemental Agreement will be interpreted in accordance with the rules of interpretation set forth in the 2018 Agreement.

[The remainder of this page has been left blank intentionally.]

IN WITNESS WHEREOF, the parties have caused this Fourth Supplemental Trust Agreement to be executed in their corporate names by their duly authorized officers, all as of May 11, 2022.

(SEAL)

ATTEST:

**ORANGE COUNTY,
NORTH CAROLINA**

Laura Jensen
Clerk, Board of Commissioners

By: _____
Bonnie B. Hammersley
County Manager

**The Bank of New York
Mellon Trust Company, N.A.,
as Trustee**

By: _____
Terence Rawlins, Vice President

[Fourth Supplemental Trust Agreement dated as of May 11, 2022]

Exhibit A – list of projects to be financed with estimated amounts

Project	Est. Amount (\$)
Lake Orange Dam Remediation	908,438
Parks and Rec R&R	203,268
Conservation Easement	262,000
Neuse River Rules Nutrient Management	56,198
Solid Waste Vehicle Replacements	516,739
Solid Waste Equipment Replacement - Grinder	833,500
C&D Construction Phase II	230,643
High Rock Improvements	470,000
Facility Accessibility, Safety and Security Improvements	195,584
HVAC Projects	106,996
Major Plumbing Repairs	43,960
Orange County Southern Branch Library (County portion)	18,965,438
Parking Lot Improvements	241,648
Phillip Nick Waters Building Remediation	545,242
Roof & Building Façade Projects	434,778
Criminal Justice Resource Department	17,598
Southern Campus Expansion	299,422
Communication System Improvements	157,755
Emergency Services Substations	

Efland EMS & Medical Examiners Station	5,438,929
Waterstone EMS Station & Location Study	3,506,703
Sportsplex - Facility Maintenance/Replacement	104,333
ITGC	150,383
IT Infrastructure	1,507,944
Sheriff Vehicles	255,473
EMS Vehicles	439,092
DEAPR Vehicles	68,650
Animal Services Vehicles	47,666
OPT Vehicle Replacement	110,627
Chapel Hill – Carrboro Schools	
Technology	908,047
Roofing	484,607
Recurring Capital	1,810,800
Fire Safety	164,172
Supplemental Deferred	217,568
Stormwater Management	105,295
Orange County Schools	
Recurring Capital	1,189,200
Supplemental Deferred	320,400
TOTAL	\$441,319,098

The County will also use additional loan proceeds to pay financing costs.

The amounts stated above are estimates only. The County may use any portion of the 2022 Bonds proceeds for any of the 2022 Project Costs, subject to the County's obligation to undertake and complete those components of the project related to the "Mortgaged Property," as defined in the Deed of Trust, and the limitation on the use of funds only for 2022 Project Costs.

Components of the 2022 Project related to the Mortgaged Property include the following:

- Southern Campus expansion
- Efland EMS & Medical Examiners Station
- Orange County Southern Branch Library (County portion)

EXHIBIT B – Definitions; Rules of Construction

For all purposes of this Supplemental Agreement, unless the context requires otherwise, the following terms have the following meanings.

"2022 Bonds" means the County's Limited Obligation Bonds, Series 2022, originally issued in the aggregate principal amount of [\$43,000,000] pursuant to the Prior Agreement and this Supplemental Agreement.

"2022A Interest Rate" means a per annum rate equal to 2.13%, but after an Event of Taxability, means the Taxable Rate. Notwithstanding the foregoing, however, after, and during the continuance of, an Event of Default, "2022A Interest Rate" means the Default Rate.

"2022B Interest Rate" means a per annum rate equal to 2.41%, but after an Event of Taxability, means the Taxable Rate. Notwithstanding the foregoing, however, after, and during the continuance of, an Event of Default, "2022B Interest Rate" means the Default Rate.

"2022 Proceeds Fund" means the Orange County 2022 Proceeds Fund established pursuant to Section 3.02.

"2022 Project" has the meaning assigned in the preambles to this Supplemental Agreement.

"2022 Project Costs" means "Project Costs," as defined in the 2018 Agreement, related to the 2022 Project.

"Deed of Trust" means the Prior Deed of Trust as modified by the "Deed of Trust Supplement #4" dated as of May 11, 2022, also granted by the County for the Trustee's benefit.

"Default Rate" means the lesser of (a) the sum of the Prime Rate plus 2.0% (200 basis points) per annum and (b) the maximum lawful rate.

"Event of Taxability" means that a final decree or judgment of any federal court or a final action of the Internal Revenue Service determining that interest is includable in the gross income of the registered owner of a 2022 Bond for federal income tax purposes as a result of the action or inaction of the County has been issue; provided, no Event of Taxability shall be deemed to occur unless the County

has been given written notice of the occurrence and, to the extent permitted by law, an opportunity to participate in and seek, at the County's own expense, a final administrative determination by the Internal Revenue Service or determination by a court of competent jurisdiction (from which no further right of appeal exists) as to the occurrence of such Event of Taxability. For all purposes of this definition, the effective date of any Event of Taxability will be the first date as of which interest is deemed includable in the gross income of the Registered Owner of the 2022 Bonds.

"Make Whole Prepayment Premium" with respect to a prepayment of the 2022B Bond means an amount equal to the present value of the difference between (1) the amount that would have been realized by the Lender on the prepaid amount for the remaining term of the loan at the rate for fixed-rate payers in U.S. Dollar interest rate swaps as quoted by Bloomberg (the "*Swap Rate*") for a term corresponding to the term of the 2022B Bond, interpolated to the nearest month, if necessary, that was in effect three Business Days before the Closing Date and (2) the amount that would be realized by the Lender by reinvesting such prepaid funds for the remaining term of the loan at the Swap Rate for fixed-rate payers in U.S. Dollar interest rate swaps, interpolated to the nearest month, that was in effect three Business Days prior to the loan repayment date; both discounted at the same interest rate utilized in determining the applicable amount in (2). Should the present value have no value or a negative value, the County may repay with no additional fee. Should Bloomberg no longer release rates for fixed-rate payers in U.S. Dollar interest rate swaps, the Lender may substitute the Bloomberg index for rates for fixed-payers in U.S. Dollar interest rate swaps with another similar index as determined by the Lender. The Lender shall provide the County with a written statement explaining the calculation of the premium due, which statement shall, in absence of manifest error, be conclusive and binding.

Partial prepayments may be made subject to a prepayment charge based upon the same calculation methodology described above. Any partial prepayment shall be applied to installments of principal in the inverse order of maturity and shall not postpone the due dates of, or relieve the amounts of, any scheduled installment payments due hereunder. Any amounts repaid hereunder may not be borrowed. For purposes of this provision, the term Business Day shall mean any day other than a Saturday or Sunday or other day on which the Lender is authorized or required to close.

“Payment Date” with respect to the 2022 Bonds means each February 1 and August 1, beginning February 1, 2023.

"Prime Rate" means the per annum rate which the Lender's affiliate Truist Bank (whether or not that bank or any affiliate at any time is a registered Bondholder) announces from time to time to be its "prime rate," as in effect from time to time. The prime rate is a reference or benchmark rate, is purely discretionary and does not necessarily represent the lowest or best rate charged to borrowing customers. The Lender's affiliate Truist Bank may make commercial loans or other loans at rates of interest at, above or below the prime rate. Each change in the prime rate will be effective from and including the date Truist Bank announces the change as effective.

“Prior Agreement” means the Trust Agreement dated as of June 1, 2018, between the County and The Bank of New York Mellon Trust Company, N.A., as trustee, as supplemented by (a) a First Supplemental Trust Agreement dated as of April 1, 2019, (b) a Second Supplemental Trust Agreement dated as of November 1, 2019, and (c) a Third Supplemental Trust Agreement dated as of May 1, 2020, with all those Supplemental Agreements also between the County and the Trustee.

“Prior Deed of Trust” means the Deed of Trust and Security Agreement dated as of June 1, 2018, from the County to a Deed of Trust Trustee for the County's benefit, as supplemented by (a) a Deed of Trust Supplement #1 dated as of April 1, 2019, (b) a Deed of Trust Supplement #2 dated as of November 1, 2019, and (c) a Deed of Trust Supplement #3 dated as of May 1, 2020

“Supplemental Agreement” means this Fourth Supplemental Trust Agreement, as it may be properly amended or supplemented from time to time.

["Taxable Period" means the period of time between (a) the date that interest on a 2022 Bond is deemed to be includable in the gross income of the owner thereof for federal income tax purposes as a result of an Event of Taxability, and (b) the date of the Event of Taxability and after which the applicable 2022 Bond bears interest at the Taxable Rate.]

"Taxable Rate" means the interest rate per annum that provides the Lender with the same after tax yield that the Lender would have otherwise received had the Event of Taxability not occurred, taking into account the increased taxable income of

the Lender as a result of such Event of Taxability. The Lender shall provide the County with a written statement explaining the calculation of the Taxable Rate, which statement shall, in the absence of manifest error, be conclusive and binding on the County.

“Trust Agreement” means the Prior Agreement as modified and supplemented by this Supplemental Agreement, as it may be further amended or supplemented from time to time.

All other capitalized terms used in this Fourth Supplemental Trust Agreement and not otherwise defined have the meanings ascribed thereto in the Prior Agreement.

Exhibit C – Form of 2022 Bonds

Registered Bond Number RA-1/RB-1

LIMITED OBLIGATION BOND, SERIES 2022A/2022B

ORANGE COUNTY, NORTH CAROLINA

ORANGE COUNTY, NORTH CAROLINA (the "County"), for value received, promises to pay, but solely from the sources and in the manner provided, to

Truist Commercial Equity, Inc.

or registered assigns (the "Bondholder"), the principal sum of

[_____MILLION DOLLARS]
[*****\$____,000,000*****]

in principal installments payable on each February 1 as shown on Schedule I, together with interest on the unpaid principal from the date hereof until payment of the entire principal sum at the annual rate of ____%, payable on each February 1 and August 1, beginning February 1, 2023, subject to [redemption and] adjustment as described below.

Interest is payable (a) from May 11, 2022, if this Bond is authenticated prior to February 1, 2023, or (b) otherwise from the February 1 or August 1 that is, or immediately precedes, the date on which this Bond is authenticated (unless payment of interest on this Bond is in default, in which case this Bond will bear interest from the date to which interest has been paid). In all events, (1) all payments on this Bond will be applied first to interest accrued and unpaid to the payment date and then to principal, and (2) if not sooner paid, the entire principal of and interest on this Bond will be due and payable on February 1, 20____. Principal and interest are payable in lawful money of the United States of America.

Upon the occurrence of an Event of Taxability and for as long as any portion of this Bond remains outstanding, the interest rate will convert to the Taxable Rate. This adjustment shall survive full payment on this Bond until such time as the federal statute of limitations under which the interest on the Bond could be declared taxable under the Code has expired. In addition, upon an Event of Taxability, the County shall, immediately upon demand, pay to the Bondholder (or prior Bondholders, if applicable) (i) an additional amount equal to the difference between (A) the amount of interest actually paid on the Bond during the Taxable Period and (B) the amount of interest that would have been paid during the Taxable Period had the Bond borne interest at the Taxable Rate, and (ii) an amount equal to any interest, penalties and additions to tax (as referred to in Subchapter A of Chapter 68 of the Code) owed by the Lender as a result of the Event of Taxability.

The Trustee has no responsibility to calculate any such additional interest, penalties or charges, or to confirm that any have been paid, with those matters lying only between the County and the affected Bondholders.

“Event of Taxability” means that a final decree or judgment of any federal court or a final action of the Internal Revenue Service determining that interest is includable in the gross income of the registered owner for federal income tax purposes as a result of the action or inaction of the County has been issued; provided, no Event of Taxability shall be deemed to occur unless the County has been given written notice of the occurrence and, to the extent permitted by law, an opportunity to participate in and seek, at the County’s own expense, a final administrative determination by the Internal Revenue Service or determination by a court of competent jurisdiction (from which no further right of appeal exists) as to the occurrence of the Event of Taxability. For all purposes of this definition, the effective date of any Event of Taxability will be the first date as of which interest is deemed includable in the gross income of the registered owner of the this Bond.

[“Taxable Period” means the period of time between (a) the date that interest on a 2022 Bond is deemed to be includable in the gross income of the owner thereof for federal income tax purposes as a result of an Event of Taxability, and (b) the date of the Event of Taxability and after which the applicable 2022 Bond bears interest at the Taxable Rate.]

"Taxable Rate" means the interest rate per annum that provides the Bondholder with the same after tax yield that the Bondholder would have otherwise received had the Event of Taxability not occurred, taking into account the increased taxable income of the Lender as a result of such Event of Taxability. The Bondholder shall provide the County with a written statement explaining the calculation of the Taxable Rate, which statement shall, in the absence of manifest error, be conclusive and binding on the County.

"Default Rate" means the lesser of (a) the sum of the Prime Rate plus 2.0% per annum and (b) the maximum lawful rate.

"Prime Rate" means the per annum rate which the Lender's affiliate Truist Bank (whether or not that bank or any affiliate at any time is a registered Bondholder) announces from time to time as its "prime rate," as in effect from time to time. The prime rate is a reference or benchmark rate, is purely discretionary and does not necessarily represent the lowest or best rate charged to borrowing customers. The Lender's affiliate Truist Bank may make commercial loans or other loans at rates of interest at, above or below the prime rate. Each change in the prime rate will be effective from and including the date Truist Bank announces the change as effective.

This Bond constitutes the entire issue of a [\$_____] Limited Obligation Bonds, Series 2022A/2022B (the "Bond"), issued under, and secured by, a Trust Agreement dated as of June 1, 2018, between the County and The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee"), as previously supplemented and as supplemented by a Fourth Supplemental Trust Agreement between the County and the Trustee and dated as of May 11, 2022 (as supplemented, the "Trust Agreement").

This Bond constitutes an installment contract within the meaning of Section 160A-20 of the North Carolina General Statutes between the County and the owner (from time to time) of this Bond. The Bond is payable solely from funds appropriated on an annual basis by the County's governing Board of Commissioners and other funds available for the purpose of payment pursuant to the Trust Agreement, such as certain net insurance and condemnation awards and the proceeds of remedial action, which revenues and other moneys have been pledged as described in the Trust Agreement to secure payment of the Bond. Neither the

County's faith and credit nor its taxing power is pledged to the payment of any amounts due under the Bond. As provided for under that Section 160A-20, no deficiency judgment may be rendered against the County in any action for breach of a contractual obligation under the Bond or the Trust Agreement.

To further secure its obligations under the Trust Agreement, the County has granted, for the benefit of the Trustee on behalf of the owners of the Bonds, a security interest in certain public facilities and the related real property, and certain other property, pursuant to the Trust Agreement and a Deed of Trust and Security Agreement dated as of June 1, 2018, as previously supplemented and as supplemented by a Deed of Trust Supplement #4 dated as of May 11, 2022, delivered by the County for the Trustee's benefit (as supplemented, the "Deed of Trust").

The security provided to owners of the Bond under the Deed of Trust and otherwise is on parity with the security provided to owners of prior bonds issued under the Trust Agreement. Additional Bonds secured by a parity interest in the property securing the Bond may be issued under the terms and conditions set forth in the Trust Agreement.

Reference is made to the Trust Agreement and the Deed of Trust referenced above for the provisions, among others, with respect to the nature and extent of the security, the rights, duties and obligations of the County and the Trustee, the rights of the Owners of the Bond and the terms upon which the Bond is executed, delivered and secured, to all of which provisions the owner of this Bond, by the acceptance of this Bond, agrees.

[For 2022A -- The principal of this Bond may not be redeemed or prepaid prior to the stated principal payments dates.]

[For 2022B --

This Bond may not be redeemed prior to maturity except as provided in this Bond and in the Trust Agreement.

The County may prepay the principal of the 2022B Bond, in whole or in part, at the County's option, on any date, upon payment of the principal amount to be

prepaid plus interest accrued to the prepayment date. No premium or penalty is payable for a redemption made under this Section after May 12, 2032. For a prepayment made on or before May 12, 2032, the County must pay the Make Whole Prepayment Premium. If the County redeems a portion of this Bond, the County will prepare, and the Trustee will deliver, a new Bond in principal amount equal to the unpaid portion to the registered owner upon the surrender of this Bond.

“Make Whole Prepayment Premium” means an amount equal to the present value of the difference between (1) the amount that would have been realized by the Lender on the prepaid amount for the remaining term of the loan at the rate for fixed-rate payers in U.S. Dollar interest rate swaps as quoted by Bloomberg (the “*Swap Rate*”) for a term corresponding to the term of the 2022B Bond, interpolated to the nearest month, if necessary, that was in effect three Business Days before the Closing Date and (2) the amount that would be realized by the Lender by reinvesting such prepaid funds for the remaining term of the loan at the Swap Rate for fixed-rate payers in U.S. Dollar interest rate swaps, interpolated to the nearest month, that was in effect three Business Days prior to the loan repayment date; both discounted at the same interest rate utilized in determining the applicable amount in (2). Should the present value have no value or a negative value, the County may repay with no additional fee. Should Bloomberg no longer release rates for fixed-rate payers in U.S. Dollar interest rate swaps, the Lender may substitute the Bloomberg index for rates for fixed-payers in U.S. Dollar interest rate swaps with another similar index as determined by the Lender. The Lender shall provide the County with a written statement explaining the calculation of the premium due, which statement shall, in absence of manifest error, be conclusive and binding.

Partial prepayments may be made subject to a prepayment charge based upon the same calculation methodology described above. Any partial prepayment shall be applied to installments of principal in the inverse order of maturity and shall not postpone the due dates of, or relieve the amounts of, any scheduled installment payments due hereunder. Any amounts repaid hereunder may not be re-borrowed. For purposes of this provision, the term Business Day shall mean any day other than a Saturday or Sunday or other day on which the Lender is authorized or required to close.

The Trustee will send redemption notice to the Bondholder, at its address as it appears on the Trustee's Bond Register (as defined in the Trust Agreement), not more than 60 nor less than 30 days prior to the redemption date.

If on or before the date fixed for redemption funds have been deposited with the Trustee to pay the principal and interest accrued to the redemption date with respect to the Bond called for redemption, the Bond or portion called for redemption will cease to accrue interest from and after the redemption date, will no longer be entitled to the benefits provided by the Trust Agreement, and will not be deemed to be Outstanding under the Trust Agreement.

The Owner of this Bond has no right to enforce the provisions of the Trust Agreement or to institute action to enforce the covenants therein, or to take any action with respect to any event of default thereunder, or to institute, appear in or defend any suit or other proceeding with respect thereto, except as provided in the Trust Agreement. Changes to or supplements of the Trust Agreement may be made to the extent and in the circumstances permitted by the Trust Agreement.

Ownership of this Bond will be registered on the Bond Register (as defined in the Trust Agreement) kept for that purpose by the Trustee, which will act as Bond registrar. This Bond may be exchanged, and its transfer may be effected, only by its Owner in person or by attorney duly authorized in writing at the designated office of the Trustee, but only in the manner, subject to the limitations and upon payment of the charges provided in the Trust Agreement, and upon surrender and cancellation of this Bond. Upon exchange or registration of such transfer a new registered Bond of the same maturity and interest rate for the same aggregate principal amount will be issued in exchange therefor.

The Trustee will not register the transfer of this Bond except to (a) a bank, insurance company, or similar financial institution, or (b) any direct or indirect wholly-owned subsidiary either of the Lender or of any transferee referenced in (a) (in either case, an "Affiliate"), provided that the Affiliate agrees to transfer the 2022 Bonds to a permitted transferee under this paragraph before it ceases to be an Affiliate if at the time it ceases to be an Affiliate it would not qualify as a permitted transferee under this paragraph, or (c) any other entity approved by the LGC. In connection with any transfer, the transferring owner must notify the

Trustee that the transfer is permitted under the Trust Agreement. The Trustee shall be fully protected in relying on such notification.

The County and the Trustee may deem and treat the person in whose name this Bond is registered on the Bond Register as the absolute owner of this Bond for the purpose of receiving payment of or on account of principal of and interest due on this Bond and for all other purposes, and neither the County nor the Trustee will be affected by any notice to the contrary, except that interest payments will be made to the persons shown as Owners on the Trustee's registration books on the **Record Date**, which is the end of the calendar day on the 15th day of the month (whether or not a business day) preceding each Payment Date.

All acts, conditions and things required by the Constitution and laws of the State of North Carolina to happen, exist or be performed precedent to and in the execution and delivery of this Bond have happened, exist and have been performed.

The County intends that North Carolina law will govern this Bond and all matters of its interpretation.

This Bond will not be entitled to any benefit under the Trust Agreement or be valid or obligatory for any purpose until the Trustee has executed the Certificate of Authentication appearing on this Bond.

IN WITNESS WHEREOF, the County has caused this instrument to be signed, sealed and delivered by duly authorized officers, all as of May 11, 2022.

(SEAL)
ATTEST:

ORANGE COUNTY
NORTH CAROLINA

Laura Jensen
Clerk, Board of Commissioners

By: _____
Bonnie B. Hammersley
County Manager

[Orange County, North Carolina

[\$_____] Limited Obligation Bond, Series 2022A/2022B]

[Schedule I - Payment Schedule to be attached]

This Bond has been approved under the provisions of Section 160A-20 and Article 8, Chapter 159 of the General Statutes of North Carolina.

Sharon G. Edmundson
Secretary, North Carolina
Local Government Commission

By _____
[Sharon G. Edmundson
Or Designated Assistant]

CERTIFICATE OF AUTHENTICATION

This Bond is the 2022A/2022B Bond referred to in the Fourth Supplemental Trust Agreement dated as of May 11, 2022, between Orange County, North Carolina, and The Bank of New York Mellon Trust Company, N.A., as trustee.

Date of Authentication: _____

**THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A., as Trustee**

By: _____
Authorized Officer

**[Orange County, North Carolina
[\$_____] Limited Obligation Bond, Series 2022A/2022B]**

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sell(s), assign(s) and transfer(s) unto

(Please print or type transferee's name and address, including zip code)

PLEASE INSERT SOCIAL SECURITY OR OTHER
IDENTIFYING NUMBER OF TRANSFEREE:

[Empty rectangular box for identifying number]

the within bond and all rights thereunder, hereby irrevocably constituting and appointing _____, Attorney, to transfer said certificate on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

(Signature of Owner)

NOTICE: Signature(s) must be guaranteed by a participant in the Securities Transfer Agent Medallion Program ("STAMP") or similar program

NOTICE: The signature above must correspond with the name the Owner as it appears on the front of this certificate in every particular without alteration or enlargement or any change whatsoever.

EXHIBIT D – Schedule of Payments on 2022 Bonds

Principal is payable in the amounts and on the dates as shown below, subject to redemption of the 2022B Bond as provided in this Supplemental Agreement. Interest is payable on the dates shown below.

The 2022 Bonds will bear interest from the Closing Date until paid. Interest is calculated at the annual rate of 2.13% on the 2022A Bond and 2.41% on the 2022B Bond, in each case subject to adjustment as provided in this Supplemental Agreement. The schedule below shows the expected interest payment amounts.

The County’s obligation with respect to the 2022 Bonds on each Payment Date is the amount shown below as the “total payment” for that date, subject to adjustment as provided in Section 3.05(c) of the 2018 Agreement.

Payments are due to the Bondholders on the indicated Payment Dates. The County will deposit the amounts required for payment with the Trustee by the 25th day of the month preceding the Payment Date.

Payment Date	Principal – 2022A	Interest– 2022A	Principal – 2022B	Interest– 2022B	Total Payment
[To come]					

Exhibit E – Form of Requisition

[Date] _____

The Bank of New York Mellon Trust Company, N.A., as Trustee
 Attention: Corporate Trust
 Regarding: Requisition under 2022 Supplemental
 Trust Agreement for Orange County, North Carolina

ELECTRONIC COPY TO:

Truist Commercial Equity, Inc.,
 [email or fax number to be provided]

RE: Request by Orange County, North Carolina (the "County"), for disbursement of funds from a Bond Proceeds Fund created under a Fourth Supplemental Trust Agreement dated as of May 11, 2022 (the "2022 Agreement"), with Orange County, North Carolina (the "County")

To the Trustee:

Pursuant to the terms and conditions of the 2022 Agreement, the County authorizes and requests the disbursement of funds from the "Orange County 2022 Proceeds Fund" established under that 2022 Agreement for the costs described below.

Capitalized terms used in this requisition and not otherwise defined have the meanings ascribed in the 2022 Agreement.

This is requisition number 2022 - ____ from the 2022 Proceeds Fund.

Total Amount for Disbursement	
Payee	
Payee's address	

Orange County makes this requisition pursuant to the following representations:

1. The County has appropriated in its current fiscal year funds sufficient to pay the Bond Payments and estimated Additional Payments due in the current fiscal year.
2. The purpose of this disbursement is for payment of 2022 Project Costs as provided for in the Trust Agreement.
3. The requested disbursement has not been subject to any previous requisition.
4. No notice of any lien, right to lien or attachment upon, or claim affecting the right to receive payment of, any of the moneys payable herein to any of the persons, firms or corporations named herein has been received, or if any notice of any such lien, attachment or claim has been received, such lien, attachment or claim has been released or discharged or will be released or discharged upon payment of this requisition.
5. This requisition contains no items representing payment on account of any percentage entitled to be retained on the date of this requisition.
6. No Event of Default is continuing, and no event or condition is existing which, with notice or lapse of time or both, would become an Event of Default.
7. The County has insurance in place that complies with the insurance requirements of the Trust Agreement.
8. No portion of the amounts set forth in this requisition represents amounts paid or payable as North Carolina state sales taxes.

ORANGE COUNTY, NORTH CAROLINA

By: **[Exhibit Form Only - Do Not Sign]**

Title: _____
County Representative

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: May 3, 2022**

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

SUBJECT: Series 2022 General Obligation Bond Sale in the Amount of \$14,540,000

DEPARTMENT: Finance and Administrative
Services

ATTACHMENT(S):

1. Series 2022 General Obligation Bond Sale Resolution

INFORMATION CONTACT:

Gary Donaldson, 919-245-2453
Rebecca Crawford, 919-245-2152
Bob Jessup, 919-933-9891

PURPOSE: To authorize voter-approved Series 2022 General Obligation Bond issuance in the amount of \$14,540,000. The bond issuance amount is \$11,893,584 for Orange County Schools and \$2,646,416 for Chapel Hill-Carrboro City Schools.

BACKGROUND: The aforementioned bond amounts represent the final tranche of authorized general obligation school bonds that were approved by County voters in November 2016 Bond Referendum. Following the issuance of these general obligation bonds, all of the \$120 million school general obligation bonds will be issued.

Orange County Schools will use bond proceeds to finance various mechanical system improvements in its facilities. Chapel Hill-Carrboro City Schools will use bond proceeds to finance the Chapel Hill High School project.

The actual interest rates on these bonds will be determined when the Local Government Commission takes competitive bids on May 17, 2022.

FINANCIAL IMPACT: The General Obligation bonds are included in the County's FY 2022-2032 Capital Investment Plan and Debt Affordability Model.

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

- **GOAL: ENSURE ECONOMIC SELF-SUFFICIENCY**

The creation and preservation of infrastructure, policies, programs and funding necessary for residents to provide shelter, food, clothing and medical care for themselves and their dependents.

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.

Resolution for the Sale of School Bonds

Introduction --

The voters of Orange County have previously approved the issuance of up to \$120,000,000 of the County's general obligation bonds to pay capital costs of providing school facilities. The County still has \$14,540,000 of these bonds left to be issued.

The Board has now determined that the County should issue the remaining \$14,540,000 of the school bonds.

This resolution provides for the issuance of these bonds and takes related action, such as approving the form of the disclosure document that will be used to provide information to prospective bond investors.

BE IT THEREFORE RESOLVED by the Board of Commissioners of Orange County, North Carolina, as follows:

1. *County Will Sell School Bonds* - The County will issue and sell up to \$14,540,000 of the unissued School Bonds (referred to as the "Bonds" in this resolution) for their authorized purpose.

2. *Pledge of Faith, Credit and Taxing Power --* The County's full faith and credit are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds. Unless other funds are lawfully available and appropriated for timely payment of the Bonds, the County will levy and collect an annual ad valorem tax, without restriction as to rate or amount, on all locally taxable property in the County sufficient to pay the principal of and interest on the Bonds as the same become due.

3. *Payment Provisions.* The Bonds will bear interest at the rates determined at the time of their sale by the Local Government Commission (the "LGC"), with interest calculated on the basis of a 360-day year consisting of twelve 30-day months. The principal of the Bonds will be payable in annual installments as the

Finance Officer may determine after consultation with the LGC, except that the final maturity for the Bonds must not extend beyond December 31, 2043. Annual principal payments may take the form of Bonds that are subject to mandatory annual sinking fund redemption.

4. *Approval of Official Statement for Offering* - There has been made available to each member of the Board a draft of an official statement (the "Official Statement") relating to the Bonds, which is designed to provide appropriate information about the County and the financing to prospective investors in the Bonds. The draft Official Statement remains subject to completion and amendment.

The Board approves the LGC's distribution of the Official Statement to prospective purchasers of the Bonds. The Official Statement as distributed must be in substantially the form presented to this meeting, which the Board approves, with changes as the Finance Officer may approve. The Board ratifies the prior actions of the Finance Officer and other County representatives, in collaboration with the LGC staff, in preparing the text of the Official Statement.

The Board acknowledges that it is the County's responsibility, and ultimately the Board's responsibility, to ensure that the Official Statement in its final form neither contains an untrue statement of a material fact nor omits to state a material fact required to be included therein for the purpose for which the Official Statement is to be used or necessary to make the statements therein, in light of the circumstances under which they were made, not misleading. In adopting this resolution, the Board members acknowledge and accept their own responsibility for causing the County to fulfill these responsibilities for the Official Statement.

The County deems the Official Statement as distributed by the LGC to be a "final official statement" within the meaning of Rule 15c2-12 of the Securities Exchange Act of 1934, as amended ("Rule 15c2-12"), except for the omission of certain final Bond pricing and other information that Rule 15c2-12 allows to be omitted.

5. *Prepayment Provisions* - The Board directs the Finance Officer, upon advice from the LGC, to determine the terms and conditions under which the Bonds will be subject to prepayment prior to maturity. The Finance Officer shall execute a

certificate prior to the initial delivery of the Bonds designating prepayment terms and conditions. This certificate will be conclusive evidence of the Finance Officer's determination of these terms and conditions.

6. *Form of Bonds; Payment Details* -- The Bonds will be designated "General Obligation School Bonds, Series 2022."

The Bonds will be in substantially the form set out in Exhibit A. The Bonds will be dated the date of their initial issuance, will be in fully registered form, will be in denominations of \$5,000 and integral multiples thereof and will be numbered for identification from R-1 upward.

The Bonds must be signed by the manual or facsimile signature of the Board's Chair or the County Manager, and the County's seal must be affixed to the Bonds (or a facsimile of the seal printed on the Bonds) and attested by the manual or facsimile signature of the Clerk to this Board or any Deputy or Assistant Clerk. No Bond will be valid unless at least one of the signatures appearing on the Bond (which may be the signature of the LGC's representative required by law) is manually applied or until the Bond has been authenticated by the manual signature of an authorized officer or employee of a bond registrar selected by the Finance Officer.

Interest on each Bond will be payable semiannually (a) from its date, if it is authenticated prior to the first interest payment date, or (b) otherwise from the interest payment date that is, or immediately precedes, the date on which it is authenticated (unless payment of interest is in default, in which case such Bond will bear interest from the date to which interest has been paid). Principal and interest will be payable in lawful money of the United States of America.

The Board directs the Finance Officer to execute a certificate prior to the initial delivery of the Bonds designating the final aggregate principal amount of the Bonds (up to the maximum authorized amount of \$14,540,000), the final principal payment schedule, and the interest payment dates for the Bonds. This certificate will be conclusive evidence of the Finance Officer's approval and determination of these matters.

7. Finance Officer as Registrar; Payments to Registered Owners -- The Board appoints the Finance Officer as Registrar for the Bonds. As Registrar, the Finance Officer shall maintain appropriate books and records of the ownership of the Bonds. The County will treat the registered owner of each Bond as the person exclusively entitled to payment of principal and interest and the exercise of all rights and powers of the owner, except that the County will make payments to the person shown as owner on the registration books at the end of the calendar day on the 15th day of the month (whether or not a business day) preceding each interest payment date.

8. Advertising Bonds for Sale - The Board directs the Finance Officer, in collaboration with the LGC, to take all proper steps to advertise the Bonds for sale in accordance with standard LGC procedures, including through the use of a "Notice of Sale" document in the LGC's customary form and in substantially the same form as used for prior County bond sales. The Board directs the Finance Officer to review and approve a form of Notice of Sale as that officer may determine to be in the County's best interest.

9. LGC To Sell Bonds -- The County asks the LGC to sell the Bonds, to receive and evaluate bids and to award the Bonds based on the best bid received.

10. Completing Official Statement after Sale - After the LGC has received bids and awarded the Bonds to the successful bidder, the Board directs the Finance Officer, in collaboration with the LGC, to prepare a final Official Statement within the meaning of Rule 15c2-12. The Board authorizes the Finance Officer to approve the final document as a final Official Statement. The County, together with the LGC, will arrange for the delivery within seven business days of the sale date of a reasonable number of copies of the final Official Statement to the successful bidder on the Bonds for delivery to each potential investor requesting a copy of the final Official Statement and to each entity to which the bidder and members of the bidding group initially sell the Bonds.

11. County Officers To Complete Closing - The Board authorizes the County Manager, the Finance Officer and all other County officers and employees to

take all proper steps to complete the issuance of the Bonds, in cooperation with the purchaser and in accordance with this resolution.

The Board authorizes the Finance Officer to hold the executed Bonds, and any other documents permitted by this resolution, in escrow on the County's behalf until the conditions for the delivery of the Bonds and other documents have been completed to the Finance Officer's satisfaction. The Finance Officer may then release the executed Bonds and other documents for delivery to the appropriate persons or organizations.

Without limiting the generality of the foregoing, the Board specifically authorizes the Finance Officer to approve changes to any documents previously signed by County officers or employees, provided that the Bonds must be in substantially the form approved by this resolution and that any changes must not conflict with this resolution nor substantially alter the intent of the document from that expressed in the form originally executed. The Finance Officer's authorization of the release of any such document for delivery will constitute conclusive evidence of that officer's approval of any such changes.

In addition, the Board authorizes the Finance Officer to take all appropriate steps for the efficient and convenient carrying out of the County's on-going responsibilities with respect to the Bonds and the financed projects. This authorization includes, without limitation, contracting with third parties for reports and calculations that may be required under the Bonds, this resolution, or otherwise with respect to the financing and the financed projects, and making appropriate payments prior to the loan closing for costs related to the financing and the financed projects.

12. *Undertaking for Continuing Disclosure* -- The County undertakes, for the benefit of the beneficial owners of the Bonds, to provide continuing disclosure with respect to the Bonds as described in Exhibit B.

The Board designates the Finance Officer as the County officer to be primarily responsible for the County's compliance with its undertakings for continuing disclosure provided for in this resolution. The Finance Officer will provide for the

filings and reports (including the reports of material events) constituting the continuing disclosure provided for in this resolution.

13. *Resolutions as to Tax Matters* -- The County will not take or omit to take any action the taking or omission of which will cause the Bonds to be "arbitrage bonds," within the meaning of Section 148 of the "Code" (as defined below), or "private activity bonds" within the meaning of Code Section 141, or otherwise cause interest on the Bonds to be includable in gross income for federal income tax purposes. Without limiting the generality of the foregoing, the County will comply with any Code provision that may require the County at any time to pay to the United States any part of the earnings derived from the investment of the proceeds of the Bonds, and the County will pay any such required rebate from its general funds. For this paragraph, "Code" means the United States Internal Revenue Code of 1986, as amended, including applicable Treasury regulations.

14. *Book-Entry System for Bond Registration* -- The County will issue the Bonds by means of a book-entry system, with one bond certificate for each maturity immobilized at The Depository Trust Company, New York, New York ("DTC"), and not available for distribution to the public. The book-entry system for registration will operate as described in the Official Statement. Therefore, so long as the book-entry system of registration with DTC is in effect, (a) the County will make Bond payments only to DTC or its nominee as registered owner of the Bonds, (b) the County will not be responsible or liable for any transfer of payments to parties other than DTC or for maintaining, supervising or reviewing the records maintained by DTC or any other person related to the Bonds, and (c) the County will not send redemption notices (or any other notices related to the Bonds) to anyone other than DTC or its nominee. The Board, by resolution, may elect to discontinue the County's book-entry system with DTC. The Board authorizes the Finance Officer to enter into any agreements such officer deems appropriate to put into place and carry out the book-entry system with DTC.

15. *Finding as to Useful Life and Term of the Bonds* -- The Board finds and determines that the average weighted maximum useful life of the projects to be financed with the proceeds of the Bonds is at least twenty years, subject to ordinary

maintenance for projects of this type, and therefore the term of the Bonds will be within such maximum useful life.

16. *Additional Provisions* – The Board authorizes all County officers and employees to take all such further action as they may consider desirable in carrying out the purposes of this resolution. The Board ratifies all prior actions of County officers and employees in this regard. Upon the absence, unavailability or refusal to act of the Chair, the County Manager or the Finance Officer, any of such officers may assume any responsibility or carry out any function assigned to another officer in this resolution. In addition, upon the unavailability of the Chair or the Clerk, respectively, any of the rights or responsibilities directed to such officers may be carried out or exercised by the Vice Chair or any Deputy or Assistant Clerk. All other resolutions, or parts thereof, in conflict with this resolution are repealed, to the extent of the conflict. This resolution takes effect immediately.

EXHIBIT A - Form of Bonds

REGISTERED

REGISTERED

Number R-X

**UNITED STATES OF AMERICA
STATE OF NORTH CAROLINA**

ORANGE COUNTY

General Obligation School Bond, Series 2022

INTEREST RATE	MATURITY DATE	DATED DATE	CUSIP
_____ %	February 1, 20__	June 2, 2022	XXX XXX XXX

REGISTERED OWNER: ***CEDE & CO.*******

PRINCIPAL AMOUNT: **_ DOLLARS (\$_____) *****

ORANGE COUNTY, NORTH CAROLINA (the "County"), for value received, promises to pay to the registered owner of this Bond, or registered assigns or legal representative, the principal amount stated above on the maturity date stated above, subject to prior redemption as described below, and to pay interest on this Bond semiannually on each February 1 and August 1, beginning February 1, 2023, at the annual rate stated above. Interest is payable (a) from the dated date stated above, if this Bond is authenticated prior to February 1, 2023, or (b) otherwise from the February 1 or August 1 that is, or immediately precedes, the date on which this Bond is authenticated (unless payment of interest on this Bond is in default, in which case this Bond will bear interest from the date to which interest has been paid).

This Bond is one of an issue of the County's \$14,540,000 General Obligation School Bonds, Series 2022 (the "Bonds"), of like date and tenor, except as to number, denomination, rate of interest, privilege of redemption and maturity. The Bonds are issued pursuant to a resolution adopted by the County's governing Board of Commissioners on May 3, 2022, and the Constitution and laws of the State of North Carolina, including the Local Government Bond Act.

The County's full faith and credit are pledged for the payment of principal of and interest on this Bond.

The County will make all payments in lawful money of the United States. Interest will be calculated based on a 360-day year consisting of twelve 30-day months.

The Bonds are issued by means of a book-entry system, with one bond certificate for each maturity immobilized at The Depository Trust Company, New York, New York ("DTC"), and not available for distribution to the public. Transfer of beneficial ownership interests in the Bonds in the principal amount of \$5,000 or any integral multiple thereof will be effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The County will pay principal and interest on the Bonds only to DTC or its nominee as registered owner of the Bonds. The County is not responsible or liable for such transfer of ownership or payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

Bonds maturing prior to February 1, 2034, are not subject to redemption prior to maturity. Bonds maturing on February 1, 2034, and thereafter are redeemable, at the County's option, from any moneys that may be made available for that purpose, in whole or in part on any date not earlier than February 1, 2033, at a redemption price of 100% of the principal amount to be redeemed, plus interest accrued to the redemption date, without premium.

If less than all of the Bonds stated to mature on different dates are called for redemption, the County will select the Bonds to be redeemed in such manner as the County may determine in its discretion. If less than all of the Bonds of any one

maturity are called for redemption, the particular Bonds or portions of Bonds to be redeemed from that maturity will be selected by lot in such manner as the County in its discretion may determine; provided, however, that the portion of each Bond to be redeemed will be in the principal amount of \$5,000 or some integral multiple thereof, and that, in selecting Bonds for redemption, each Bond will be considered as representing that number of Bonds which is obtained by dividing the principal amount of such Bond by \$5,000. Notwithstanding the foregoing, so long as a book-entry system with DTC is used for determining beneficial ownership of Bonds, if less than all of the Bonds within a maturity are to be redeemed, DTC and its participants will determine which of the Bonds within any such maturity are to be redeemed. If a portion of a Bond is called for redemption, the County will issue a new Bond to the registered owner in a principal amount equal to the unredeemed portion, upon the registered owner's surrender of the Bond.

[Term bond redemption provisions, if needed]

The County will send notice of redemption to DTC or its nominee as the registered owner of the Bonds in such manner as may be provided for under DTC's then-current operating procedures. The County will send this notice not more than 60 days and not less than 30 days prior to the date fixed for redemption. The County is not responsible for sending redemption notices to anyone other than DTC or its nominee.

If (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the County so elects, the County will discontinue the book-entry system with DTC. If the County does not identify another qualified securities depository to replace DTC, the County will deliver replacement Bonds in the form of fully-registered certificates.

The County Finance Officer has been appointed Registrar for the Bonds. As Registrar, the Finance Officer will maintain appropriate books and records indicating ownership of the Bonds. The County will treat the registered owner of this Bond as the person exclusively entitled to payment of principal, [premium, if any,] and interest and the exercise of all other rights and powers of the owner, except that the County will make Bond payments to the person shown as owner on the County's registration

books on the **Record Date**, which is the end of the calendar day on the 15th day of the month (whether or not a business day) preceding each interest payment date. Principal and interest are payable in lawful money of the United States of America.

The County intends that North Carolina law will govern this Bond and all matters of its interpretation.

All acts, conditions and things required by the Constitution and laws of the State of North Carolina to happen, exist or be performed precedent to and in the issuance of this Bond have happened, exist and have been performed, and the issue of Bonds of which this Bond is one, together with all other indebtedness of the County, is within every debt and other limit prescribed by the Constitution and laws of the State of North Carolina.

IN WITNESS WHEREOF, Orange County, North Carolina, has caused this Bond to be signed by its County Manager, its seal to be affixed hereto and attested by the Clerk to its Board of Commissioners, and this Bond to be dated June 2, 2022.

(SEAL)

ATTEST:	
<p style="text-align: center;"><i>[Sample only - do not sign]</i> Clerk, Board of Commissioners Orange County, North Carolina</p>	<p style="text-align: center;"><i>[Sample only - do not sign]</i> County Manager Orange County, North Carolina</p>

The Bonds have been approved by the North Carolina Local Government Commission in accordance with the Local Government Bond Act.

[Sample only - do not sign]
 Sharon G. Edmundson

Secretary, Local Government Commission

[Orange County, North Carolina

\$14,540,000 General Obligation School Bonds, Series 2022]

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sell(s), assign(s) and transfer(s) unto

 (Please print or type transferee’s name and address, including zip code)

PLEASE INSERT SOCIAL SECURITY OR OTHER
 IDENTIFYING NUMBER OR TRANSFEREE:

the within bond and all rights thereunder, hereby irrevocably constituting and appointing _____, Attorney, to transfer said bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

<p>Signature Guaranteed: _____ NOTICE: Signature(s) must be guaranteed by a participant in the Securities Transfer Agent Medallion Program (“STAMP”) or similar program</p>	<p>_____ (Signature of Registered Owner) NOTICE: The signature above must correspond with the name of the registered owner as it appears on the front of this bond in every particular without alteration or enlargement or any change whatsoever.</p>
---	--

**[Orange County, North Carolina
 \$14,540,000 General Obligation School Bonds, Series 2022]**

Exhibit B -- Undertaking for Continuing Disclosure

The County undertakes, for the benefit of the beneficial owners of the Bonds, to provide the following items and information to the Municipal Securities Rulemaking Board (the “MSRB”):

(a) by not later than seven months from the end of each of the County’s fiscal years, audited County financial statements for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements are not available by seven months from the end of any fiscal year, unaudited County financial statements for such fiscal year, to be replaced subsequently by audited County financial statements to be delivered within 15 days after such audited financial statements become available for distribution;

(b) by not later than seven months from the end of each of the County’s fiscal years, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year (which data will be prepared at least annually, will specify the date as to which such information was prepared and will be delivered with any subsequent material events notices specified in subparagraph (c) below) for the type of information included under heading “The County - Debt Information” and “- Tax Information” in the final Official Statement (excluding any information on overlapping or underlying units), and (ii) the combined budget of the County for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

(c) in a timely manner, not in excess of ten business days after the occurrence of the event notice of any of the following events with respect to the Bonds:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults;

(3) unscheduled draws on debt service reserves reflecting financial difficulties;

(4) unscheduled draws on any credit enhancements reflecting financial difficulties;

(5) substitution of credit or liquidity providers, or their failure to perform;

(6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;

(7) modifications to rights of the beneficial owners of the Bonds, if material;

(8) calls for redemption of the Bonds (other than calls pursuant to sinking fund redemption), if material, and tender offers;

(9) defeasances;

(10) release, substitution or sale of any property securing repayment of the Bonds;

(11) rating changes;

(12) bankruptcy, insolvency, receivership or similar proceedings related to the Town or any other person or entity that may at any time become legally obligated to make payments on the Bonds (collectively, the "Obligated Persons");

(13) the consummation of a merger, consolidation, or acquisition involving an Obligated Person or the sale of all or substantially all of the assets of the Obligated Person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;

(14) Appointment of a successor or additional trustee or the change of name of a trustee, if material;

(15) Incurrence of a financial obligation (as defined below) of the Town, if material, or agreement to covenants, events of default, remedies, priority rights, or other similar terms of a financial obligation of the Town, any of which affect Bondholders, if material; and

(16) Default, event of acceleration, termination event, modification of terms or other similar events under the terms of a financial obligation of the Town, any of which reflect financial difficulties; and

(d) in a timely manner, notice of a failure of the Town to provide required annual financial information described in (a) or (b) above on or before the date specified.

“Financial obligation” means (a) a debt obligation, (b) a derivative instrument entered into in connection with, or pledged as security or a source of payment for, an existing or planned debt obligation, or (c) a guarantee of an obligation described in either clause (a) or (b). The term “financial obligation” shall not include municipal securities as to which a final official statement has been provided to the MSRB consistent with Rule 15c2-12.

For the purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occurs: the appointment of a receiver, fiscal agent or similar officer for an Obligated Person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Obligated Person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Obligated Person.

If the County fails to comply with the undertaking described above, any beneficial owner of the Bonds may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking will not be an event of default and will not result in any acceleration of payment of the Bonds. All actions will be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The County shall provide the documents and other information referred to above to the MSRB in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The County may discharge its undertaking as set forth in this resolution by providing such information in any manner that the United States Securities and Exchange Commission subsequently authorizes in lieu of the manner described above.

The County reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the County's judgment, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the County;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 as of the date of the final Official Statement, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interests of the beneficial owners, as determined either by parties unaffiliated with the County or by the approving vote of the registered owners of a majority in principal amount of the Bonds pursuant to the terms of the bond resolution, as it may be amended from time to time, at the time of the amendment.

Any annual financial information containing modified operating data or financial information will explain, in narrative form, the reasons for the modification and the effect of the change in the type of operating data or financial information being provided.

ORD-2022-014

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 3, 2022

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

SUBJECT: Application for North Carolina Education Lottery Proceeds for Chapel Hill Carrboro City Schools (CHCCS) and Contingent Approval of Budget Amendment #10-A Related to CHCCS Capital Project Ordinances

DEPARTMENT: Finance and Administrative
Services

ATTACHMENT(S):

Attachment 1. CHCCS – Lottery
Proceeds Debt Service
Application

INFORMATION CONTACT:

Rebecca Crawford, (919) 245-2152
Gary Donaldson, (919) 245-2453

PURPOSE: To approve an application to the North Carolina Department of Public Instruction (NCDPI) to release proceeds from the NC Education Lottery account related to FY 2021-22 debt service payments for Chapel Hill Carrboro City Schools (CHCCS), and to approve Budget Amendment #10-A, contingent on the NCDPI's approval of the application.

BACKGROUND: Both County School Systems have previously presented approved resolutions from their respective Boards requesting that the County modify its Capital Funding Policy by applying accumulated lottery funds to debt service payments, and permitting current year withdrawals of lottery proceeds immediately after the State's quarterly lottery fund allocations. This policy expedites both the application process and the receipt of funds for both school systems.

Currently, the accumulated available lottery proceeds for Chapel Hill Carrboro City Schools (CHCCS) is \$870,226. The attached application requests NCDPI to release lottery proceeds in the amount of \$846,461 to cover debt service for projects previously financed for the CHCCS system.

Budget Amendment #10-A provides for the receipt of the Lottery Proceeds, contingent on NCDPI's approval of the application, and substitutes the amount of Lottery Proceeds approved for debt service as additional Pay-As-You-Go (PAYGO) funds for FY 2021-22 for CHCCS long-range capital needs and projects. These additional PAYGO funds were budgeted as part of the FY 2021-22 (Year 1) Capital Investment Fund approved by the Board of County Commissioners and are allocated to the following projects:

Chapel Hill Carrboro City Schools (\$846,461):

Abatement Projects (\$75,000) – Project #54001
ADA Requirements (\$50,000) – Project #54000
Doors/Hardware/Canopies (\$100,000) – Project #53023
Electrical Systems (\$150,000) – Project #53026
Energy Efficiency/Lighting Improvements (\$200,000) – Project #54003
Fire/Safety/Security Systems (\$16,461) – Project #54004
Indoor Air Quality (\$100,000) – Project #54005
Rental Space (\$155,000) – Project #54019

FINANCIAL IMPACT: The total Lottery Proceeds requested from the NCDPI for Chapel Hill Carrboro City Schools is \$846,461.

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

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

RECOMMENDATION(S): The Manager recommends that the Board approve, and authorize the Chair to sign, the application for North Carolina Education Lottery Proceeds; and approve Budget Amendment #10-A receiving the Lottery Proceeds, contingent on NCDPI's approval of the application.

**APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY**

Approved: _____

Date: _____

County: Orange

Contact Person: Gary Donaldson

LEA: Chapel Hill-Carrboro City

Title: Chief Financial Officer

Address: P.O. Box 8181 Hillsborough, NC

Phone: 919-245-2453

Project Title: FY 2021-22 Debt Service (2001 Bonds - issued in 2005 - Series 2011 Refunding)

Location: _____

Type of Facility: _____

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

- (3) No county shall have to provide matching funds...
- (4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.
- (5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. ***Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.***

Short description of Construction Project: Debt Service associated with Limited Obligation Bonds - Series 2011 (Carrboro High School)

Estimated Costs:

Purchase of Land _____	\$ _____	
Planning and Design Services _____	_____	
New Construction _____	_____	
Additions / Renovations _____	_____	
Repair _____	_____	
Debt Payment / Bond Payment _____		846,461.00
TOTAL _____	\$ _____	846,461.00

Estimated Project Beginning Date: 7/1/2021 Est. Project Completion Date: 6/30/2022

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ 846,461.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

(Signature — Chair, County Commissioners) (Date)

(Signature — Chair, Board of Education) (Date)

ORD-2022-015

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: May 3, 2022

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

SUBJECT: Application for North Carolina Education Lottery Proceeds for Orange County Schools (OCS) and Contingent Approval of Budget Amendment #10-B Related to OCS Capital Project Ordinances

DEPARTMENT: Finance and Administrative
Services

ATTACHMENT(S):

Attachment 1. OCS – Lottery Proceeds
Debt Service Application

INFORMATION CONTACT:

Rebecca Crawford, (919) 245-2152
Gary Donaldson, (919) 245-2453

PURPOSE: To approve an application to the North Carolina Department of Public Instruction (NCDPI) to release proceeds from the NC Education Lottery account related to FY 2021-22 debt service payments for Orange County Schools (OCS), and to approve Budget Amendment #10-B, contingent on the NCDPI's approval of the application.

BACKGROUND: Both County School Systems have previously presented approved resolutions from their respective Boards requesting that the County modify its Capital Funding Policy by applying accumulated lottery funds to debt service payments, and permitting current year withdrawals of lottery proceeds immediately after the State's quarterly lottery fund allocations. This policy expedites both the application process and the receipt of funds for both school systems.

Currently, the accumulated available lottery proceeds for Orange County Schools (OCS) is \$462,007. The attached application requests NCDPI to release lottery proceeds in the amount of \$462,007 to cover debt service for projects previously financed for the Orange County School system.

Budget Amendment #10-B provides for the receipt of the Lottery Proceeds, contingent on NCDPI's approval of the application, and substitutes the amount of Lottery Proceeds approved for debt service as additional Pay-As-You-Go (PAYGO) funds for FY 2021-22 for OCS long-range capital needs and projects. These additional PAYGO funds were budgeted as part of the FY 2021-22 (Year 1) Capital Investment Fund approved by the Board of County Commissioners and are allocated to the following projects:

Orange County Schools (\$462,007):

Classroom/Building Improvements (\$397,790) – Project #51025
Technology (\$64,217) – Project #51011

FINANCIAL IMPACT: The total Lottery Proceeds requested from the NCDPI for Orange County Schools is \$462,007.

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

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

RECOMMENDATION(S): The Manager recommends that the Board approve, and authorize the Chair to sign, the application for North Carolina Education Lottery Proceeds; and approve Budget Amendment #10-B receiving the Lottery Proceeds, contingent on NCDPI's approval of the application.

**APPLICATION
PUBLIC SCHOOL BUILDING CAPITAL FUND
NORTH CAROLINA EDUCATION LOTTERY**

Approved: _____

Date: _____

County: Orange

Contact Person: Gary Donaldson

LEA: Orange County - 680

Title: Chief Financial Officer

Address: P.O. Box 8181 Hillsborough, NC

Phone: 919-245-2453

Project Title: FY 2021-22 Debt Service (2001 Bonds - issued in 2005 - Series 2011 Refunding)

Location: _____

Type of Facility: _____

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:
(3) No county shall have to provide matching funds...
(4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects.
(5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities. ***Applications must be submitted within one year following the date of final payment to the Contractor or Vendor.***

Short description of Construction Project: Debt Service associated with Limited Obligation Bonds - Series 2011 (Gravelly Hill Middle School)

Estimated Costs:

Purchase of Land _____	\$ _____	
Planning and Design Services _____	_____	
New Construction _____	_____	
Additions / Renovations _____	_____	
Repair _____	_____	
Debt Payment / Bond Payment _____		462,007.00
TOTAL _____	\$ _____	462,007.00

Estimated Project Beginning Date: 7/1/2021 Est. Project Completion Date: 6/30/2022

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ 462,007.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of G.S. 115C-546.

(Signature — Chair, County Commissioners) (Date)

(Signature — Chair, Board of Education) (Date)

BOCC Meeting Follow-up Actions

(Individuals with a * by their name are the lead facilitators for the group of individuals responsible for an item)

Meeting Date	Task	Target Date	Person(s) Responsible	Status
4/26/22	Follow-up on Board comments related to the draft transit plan to address concerns and issues noted	9/2022	Brenda Bartholomew Tom Altieri	Staff to follow-up
4/26/22	As part of public information efforts related to Broadband deployment, highlight potential impacts on yards/gardens/driveways/etc. with digging, trenching and boring	6/2022	Todd McGee Travis Myren	Information to be highlighted
4/26/22	In conjunction with town staffs, develop proposed memorandum of understanding for a restructured Climate Council based on the Intergovernmental Parks Work Group	12/2022	Steve Arndt Amy Eckberg Travis Myren	Proposed MOU to be developed
4/26/22	Develop proposed County Climate Action Plan in consultation with the Commission for the Environment	12/2022	Steve Arndt Amy Eckberg David Stancil	Proposed County Climate Action Plan to be developed in consultation with the Commission for the Environment and then presented to the BOCC
4/26/22	Review and consider request by Commissioner McKee that staff develop proposed language for Board consideration to address declarations of emergency and the full BOCC's consideration/approval of declaration extensions	12/2022	John Roberts	County Attorney to develop proposed language

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Property Tax Collection - Tax Effective Date of Report: April 15, 2022						
Tax Year 2021	Amount Charged in FY 21-22	Amount Collected	Accounts Receivable	Amount Budgeted in FY 21-22	Remaining Budget	% of Budget Collected
Real and Personal Current Year Taxes	\$ 165,001,124.00	\$ 166,386,615.88	1,854,766.23	165,001,124.00	\$ (1,385,491.88)	100.84%
Real and Personal Prior Year Taxes	\$ 3,676,980.95	\$ 945,112.57	2,297,731.28	\$ 1,155,000.00	\$ 209,887.43	81.83%
Total	\$ 168,678,104.95	\$ 167,331,728.45	\$ 4,152,497.51	\$ 166,156,124.00	\$ (1,175,604.45)	100.71%
Registered Motor Vehicle Taxes		\$8,774,272.50	\$9,075.64	\$ 10,339,468.00	\$ 1,565,195.50	84.86%
Tax Year 2020	Amount Charged in FY 20-21	Amount Collected	Accounts Receivable	Amount Budgeted in FY 20-21	Remaining Budget	% of Budget Collected
Real and Personal Current Year Taxes	\$ 154,198,531.00	\$ 155,246,916.29	1,934,605.65	\$ 154,198,531.00	\$ (1,048,385.29)	100.68%
Real and Personal Prior Year Taxes	\$ 3,818,647.51	\$ 1,113,429.16	2,338,765.96	\$ 1,155,000.00	\$ 41,570.84	96.40%
Total	\$ 158,017,178.51	\$ 156,360,345.45	\$ 4,273,371.61	\$ 155,353,531.00	\$ (1,006,814.45)	100.65%
Registered Motor Vehicle Taxes		\$9,217,991.64	\$18,849.00	\$ 10,770,627.00	\$ 1,552,635.36	85.58%
2021 Current Year Overall Collection Percentage - Real & Personal			98.90%			
2021 Current Year Overall Collection Percentage - with Registered Motor Vehicles			98.95%			
2020 Current Year Overall Collection Percentage - Real & Personal			98.77%			
2020 Current Year Overall Collection Percentage - with Registered Motor Vehicles			98.83%			

INFORMATION ITEM

Tax Collector's Report - Measures of Enforced Collections

-
Fiscal Year 2021-2022

Effective Date of Report: MARCH 31, 2022

	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Wage garnishments	12	19	18	27	12	-	57	149	62				
Bank attachments	8	6	6	4	4	10	19	37	21				
Certifications	-	-	-	-	-	-	-	-	-				
Rent attachments	-	-	-	-	-	-	2	-	-				
Housing/Escheats/Monies	2	2	16	15	14	6	26	47	58				
Levies	-	-	-	-	-	-	-	-	-				
Foreclosures initiated	-	-	3	3	1	-	-	2	8				
NC Debt Setoff collections	\$2,819.45	\$ 1,699.69	\$ 748.44	\$ 1,426.64	\$ 4,239.34	\$ 1,306.23	\$ -	\$ 1,275.63	\$ 636.64				

This report shows the Tax Collector's efforts to encourage and enforce payment of taxes for the fiscal year 2021-22. 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
Herrin, Joseph Ellis	3193576	2020	10,460	0	(71.78)		(71.78)	Assessed in error (illegal tax)	Personal	Approve	4/7/2022	Gap Bill: vehicle sold before gap period, gap bill generated when plate was turned in
Ives, Barbara	5724386	2021	610	610	(3.51)	(30.00)	(33.51)	*Situs error (illegal tax)	RMV-VTS	Approve	4/7/2022	
Ives, Barbara	5724386	2020	620	620	(3.85)	(30.00)	(33.85)	*Situs error (illegal tax)	RMV-VTS	Approve	4/7/2022	
Ives, Barbara	5724386	2019	640	640	(3.98)	(30.00)	(33.98)	*Situs error (illegal tax)	RMV-VTS	Approve	4/7/2022	
Ives, Barbara	5724386	2018	650	650	(4.00)	(30.00)	(34.00)	*Situs error (illegal tax)	RMV-VTS	Approve	4/7/2022	
Ives, Barbara	5724386	2017	680	680	(4.05)	(30.00)	(34.05)	*Situs error (illegal tax)	RMV-VTS	Approve	4/7/2022	
Ives, Barbara	18402149	2020	4,270	4,270	(26.57)	(30.00)	(56.57)	*Situs error (illegal tax)	RMV-VTS	Approve	4/7/2022	
Ives, Barbara	18402149	2019	4,740	4,740	(29.50)	(30.00)	(59.50)	*Situs error (illegal tax)	RMV-VTS	Approve	4/7/2022	
Ives, Barbara	18402149	2018	5,300	5,300	(32.65)	(30.00)	(62.65)	*Situs error (illegal tax)	RMV-VTS	Approve	4/7/2022	
Ives, Barbara	18402149	2017	5,980	5,980	(35.65)	(30.00)	(65.65)	*Situs error (illegal tax)	RMV-VTS	Approve	4/7/2022	
Ives, Barbara	18402149	2016	6,790	6,790	(42.26)	(30.00)	(72.26)	*Situs error (illegal tax)	RMV-VTS	Approve	4/7/2022	
Johnson-Jihad, Marie Elizabeth	3191908	2021	1,400	0	(29.21)		(29.21)	Assessed in error (illegal tax)	Personal	Approve	4/7/2022	Gap bill: vehicle listed as unlicensed vehicle during gap on account 3182483
Patino-Cervantes, Manuel	303296	2021	950	0	(11.42)		(11.42)	Assessed in error (illegal tax)	Personal	Approve	4/7/2022	Mobile Home was removed and replaced with a Modular Home abstract #57639
Patino-Cervantes, Manuel	303296	2020	950	0	(12.19)		(12.19)	Assessed in error (illegal tax)	Personal	Approve	4/7/2022	Mobile Home was removed and replaced with a Modular Home abstract #57639
Patino-Cervantes, Manuel	303296	2019	950	0	(12.19)		(12.19)	Assessed in error (illegal tax)	Personal	Approve	4/7/2022	Mobile Home was removed and replaced with a Modular Home abstract #57639
Patino-Cervantes, Manuel	303296	2018	950	0	(12.01)		(12.01)	Assessed in error (illegal tax)	Personal	Approve	4/7/2022	Mobile Home was removed and replaced with a Modular Home abstract #57639
Patino-Cervantes, Manuel	303296	2017	950	0	(11.88)		(11.88)	Assessed in error (illegal tax)	Personal	Approve	4/7/2022	Mobile Home was removed and replaced with a Modular Home abstract #57639
Taylor, Thomas	3199370	2021	4,740	1988	(45.73)		(45.73)	Assessed in error (illegal tax)	Personal	Approve	4/7/2022	Gap Bill: value appeal based on sales price
							(692.43)	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.												

INFORMATION ITEM**ORANGE COUNTY
DEPARTMENT OF ENVIRONMENT, AGRICULTURE,
PARKS AND RECREATION****MEMORANDUM**

To: Board of County Commissioners
Bonnie Hammersley, County Manager

From: David Stancil, DEAPR Director
Christian Hirni, Land Conservation Manager

Date: May 3, 2022

Subject: NC Mountains to Sea Trail Progress Report

As an update on activity along the Mountains to Sea Trail (MST) corridor, Land Conservation Manager Christian Hirni - working with our trail partner organizations – reports the following activity to further the MST project. To protect landowner confidentiality, properties are not referred to by name:

Occoneechee Mountain to Seven Mile Creek Natural Area (Phase I)

- County staff continues to work with the Eno River Association to negotiate final connections from Dimmocks Mill Road to Occoneechee Mountain State Natural Area, through either fee simple or trail easement options. Recent landowner interest in a combined conservation/trail easement has the real potential to make this connection. Staff continues discussions with State and private nonprofit partners to confirm this route and connection.
- After preliminary review by the State, the Board approved in January final easement language for the acquisition of a conservation and trail easement from the Draper-Savage Foundation (Moorefields), adjacent to Seven Mile Creek Natural Area. Survey work was delayed but is now scheduled that will include a trail easement to connect from Seven Mile Creek Natural Area to the east, which will require final State approval before closing. Pending State approval, the closing is estimated for the late spring/early summer this year.
- Contact has been made with another landowner that could be the final piece needed to connect Seven Mile Creek Natural Area to the east.

Cane Creek Reservoir Area (Phase II)

- Staff continues to work with OWASA staff and the Friends of the MST (FMST) to determine the optimal trail route through OWASA Cane Creek Reservoir lands. Staff has begun the process of working with Emergency Services, the Sheriff's Office, and other first response agencies to draft an Emergency Access and Management Plan for this proposed section of trails. Once these plans are in draft stage, work will begin to finalize the Memorandum of Understanding (MOU) with OWASA for the trail.
- Staff is also in discussion with a new landowner on Cane Creek Reservoir. This owner is interested in granting a trail easement on land recently acquired adjacent to the reservoir and along the trail route. Discussions will continue after landowner has completed other needed actions for management of the land.

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- The Board has approved, in November and December, easement language for two landowner donated trail easements (Carl Shy and Ed Johnson). Surveys have been delayed due to high demand and backlogs among surveyors, but are now contracted for both and should be completed in the late spring, allowing for title work and closing dates to be scheduled for late spring/early summer of this year.
- Staff have identified landowners for possible additional connections into and within the trail route on OWASA lands, and will be contacting these owners in the coming months about interest.

Buckhorn Road to Seven Mile Natural Area (Phase III)

- *NOTE: This segment of the trail is slated in the CIP for FY 2027-28 and beyond. No activity other than conversations with FMST and occasional landowners.*
- Discussion with FMST staff about potential interim connections along roads route (or future alternate spur route). Conversation in early stages with one landowner and FMST along an interim road route.

Eno River State Park (ERSP) to Durham County (Other Lead Entities)

Note: State Parks, the Eno River Association and the FMST are coordinating in this segment from Hillsborough Riverwalk eastward to Durham County.

- The FMST and State Parks worked to secure a pedestrian walkway on the proposed new NCDOT bridge over the Eno River at Pleasant Green Road. The new bridge is expected to be completed around 2025 (before recent DOT budget issues) with a sidewalk. This will allow nearly 4 additional miles of trail through Eno River State Park.
- FMST, State and County staff continue working to ensure the trail path be included underneath the newly rebuilt Hwy 70 bridge north of Hillsborough.
- FMST and ERA is following up with landowners to connect two portions of ERSP.
- FMST is working to repair the support structure and replace a bridge across Cates Creek, just south of the Eno River in Hillsborough, with a much sturdier, long-term bridge.

Next Steps:

- Follow-up with interested landowners in Cane Creek and Occoneechee Mountain / Seven Mile Creek Natural Area locations.
- Discuss specific trail location and construction details with OWASA staff. Work with Emergency Services and Sheriff's Office to draft an Emergency Access and Management Plan for the Cane Creek Reservoir sections.
- The FMST is posting road routes to allow hiking connections between existing and proposed trail segments on their website.

In closing, it is important to note that negotiations of all trail easements involve a series of discussions with landowners, their attorneys, and the County's environmental and legal staff and management. The County must perform due diligence in any negotiation for acquisitions using public funds. As such, there are occasions where conversations and information gathering is underway and necessary but not always visible to all interested parties, until the time for official action (as per State statutes).

Please let us know if we may provide additional information.