



**Orange County
Board of Commissioners**

Agenda

Virtual Business Meeting

December 6, 2021

7:00 p.m.

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

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Business meeting on December 6, 2021. Members of the Board of Commissioners will be participating in the meeting remotely. As in prior meetings, members of the public will be able to view and listen to the meeting via live streaming video at orangecountync.gov/967/Meeting-Videos and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

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

- Written submittals by email
- Speaking during the virtual meeting

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

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

Board Organization

- a. Election of Chair and Vice-Chair
- b. Designation of Voting Delegate for all NCACC and NACo Meetings for Calendar Year December 1, 2021-2022

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**
- 5. Public Hearings**
- 6. Regular Agenda**
 - a. First Reading of Amendments of Portions of the Code of Ordinances to Comply with North Carolina Session Law 2021-138
 - b. Approval of an Allocation Framework for the FY2020-21 Financial Results
- 7. Reports**
- 8. Consent Agenda**
 - Removal of Any Items from Consent Agenda
 - Approval of Remaining Consent Agenda
 - Discussion and Approval of the Items Removed from the Consent Agenda
 - a. Minutes
 - b. Motor Vehicle Property Tax Releases/Refunds
 - c. Property Tax Releases/Refunds
 - d. Applications for Property Tax Exemption/Exclusion
 - e. Updates to the Assistance Policies for the North Carolina Housing Finance Agency (NCHFA) 2021 Urgent Repair Program (URP21) and the 2020 Essential Single Family Rehabilitation Loan Pool (ESFRLP20), and the Orange County Procurement and Disbursement Policy
 - f. Three Party Right of Way Encroachment Agreement on Primary and Secondary System Associated with the Orange County Emergency Services Substation
 - g. Advisory Boards and Commissions – Appointments
- 9. County Manager’s Report**
- 10. County Attorney’s Report**
- 11. *Appointments**



12. Information Items

- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under \$100
- Memorandum - Draft Rules of Procedure for Review

13. Closed Session

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).

Public Comment Instructions

Public Comment – Written

(for Items not on the Agenda, Agenda Items and Public Hearings)

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

When submitting the comment, include the following:

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

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

Public Comment – Verbal

(for Items not on the Agenda, Agenda Items and Public Hearings)

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

When submitting the request to speak, include the following:

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



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

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

**ORANGE COUNTY
BOARD OF COMMISSIONERS
ACTION AGENDA ITEM ABSTRACT
Meeting Date: December 6, 2021**

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

SUBJECT: First Reading of Amendments of Portions of the Code of Ordinances to Comply with North Carolina Session Law 2021-138

DEPARTMENT: County Attorney

ATTACHMENT(S):

1) Ordinance Amendments

INFORMATION CONTACT:

John Roberts, County Attorney, 245-2318

PURPOSE: To consider the first reading of ordinances having misdemeanors as one of the available enforcement options and to repeal the misdemeanor provision as may be required by law. If approved on first reading, the proposed updates and revisions will be presented for second reading approval at the Board's December 14, 2021 Business meeting.

BACKGROUND: As previously reported to the Board of Commissioners, the North Carolina General Assembly recently passed and the Governor signed into law an act that prohibits certain local government ordinances from having criminal penalties and requires a new adoption process for other local government ordinances that have criminal (misdemeanor) penalties. Part XIII of North Carolina [Session Law 2021-138](#) reads in pertinent part:

§ 153A-123. *Enforcement of ordinances.*

(b) Except for the types of ordinances listed in subsection (b1) of this section, violation of a county ordinance may be a misdemeanor or infraction as provided by G.S. 14-4 only if the county specifies such in the ordinance. An ordinance may provide by express statement that the maximum fine, term of imprisonment, or infraction penalty to be imposed for a violation is some amount of money or number of days less than the maximum imposed by G.S. 14-4. Notwithstanding G.S. 153A-45, no ordinance specifying a criminal penalty may be enacted at the meeting in which it is first introduced.

(b1) No ordinance of the following types may impose a criminal penalty:

- (1) Any ordinance adopted under Article 18 of this Chapter, Planning and Regulation of Development or, its successor, Chapter 160D of the General Statutes, except for those ordinances related to unsafe buildings.*
- (2) Any ordinance adopted pursuant to G.S. 153A-134, Regulating and licensing businesses, trades, etc.*
- (3) Any ordinance adopted pursuant to G.S. 153A-138, Registration of mobile homes, house trailers, etc.*
- (4) Any ordinance adopted pursuant to G.S. 153A-140.1, Stream-clearing programs.*
- (5) Any ordinance adopted pursuant to G.S. 153A-143, Regulation of outdoor advertising or, its successor, G.S. 160D-912, Outdoor advertising.*
- (6) Any ordinance adopted pursuant to G.S. 153A-144, Limitations on regulating solar collectors or, its successor, G.S. 160D-914, Solar collectors.*

(7) Any ordinance adopted pursuant to G.S. 153A-145, Limitations on regulating cisterns and rain barrels.

(8) Any ordinance regulating trees.

In considering the recommended changes, the Board may wish to examine the full section of the ordinance in addition to the subsections shown on Attachment 1. Due to the number of sections in need of amendment or re-adoption, it is not practical to attach the entire 600 plus Code of Ordinances. The Board and the public may view the [Code of Ordinances](#) at this link. Each section may be accessed by clicking the Chapters linked on the left hand side of the page.

In order to comply with the provisions of subsection (b1) of the session law, the following ordinances should have the misdemeanor penalties removed from the ordinance.

- Code of Ordinances --- First Reading --- Text Amendments as reflected in Attachment 1
 - Chapter 1; Section 1-7 - General Penalties --- Language amended
 - Chapter 8; Section 8-42 – Regulation of Massage Businesses --- Misdemeanor language replaced by civil penalty
 - Chapter 8; Section 8-81 – Tax on Gross Receipts for the lease or rental of motor vehicles --- Misdemeanor language removed
 - Chapter 8; Section 8-100 – Regulation of Sexually Oriented Businesses --- Misdemeanor language replaced by civil penalty
 - Chapter 8; Section 8-122 – Regulation of Mobile Food Vending Businesses --- Misdemeanor language replaced by civil penalty
 - Chapter 18; Section 18-156 – Weapons --- Clarifies possession on County property is a misdemeanor rather than relying on the general language in Section 1-7

There is consensus among local government attorneys that the substantial change in the manner in which ordinances that have a misdemeanor penalty are adopted into law should be addressed by the governing board, out of an abundance of caution, by re-adopting those provisions under the new method. The ordinances in the Code that provide for a misdemeanor penalty include the following sections.

- Code of Ordinances --- First Reading --- No Changes to Language
 - Chapter 4; Section 4-42 --- Control of Dangerous Animals
 - Chapter 4; Section 4-51 --- Animal Control Generally
 - Chapter 4; Section 4-133 --- Display of Wild Animals
 - Chapter 4; Section 4-184 --- Keeping Wild Animals
 - Chapter 14; Section 14-42 --- State of Emergency
 - Chapter 14; Section 14-83 --- Emergency Management
 - Chapter 14; Section 14-129 --- Rescue Franchise Agreements
 - Chapter 14; Section 14-261 --- Oil Pollution and Hazardous Substances
 - Chapter 16; Section 16-37 --- Smoking
 - Chapter 16; Section 16-57 --- Noise
 - Chapter 24; Section 24-1 --- Hunting and Fishing
 - Chapter 24; Section 24-3 --- Firearms Discharge
 - Chapter 24; Section 24-4 --- Fireworks Display
 - Chapter 34; Section 34-1 --- Disposal of Solid Waste
 - Chapter 34; Section 34-47 --- Solid Waste Collection and Disposal
 - Chapter 34; Section 34-77 --- Recyclable Materials
 - Chapter 36; Section 36-34 --- General Water Conservation
 - Chapter 36; Section 36-67 --- Emergency Water Conservation

- Unified Development Ordinance; The UDO has provisions that must be amended, however, the process to amend the UDO is more involved than that of the Code and the Planning Department is moving the UDO amendments through that process.

There has been discussion previously by Board members about the necessity for the misdemeanor penalty provisions of some ordinances. Contrary to what may be generally believed, the goal of the penalty sections of the ordinances is compliance rather than punishment. Generally a civil citation for a violation would issue prior to any misdemeanor citation. And, for the most part, once the offender is in compliance the civil penalty, if any was assessed, may be waived in whole or in part depending on the circumstances. Having a misdemeanor option is another avenue to encourage compliance either through the threat of enforcement or when a civil penalty fails. The only ordinance violations that regularly involve misdemeanor penalties are violations of the Animal Control Ordinance. When misdemeanor violations are charged, the outcome is out of the hands of County staff and is decided by the District Attorney. For these reasons misdemeanor penalties are rarely pursued for violations of ordinances other than for violations of the Animal Control Ordinance.

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.

RECOMMENDATION(S): The Manager recommends the Board discuss and consider the various ordinance amendments presented for first reading. If approved on first reading, the proposed updates and revisions will be presented for second reading approval at the Board's December 14, 2021 Business meeting.

Attachment 1

Ordinance Text Amendments and Re-Adoption

Sections for first reading involving a repeal or substantive change in language.**Sec. 1-7. - General penalty.**

(a) ~~Should an ordinance in this Code of Ordinances provide that the violation thereof is a misdemeanor then a~~Any person violating or failing, refusing or neglecting to comply with any provision or requirement of ~~any section or subsection of this Code, that ordinance or section of this Code of Ordinances or any ordinance of this county now in force or hereafter enacted, to which no specific penalty is affixed,~~ shall be ~~guilty of a misdemeanor as provided by NCGS 14-4 and~~ punished by a fine not to exceed \$500.00, or shall be imprisoned for not more than 30 days, for each offense.

...

(e) ~~Except as otherwise specified herein or prohibited by law, if~~ any violation of this Code is designated as a nuisance under the provisions of this Code, such nuisance ~~is a misdemeanor and may be summarily abated by the county~~ in addition to the imposition of a fine or imprisonment ~~as authorized by Sec. 1-7., as further authorized by NCGS 14-4, may be abated by the County pursuant to the procedures set out in NCGS 153A-123(e).~~

Sec. 4-51. - Penalties.

(a) The violation of any provision of this Ordinance ~~shall~~ may be a misdemeanor and any person convicted of such violation shall be punishable as provided in North Carolina General Statutes section 14-4, or other applicable law. Each day's violation of this Ordinance is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his or her liability for taxes, fees or civil penalties imposed under this Ordinance.

Sec. 8-42. - Remedies.

(a) Any person violating any of the provisions of this Article shall be subject to a civil penalty of \$100.00. Each day of a continuing violation shall constitute a separate violation under this subsection. The county manager, or his or her designee, shall be authorized to assess civil penalties under this Article and shall make written demand for payment upon the person responsible for the violation and shall set forth in detail the violation for which the penalty has been invoked. If payment is not received or equitable settlement reached within 60 days after demand for payment is made, the matter shall be referred to the county attorney for institution of a civil action in the name of the county in the appropriate division of the General Court of Justice of Orange County for recovery of the penalty. Any sums recovered shall be used to carry out the purposes and requirements of this Article. Any such civil penalties may be

recovered in the nature of debt. Violation of this Ordinance is a misdemeanor punishable as prescribed in G.S. § 14-4.

Sec. 8-81. — ~~Repealed. Misdemeanor for willful violation.~~

~~Any person, firm, corporation or association who willfully attempts in any manner to evade a tax imposed herein or who willfully refuses to pay the tax and file a return shall, in addition to the penalties provided by law herein, be guilty of a Class 3 Misdemeanor and shall pay a \$50.00 fine.~~

Sec. 8-100. - Remedies.

(a) Any person violating any of the provisions of this Article shall be subject to a civil penalty of \$100.00. Each day of a continuing violation shall constitute a separate violation under this subsection. The county manager, or his or her designee, shall be authorized to assess civil penalties under this Article and shall make written demand for payment upon the person responsible for the violation and shall set forth in detail the violation for which the penalty has been invoked. If payment is not received or equitable settlement reached within 60 days after demand for payment is made, the matter shall be referred to the county attorney for institution of a civil action in the name of the county in the appropriate division of the General Court of Justice of Orange County for recovery of the penalty. Any sums recovered shall be used to carry out the purposes and requirements of this Article. Any such civil penalties may be recovered in the nature of debt. Violation of this article is a misdemeanor punishable as prescribed in G.S. § 14-4.

Sec. 8-122. - Remedies.

(a) Any person violating any of the provisions of this Article shall be subject to a civil penalty of \$100.00. Each day of a continuing violation shall constitute a separate violation under this subsection. The county manager, or his or her designee, shall be authorized to assess civil penalties under this Article and shall make written demand for payment upon the person responsible for the violation and shall set forth in detail the violation for which the penalty has been invoked. If payment is not received or equitable settlement reached within 60 days after demand for payment is made, the matter shall be referred to the county attorney for institution of a civil action in the name of the county in the appropriate division of the General Court of Justice of Orange County for recovery of the penalty. Any sums recovered shall be used to carry out the purposes and requirements of this Article. Any such civil penalties may be recovered in the nature of debt.

Sec. 18-156. – Penalties

Any violation of the provisions of this Article constitute a misdemeanor, punishable upon conviction in accordance with section 1-7, as provided by G.S. § 14-4. Violation of this article is a misdemeanor punishable as prescribed in G.S. § 14-4.

Sections for first reading involving no substantive change in language. Re-adoption of these Ordinance sections is recommended out of an abundance of caution due to the statutory change in the requirements for adoption of ordinances with misdemeanor penalties.

Sec. 4-42. - Control of dangerous animals; security dogs.

(h)(4) Any violation of this section may be a misdemeanor and subject to a fine of \$500.00 or imprisonment of not more than 30 days.

Sec. 4-133. - Enforcement.

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

Sec. 4-184. - Enforcement.

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

Sec. 14-42. - Penalty for violation of article.

Except as provided in section 14-36, any person violating any prohibition or restriction imposed by a proclamation authorized by this article shall be guilty of a misdemeanor, punishable upon conviction in accordance with section 1-7, as provided by G.S. 14-4.

Sec. 14-83. - Violations.

It shall be a misdemeanor for any person to violate any of the provisions of this Ordinance or plans issued pursuant to the authority contained herein, or willfully obstruct, hinder or delay any member of the emergency management organization as herein defined in the enforcement of the provisions of this Ordinance or any plan issued thereunder.

Sec. 14-261. - Criminal penalties.

Any person who violates the provisions of this article or fails to comply with any of its requirements shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in G.S. 14-4.

Sec. 16-37. - Enforcement and penalties.

(b) The person in charge of a building or vehicle identified in Section 16-33 or his or her designee who sees an individual using a tobacco product (other than an employee) who is in violation of this Ordinance must ask the individual to stop using the tobacco product. If, after having been asked to stop using the tobacco product, the individual continues to use the tobacco product, he or she shall be in violation of this Ordinance. Violators of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$500.00 in accordance with N.C. General Statute § 14-4(a).

Sec. 16-57. - Violations and penalties.

(c) Criminal penalties. Any person who violates any provision of this Article shall be deemed guilty of a class 3 misdemeanor punishable by imprisonment not to exceed 15 days or by fine not to exceed \$500.00, or both. Each day of a continuing violation shall constitute a separate violation under this subsection.

Sec. 18-119. – Infraction.

Any person who violates the provisions of this article shall be responsible for an infraction, as provided in G.S. 14-4, and shall be required to pay a penalty of \$50.00.

Sec. 24-1. - Regulating hunting and fishing in Orange County.

(j) Any person convicted of a violation of this Ordinance is guilty of a Class 3 Misdemeanor and upon conviction shall be fined not more than \$500.00.

Sec. 24-3. - Regulating the discharge of firearms.

(h) A violator of this Section shall be guilty of a Class III misdemeanor punishable by a fine of up to \$500.00. A violation of this Section may subject the violator to a civil penalty of up to \$500.00. All assessed penalties may be recovered in any manner authorized by law and, if not paid within 30 days, may be recovered in the nature of debt.

Sec. 24-4. - Regulating the display of pyrotechnics.

(e) Any person violating any provision of this Section shall be guilty of a misdemeanor and subject to a fine of not more than \$500.00 and/or imprisonment for not more than 30 days. Violators may be subject to a civil penalty of \$500.00 per violation to be recovered in the nature of debt if not paid within 30 days.

Sec. 34-1. - Restricting the disposal of solid waste at the county landfill.

(c)(1) Criminal penalty. Any person violating this Ordinance shall be guilty of a misdemeanor punishable by a fine of not to exceed \$500.00 or imprisonment for not more than 30days, or both. Each violation and each day's violation shall be treated as a separate offense.

Sec. 34-77. - Enforcement.

(3) Criminal penalty. Any person violating this article shall be guilty of a misdemeanor punishable by a fine not to exceed \$500.00 or imprisonment for not more than 30 days, or both. Each day's continuing violation is a separate and distinct offense. Each violation is a separate and distinct offense.

Sec. 36-34. – Penalties.

Any violation of the provisions of this Article shall constitute a misdemeanor, punishable upon conviction in accordance with section 1-7, as provided by G.S. § 14-4. Any such violation may be enjoined, restrained or abated as provided by G.S. §§ 153A-123(d) and 153A-123(e).

Sec. 36-67. - Penalties and remedies.

(a) Any violation of any of the provisions of this Division shall constitute a misdemeanor, punishable as provided in G.S. § 14-4.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 6, 2021

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

SUBJECT: Approval of an Allocation Framework for the FY2020-21 Financial Results

DEPARTMENT: County Manager

ATTACHMENT(S):

Update on FY2020-21 Year End Financial
Results

INFORMATION CONTACT:

Travis Myren, 919-245-2308
Gary Donaldson, 919-245-2453
Rebecca Crawford, 919-245-2152

PURPOSE: To approve an allocation framework for the FY2020-21 financial results which resulted in a total net positive financial position of approximately \$12 million, with the approved framework to be codified in a budget amendment for consideration at a future meeting.

BACKGROUND: This abstract provides a high level summary of the attached *Update on FY2020-21 Year End Financial Results* report which provides a more detailed discussion of the sources and proposed uses of the County's positive net financial position ending on June 30, 2021.

The results of the FY2020-21 financial audit will show positive results in two areas. On an operating basis, the audit will show a surplus of approximately \$8.9 million before transfers. Of that amount, approximately \$8 million is available for a mid-year budget adjustment. In addition, the fund balance reconciliation contained in the audit will show \$4 million in available one time resources resulting from a decrease in the fund balance appropriation used to balance the FY2020-21 Budget compared to the smaller amount appropriated to balance the FY2021-22 Budget.

The positive operating results relied on revenue collections that exceeded budgeted expectations and intentional expenditure restrictions that limited expenditures to below budgeted amounts. Some of these variances are expected to be recurring or ongoing while others are non-recurring or one time occurrences.

Source	Amount	Recurring vs. Non-Recurring
Property Tax Collection Rate <ul style="list-style-type: none"> • 98.7% Budgeted • 99.27% Actual 	\$1,600,000	Recurring
Motor Vehicle Tax Collection Rate <ul style="list-style-type: none"> • 99.4% Budgeted • 103.8% Actual (exceeds 100% due to payment of delinquent bills) 	\$ 400,000	Recurring
Sales Tax Collections (Articles 39, 40 and 42) <ul style="list-style-type: none"> • Budgeted to decrease by 4.5% • Actual Collections exceed Budget by 17.4% 	\$4,000,000	Recurring
Medicaid Hold Harmless <ul style="list-style-type: none"> • Budgeted at \$1.75 million • Actual Payment - \$3.75 million 	\$2,000,000	Non-Recurring
No Use of Fund Balance to Balance Budget <ul style="list-style-type: none"> • \$8,200,000 Budgeted • \$1,900,000 Assigned to FY2021-22 Budget • \$2,300,000 Allocated to maintain 16% Unassigned Fund Balance • \$4,000,000 Available for Allocation 	\$4,000,000	Non-Recurring
TOTAL	\$12,000,000	

Based on the recurring and non-recurring nature of the variances outlined above, the following table proposes specific uses for those funds. A more detailed description of the proposed allocations is contained in the attached *Update on FY2020-21 Year End Financial Results* report.

Proposed Allocation	Amount	Recurring vs. Non-Recurring
Employee Wage Adjustment <ul style="list-style-type: none"> • Three percent wage increase retroactive to July 1, 2021 	\$ (1,883,875)	Recurring
Schools Opportunity Gap & Mental Health Fund <ul style="list-style-type: none"> • Allocated by average daily membership • Schools to provide spending plan • Track progress on key indicators 	\$ (1,500,000)	Recurring

FEMA Back Stop <ul style="list-style-type: none"> Reserved for unreimbursed COVID-19 emergency expenditures May be repurposed if reimbursement occurs 	\$ (407,543)	Non-Recurring
Ineligible Federal Expenses <ul style="list-style-type: none"> Sportsplex Deficit Visitors Bureau Deficit Information Technology Expenses for County use Expenses not eligible under evolving federal regulations 	\$ (2,228,629)	Non-Recurring
Outside Agencies <ul style="list-style-type: none"> Substitute general fund resources for proposed ARPA funding due to rigorous reporting requirements for sub recipients 	\$ (1,729,953)	Non-Recurring
Crisis Diversion Facility Design <ul style="list-style-type: none"> Conceptual design funding for potential new facility 	\$ (250,000)	Non-Recurring
Transfer to Capital Reserve <ul style="list-style-type: none"> Reserved to fund existing debt financed projects or increase capital funding for priority projects A decision on how to allocate this funding could be made at a later date 	\$ (4,000,000)	Non-Recurring
GRAND TOTAL	\$ (12,000,000)	

FINANCIAL IMPACT: The County ended FY2020-21 with a total net positive financial position of approximately \$12 million. This framework allocates those funds to a variety of recurring and non-recurring expenditures.

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 is no Orange County Environmental Responsibility Goal impact associated with adopting an allocation framework.

RECOMMENDATION(S): The Manager recommends that the Board approve an allocation framework totaling \$12 million. A budget amendment will be presented to codify this framework at a future meeting.

Update on FY2020-21 Year End Financial Results

Commissioners,

The County's auditors are finalizing the FY2020-21 Financial Audit. The results of this audit will show positive results in two areas. On an operating basis, the audit will show a surplus of approximately \$8.9 million before transfers. Of that amount, approximately \$8 million is available for a mid-year budget adjustment. In addition, the fund balance reconciliation contained in the audit will show \$4 million in available one time resources resulting from a decrease in the fund balance appropriation used to balance the FY2020-21 Budget compared to the smaller amount appropriated to balance the FY2021-22 Budget.

This memorandum will summarize the primary contributors to this positive financial outcome, outline a framework for the investment of those funds through a mid-year budget adjustment, and propose a timeline for the Board's consideration. A more detailed table of budgeted versus actual expenditures and revenues is attached.

FY2020-21 Budget Results

The FY2020-21 Budget was presented to the Board of Commissioners in May of 2020. At that time, the State was entering its sixth week of the Governor's Stay at Home order. Unemployment rates in the County were beginning to increase, and the County's otherwise resilient local economy was suffering. Under these circumstances, the County Manager's recommended budget included conservative revenue projections and austere expenditure measures designed to protect the County's financial well-being.

Fortunately, the federal government asserted a variety of economic stimulus initiatives to individuals, private businesses, and the public sector to avoid widespread economic distress. Those stimulus measures manifested in positive impacts to the County's primary revenue sources.

Property Tax and Motor Vehicle Collections

The collection rates for property taxes and motor vehicle collections were adjusted down in the FY2020-21 Budget in anticipation of residents struggling to pay those obligations. Property tax collection rates were decreased from 99.2% in FY2019-20 to 98.7% in FY2020-21. However, the actual collection rate did not decrease. Rather, it stayed consistent with the FY2019-20 rate at 99.27% resulting in a positive property tax revenue variance of over \$1.6 million.

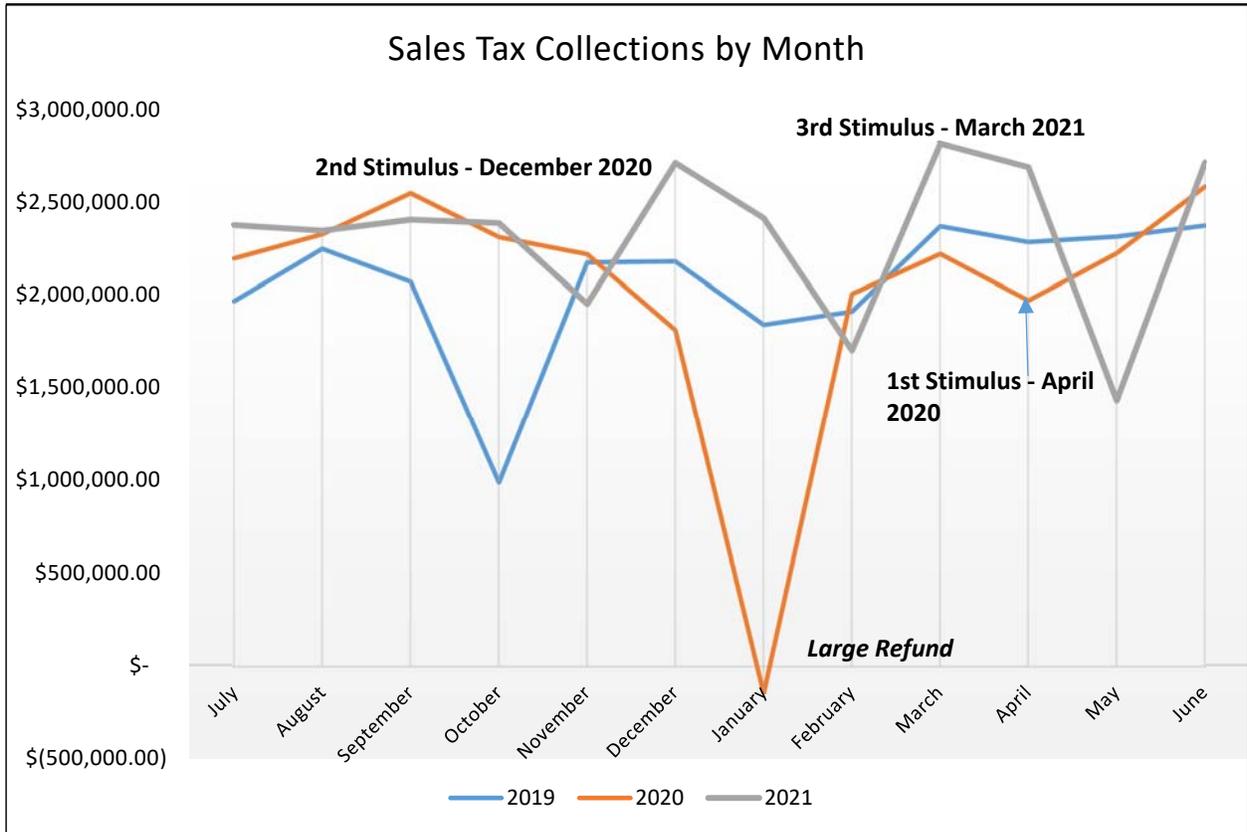
The collection rate for Motor Vehicles also performed in excess of expectations. That rate was budgeted to decrease by 0.5%. However, the actual collection rate exceeded 100% at 103.8% as both current year and delinquent tax bills were paid. This positive variance amounted to over \$400,000 in surplus collections compared to the budgeted amount. Both of these positive variances are expected to be recurring, so the funds could be used to support ongoing operating expenses.

Sales Taxes

Sales taxes were budgeted to decrease by 4.5% from the FY2019-20 budgeted amount. Actual sales tax collections, however, exceeded FY2019-20 collections. This unexpected performance resulted in actual collections exceeding the FY2020-21 budgeted amount by over \$4 million. Although the Department of Revenue will not disclose the amount of sales tax collected from online sources, online purchases during and after the stay at home order likely fueled some of this growth, and direct federal stimulus payments

to individuals and families helped to enhance retail sales. Those direct stimulus payments were distributed in April of 2020, December of 2020, and March of 2021.

Due to the three month lag in sales tax reporting from the Department of Revenue, the impact of the December 2020 stimulus was not known until April of 2021, and the impact from the March stimulus payments were not known until June 2021. The following chart illustrates how those stimulus payments amplified the seasonal variations in sales tax collections compared to FY2019 and FY2020.



Medicaid Hold Harmless

In April of 2020, the Office of the State Treasurer warned counties that, “Based on our expectations, we urge counties to be very conservative about budgeting how much revenue they budget for the MHH [Medicaid Hold Harmless] payments in their 2021 budgets.” Hold harmless payment are made from the state to counties because counties exchanged a portion of their local sales and use tax revenue for the state’s agreement to assume responsibility for certain non-administrative Medicaid costs several years ago.

The FY2020-21 Budget estimated the County would receive a Medicaid Hold Harmless payment of \$1.75 million. Since sales tax revenues Statewide did not suffer the expected losses, the County’s Medicaid Hold Harmless payment exceeded the budgeted amount by over \$2 million. The audit will reflect this payment in the sales tax category. Since this revenue is not in the County’s control and, therefore, not as predictable, it should be considered non-recurring revenue available for one time expenditure.

Unassigned Fund Balance

The FY2020-21 Budget implemented a number of expenditure austerity measures intended to maintain fiscal flexibility. The Budget included a hiring freeze, did not provide a wage adjustment for employees, suspended employee performance rewards, and suspended all conference, training, and travel expenses.

These intentional austerity measures, along with other restrained spending in departments, resulted in actual expenditures that were under the budgeted amounts. This means that the \$8.2 million fund balance appropriation used to balance the FY2020-21 budget was not required. Of that \$8.2 million appropriation, \$1.9 million was used to balance the FY2021-22 Budget, \$2.3 million was applied to achieve the sixteen percent unassigned fund balance target based on increased budgeted expenditures, and the remaining \$4 million is available for one time expenditure.

Framework for Investments

Based on the factors cited above, this proposed framework for investment includes a total of \$3.38 million in recurring expenses and \$8.61 million in non-recurring expenses.

- **Opportunity Gap Reduction and Student Mental Health Support Fund - \$1.5 million**

Both school districts highlighted two priorities in their expansion budget requests for FY2021-22, closing the racial and ethnic opportunity gap and addressing the mental health of students. In response to that request, this proposal creates an Opportunity Gap Reduction and Mental Health Support fund that would be exclusively dedicated to those priorities.

The resources contained in this fund would be allocated, as required, by average daily membership. Based on the FY2021-22 allocations, Chapel Hill Carrboro City Schools would receive \$905,400, and Orange County Schools would receive \$594,600. This fund would exist outside of the districts' current expense budgets to emphasize this investment as it relates to the Board's goal of promoting equity and social justice in the community. The fund is anticipated to be a recurring expense. As proposed, each District would propose a spending plan each year which could not supplant current spending. The districts would have the flexibility to determine the amount of funds used to address each priority area.

The outcomes associated with this investment would also be tracked. The opportunity gap will be measured by end of grade scores in math and reading. The County will seek input from the districts about how to best measure the results of mental health support component of the fund. The County Manager is discussing this proposal with the Superintendents on December 1.

- **Employee Wage Adjustment - \$1.9 million**

Orange County employees have not received an across the board wage adjustment for two years. Employees did receive a one-time pandemic relief payment of \$900 per employee, but this payment was not applied to base wages. Employees in surrounding jurisdictions received wage increases between two percent (2%) to five percent (5%) this fiscal year. The second proposed recurring investment is in Orange County employees with a 3.0% wage adjustment that will be retroactive to July 1, 2021.

- **Outside Agency Base Budget Funding - \$1.7 million**

The FY2021-22 Budget recommended funding the entire Outside Agency budget using American Rescue Plan Act (ARPA) funds. However, the new reporting requirements associated with the use of ARPA funds would require outside agencies of all sizes to track expenses and submit reports on a level

that they have not been required to do before and many may not have the administrative capacity to complete.

If one of these sub-recipients were to fail to produce the required documentation, the County's overall compliance could be jeopardized. Therefore, this plan replaces ARPA funds with general fund resources. The ARPA funds that were designated for this purpose will be available for other community needs.

- **Ineligible American Rescue Plan Act (ARPA) Expenditures - \$2.2 million**

As the interim spending rules on ARPA funds continue to evolve, some of the proposed expenditures contained in the first recommended County allocation are clearly eligible expenditures. For example, the FY2021-22 Budget applied ARPA funds to deficits in the Visitors Bureau and Sportsplex Funds. Given the federal eligibility framework that was in place at the time, covering revenue shortfalls appeared to be an eligible use of funds. However, as the guidance has evolved, the measurement that is being used to determine a revenue shortfall is on an organization wide basis, not an individual fund basis. As a result, \$1.35 million proposed to cover the deficits in the Visitors Bureau and Sportsplex funds are ineligible uses.

Likewise, prior federal guidance on information technology related expenditures cast a wide net of eligible uses. However, the ARPA guidance restricts the use of funds for technology to those related to the direct COVID-19 response or supporting residents negatively impacted by the pandemic, not to other organizational expenses related to transitioning to remote work. As a result, \$878,629 in information technology software and equipment that would have been eligible under prior federal COVID-19 programs is not eligible under the ARPA rules.

- **Federal Emergency Management Agency Reimbursement Backstop - \$407,543**

The County expended a total of approximately \$2,840,015 on non-congregate housing for individuals experiencing homelessness during the height of the pandemic. To date, the County has only received \$638,956 in reimbursements for that housing, despite the many assurances provided by the State that reimbursement was certain. As the County continues its reimbursement claim for the balance of funds, this proposal recommends setting aside \$407,543 in an Emergency Recovery Fund for the purposes of offsetting unrealized reimbursements. In the event that reimbursement is received, these funds would be available for repurposing.

- **Crisis Diversion Facility Design Funds - \$250,000**

The Behavioral Health Task Force has outlined the business case for a Crisis Diversion Facility that would offer a therapeutic alternative to either the Detention Center or the Emergency Room for residents experiencing a behavioral health crisis. The team has defined programming needs through a variety of stakeholder engagements and will be in a position to proceed with conceptual design in 2022. This proposal recommends allocating \$250,000 to support that conceptual design. Any funding remaining from the conceptual design phase could be applied to architectural work later in the project if it proceeds or could be repurposed for other capital needs if it does not proceed.

- **Transfer Funds to Capital Reserve - \$4 million**

Finally, this proposal recommends transferring the one-time unassigned fund balance surplus to a capital reserve fund for uses to be determined at a later date. For example, these funds could be used to substitute cash for future borrowing thereby reducing pressure on the County's debt service costs. If all \$4 million were applied to next year's Capital Budget in this way, it would eliminate the need for

a projected tax increase until 2024. Alternatively, the Board could authorize additional, one-time capital spending for school or County capital needs without incurring additional debt service expense in the future.

- **Summary Table of Proposed Uses of Funds**

Recurring		
Employee Wage Adjustment	\$	(1,883,875)
Schools Opportunity Gap & Mental Health Fund	\$	(1,500,000)
TOTAL Recurring	\$	(3,383,875)
Non- Recurring		
FEMA BackStop	\$	(407,543)
Ineligible Federal Expenses - S-Plex, VB, IT	\$	(2,228,629)
Outside Agencies	\$	(1,729,953)
Crisis Diversion Facility Design	\$	(250,000)
Transfer to Capital Reserve	\$	(4,000,000)
TOTAL Non-Recurring	\$	(8,616,125)
GRAND TOTAL	\$	(12,000,000)

Next Steps and Timeline for Consideration

The financial audit must be submitted to the Local Government Commission by December 1, 2021. When that occurs, the audit officially becomes a public document.

County management is prepared to present these preliminary spending recommendations on December 6. Following the Board's deliberation on these recommendations, a final budget amendment reflecting the Board's action on December 6 would be prepared for the December 14 meeting. This amendment will include an action to change the salary schedule since the Board adopts this schedule as part of the budget ordinance. The change would reflect the amount approved by the Board.

DRAFT- FY 2020-21 GENERAL FUND SUMMARY RESULTS

Both the Income Statement and Balance Sheet provided the \$12 million to fund the Budget Amendment as illustrated below.

INCOME STATEMENT REVENUES	Revised Budget	Actual Amounts	Variance	NOTES
Property taxes	\$ 167,234,047	\$ 169,609,395	\$ 2,375,348	Positive variance due primarily to higher tax collection rate than budgeted; budgeted 98.7% for real and personal and actual collection rate was 99.3%. Motor Vehicle collections had additional \$403,268.
Sales tax	\$ 25,577,353	\$ 32,101,942	\$ 6,524,589	Federal Stimulus offset management's forecast of projected lower revenues due to pandemic closures.
Intergovernmental	\$ 28,795,396	\$ 25,670,181	\$ (3,125,215)	Timing of Grant Reimbursements.
Charges for Services	\$ 12,444,279	\$ 11,549,397	\$ (894,882)	Primarily due to necessary public health restrictions impacting Detention Center Federal Bed Utilization; Budgeted \$1.6 million and Actual is \$803,671.
Investment earnings	\$ 530,000	\$ 17,708	\$ (512,292)	Lower interest rate environment eroded yield opportunities.
License and permits	\$ 288,250	\$ 281,024	\$ (7,226)	Comprised of Franchise Tax and Privilege License.
Miscellaneous	\$ 1,003,000	\$ 865,501	\$ (137,499)	Comprised of Lease Rentals and Donations
Total revenues	\$ 235,872,325	\$ 240,095,148	\$ 4,222,823	Positive variance attributed to property and sales tax collections
EXPENDITURES				
Community service	\$ 11,436,885	\$ 9,962,876	\$ (1,474,009)	Manager Cost Containment measures and Personnel Attrition.
General government	\$ 14,733,484	\$ 13,549,081	\$ (1,184,403)	Same comment as above.
Public Safety	\$ 29,051,056	\$ 27,428,024	\$ (1,623,032)	Same comment as above.
Human services	\$ 46,160,781	\$ 41,797,621	\$ (4,363,160)	Same comment as above.
Education	\$ 93,809,052	\$ 92,671,015	\$ (1,138,037)	Same comment as above.
Support services	\$ 12,787,530	\$ 11,970,772	\$ (816,758)	Same comment as above.
Debt service	\$ 33,910,651	\$ 33,764,216	\$ (146,435)	
	\$ 241,889,439	\$ 231,143,605	\$ (10,745,834)	Manager Cost Containment measures and Personnel Attrition.
Revenues over (under) expenditures		\$ 8,951,543		Basis for Mid-Year Budget Adjustment

NOTE All transactions indicated above the line exclude transfers in and out

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 6, 2021

**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: October 7, 2021 Virtual Joint Meeting with the Orange County Chiefs' Association and Work Session
Attachment 2: October 19, 2021 Virtual Business Meeting
Attachment 3: November 4, 2021 Virtual Business Meeting

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

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

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

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

MINUTES
JOINT MEETING WITH THE ORANGE COUNTY
CHIEFS' ASSOCIATION AND WORK SESSION
October 7, 2021
7:00 p.m.

The Orange County Board of Commissioners conducted a virtual joint meeting with the Orange County Chiefs' Association and work session on Thursday, October 7, 2021 at 7:00 p.m.

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

COUNTY COMMISSIONERS ABSENT: NONE

COUNTY ATTORNEYS PRESENT: John Roberts

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

ORANGE COUNTY CHIEFS' ASSOCIATION MEMBERS PRESENT: Chief Brad Allison – Caldwell FD; Chief Charles Bowden - New Hope FD; Chief David Schmidt - Carrboro FD; Chief Jeff Borland - Cedar Grove FD; Chief Jeff Cabe - Orange Rural FD; Chief Matthew Mauzy - South Orange Rescue Squad (SORS); Chief Jamal Phillip Nasserri – Whitecross FD; Chief Jesse DuClau - Orange Grove; and Chief Vencelin Harris – Chapel Hill

ORANGE COUNTY CHIEFS' ASSOCIATION MEMBERS ABSENT: Chief John Stroud - North Chatham FD; Chief Keith Hayes - Eno FD; Chief Kevin Brooks - Efland FD; and Chief Bob Louis - Mebane FD

Chair Price called the Board of County Commissioners meeting to order at 7:00 p.m.

Due to current public health concerns, the Board of Commissioners conducted a virtual joint meeting with the Chiefs' Association and virtual work session on October 7, 2021. Members of the Board of Commissioners and the Association participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at orangecountync.gov/967/Meeting-Videos and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

A roll call of the County Commissioners was called; all members were present.

1. WELCOME AND INTRODUCTIONS

Chair Price welcomed everyone and asked if all present would introduce themselves and give greetings.

The Fire Chiefs introduced themselves.

Kirby Saunders, Emergency Services (EMS) Director, introduced himself and Kim Woodward, EMS Operations Manager. He also introduced the new fire marshal, Elizabeth Farnan.

Chief Jeff Cabe began the following PowerPoint presentation.

Slide #1



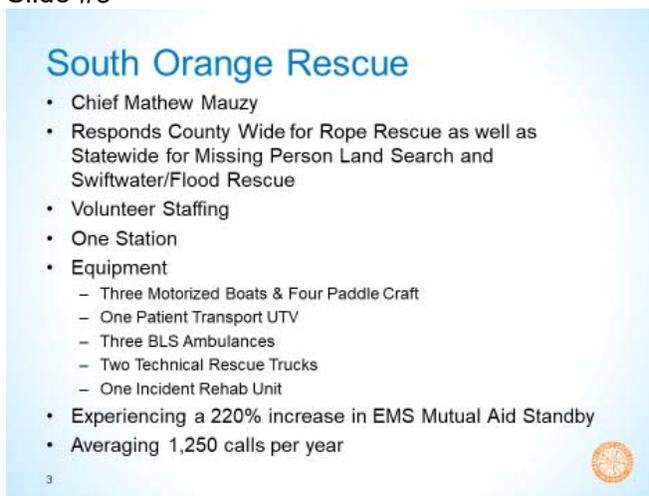
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Slide #2



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Commissioner Bedford asked if there is a reason for the increased calls for SORS. She asked if Durham has had trouble with staffing.

1 Chief Mauzy said there was an increase in overall call volume for Orange County.
2 Kirby Saunders said he would discuss this increase later in the presentation.
3 Chief Cabe resumed the PowerPoint presentation:

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5 Slide #4



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8 Chief Cabe said Efland recently completed its insurance services office grade, which
9 evaluates fire protections capability and assigns a risk factor which insurance companies use to
10 determine the cost of coverage policies. He said the ISO number in the corner of the slide is
11 the insurance services office grade, with 10 meaning no coverage, and 1 being the best
12 coverage. He said Efland has just finished being graded, and has not yet received its new
13 rating. He resumed the PowerPoint presentation:

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15 Slide #5



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18 Chief Cabe said there will be a new fire/EMS station built in Hillsborough, which will
19 come before the Board for finance approval on October 19th. He resumed the PowerPoint
20 presentation:

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22 Slide #6

Fire District: Eno 

- Chief Keith Hayes
- Combination Staffing Model
- Two Stations
- Equipment

Three Engines	One UTV
Three Tankers	Two Boats
One Brush Truck	One Squad Truck
- Averaging 716 calls per year



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3 Chief Cabe said Eno has a combination of paid and volunteer staff. He said they cover
4 portions of Durham and Orange Counties.

5 Commissioner Bedford asked if a brush truck could be explained.

6 Chief Cabe said it is a four wheel drive utility truck with a small tank and a pump on it,
7 which is used to access areas where full size fire trucks cannot go. He resumed the
8 PowerPoint presentation:

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10 Slide #7

Fire District: New Hope 

- Chief Charles Bowden
- Combination Staffing Model
- Two Stations
- Equipment

Three Engines	One UTV
Two Tankers	One Squad Truck
One Brush Truck	
- Averaging 600 calls per year



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1 Slide #8

Fire District: Orange Grove 

- Chief Jesse DuClau
- Combination Staffing Model
- Three Stations
- Equipment

Three Engines	One Rescue Truck
Three Tankers	Two First Responder Vehicles
One Brush Truck	One Boat
- Averaging 375 calls per year

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Slide #9

Fire District: Cedar Grove 

- Chief Jeff Borland
- Combination Staffing Model
- Two Stations
- Equipment

Two Engines	One Squad Truck
Two Tankers	
Two Brush Trucks	
- Averaging 250 calls per year

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Chief Cabe said Cedar Grove is mostly volunteer run. He resumed the PowerPoint presentation:

Slide #10

Fire District: Caldwell 

- Chief Brad Allison
- All Volunteer
- Two Stations
- Equipment

Three Engines	One First Responder Vehicle
One Tankers	
One Brush Truck	
- Averaging 450 calls per year

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1 Slide #11

Fire District: White Cross **ISO 5**

- Chief Phillip Nasser
- Combination Staffing Model
- Two Stations
- Equipment

Three Engines	Two First Responder Vehicles
Two Tankers	One Heavy Rescue
One Brush Truck	Three Boats
- Averaging 315 calls per year

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4 Chief Cabe said White Cross has the opportunity to do virtual reality training.

5 Chair Price asked about the training.

6 Chief Phillip Nasser explained the process and said the district is fortunate to have the
7 opportunity.

8 Chief Cabe resumed the PowerPoint presentation:

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10 Slide #12

Fire District: Carrboro **ISO 2**

- Chief David Schmidt (Carrboro Fire & Rescue)
- Fully Paid Staffing
- Two Stations
- Equipment

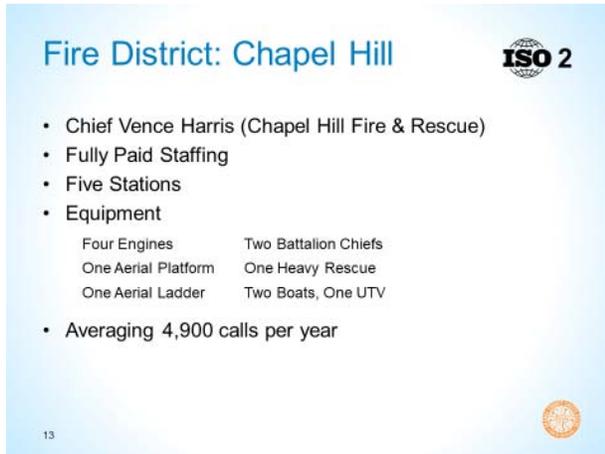
Three Engines	One Aerial Platform
One Tanker (2021-40 D46K667)	One Battalion Chief
One Brush Truck	
- Averaging 1,500 calls per year

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1213 Chief Cabe said Carrboro recently finished a multi week research project where three
14 university's researched how best to care for fire fighters.15 Chief Schmidt said NC State, Florida International University and Baylor University were
16 involved, and he explained how the study was conducted. He said the information the
17 universities obtained will help identify when a responder is experiencing elevated heart rates
18 and may need to be pulled from a fire. He said the other study was on cancer and the effect of
19 metals and chemicals on responder health. He said the district conducted 30 different burns
20 over three weeks in the study. He said he hopes to identify protective measures they can use to
21 protect all responders.

22 Chief Cabe resumed the PowerPoint presentation:

1 Slide #13



Fire District: Chapel Hill 

- Chief Vence Harris (Chapel Hill Fire & Rescue)
- Fully Paid Staffing
- Five Stations
- Equipment

Four Engines	Two Battalion Chiefs
One Aerial Platform	One Heavy Rescue
One Aerial Ladder	Two Boats, One UTV
- Averaging 4,900 calls per year

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4 Chief Cabe said Chapel Hill runs a firefighter academy in partnership with Durham Tech.
5 Chief Vence Harris said one of Chapel Hill's major challenges is staffing. He said
6 recruitment and retention efforts are ongoing.

7 Chief Cabe resumed the PowerPoint presentation:

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Slide #14



Fire District: Mebane 

- Chief Bob Louis (Mebane Fire & Rescue)
- Combination Staffing
- Three Stations
- Equipment

Four Engines	One Tanker
One Aerial Platform	One Heavy Rescue
Two Brush Trucks	One UTV
- Averaging 3,000 calls per year

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Slide #15



Fire District: North Chatham 

- Chief John Strowd (North Chatham Fire & Rescue)
- Combination Staffing
- Seven Stations
- Equipment

Eight Engines	Seven Tankers
Two Aerial Platforms	Two Heavy Rescues
One Brush Truck	Eight Boats, One UTV
- Averaging 2,000 calls per year

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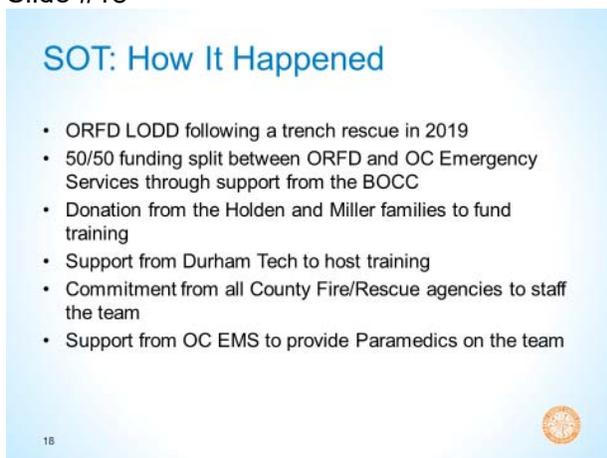
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Chief Cabe said the SOT is a group effort between the various Fire Departments to have a team that can address these specialized situations so that there are no gaps in coverage across the county. He said funding has come from the county, as well as other sources. He

1 said it has been a true collaborative effort. He said having paramedics on the team helps
2 provide advanced care in the middle of a trench rescue. He resumed the PowerPoint
3 presentation:

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2. **Highlights of Services Provided and Challenges Faced During the Pandemic**

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Chief Cabe made the following presentation:

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Slide #1



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1 Slide #2

Service Impacts

- First responses were adjusted to protect fire department personnel when PPE was unavailable
 - Did not respond to COVID+ or suspected cases unless imminent emergency (cardiac arrests, choking, etc.)
- PPE was scarce and inconsistent, has since improved
- Call volume dipped slightly during the height of the Pandemic
- EMS providers from Fire/EMS accounted for 61% of the staff delivering initial vaccines to the community
- First responses resumed on August 6, 2021

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Slide #3

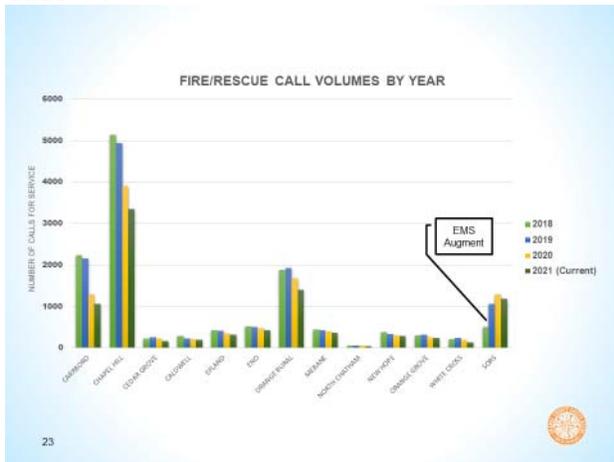
Impacts

- Delta Variant surge has placed hospitals and EMS in overload situations
- Presently experiencing a 27% increase in EMS call volume compared to pre-pandemic numbers
- Varied restrictions on in person learning, placing more strain on personnel levels.
- Increased absenteeism due to childcare and COVID related illnesses/quarantines
- Increased reliance on mutual aid resources nationally
- Telecommunications (911), Fire and Rescue suffering the same impacts

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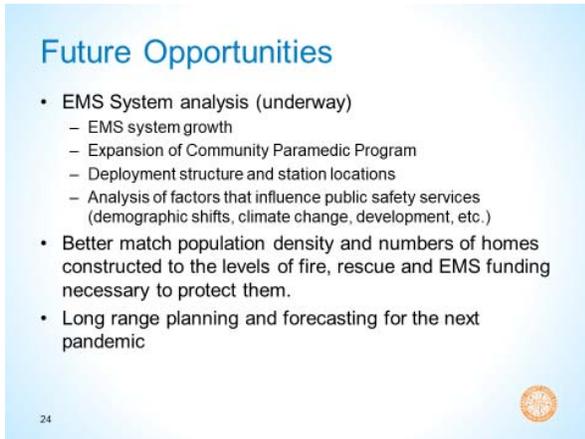
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Future Opportunities

- EMS System analysis (underway)
 - EMS system growth
 - Expansion of Community Paramedic Program
 - Deployment structure and station locations
 - Analysis of factors that influence public safety services (demographic shifts, climate change, development, etc.)
- Better match population density and numbers of homes constructed to the levels of fire, rescue and EMS funding necessary to protect them.
- Long range planning and forecasting for the next pandemic

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3. **Public Safety Communications and Broadband (Update and Discussion on the Continued Commitment towards Radio System Improvements)**

Chief Cabe made the following presentation:

10 Slide #1

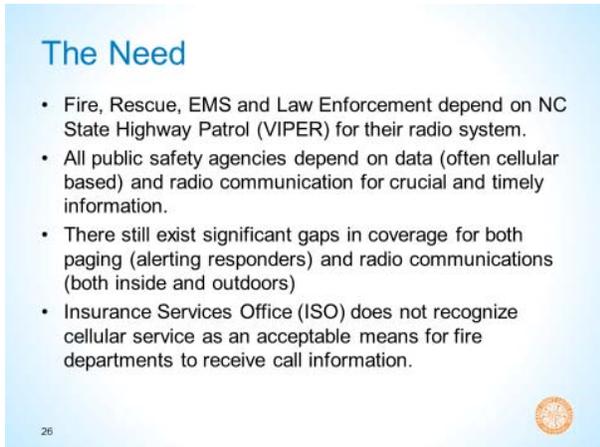


Communications and Broadband

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Slide #2



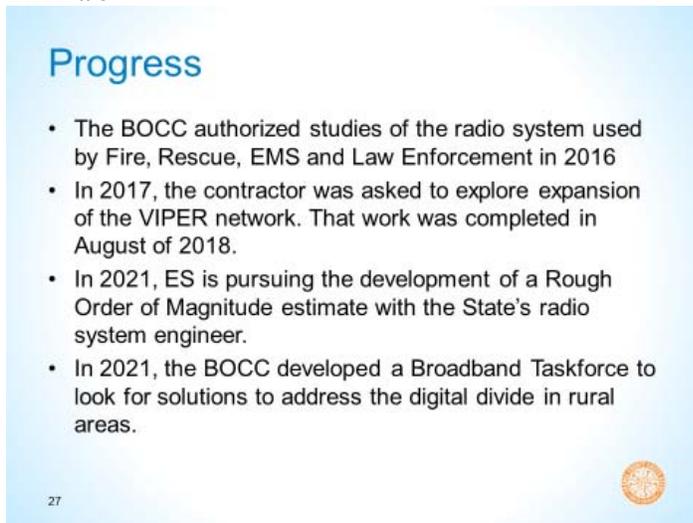
The Need

- Fire, Rescue, EMS and Law Enforcement depend on NC State Highway Patrol (VIPER) for their radio system.
- All public safety agencies depend on data (often cellular based) and radio communication for crucial and timely information.
- There still exist significant gaps in coverage for both paging (alerting responders) and radio communications (both inside and outdoors)
- Insurance Services Office (ISO) does not recognize cellular service as an acceptable means for fire departments to receive call information.

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1 Slide #3



Progress

- The BOCC authorized studies of the radio system used by Fire, Rescue, EMS and Law Enforcement in 2016
- In 2017, the contractor was asked to explore expansion of the VIPER network. That work was completed in August of 2018.
- In 2021, ES is pursuing the development of a Rough Order of Magnitude estimate with the State's radio system engineer.
- In 2021, the BOCC developed a Broadband Taskforce to look for solutions to address the digital divide in rural areas.

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4 Chief Cabe said just as the public experiences issues with broadband, so do Fire and
5 EMS.

6 Commissioner Bedford asked if a "Rough Order of Magnitude" could be defined.

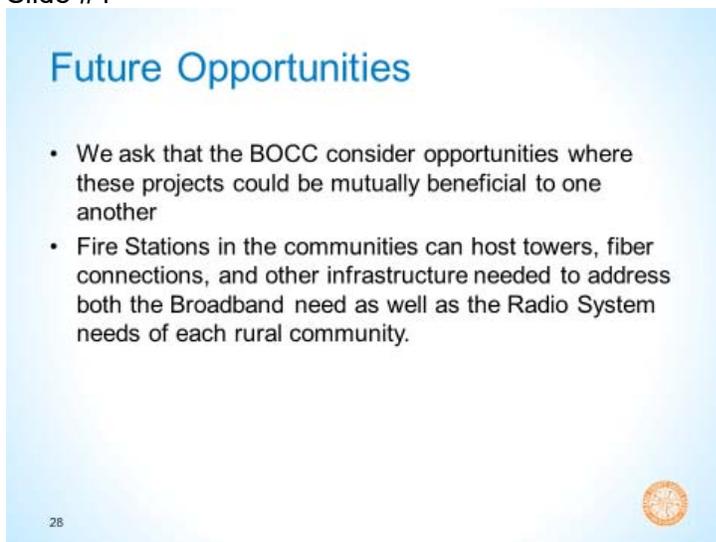
7 Kirby Saunders said a Rough Order of Magnitude is how much it would cost to fix the
8 radio system. He said an initial estimate was \$48 million. He said they are working with the
9 State to narrow that amount, while still improving services. He said the current goal is to
10 expand the VIPER network, the scope of which is still be explored.

11 Commissioner McKee said at the previous day's broadband meeting, the discussion
12 included options for communications upgrades for these types of needs. He said perhaps the
13 two efforts can combine forces moving forward.

14 Chief Cabe continued the PowerPoint presentation:

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16 Slide #4



Future Opportunities

- We ask that the BOCC consider opportunities where these projects could be mutually beneficial to one another
- Fire Stations in the communities can host towers, fiber connections, and other infrastructure needed to address both the Broadband need as well as the Radio System needs of each rural community.

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Kirby Saunders said it is wise to keep the broadband needs of the community and
broadband needs of fire and EMS responders connected. He said alerts were the most
important. He said there are opportunities to work with schools and hospitals that would

1 prevent the need to build towers. He said in the next year's budget, they want to improve the
2 paging system, but are focusing on at least being able to maintain the current system.

3 Chair Price said she would like to see a cost comparison between a new, up to date
4 paging system, and maintaining the current system.

5 Chair Price asked if 5G technologies are still being discussed.

6 Kirby Saunders said it is still developing. He said the county does not have full coverage
7 yet so they would not feel comfortable expanding to that.

8 Commissioner Fowler asked if cell phone coverage would still be needed if the county
9 had fiber coverage.

10 Kirby Saunders said the study recommended 17 new towers, which is very high. He
11 said the expansion of the VIPER system would likely need 4 or 5 towers.

12 Commissioner Fowler asked if the towers would be county owned.

13 Kirby Saunders said these would be newly constructed towers, but they have not
14 discussed private versus county owned towers.

15 Commissioner Fowler said the Chapel Hill Carrboro City School System is being paid to
16 put towers on its properties.

17 Commissioner Fowler said it sounds like it would be helpful to take these first responder
18 needs into consideration before an RFP is approved for fiber.

19 Chief Cabe said fiber needs power, and all county fire stations have generators. He said
20 he thought there might be a benefit to tying the fiber into the stations since they have consistent
21 electricity. He said there may be a cost benefit in tying the radios and broadband needs
22 together. He said no one wants a large ticket item that will only cover one need, and if the
23 systems can be married together (data and communications) it would be a win-win.

24 Jim Northrup said the current RFP does have a county ownership model, and the RFP
25 scoring includes a weighted section if there is county ownership. He said they could include fire
26 stations.

27 Commissioner McKee said the broadband task force was interested in learning about
28 these first responder needs, and, to his mind, it would be beneficial to have this be a combined
29 effort to address personal and public needs.

30 Chief Jamal Phillip Nasserri said White Cross has space for tower expansion, and has
31 spoken with private companies.

32 **4. Establishing a Length of Service Awards Program**

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35 Chief Cabe made the following presentation:

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37 Slide #1



1 Slide #2

The Need

- Our communities are served by people for an entire lifetime but when those folks retire, only those closest to them are aware.
 - Chief McCauley, Orange Grove Fire Department, 41 years
 - Lt. Wilson, Orange Rural Fire Department, 48 years
 - Many others
- The willingness to place oneself in harms way as a volunteer is becoming a thing of the past. It's even becoming more difficult to find people you can pay to be firefighters, EMT's and rescue technicians.
- Length of Service Awards Programs are one way to help recruit and keep personnel in their communities.
- There is currently no county wide recognition program for the dedication, efforts and longevity of our emergency services personnel.

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4 Slide #3

Future Opportunities

- That the BOCC would develop a system that recognizes members of the fire and rescue departments that give most of their lives to the betterment of their communities.
- Similar to service awards given to county employees in recognition for their time with county government.
- Fire and Rescue Departments can provide the names and service dates based on whatever criteria the BOCC chooses.

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7 Chair Price said she would be more than happy to participate in a recognition program
8 that includes county staff and volunteers.

9 Chair Price said Chapel Hill has a program that honors first responders. She asked if
10 the fire districts can participate in that.

11 Chief Cabe said this program traditionally included only Chapel Hill, Carrboro, SORS,
12 and Emergency Services; and outside of those areas, there is no recognition. He said the
13 Exchange Club in Hillsborough wants to nominate a firefighter of the year, but that does not
14 reflect years of service. He said it is becoming hard to find people to hire as responders, in
15 addition to volunteers. He said it is important to show recognition and appreciation.

16 Bonnie Hammersley said the county has a recognition program and she could work with
17 the fire districts to include them. She said the county is looking at a quarterly recognition of
18 retirees.

19 Commissioner Hamilton thanked the Chiefs and the Fire Districts for their service. She
20 asked if the financial compensation for fire and rescue service could be identified, and
21 wondered if this impacts the ability to recruit new staff. She said she would like to know about
22 calls per population or calls per geographic area, as she would like to put the numbers in
23 context.

1 Chief Cabe said the School of Government might have some of these statistics. He said
2 population impacts the number of calls based on how close people live to each other. He said
3 he would send the information to Kirby Saunders to share with the Board.

4 Commissioner Hamilton said she would like to know the number of houses in a district.

5 Kirby Saunders said they are working on more specific data to put out annually. He said
6 as growth continues, it is important to keep up with the safety needs.

7 Commissioner Fowler expressed her appreciation to the Chiefs and to the Fire Districts.
8 She asked if there is currently training with Chapel Hill High School taking place, and if that has
9 helped with staffing.

10 Chief Cabe said there are two programs: one at Orange High School and one at Chapel
11 Hill High School. He said he has not gained any staff via the program at Orange High School.

12 Chief Jamal Phillip Nasserri said through the program in Chapel Hill he has gained 5 or 6
13 students who are interested. He said he would like to see the schools do more advertising of
14 vocational training to the students in Chapel Hill.

15 Chief Mauzy said he would like to continue the relationship with Durham Technical
16 Community College and the EMT program. He said the South Orange Rescue Squad is one of
17 the few EMS entities that can offer work to those with no other experience. He said the
18 proximity of the squad to UNC Chapel Hill has benefitted the organization, but students move on
19 after graduation. He said they struggle with recruitment and retention.

20 Chief Vencelin Harris said they were able to hire three employees through the program
21 at Chapel Hill High.

22 Chief Cabe said his department is not affiliated with a local government. He said fire
23 districts that are affiliated with the local governments can have their employees participate in the
24 retirement system. He said it is difficult to compete with organizations that can pay more and
25 offer better benefits. She said Wake County's starting salaries are much higher.

26 Commissioner McKee praised the fire districts and their service to the community.

27 Commissioner Richards said she is very impressed with the way emergency services is
28 coordinated across the County. She thanked the Chiefs for their presentation.

29 Chief Cabe said he is very proud of the people who serve as fire and rescue first
30 responders in Orange County.

31 Commissioner Greene thanked the Chiefs and the fire districts for all of their hard work
32 since the beginning of the pandemic in serving the county.

34 **5. Emergency Services Update – Overview of Current Challenges Facing EMS**

36 Kirby Saunders made the following presentation:

37
38 Slide #1



39
40 Slide #2

Current FY Approved Projects

- Waterstone Co-Location with Orange Rural
 - 350 College Park Dr. – Hillsborough
- Efland Standalone EMS Station
 - 3800 US Hwy. 70 – Efland (formerly Crazy Carts)
- EMS System Analysis
 - Deployment, structure, location (current and future needs)

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Slide #3

General Updates

- 911 Communications Division
 - ESINet Switchover complete
 - Improved location access and connectivity to other centers
 - 95.62% of 911 Calls answered within 10 seconds
- Fire Marshal Division
 - Town of Hillsborough additional responsibilities
- Emergency Management Division
 - EOC Demobilized in June
 - 7,000+ Pandemic related resource requests
 - Heavily engaged in FEMA financial recovery with Finance/Admin

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Kirby Saunders said Orange County Fire Marshals are responsible for all fire inspections in the unincorporated parts of the county. He said in July 2021 the county entered a contract with the Town of Hillsborough to also assume fire marshal duties within the town limits. He resumed the PowerPoint presentation:

Slide #4

Emergency Medical Services

- Challenges
 - Exponential increase in call volume (surge)
 - Voids due to COVID related absences, fatigue and vacancies
 - Paramedic recruitment/retention
 - Cueing or stacking of low priority calls

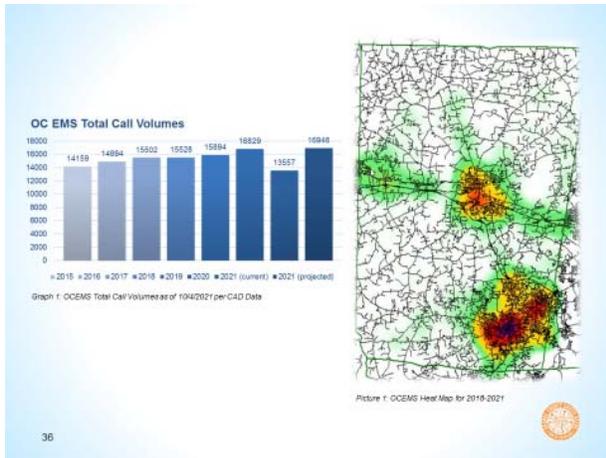
Month	2018	2019	2020	2021
JUNE	34 (42)	36 (52)	33 (44)	40 (67)
JULY	30 (45)	35 (50)	33 (43)	40 (56)
AUGUST	33 (46)	35 (52)	34 (48)	41 (52)
Monthly Totals	3,007	3,279	3,139	3,747

Table 1: Average (Maximum) Daily Call Volume Comparison June – August
* Record number

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Slide #5



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Kirby Saunders said there is a significant amount of aid given from Orange County to surrounding jurisdictions. He said this is happening across the country. He resumed the PowerPoint presentation:

Slide #6

The slide is titled "Emergency Medical Services" in a large blue font. Below the title is a bulleted list of "Mitigation Measures":

- Mitigation Measures
 - Reassigning staff to ensure coverage with highest demands
 - Utilizing EMS administrative personnel
 - Exploring additional BLS opportunities
 - Working closely with regional partners
 - Engaging franchised services

The slide number "37" is visible in the bottom left corner, and the Orange County seal is in the bottom right corner.

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Chair Price expressed appreciation for everything the first responders do. She said the county will continue to collaborate with first responders on broadband, and that she would work with the County Manager to create a recognition program for first responders and public safety officers.

Chair Price asked for a motion to recess for the purposes of a break prior to continuing to the work session.

A motion was made by Commissioner Fowler, seconded by Commissioner McKee, to recess the meeting for 3 minutes.

Roll call ensued

**VOTE: UNANIMOUS
RECONVENE THE MEETING**

1
2 A motion was made by Commissioner Fowler, seconded by Commissioner McKee, to
3 reconvene the meeting at 8:35 p.m.
4

5 **Roll call ensued.**

6
7 **VOTE: UNANIMOUS**

8
9 **6. Follow-up Discussion Regarding the Regulation of the Discharge of Firearms in**
10 **Areas of the County with a High Residential Unit Density**

11
12 The Board finalized discussions related to the regulation of firearms discharge in limited
13 urbanized areas of the county.
14

15 **BACKGROUND:**

16 This topic has been previously discussed on multiple occasions by the Board of
17 Commissioners. The two most recent discussions occurred in September 2020 and February
18 2021. At the February 2021 meeting, the Board of Commissioners directed the County Attorney
19 to bring back additional maps.
20

21 The eight maps attached to this abstract are as follows:

- 22 • Residence with 300 Foot Buffers with Complaint Locations – This map shows the
23 approximate locations of all residences in the County with a 300 foot buffer around each
24 residence;
- 25 • Residence with 450 Foot Buffers with Complaint Locations – This map shows the
26 approximate locations of all residences in the County with a 450 foot buffer around each
27 residence;
- 28 • The four maps labeled Site 1 (Timberly Drive Area), Site 2 (Council Lane Area), Site 3
29 (Dogwood Acres Drive Area), Site 4 (Active Shooting Range) show areas of the County
30 where there have been complaints and how those areas would be impacted by 300 foot
31 and 450 foot buffers;
- 32 • The two maps labeled Whirlaway Lane Area and Foxhill Farm Area show areas of
33 somewhat dense residential development and how those areas would be impacted by
34 300 foot and 450 foot buffers.
35

36 Additional background information is available in the September 2020 and February 2021
37 agenda packets linked below.
38

39 The September 10, 2020 BOCC Work Session agenda materials may be viewed [here](#).

40
41 The February 9, 2021 BOCC Work Session agenda materials may be viewed [here](#).

42
43 As noted in all prior discussions there are state limitations on local government authority related
44 to restrictions on firearms and ammunition. The Board may, however, subject to certain state
45 restrictions, limit the time, place, and manner of firearms discharge.
46

47 County Attorney John Roberts reviewed the background information for the item, and
48 noted requested maps have been provided. He said the State is very restrictive on how
49 counties can regulate the discharge of firearms. He said all existing shooting ranges would be
50 exempt from any new ordinances established by the county.

1 Commissioner McKee said he previously sat on a task force for the regulation of
2 firearms, which recommended a set of common sense regulations that he feels are effective.
3 He said he is concerned that a more restrictive set of measures would result in the State putting
4 limitations on the county.

5 Commissioner Fowler asked how far sound travels, and how the 300 and 450-foot
6 buffers relate to noise. She asked if the goal was to avoid firearm discharge within these
7 buffers.

8 County Attorney said the intent was to prohibit discharge within the buffers. He said
9 noise would travel much farther than the proposed buffers.

10 Chair Price said it also depends on the lay of the land and the caliber of the firearm.

11 Commissioner Greene said she is interested in restrictions that can be placed on newly
12 established firing ranges.

13 John Roberts said buffers and distance could be used to address place. He said time of
14 day restrictions would only affect target practice, and not hunting or law enforcement, etc. He
15 said manner could be defined with berms and backstops.

16 Commissioner Greene said she thought the time of day might be helpful for those who
17 have brought this up, so they can leave their homes during those anticipated hours.

18 Commissioner McKee said on open ground shooting a 22-caliber rifle can be heard a
19 quarter of a mile away, and shotguns over a mile. He said it is variable depending on
20 geography, ground cover, etc.

21 Chair Price asked if the current time regulations could be identified.

22 John Roberts said the county does not currently regulate target practice times, but he
23 can look at the noise ordinance for general noise.

24 Chair Price asked if firearm discharge falls under general noise.

25 John Roberts said no, firearms are excluded from the general noise ordinance at this
26 time. He said the current noise ordinance is 9 p.m. to 7 a.m.

27 Commissioner Hamilton asked if clarification could be provided on the maps.

28 Brian Carson, GIS Project Coordinator, said one map shows the locations of the noise
29 and the other maps shows complaints from hearing the firearms.

30 Commissioner Hamilton said site four on the map has an active shooting range.

31 Commissioner McKee said on sites 1-3, there were a few complaints, but there were
32 also many homes in those areas that did not complain. He said noise is in the ear of the
33 beholder, and he would like to end this discussion, as the BOCC will never be able to satisfy
34 everyone.

35 Chair Price said she would like to provide the public with information on what to do when
36 they hear gunfire. She said she would also like for people engaging in target practice to tell the
37 Sheriff's department ahead of time.

38 Commissioner Greene said she generally agreed with Commissioner McKee, but she
39 would like to know if there is Board support for regulating the time of shooting for newly
40 established shooting ranges.

41 Commissioner Fowler asked what time of day Commissioner Greene would propose.

42 Commissioner Greene said she would like to have further discussion at a future meeting.

43 Commissioner Fowler said she would be interested in having that discussion, and
44 clarified any potential restrictions would not apply to hunters.

45 Commissioner Greene said correct.

46 Commissioner Richards asked Commissioner Greene if she only wants an ordinance for
47 newly established shooting ranges.

48 Commissioner Greene said shooting ranges are all the Board can limit from a time
49 perspective.

50 John Roberts said the BOCC can restrict the time on target practice. He said an
51 ordinance cannot apply to previously established shooting ranges.

1 Commissioner Richards asked Commissioner McKee if the time restriction was midnight
2 to 6 a.m. if that would be a problem.

3 Commissioner McKee said he personally does not think that would be a problem, but
4 feels this is an issue that the Board cannot solve, as noise is so subjective.

5 Commissioner Richards asked if the number of complaints received can be identified.

6 Commissioner McKee he thought it was in the dozens.

7 Chair Price said once people talk to each other, they are able to work out issues.

8 Commissioner Greene said the issue has not been worked out in West Carrboro. She
9 said if there were time regulations on new shooting ranges she thinks there would have been
10 fewer issues.

11 Commissioner McKee asked if the location where shooting has occurred near Carrboro
12 would be considered an established shooting range.

13 Commissioner Greene said she is referring to future shooting ranges.

14 Commissioner McKee said "shooting range" means different things to different people.

15 Commissioner Hamilton said she would like to know how many new shooting ranges
16 come before the Board. She said she would like more context about the issue. She asked if
17 the Board was attempting to fix a problem that does not exist.

18 Chair Price said the Board gets periodic complaints about shooting and has not come up
19 with any solutions.

20 Commissioner Greene said she is specifically thinking of a shooting range that had the
21 appropriate berms for the county on private property. She said complaints came from neighbors
22 because they did not know when the shooting was going to happen. She said she wanted to
23 know if it was appropriate to set times for when shooting can happen for future shooting ranges.
24 She asked the Board if there is agreement to discuss this further at a future meeting.

25 Chair Price asked if there was a specific proposal, as this has been discussed for years.

26 Commissioner Greene said she is not prepared to propose times at this work session.

27 Commissioner McKee said he disagrees with Commissioner Greene on the prevalence
28 of this being a big issue in the future. He said he does not think there will ever be a solution to
29 this very subjective issue. He said in the previous task force, they could not figure out a solution
30 to this problem. He said until it becomes a disruptive problem, the BOCC should leave it alone.

31 Chair Price said the reason the maps were created was to show where the complaints
32 were made. She said creating an ordinance for a suburbanizing area would also affect the
33 more rural areas, which is unreasonable.

34 Chair Price asked Brian Carson if anyone has applied to create a new shooting range.

35 Brian Carson said he does not know of any applications, and they would go through
36 Michael Harvey at the Planning Department.

37 Commissioner Fowler said she is interested in setting a time frame for shooting, given
38 that general noise is already regulated.

39 Chair Price asked the Board to make proposals for time frames so staff can put it on a
40 future agenda.

41 Commissioner Hamilton said she would be interested in putting time frames for shooting
42 on a future agenda.

43 Commissioner Bedford asked the County Attorney if there is a reason that firearms are
44 not included in the existing noise ordinance.

45 John Roberts said he does not know why firearms were not included.

46 Commissioner Bedford asked if the current noise ordinance includes loud parties.

47 John Roberts said he does not think loud parties are included.

48 Commissioner McKee said he thought parties had to reach a certain decibel level.

49 Chair Price said in her experience noise ordinances were for certain loud industrial
50 activities.

1 John Roberts said there are 18 exceptions to the noise ordinances, and the discharge of
2 firearms is one.

3 Commissioner Bedford asked if a new ordinance limited hours on the discharge of
4 firearms would it be included in the general noise ordinance.

5 John Roberts said he would not include it in the noise ordinance, but rather would
6 include it in the firearm ordinance. He said the wording could include a timeframe of darkness
7 to 9 a.m.

8 Commissioner McKee said there is recreational shooting/hunting at night.

9 Commissioner Bedford clarified that hunting would be exempt.

10 Commissioner Bedford said the complaints have come from daytime shooting. She said
11 there was one resident who said a bullet entered her home.

12 Commissioner McKee said shooters are liable for their projectiles, both legally and
13 civilly.

14 Commissioner McKee said he knows the Sheriff will try to enforce a firearm ordinance,
15 but he has concerns that an ordinance would be unenforceable and deputies will be wasting
16 their time chasing shots all over the county. He said this is an ineffective use of a deputy's time.

17 John Roberts said the Sheriff has said it will be difficult to enforce a firearms discharge
18 ordinance, because by the time a deputy gets there, the shooting has stopped.

19 Commissioner Greene said due to the enforceability aspect, she is more interested in
20 pursuing a time frame ordinance for future shooting ranges. She suggested sundown to 9 am,
21 and not on Sundays.

22 Chair Price said this proposal can be brought back for a business meeting.

23 Commissioner Greene said she will make a petition for this at a future meeting.

24 Commissioner McKee asked is there a legal definition of a shooting range, beyond a
25 professional, "pay to play" range.

26 John Roberts said the state law that defines a sport shooting range is very broad, and he
27 read the definition. He said it is an area designed and operated for private and commercial
28 shooting.

29 Commissioner McKee said he is unsure how the county prosecutes these issues if the
30 Sheriff's Department follows up on them

31 John Roberts said there would have to be a way to determine when the range was
32 established, testimony from neighbors seeing a berm or a backstop being built, or asking the
33 county to inspect.

34 Chair Price said the Board will not do anything further until another proposal is
35 presented.

37 **7. Boards and Commissions Appointment Process Discussion**

38
39 The Board discussed the boards and commissions' appointment process and
40 supplementary materials for appointment discussions.

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42

1 **BACKGROUND:**

2 Members of the Board have expressed interest in reviewing the boards and commissions
3 appointment process, including the format in which the supplementary appointment information
4 is presented. Staff hopes to learn the Board's opinions of the current process and materials,
5 hear feedback on the Draft Proposed Example Agenda Packet for Appointment Discussions,
6 and receive direction on the following questions related to boards and commissions:

- 7 1. Does the Board wish to be sent applications received for a board after agenda
8 publication?
- 9 2. Does the Board wish to continue receiving appointment recommendations from boards
10 and commissions? What role do recommendations play?
- 11 3. Does the Board want to schedule a formal review of the Orange County Board of County
12 Commissioners Advisory Board Policy?
- 13 4. Would the Board like to continue with Annual Report and Work Plan presentations from
14 advisory boards and commissions as in previous years, or see changes?
15

16 Chair Price said there is a need for discussion about the boards and commissions
17 appointment process and clarifying the process for staff. She said the process has been
18 changed many times.

19 Tara May reviewed some of the attachments included in the agenda packet for this item.
20 She highlighted the questions listed in the agenda abstract on which she would like further
21 direction.

22 Chair Price said Tara May is attempting to improve the application and appointment
23 process.

24 Commissioner Greene said the application packet is difficult to read online. She said
25 simpler is better, and she would like to see the resumes of those who have applied. She said
26 seeing who is currently on the board is confusing. She said she would rather see a
27 demographic breakdown.

28 Commissioner Fowler agreed with Commissioner Greene's suggestion of a demographic
29 breakdown. She thanked Tara May for creating a spreadsheet listing the advisory boards and
30 commissions. She asked which staff member supports the Climate Council.

31 Tara May said Brennan Bouma currently staffs the Climate Council. She said the
32 advisory board policy does not list the Climate Council as one of the boards to which the policy
33 applies. She said it does not have a policy to follow.

34 Commissioner Fowler asked if this is also true about the Board of Equalization and
35 Review (E&R).

36 Tara May said the Board of E&R is a quasi-judicial board, and has a general statute that
37 guides its operations.

38 Commissioner Richards said she liked the matrix, but it does not note an applicant's
39 relevant experience.

40 Chair Price said applicants are supposed to put that in the applications.

41 Commissioner Richards said she would like to have more information, but wonders if
42 there is a way to streamline the matrix to see if a candidate has the experience. She said it is a
43 lot of information to review. She said making the decision is about more than demographics,
44 and she wants to know more about an applicant's experience.

45 Chair Price said the Board of County Commissioners (BOCC) has revised the questions
46 in the past to make them shorter. She said it is up to the Board to make sure applicants are
47 qualified.

48 Commissioner Hamilton said it is hard to keep track of the material in the agenda
49 packets. She would like to see an excel spreadsheet for each advisory board and commission,
50 listing the names of the current board members, the applicants, the demographics, basic

1 information, etc., and have the detailed application separately. She said with a spreadsheet
2 one can sort by geography, gender or other variables.

3 Commissioner Hamilton said she is happy to get recommendations from advisory boards
4 and commissions, but making the decision is the responsibility of the Board of Commissioners.

5 Commissioner Hamilton noted an area on the spreadsheet that needs to be corrected
6 regarding who appoints members to the Board of Health.

7 Commissioner Hamilton said she would like to have time to review the advisory board
8 policy.

9 Commissioner Bedford asked if the new software system can help to manage boards
10 and commissions.

11 Tara May said she is still working through implementation issues with the new software.

12 Commissioner Bedford said she would like to know if the new software exports to Excel
13 by committee. She said she currently creates her own excel spreadsheets.

14 Tara May said she it can export into Excel, but it does not come out clean. She said she
15 is looking into ways to export data into easily readable charts.

16 Commissioner Bedford said she likes to see who is currently serving on the advisory
17 boards and commissions.

18 Commissioner Bedford said she sometimes calls applicants to learn more about them
19 before appointment discussions, and the Board could decide it might want to interview
20 applicants.

21 Commissioner Bedford said she has just petitioned to reorganize the Climate Council.

22 Commissioner Bedford said she does not think the Board should consider applications
23 after the agenda is published.

24 Commissioner Bedford said she did not like receiving recommendations from a
25 department head, because it creates a power imbalance, but is willing to hear from the board
26 chair. She said she considers all applicants for boards, and recommendations do not always
27 factor into her decision-making.

28 Commissioner Bedford said she would like to see advisory boards and commissions
29 attend work sessions and talk about what they do, rather than all come on the same night.

30 Chair Price said at annual retreats, the advisory boards and commissions used to
31 present work plans.

32 Chair Price said sometimes department heads work with chairs and vice chairs of
33 advisory boards and commissions to make recommendations. She would like to be clear with
34 advisory boards and commissions that the BOCC may not appoint a recommended applicant,
35 as the vetting and interviewing process is sometimes lengthy

36 Chair Price said she also likes knowing who is currently on an advisory board or
37 commission, but does not need to see the attendance records.

38 Chair Price said an Excel spreadsheet may be helpful, but could also be overwhelming.

39 Chair Price said the current process was created when the Board was receiving paper
40 agenda packets, and current practices are more online. She said it is important to keep paper
41 and digital variables in mind.

42 Commissioner Greene said she is happy to see recommendations, but she would like for
43 advisory boards and commissions to know that the BOCC does not have to appoint the
44 recommended applicant.

45 Commissioner Greene said she would like to see a cover sheet with recommendation,
46 followed by applications, then demographics, roster, etc. She said she would not be interested
47 in an Excel spreadsheet.

48 Commissioner Hamilton said everything that is on the current list would be included in
49 the Excel spreadsheet in one place. She said she also still wants to see the applications. She
50 would like to make it easier to navigate all of the information.

1 Chair Price said one thing that is confusing to her is when an applicant uses one
2 application form to apply for multiple. She would like to see a separate application for each
3 advisory board and commission, and answers for why they want to be on a board would be kept
4 separate.

5 Commissioner Greene said she does not agree with having separate applications,
6 because applicants rank the priority order of what board they prefer.

7 Chair Price said there may not be an opening on one's first choice. She said it is just
8 confusing.

9 Commissioner Fowler said she likes to see all of the boards for which an applicant is
10 applying, as it helps her see which is most convincing. She said if one is qualified for other
11 boards or commissions, she will appoint them.

12 Commissioner Bedford asked if there is BOCC support to not consider applications that
13 are received after the agenda is published.

14 The Board agreed by consensus.

15 Chair Price asked if staff is still working on the new software.

16 Tara May said yes, and described what she is able to provide to the Board through the
17 new software systems.

18 Commissioner Bedford asked if Tara May could reorganize the information.

19 Tara May said yes.

20 Tara May clarified that the BOCC would like to see current board members as well as
21 new applicants on the same spread sheet, but no attendance data.

22 Commissioner Bedford said as long as staff is paying attention she would be fine with
23 not seeing attendance records.

24 Tara May asked if the Board supports the four questions contained in the abstract.

25 Chair Price said she does not mind receiving a recommendation, but advisory boards
26 and commissions need to know that recommendations can be made, but may not be followed.

27 The Board agreed by consensus.

28 The Board held discussion on when the advisory board policy was last reviewed.

29 Tara May said she does not think the Board of Commissioners has had a full review of
30 the advisory board policy.

31 Commissioner Bedford asked the County Attorney if he had reviewed the policy.

32 John Roberts confirmed that he added language about electronic meetings, but there
33 has not been a formal review.

34 Chair Price said there have been questions about the purpose of purview of certain
35 boards.

36 The Board agreed by consensus to add a review of the policy to the rolling list of
37 projects.

38 Chair Price said she would like to see annual reports to come in throughout the year.
39 She said it is important to validate the work of the boards and commissions.

40 Chair Price said she would like to know if an applicants meet eligibility requirements, as
41 well as start and potential roll off dates.

42 Commissioner Hamilton asked if advisory boards could present to the BOCC when they
43 have appointments to be made. She said it would provide context to the appointment.

44 Tara May asked if there were any changes to the work plan template.

45 The Board reviewed and discussed the template.

46 Tara May said she needed to know of any changes by November.

47 Chair Price invited the Board to submit changes to the County Manager and Chair.

48
49 **8. Discussion on Family Success Alliance Advisory Council Commissioner Liaison**
50 **Assignments**
51

1 The Board discussed the number of Commissioners' assignments on the Family
2 Success Alliance (FSA) Advisory Council.

3
4 **BACKGROUND:**

5 At the March 16, 2021 Business Meeting, Commissioner Jamezetta Bedford petitioned the
6 Board to review the number of Commissioner Liaisons to the FSA Advisory Council. It was also
7 mentioned there are no liaisons to the Affordable Housing Advisory Board.

8
9 There are two Commissioner Liaison positions on the FSA Advisory Council, currently filled by
10 Commissioner Bedford and Commissioner Sally Greene, who will both serve until December
11 2021.

12
13 Commissioner Bedford introduced the item. She said she does not think the Family
14 Success Alliance Advisory Council needs two liaisons.

15 Commissioner Greene agreed with Commissioner Bedford.

16 Bonnie Hammersley said she does not see a need to have two commissioners on the
17 Family Success Alliance Advisory Council.

18 Chair Price said the change would be put on a future consent agenda.

19 The Board discussed the announced departure of a staff member, Sustainability
20 Coordinator Brennan Bouma, for a new opportunity with the Town of Chapel Hill.

21
22 A motion was made by Commissioner Bedford, seconded by Commissioner Richards, to
23 adjourn the meeting at 10:16 p.m.

24
25 Roll call ensued

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27 **VOTE: UNANMIOUS**

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Renee Price, Chair

33 Laura Jensen
34 Clerk to the Board

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

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MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
VIRTUAL BUSINESS MEETING
October 19, 2021
7:00 p.m.

The Orange County Board of Commissioners met for a Virtual Business Meeting on Tuesday, October 19, 2021 at 7:00 p.m.

COUNTY COMMISSIONERS PRESENT: Chair Renee Price, Vice Chair Jamezetta Bedford, and Commissioners Amy Fowler, Jean Hamilton, Sally Greene, Earl McKee (arrived at 7:11 p.m.), and Anna Richards

COUNTY COMMISSIONERS ABSENT: None.

COUNTY ATTORNEYS PRESENT: John Roberts

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

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

A roll call was called; all members were present, except Commissioner McKee.

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Business Meeting on Tuesday, October 19, 2021. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at <http://www.orangecountync.gov/967/Meeting-Videos> and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

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

- Written submittals by email
- Speaking during the virtual meeting

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

Chair Price dispensed with reading the public charge.

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.*

1 Chair Price mentioned current events, including the passing of Colin Powell and the
 2 retirement announcement by Representative David Price after at least 30 years. She noted he
 3 is still in office until December 2022.

4
 5 **Arts Moment** – No Arts Moment was available for this meeting.

6
 7 **1. Additions or Changes to the Agenda**

8 Chair Price suggested moving items 8-i and 8-j from the consent agenda to the regular
 9 agenda, Item 6, for further discussion.

10 Commissioner Bedford asked to pull item 8-h from the consent agenda as well.

11 Chair Price said that item could be pulled for discussion when they reach item 8 on the
 12 agenda.

13
 14 A motion was made by Commissioner Fowler, seconded by Commissioner Hamilton, to
 15 move items 8-i and 8-j from the consent agenda to the regular agenda as items 6-d and 6-e,
 16 respectively.

17
 18 **Roll call ensued**

19
 20 **VOTE: UNANIMOUS**

21
 22 **2. Public Comments**

23
 24 **a. Matters not on the Printed Agenda**

25 Destinee Alston said she is a community health worker and case manager for Orange
 26 County through Green Rural Redevelopment Organization (GRRO). She said she wanted to
 27 introduce herself and the organization to the Commissioners and staff. She said GRRO has
 28 received funding to provide services to Orange County, including COVID-related services,
 29 mental health services, education, housing, groceries, and anything to better the quality of life
 30 for families in the Orange County Area. She said she saw on the last meeting agenda that the
 31 Family Success Alliance (FSA) was possibly looking for a liaison and GRRO is interested in
 32 learning more and helping to further that mission as well.

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

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

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

39 Commissioner Greene said she attended the Efland Seafood Festival a couple of weeks
 40 ago, which was an interesting and fun experience. She said she attended the groundbreaking
 41 for the Weaver's Grove development from Orange County Habitat yesterday, which is project
 42 the county helped fund in Chapel Hill. She said it will be 237 units of mixed used development,
 43 101 of which will be Habitat units. She said this project has been in the planning stages for 19
 44 years. She said Jonathan Reckford, CEO of Habitat International, is a Chapel Hill native and
 45 made remarks. She said she also attended the Freedom Fund Banquet yesterday, held by the
 46 Chapel Hill-Carrboro National Association for the Advancement of Colored People (NAACP) at
 47 the Carraway drive-in movie theater in Chapel Hill. She said the speaker was Nsé Ufot, CEO of
 48 the New Georgia Project, which a non-partisan organization that has done work getting people
 49 registered to vote in Georgia. She noted the unexpected death of Beau Bennett of Beau's
 50 Catering, a very lively and great young man who touched a lot of lives. She said Mayor Jenn
 51 Weaver wrote a tribute to him in this week's News of Orange.

1 Commissioner Richards said she is continuing her education on Orange County, and
2 was briefed by 26 of the 28 departments in the County. She thanked the Clerk for arranging
3 those meetings and staff for meeting with her. She said she attended the Jordan Lake One-
4 Water event, which was very informative. She said she toured the Buckhorn Economic
5 Development area, and is getting out and doing some of the orientation she committed to do.
6 She said she attended a Hispanic Heritage Month event sponsored by Chapel Hill Carrboro City
7 Schools (CHCCS) in Carrboro on Friday night, and then went to the other events Commissioner
8 Greene mentioned. She said she welcomed guests at the Chamber of Commerce issues forum
9 on real estate, and encouraged the Commissioners to watch the video from that event.

10 Commissioner Hamilton said she attended the NAACP Freedom Fund Banquet, and the
11 keynote speech was inspiring and highlighted the importance of working together. She said
12 there is a lot of work to do, which will take a long time and will require tag teaming to get the
13 work done. She expressed appreciation to Hilary McKenzie of the Orange County School
14 (OCS) Board and OCS Superintendent Dr. Felder for sending the resolution to Commissioners
15 to let them know about what is going on in Orange County Schools. She said she is concerned
16 about the learning environment for the students and wants to support them in improving things.

17
18 *Commissioner McKee arrived at 7:11 pm.*
19

20 Commissioner Fowler seconded Commissioner Hamilton's comments and stands in
21 solidarity with the schools against hate, and is in support of students and staff. She said she
22 attended the Inter-Governmental Parks meeting last month and heard updates from each
23 municipality about parks and land conservancies. She said the main focus remains on following
24 COVID practices, but there has been a lot of use of outdoor facilities thanks to COVID. She
25 said there is increasing focus on sustainability projects as well. She said she attended the
26 NAACP event online. She said it is "Ink-tober", as celebrated by the Orange County Library,
27 and encouraged Commissioners to participate and get engaged.

28 Commissioner Bedford wished Commissioner Greene a happy birthday. She said she
29 voted today and encouraged others to vote early. She said early voting is open in the current
30 week Monday through Friday, 8:00 a.m. to 6:00 p.m., Saturday 8:00 a.m. to 3:00 p.m., and
31 Sunday 12:00 p.m. to 4:00 p.m. She said next week's schedule is online, and no voter IDs
32 required this year. She thanked the elections staff running the sites and the temporary poll
33 workers.

34 Commissioner McKee recognized and congratulated 29 Orange County farms inducted
35 into the North Carolina Century farm program at the North Carolina State Fair. He said the farm
36 that he and his mother, brother, and sister own was one of the 29 farms.

37 Chair Price referred to the letter from OCS, and said Commissioner Hamilton and
38 Commissioner Bedford have volunteered to write a statement in support. She said she will
39 bring forward a proclamation at the next meeting to proclaim November as Native American
40 Heritage Month. She said she attended the dedication of the mural of African American
41 Trailblazers in Chapel Hill-Carrboro, and encouraged Commissioners to view it because there
42 are recognizable faces there. She said she also went to an event at Pluck, regarding the
43 Mountains-to-Sea Trail, which Commissioner Greene also attended. She said she attended the
44 virtual meeting with the public regarding the Buckhorn Area Study, which included a brief
45 presentation by staff and comments from the public with good discussion. She encouraged
46 anyone with questions to contact Tom Altieri in the Planning Department. She said Saturday
47 10/23 is National Operation Take Back Day, and all three towns are participating. She said this
48 effort allows people to dispose of medications properly. She said drop off locations include the
49 Fairview Community Center, Wegman's in Chapel Hill, and possibly the Town Hall in Carrboro.
50 She said Senator Foushee's weekly newsletter announced that House Bill 951 passed, which
51 provides a path for 70% reduction in carbon emissions before 2030 and carbon neutrality by

1 2050. She said by the end of 2022 Utilities Commission must sign off on Duke Energy's first
2 carbon plan, setting guidelines for carbon reduction.

3 Chair Price said over the years, she has received periodic complaints about debris in
4 people's yards. She said the county has comprehensive land use regulations addressing many
5 environmental topics and has worked hard to educate local communities on the environmental
6 management program. She said there have been issues associated with the upkeep of
7 property and the county can do better. She said issues involve unkempt yards, chemicals, etc.,
8 and some situations need to be addressed by more than one department, and she asked if the
9 County Attorney and Planning Supervisor would prepare a report outlining available options to
10 the county to address such nuisance issues. She said it is important to consider how
11 regulations will be enforced, and who will enforce them. She said she would like to see
12 departments work together to develop a comprehensive solution to local residents' needs.

13 Commissioner Bedford reminded Chair Price to ask for volunteers to serve on the
14 committee that will look at the possible restructuring of the Climate Council. She volunteered to
15 serve.

16 Chair Price asked how many people they discussed to serve.

17 Commissioner Bedford said two or three.

18 Commissioner Richards also volunteered to serve on the committee.
19

20 4. Proclamations/ Resolutions/ Special Presentations

21 a. Recognition of County Employee Retirements from July 1, 2021 through 22 September 30, 2021

23 The Board recognized and expressed gratitude to recent county employee retirees for
24 their devotion and service to Orange County and its residents.
25

26 **BACKGROUND:**

27 The following employees have retired in the first quarter of this fiscal year:
28

29 First Name	Last Name	Title	Department	Retirement Date	YRS OF SERVICE
ERNEST	MOORE	FACILITIES ENVIR TECH II	SHERIFF	08/18/2021	3
CLAUDE	PIERCY	DEPUTY REGISTER OF DEEDS II	REGISTER OF DEEDS	08/31/2021	5
LISA	BRASHEAR	ADMINISTRATIVE SUPPORT I	ENVIRONMENT, AG, PARKS & REC HOUSING & COMM DEVELOPMENT	07/31/2021	16
ANGELA	ROCKETT	OFFICE ASSISTANT II	FINANCE AND ADMIN SERVICES	07/30/2021	19
PAUL	LAUGHTON	SRVS DIRECTOR ADMINISTRATIVE		08/31/2021	22
GWEN	CAPERS	SUPPORT II	HUMAN RESOURCES	08/31/2021	32
BLAIR	POLLOCK	SOLID WASTE PLANNER	SOLID WASTE MANAGEMENT	07/30/2021	33
TRUDY	LUCAS	TELECOMMUNICATOR	EMERGENCY SERVICES	07/31/2021	34

30 The Orange County Board of Commissioners thanked each of these retirees for their service to
31 Orange County and for their dedication in meeting the primary mission of Orange County, in
32 serving residents with fairness, respect and understanding.
33

1 Chair Price said this idea came about while working on her Monday Memo and realizing
2 that there has not been an opportunity to recognize those who are retiring from Orange County,
3 due to Covid-19.

4 Brenda Bartholomew, Human Resources Director, indicated the recognized retirees
5 present on the call first, including Angela Rockett, Blair Pollock, and Trudy Lucas. She then
6 recognized the other listed retirees who were not present.

7 Commissioner Hamilton thanked the retirees for their years of service to Orange County.

8 Chair Price thanked retirees for their dedication and wished them the best in their
9 retirement. She said it will be hard to replace them.

10
11 **5. Public Hearings**

12 None

13
14 **6. Regular Agenda**

15
16 **a. Community Climate Action Grant (CCAG) – FY 2021-22 Project Selection for**
17 **General Applicants**

18 The Board received the grant project funding recommendations from the Human
19 Relations Commission (HRC) and the Commission for the Environment for the FY 2021-22
20 Orange County Community Climate Action Grant Program; considered approving funding for the
21 recommended Community Climate Action Grant projects for FY 2021-22 as outlined in the
22 attached report; and received and considered approving the request from the HRC to shift one
23 point in the scoring rubric from “Time to Complete” to “Social Justice/ Racial Equity” in future
24 rounds of grant funding.

25
26 **BACKGROUND:**

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

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

34
35 For the 2021-22 funding cycle, \$536,665 in funding was budgeted to support climate action
36 projects that will benefit Orange County residents both socially and financially. Following the
37 direction of the Board of Orange County Commissioners (BOCC), the process for soliciting and
38 selecting projects to receive funding was conducted through a formal Community Climate Action
39 Grant (CCAG) program.

40
41 For this grant cycle, the BOCC reserved half of the total funding for this grant program
42 (\$268,332.50) to be awarded to projects submitted by either of Orange County’s two public
43 school districts. The remaining half (\$268,332.50) was to be made available to all other eligible
44 general applicants in this round.

45
46 Only one project totaling \$68,616 has been submitted from either School district, and no funding
47 allocated for the schools has yet been recommended for approval. Attachment 2 provides
48 additional information. In light of the Board’s interest in supporting school climate action projects
49 and the special challenges facing schools as they operate during a pandemic, the current grant
50 deadline for school projects will be extended through the end of November. County staff have
51 already begun reaching back out to the schools to offer direct assistance in generating project

1 proposals for this extended FY2021-22 round of funding as well as the FY2022-23 round of
 2 funding set to open later this year.

3
 4 The information below describes the scoring, ranking, and reasoning of the review of general
 5 applications.

6
 7 The Community Climate Action grant program received seven (7) applications in this round from
 8 a variety of general applicants representing non-profit and public organizations whose total
 9 requests add up to more than \$880,000. While staff fielded some questions from prospective
 10 applicants from the private sector, no private sector applications were received.

11
 12 Grant applications were completed over the summer and reviewed and scored by the
 13 Commission for the Environment (CFE) and the Human Relations Commission (HRC). On
 14 September 13, 2021, each of these Commissions voted to forward their final scoring and
 15 comments to the BOCC.

16
 17 The following is a rank-order summary table of the combined project scoring and
 18 recommendations, and more details on each project are available in Attachment 1:
 19

<u>Project</u>	<u>Applicant</u>	<u>Funding Requested</u>	<u>Recommended Funding Level</u>	<u>Running total</u>	<u>Total Score (Out of 25 pts)</u>	<u>Rank* (Out of 7 applications)</u>
Low Income HVAC Replacement	Rebuilding Together of the Triangle	\$113,000	\$113,000	\$113,000	22.8	1
Neighborhood Energy Resiliency Project (NERP)	NC Sustainable Energy Association	\$115,000	\$90,000	\$203,000.00	21.2	2
Food Waste Monitor	Town of Carrboro	\$4,000	\$4,000	\$207,000.00	20.4	3
Food Waste Monitor	Eno River Farmer's Market	\$3,765	\$3,765	\$210,765.00	19.6	4
Sustainability Upgrades (Bike Rack and Charging Station element only)	Carrboro Arts Center	\$17,000	\$17,000**	\$227,765.00	18.4	5
203 Project Solar PV Array and Green Roof	Town of Carrboro	\$178,507	\$40,567.50**	\$268,332.50	17.7	6

Wayfinding Implementation	Town of Chapel Hill	\$100,000	\$0	\$268,332.50	14.9	7
Sustainability Upgrades (Full Project)	Carrboro Arts Center	\$371,290	\$0	\$268,332.50	13.8	8
Total Requested by General Applicants (Funds available for 2021-22: \$268,332.50)		\$885,562	\$268,332.50			

1 * All projects, including those that tied in their scoring and those that exceed the funding limit
2 were placed in rank order by CFE and HRC voting.

3 ** The HRC recommended funding only the Bike Rack and Charging Station element of the
4 Carrboro Arts Center. The CFE did not recommend funding any portion of the ArtsCenter
5 application in favor of adding to the partial funding of Carrboro's 203 Project.
6

7 In addition to providing feedback on the FY 2021-22 round of grant applications, the HRC also
8 made a suggestion regarding an improvement to the scoring rubric used for the grant
9 evaluations. The HRC suggested reducing the weight given to the "Time to Complete" scoring
10 category and adding a point to the "Social Justice/ Racial Equity" category to better reflect the
11 grant program values.
12

13 Brennan Bouma, Sustainability Coordinator, reviewed the background information for the
14 item and made the following PowerPoint presentation:
15

16 Slide #1



17
18
19

1 Slide #2

Climate Action Fund – Background

- ¼ cent property tax for climate action approved for the 19-20 Budget
- Community focus (not operations)
- Prioritizes projects with Social Justice and Racial Equity benefits
- Current and future projects open to community through grant program

2
3
4

Slide #3

Community Climate Action Grant – Overall Timeline

Fiscal Year	Jul-Sept	Oct-Dec	Jan-Mar	Apr-Jun
2019-20	19-20 Project Creation and CFE Ranking		19-20 Project Evaluation and BOCC Selection	
2020-21	Application Created and Opens for FY20-21 Funds	Project Review and Ranking for FY20-21	Project Selection and Contracting for FY20-21	Application Opens for FY21-22 Funds
2021-22	Project Review and Ranking for FY21-22;	Project Selection for FY21-22; Application Opens for FY22-23 Funds	Project Review and Ranking for FY22-23	Project Selection for FY22-23

5
6
7

Slide #4

CCAG Eligibility Guidelines

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

8
9
10

1 Slide #5

CCAG Scoring Criteria

- 25 point scale
 - Social Justice and Racial Equity (5pts)
 - Emissions reduced (4 pts)
 - Efficient use of Funds (4 pts)
 - Capacity of Applicant (3 pts)
 - Local Economic Development (3 pts)
 - Amount and Duration of Engagement (3 pts)
 - Time to complete (3 pts)

2
3
4

Slide #6

CCAG Scoring Criteria

- 25 point scale
 - Social Justice and Racial Equity (5pts) **+1**
 - Emissions reduced (4 pts)
 - Efficient use of Funds (4 pts)
 - Capacity of Applicant (3 pts)
 - Local Economic Development (3 pts)
 - Amount and Duration of Engagement (3 pts)
 - Time to complete (3 pts) **-1**

5
6
7

Slide #7

Summary Table

Project	Applicant	Funding Requested	Recommended Funding Level	Running total	Total Score (Out of 25 pts)	Rank* (Out of 7 applications)
Low Income HVAC Replacement	Rebuilding Together of the Triangle	\$113,000	\$113,000	\$113,000	22.6	1
Neighborhood Energy Resiliency Project (NERP)	NC Sustainable Energy Association	\$115,000	\$90,000	\$203,000.00	21.2	2
Food Waste Monitor	Town of Carrboro	\$4,000	\$4,000	\$207,000.00	20.4	3
Food Waste Monitor	End River Farmer's Market	\$3,765	\$3,765	\$210,765.00	19.6	4
Sustainability Upgrades (Bike Rack and Charging Station element only)	Carrboro Arts Center	\$17,000	\$17,000**	\$227,765.00	18.4	5
203 Project Solar PV Array and Green Roof	Town of Carrboro	\$178,507	\$40,507.30**	\$268,332.50	17.7	6
Wayfinding Implementation	Town of Chapel Hill	\$100,000	\$0	\$268,332.50	14.9	7
Sustainability Upgrades (Full Project)	Carrboro Arts Center	\$371,290	\$0	\$268,332.50	13.8	8
Total Requested by General Applicants (Funds available for 2021-22: \$268,332.50)		\$885,502	\$208,332.50			

8

1 Commissioner Richards asked if there is a requirement to complete within a certain time
2 frame, without this scoring criteria.

3 Brennan Bouma said the target for all projects is a one or two year implementation. He
4 said the intention of the Board, upon initial proposal of these scoring criteria and waiting, was to
5 stay open to lots of different kinds of projects. He said there could be a longer running project
6 with higher impacts, and that is baked into the broad eligibility and scoring. He said the point
7 heard from Human Resources Commission (HRC) members was that it is not uncommon for an
8 applicant to put in a 1-2 year time scale, and it is not a hard bar to reach, so it makes sense to
9 take a point from this area for social justice and racial equity.

10 Commissioner Hamilton said she wants to get an understanding of the 203 project and
11 the bike rack. She said both seem to be for projects that have not started, and asked if there is
12 a timeframe for when solar would be put on given the overall project conjections.

13 Brennan Bouma said there of course would need to be a building before the solar
14 installation, and this was a question from the reviewers as well. He said in the application, they
15 said it was likely they would be able to break ground and move forward on project within 2 year
16 time period, but reviewers had questions about whether that was feasible given current labor
17 and material shortages.

18 Commissioner Hamilton said as long as the climate tax exists, money will come in every
19 year. She said to tie up that money, when the project may not start for 2 years, does not make
20 sense to her. She said she would prefer to look at projects that will start within a year in order
21 to have the impact, and then there will be money for projects further out in another funding
22 cycle.

23 Brennan Bouma said there may be benefit to securing money upfront in order to design
24 with the green roof and solar array. He said this is perhaps one reason why they may be
25 applying for this funding early.

26 Steve Arndt, Asset Management Services Director, said the 203 Project design is
27 complete. He said he expects they will start in February or March with site clearing and
28 developing. He said obtaining funding will allow proper planning to occur and ensure it can be
29 installed during course of construction.

30 Chair Price asked if there was discussion as to why the HRC wanted to take a point
31 away from time to complete rather than just adding a point to social justice and racial equity and
32 making it a 26 point scale.

33 Brennan Bouma said he believes their intention was to stay within the 25 point scale
34 provided.

35 Commissioner Greene said 25 looks like a good number to work with, but there was
36 internal discussion of different numbers at different times. She said it would not bother her if the
37 scale was out of 26 points instead of 25, to keep the points for time to complete, but is also
38 happy to honor the HRC's recommendation.

39 Chair Price said she is concerned about diminishing the importance of time to complete.

40 Commissioner Fowler asked if it would be a one year time frame for the food waste
41 monitors.

42 Brennan Bouma said yes.

43 Commissioner Fowler asked if, it proves to be beneficial, the applicants would find other
44 funding or apply again.

45 Brennan Bouma said yes.

46 Commissioner Fowler asked if the 203 Project is the project that is also partially the
47 library.

48 Brennan Bouma said yes.

49 Steve Arndt said yes, it is the library and the skills center.

50 Commissioner Fowler asked if reviewers gave feedback about the requests that were
51 not recommended for funding related to that project.

1 Chair Price said there were comments that some of the items should just be part of the
2 design anyway.

3 Commissioner Fowler said the county had to say no to some of the things because, all
4 together, it is beyond what is affordable, and what the county builds goes into debt service. She
5 said this does seem like a reasonable use to her, and Brennan Bouma has said this is about
6 community ideas. She said it does bring out the idea that the County, schools, and other
7 government entities cannot always afford extra things that would actually be beneficial for
8 climate action. She said she is not opposed to funding things like this with this resource, and
9 hopes the schools will think creatively in applying for this funding.

10 Chair Price said the abstract mentions interest from private entities but in the end they
11 did not apply. She asked if private entities identified a reason for this.

12 Brennan Bouma said the private entity expressing interest was brought into the
13 conversation by one of the community advocates pulling together the Neighborhood Energy
14 Resiliency Project. He said the administration of a grant program was beyond the interest of the
15 private entity. He said at that point, the neighborhood advocate contacted the NC sustainability
16 association.

17 Chair Price said it would be good to try to continue gathering those explanations in
18 case the funding is expanded to additional groups in the future and the process can be made
19 easier for them. She said other than that, she was impressed by the innovative ideas. She said
20 it seems, without the program, they may not have happened or would have taken longer to do.

21 Commissioner Bedford said she appreciates the advisory boards who scored the
22 projects and agrees with their recommendations. She said she is happy to go to 26 points as a
23 solution to putting more emphasis on social justice aspect. She asked if solar was part of the
24 original design for the 203 project.

25 Steve Arndt said it has been under consideration throughout the design, but due to
26 budgetary constraints was listed as an alternate if funding was available. He said he mentioned
27 this grant to the Town of Carrboro, and recommended applying.

28 Commissioner Bedford asked if the amount is enough to cover both the solar and green
29 roof.

30 Steve Arndt said he thinks this will be enough to fund both.

31 Commissioner Bedford said hopefully the Town will get this amount and can apply again
32 in two weeks for the next round of funding.

33 Steve Arndt said yes, because the project will extend over time.

34 Commissioner Bedford asked if the payback period for solar panels is known.

35 Steve Arndt said payback period has continued to go down over the years, and is under
36 a 10 year payback now.

37 Commissioner Bedford said she wants to support these recommendations and if the
38 County Manager wanted to bring a budget amendment to fully fund the ask from other capital
39 funds she would be supportive.

40 Steve Arndt said okay.

41 Commissioner Greene said this is a very thoughtful set of recommendations to a very
42 excellent set of proposals, and she is glad the advisory boards score them because they bring
43 important perspective. She said money is going towards projects that those who initially
44 supported the tax wanted to see it do: projects that mitigate climate change, that would not
45 otherwise be possible due to a lack of funding. She said she is happy to endorse the
46 recommendations, and adding the additional point to the rubric.

47 Commissioner Hamilton said would love to see the numbers about how greenhouse gas
48 is decreasing over the years in future reports. She said it is helpful to track the impact of the
49 efforts. She said it would also be helpful to have a brief summary of currently funded projects
50 and how they are going and how much greenhouse gas was produced locally. She said this will
51 provide important perspective and assurance that the efforts are well directed. She said she

1 also agrees with increasing scale to 26 points to add an additional point to social justice
2 category.

3
4 A motion was made by Commissioner Greene, seconded by Commissioner Bedford, to
5 approve funding for the recommended Community Climate Action Grant projects for FY 2021-
6 22; and increase the possible score total to 26 to add one point to "Social Justice/ Racial Equity"
7 in future rounds of grant funding.

8
9 **Roll call ensued**

10
11 **VOTE: UNANMIOUS**

12
13 Commissioner Fowler said these are all good projects, and she would still like to have
14 greater impact with future projects.

15 Chair Price asked for a report of projects funded in the past.

16
17 **b. Establishment of a Schools Capital Needs Work Group**

18 The Board considered establishing a Schools Capital Needs Work Group to review,
19 consider and prioritize the capital needs for the Orange County Schools (OCS) district and the
20 Chapel Hill Carrboro City Schools (CHCCS) district.

21
22 **BACKGROUND:**

23 At the May 18, 2021 Board of Orange County Commissioners (BOCC) Business meeting, a
24 petition was submitted by Commissioner Jean Hamilton, supported by Commissioner Earl
25 McKee, that a Work Group be established to review, consider and prioritize the school districts'
26 capital needs as well as budget requests.

27
28 The proposed Work Group will consist of Board of Education members from both districts,
29 members of the Orange County Board of Commissioners, school staff from both districts and
30 County staff to develop a plan to address both districts on-going capital needs, repairs and
31 renovation projects. The attached indicates the specific proposed membership slots for the
32 Schools Capital Needs Work Group.

33
34 Bonnie Hammersley reviewed the background information for this item.

35 Commissioner Hamilton said there are school needs that have not been addressed that
36 affect the health and wellbeing of students. She said, since it was her petition, she will
37 volunteer to serve and work collaboratively with the schools to create a plan. She said that it is
38 unlikely that they will have enough money to get everything done, but she anticipates getting a
39 better idea of what is needed and what should be prioritized.

40 Commissioner McKee nominated Commissioner Hamilton to serve on the work group.

41 Commissioner Bedford nominated Chair Price to serve to have representation from both
42 District 1 and 2.

43 Commissioner Greene agreed with the nominations and seconded the motion.

44
45 A motion was made by Commissioner McKee, seconded by Commissioner Greene to
46 approve the establishment of the Schools Capital Needs Work Group as outlined above and
47 approve the membership detailed on the attached list; appoint Commissioner Hamilton to serve
48 on the Work Group with the Board Chair; and direct the County Manager to coordinate with the
49 School Superintendents to schedule the first meeting of the Work Group.

50
51 **Roll call ensued**

1
2 **VOTE: UNANIMOUS**
3

4 Commissioner Richards indicated that October 22 is Brennan Bouma's last day with
5 Orange County before beginning his new position with Chapel Hill. She commended him for his
6 outstanding service, speaking as a Commissioner, as well as a community member and
7 someone who worked with him in that manner. She said Brennan Bouma is an outstanding
8 County employee, with exemplary commitment, knowledge, and a personable and patient
9 attitude. She said she is sorry to see him leave, but wanted to go on record to thank him for his
10 work and wish him the best in his career.

11 Commissioner Fowler seconded all of those accolades and said Brennan Bouma has
12 been generous with his time to discuss climate action. She said she would also like to volunteer
13 for the committee to review the climate council that was discussed earlier on in the meeting.
14 She asked if the County Manager has a plan to fill Brennan Bouma's shoes.

15 Bonnie Hammersley said there is currently a hiring freeze in county government. She
16 said all vacancies are evaluated. She said this position is under the supervision of the Asset
17 Management Services Director, who has been asked to review the job description to determine
18 if changes need to occur. She said the position will then go in the queue for prioritization with
19 all the other open positions in the County, but in mean time, the AMS Director and Manager's
20 Office will cover the duties.

21 Commissioner Fowler said she hopes Brennan Bouma heard all of the accolades.

22 Brennan Bouma said he did, and expressed thanks to the Board.

23 Chair Price said expressed gratitude to Brennan Bouma.
24

25 **c. Establishment of a Library Services Task Force**

26 The Board considered establishing a Library Services Task Force to collaborate on
27 issues relating to the Town of Chapel Hill and Orange County library funding and inter-
28 operability.
29

30 **BACKGROUND:**

31 On August 31, 2021, Town of Chapel Hill Mayor Pam Hemminger sent a letter to BOCC Chair
32 Renee Price informing her that the Chapel Hill Public Library Advisory Board had submitted a
33 petition (attached) to the Town Council requesting the formation of a task force to work on
34 issues relating to library funding and inter-operability.
35

36 On September 28, 2012, the Town of Chapel Hill and the County entered into an inter-local
37 agreement (attached) regarding the funding of the Chapel Hill Municipal Library and improved
38 interoperability of library services. The inter-local agreement between Orange County and
39 Chapel Hill expired in 2017. In early 2015, a work group met to discuss the terms of the inter-
40 local agreement as well as pro-actively renew the agreement. The work group was
41 unsuccessful at revising or renewing the agreement due to the uncertainty of how the
42 construction to replace the existing Orange County Southern Branch Library system would
43 impact library services in Southern Orange County.
44

45 The letter from the Town of Chapel Hill Mayor requests that the Task Force include the following
46 individuals:

- 47 • Chapel Hill's Library Director
- 48 • Town of Chapel Hill Library Advisory Board Chair
- 49 • Friends of Chapel Hill Library Board Chair, and
- 50 • the Town Council's Liaison

1
2 To balance out the Task Force, the County would appoint:

- 3 • Orange County Library Director
- 4 • Friends of the Orange County Library Board Chair
- 5 • Friends of the Carrboro Library Board Chair, and
- 6 • a BOCC Liaison

7
8 In addition, Mayor Hemminger's letter requests the hiring a trained facilitator to help lead these
9 discussions and process, with financial responsibility shared between the Town of Chapel Hill
10 and the County.

11
12 Bonnie Hammersley reviewed the background information for this item.

13 Commissioner Fowler said she would be in support of, and is willing to serve on, this
14 task force. She said she would support sharing the cost of a facilitator if there is a way to cover
15 those funds.

16 Commissioner Greene said Chapel Hill has wanted to have this conversation for a while
17 and she thinks it is time, since more is known about how the new Southern Branch Library is
18 going to shake out. She said this task force structure is different than the old structure, in that it
19 has more staff and less elected officials, but she is fine with that. She said she does not think a
20 mediator is necessary, but if the town insists on one, she thinks it is okay for the county to share
21 cost, but she does not see a need for it.

22 Chair Price said she would like to try it without a facilitator, as other than taking notes,
23 the group is small enough to operate without a facilitator. She said if Chapel Hill wants one,
24 maybe it should cover the costs. She said she is optimistic the work can be done without hiring
25 a facilitator.

26 Commissioner McKee asked Commissioner Greene to confirm that the task force did not
27 have a facilitator when they served on the 2012 committee.

28 Commissioner Greene said there was no facilitator and the task force included three
29 elected officials from each body who just had a conversation with each other.

30 Commissioner McKee said there was never a lot of discussion about whether the County
31 should support the facility, but to what extent there would be crossover between the County and
32 Town libraries and interactions between them. He said he is not sure there will be any need for
33 a facilitator, and this group should all be able to sit down with the understanding that this
34 cooperation is a need and benefit to the County as a whole. He said he is not sure what a
35 facilitator would accomplish.

36 Commissioner Fowler said she is fine without a facilitator, and was just being agreeable
37 to the Town's recommendation.

38
39 A motion was made by Commissioner Greene, seconded by Commissioner Hamilton, to
40 designate Commissioner Fowler to serve as the Board's Liaison on the Task Force.

41
42 Commissioner Hamilton said one difference from the previous task force is the addition
43 of the Southern Branch Library, which may demonstrate the need for a facilitator.

44 Chair Price said this additional library has been a part of the conversation for many
45 years.

46
47 **Roll call ensued**

48
49 **VOTE: UNANIMOUS**

50

1 A motion was made by Commissioner Bedford, seconded by Commissioner McKee, to
2 approve the establishment of the Library Services Task Force, appoint the County
3 representatives as outlined above; direct the Task Force to provide an Interim Report to the
4 Board of Commissioners by April 1, 2022; move forward without hiring a facilitator; and direct
5 the County Manager to coordinate with the Town Manager to schedule the first meeting of the
6 Task Force.

7
8 **Roll call ensued**

9
10 **VOTE: UNANIMOUS**

11
12 **d. Change in BOCC Meeting Schedule for 2021**

13 The Board considered changes to the Board of Commissioners' meeting calendar for
14 2021.

15
16 **BACKGROUND:**

17 Pursuant to North Carolina General Statute 153A-40, the Board of County
18 Commissioners must fix the time and place of its meetings or provide a notice of any
19 change in the Meeting Schedule.

20
21 Due to current public health concerns, it is proposed that the Board of Commissioners
22 conduct virtual business meetings during the months of November and December 2021.
23 Members of the Board of Commissioners would participate in the business meetings
24 remotely. As in prior meetings, members of the public would be able to view and listen to the
25 meeting via online streaming video or on Spectrum Cable TV. The meetings would be
26 streamed in real-time on the County's website for public viewing/listening, real-time broadcast
27 on Spectrum Cable, and video-recorded for future television broadcast and reference on the
28 County's website.

29
30 It is also proposed that the virtual Business meeting scheduled for November 2, 2021 be
31 rescheduled to November 4, 2021.

32
33 Additionally, it is proposed that the November 11, 2021 work session scheduled to take place
34 at the Southern Human Services Center be relocated to the Whitted Building at 300 W. Tryon
35 St. in Hillsborough. The work session would be conducted in-person and attendees would be
36 required to wear masks and to remain socially distanced from others.

37
38 **November 2021 Meetings**

- | | | |
|----|-------------|---|
| 39 | November 4 | BOCC Virtual Business Meeting – 7:00 pm |
| 40 | November 11 | BOCC Work Session at the Whitted Building – 7:00 pm |
| 41 | November 16 | BOCC Virtual Business Meeting – 7:00 pm |

42
43

1 **December 2021 Meetings**

2 December 6 BOCC Virtual Business Meeting – 7:00 pm

3 December 14 BOCC Virtual Business Meeting – 7:00 pm

4
5 Chair Price said there was discussion on moving the November 2 meeting to November
6 4, due to municipal Election Day. She said she talked to Manager, and there are not many
7 agenda items for this meeting, so the Board could possibly cancel the meeting, or even have a
8 regular meeting before work session on November 11.

9 Commissioner Fowler asked if the second option could potentially impact meeting in
10 person on November 11, since business meetings allow public comment.

11 Chair Price said the Native American Month Proclamation could be passed onto
12 November 16. She said other items could be approved on November 11.

13 Laura Jensen said the Rules of Procedure indicate that the Board does not take action
14 at work sessions, but could vote to suspend the rules in order to approve a proclamation at their
15 November 11 work session and it would not be considered a business meeting.

16 Chair Price said there are options to make it work. She said the question is whether to
17 come together on November 4 for a short meeting or not.

18 Commissioner Fowler asked if the Board would need to vote to cancel the meeting.

19 Chair Price said yes.

20 Commissioner McKee said he is not in favor of cancelling the November 4 meeting, and
21 thinks the Board should stay with its precedent of meeting on the first and third Tuesdays of the
22 month. He said because of continuing virtual meetings through the end of the year, with
23 exception of the November 11 work session, he will vote against this as a sign of protest. He
24 said public business needs to happen in public. He said children are back at school with
25 masks, the public is back at work, and people are interacting more and more and going to
26 restaurants and social events. He said it is time for the Board to go back to in person meetings,
27 and the Whitted meeting room can be configured safely.

28 Commissioner Hamilton said the Board should hold the November 4 meeting. She said
29 she wants more information on safety of the November 11 meeting. She said she is open to
30 going back in person, but wants to make sure all possibilities and risks have been thought
31 through.

32 Chair Price said the first issue is whether to move November 2 meeting to November 4,
33 and then to determine whether to meet in person through December.

34 Commissioner Greene said she is in favor of meeting virtually on November 4. She
35 joked it might be nice for new members to experience a short meeting. She agreed with
36 Commissioner McKee about keeping the meeting schedule consistent.

37 Chair Price said in the past meetings have been cancelled due to lack of agenda items
38 in order to save time and money; however, she is fine with the meeting being held. She asked
39 the Board for its thoughts on meeting in person for the remainder of the 2021 meetings.

40 Commissioner Hamilton said she thinks the December schedule should be decided after
41 the in person work session on November 11, depending on how the meeting goes.

42 Laura Jensen showed a diagram of the proposed configuration of the Whitted meeting
43 room for the November 11 work session.

44 Commissioner McKee said this diagram is consistent with his vision for the room.

45 Laura Jensen explained the diagram, noting appropriate spacing between attendees.

46 Commissioner Fowler asked if there is a plan for overflow and if all those in attendance
47 will be required to wear masks.

48 Laura Jensen said Quintana Stewart, Public Health Director, advised that all in
49 attendance for meeting wear masks.

50 Chair Price said all Commissioners and guests will be able to be six feet apart.

51 Commissioner Fowler said both precautions are recommended.

1 Laura Jensen said the overflow space is in the hallway outside of the meeting room,
2 consistent with chairs set up for a vaccine clinic held at Whitted. She said the audio of the
3 meeting will play in this area so any overflow attendees can keep up with the meeting.

4 Chair Price said she can vouch for the sound system.

5 Commissioner Bedford said the Clerk should also check where the Sheriff's Deputies
6 would like to be positioned.

7 Laura Jensen said she will follow up on this. She said she has never done in person
8 meetings here, but will make sure the deputies are accounted for.

9 Commissioner Hamilton asked if there will be protocol for people who do not comply with
10 wearing masks.

11 Laura Jensen said, per John Roberts, public health and safety measures can be set for
12 meeting, including mandatory mask wearing. She said she will have masks available for
13 anyone who needs one. She said if people do not comply a Sheriff's Deputy will escort them
14 from meeting room.

15 Commissioner Hamilton asked if there is a plan in place if more than one person refuses
16 to wear a mask.

17 Laura Jensen said she will develop a plan with the Sheriff's Office, and if this is
18 approved tonight, her next call will be to the Sheriff's Office.

19 Chair Price said she can also recess the meeting until folks are in compliance.

20 Commissioner McKee said the Chair does have the ability to stop meeting until decorum
21 is established and request deputies remove anyone who does not comply with guidelines. He
22 said there are additional side rooms off of the main room that could also accommodate any
23 need for overflow. He said the Chair can also ask people to rotate out of the room after
24 speaking to accommodate those in overflow.

25 Commissioner Richards asked if any requirements would be published with notice of the
26 meeting, so anyone attending would have full knowledge of rules of operating.

27 Chair Price said yes.

28 Commissioner McKee said there should be a public announcement on television and
29 radio, so that everyone can know the rules.

30 Chair Price asked if the Public Health Director is recommending masks be kept on while
31 speaking as well.

32 Laura Jensen said the recommendation is to wear masks throughout the meeting, since
33 the virus spreads during speech.

34 Commissioner Richards asked for a reminder of the Clerk's email about the Governor's
35 declaration of State of Emergency.

36 Laura Jensen said the BOCC can meet virtually due to Governor's state of emergency
37 declaration, which has been extended through the end of November. She said if it is not
38 extended again, the Board will have to move back to in person business meetings. She said
39 one advantage to moving to in person work sessions, earlier than required, is it enables staff to
40 work out any issues before being required to return in person for business meetings, which are
41 more heavily attended.

42 Commissioner Richards reiterated the reason the Board can meet virtually is because of
43 the declaration, but the Board is not prohibited from meeting in person.

44 Laura Jensen said yes, and some surrounding communities are already meeting in
45 person.

46 Commissioner Hamilton reminded the Board that the mask mandate is based on local
47 Orange County rules, and the Board decides when that is lifted. She suggested that staff speak
48 with school superintendents, to get an idea of what their experience has been meeting in person
49 and help get better prepared.

50 Laura Jensen said this will be part of the conversation.
51

1 A motion was made by Commissioner Richards, seconded by Commissioner Fowler, to
2 move November 2 meeting to November 4; hold the November 11 work session in person at the
3 Whitted Building; and hold the November 16 Business meeting and two business meetings in
4 December virtually.

5
6 **Roll call ensued**

7
8 **VOTE: Ayes, 6 (Commissioner Bedford, Commissioner Fowler, Commissioner Greene,**
9 **Commissioner Hamilton, Commissioner Richards, Chair Price); Nays, 1 (Commissioner**
10 **McKee)**

11
12 **e. Approval of Board of Commissioners Meeting Calendar for Year 2022**

13 The Board considered approval of the meeting schedule for the Board of Commissioners
14 for calendar year 2022.

15
16 **BACKGROUND:**

17 In accordance with North Carolina General Statute 143-318.12, a schedule of regular meetings
18 shall be filed with the Clerk to the Board of County Commissioners. The schedule must show
19 the date, time, and place of each meeting.

20
21 Commissioner McKee said he is sorry to sound like a broken record, but there is no
22 excuse to not be in person in January, otherwise the kids should not be in school.

23 Commissioner Fowler said she takes Commissioner McKee's point, but it would be nice
24 to see what happens with COVID in the winter, given how the Delta variant changed things in
25 the summer. She asked if this calendar has to be voted on tonight, or if it was approved, could
26 it be changed.

27 Laura Jensen said the calendar is usually approved at this time, and it is important for
28 departments that schedule public hearings, etc. with Commissioners. She said it would be good
29 to have the dates established for the meetings tonight, and the locations can be changed at any
30 time. She said this is all predicated on whether or not Governor extends state of emergency
31 past November. She said if the calendar is approved as recommended with the first three
32 months of the year virtual, she may have to come back to the Board in early January anyway to
33 change all locations to in person. She said it is always a possibility to change location and date
34 so long as she can provide sufficient public notice.

35 Commissioner Greene said she had the same question as Commissioner Fowler. She
36 said she does not know why a decision has to be made night, and the County has never been in
37 COVID before, and she wonders if staff can bear with Commissioners and live with uncertainty
38 as Commissioners are doing. She said she is very supportive of the retreat being in person, but
39 does not know why decisions have to be made tonight about January and February.

40 Chair Price asked if the Board can just approve the dates for the time being.

41 Commissioner Richards said she is wondering the same thing.

42 Commissioner Greene said she thought the question was whether to be virtual or not.

43 Chair Price said in approving the calendar, the Board is deciding the dates.

44 Commissioner Greene asked if the dates can be approved without deciding whether
45 they are virtual or not.

46 Laura Jensen said state law requires the Board to fix the date, time, and location of all of
47 its meetings. She said if the Board decides not to establish a location at this time, staff would
48 likely bring this item back at first business meeting in December for a decision. She said either
49 way, a change will have to be made. She said staff can certainly live with uncertainty and have
50 gotten used to that. She said staff will make whatever the Board wants work.

1 Chair Price said even if the dates are decided today, the location can be decided in
2 December.

3
4 A motion was made by Commissioner Hamilton, seconded by Commissioner McKee, to
5 approve the dates of the BOCC's 2022 meeting calendar as written, with all meetings in person
6 beginning in January.

7
8 Commissioner Hamilton said the Board should commit to in person, and can change to
9 virtual if necessary.

10 Commissioner Richards said she was going to suggest the same thing. She said the
11 messaging is better to say the Board wants to meet in person and only change back to virtual
12 with a clear reason.

13 Commissioner Fowler said she is also willing to do that, but would have preferred to
14 approve as written with January and February virtual and then move to in person depending on
15 what happens in the winter. She said masks and distancing will be crucial, and she would like
16 to see the opportunity for children to be vaccinated first, but she is willing to try the way it has
17 been suggested.

18 Commissioner Bedford said March 8, 2022 is the primary election and made a friendly
19 amendment to Commissioner Hamilton's motion for that meeting to be moved to March 10.

20 Commissioner Hamilton and Commissioner McKee accepted the friendly amendment
21 from Commissioner Bedford.

22 Laura Jensen said the proposed motion would make the meetings at the following
23 locations: January 18, 2022 meeting at the Whitted Building, January 25 at the Whitted Building,
24 February 1 Business Meeting at Whitted Building, and February 17 Work Session at Southern
25 Human Services Center. She said the meeting with the School Boards on February 22 would
26 be at the Whitted Building.

27 Commissioner Bedford asked if the Assembly of Governments (AOG) meeting is safe to
28 hold in person at Whitted.

29 Laura Jensen said this meeting will push the 33 attendees limit, and that is a reason why
30 that one was originally listed as virtual.

31 Chair Price recalled the AOG for 2021 was cancelled. She suggested the Chairs and
32 Vice Chairs of the elected bodies could get together if issues need to be discussed.

33 Commissioner Bedford said some members might be able to sit in different rooms.

34 Chair Price said it can be approved as is, and changed if needed.

35 Commissioner Greene said she is not in favor of cancelling this meeting even if it has to
36 be done virtually.

37 Chair Price said she is not suggesting cancelling it, but just remembered it was
38 cancelled for 2021.

39 Commissioner McKee reminded the Board this is all fluid because the Governor can
40 change his declaration. He said if it turns out a meeting will not work in person, the Board can
41 always change the calendar.

42 Commissioner Fowler asked if the Clerk will send an updated calendar to reflect the
43 changes.

44 Laura Jensen said yes, and will also send a 12-month color-coded calendar with all of
45 the meetings and locations listed.

46 Commissioner Richards asked if the meetings have been held elsewhere besides the
47 Whitted building or Southern Human Services Center.

48 Commissioner McKee said meetings have been held in the community a few times.

49 Commissioner Richards asked if it would be possible to meet in a community space for a
50 meeting if space is an issue.

51 Chair Price said yes, that is possible, and the Board needs to be creative.

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Roll call ensued

VOTE: UNANIMOUS

7. Reports

a. Orange County Partnership to End Homelessness – 2021 Data Update

The Board reviewed updated data about homelessness in Orange County submitted to the United States Department of Housing and Urban Development (HUD) earlier this year.

BACKGROUND:

The Orange County Partnership to End Homelessness (OCPEH) was created in 2008 to coordinate funding and activities to end homelessness in Orange County. OCPEH is jointly funded by Orange County (39%) and the Towns of Carrboro (15%), Chapel Hill (41%), and Hillsborough (5%).

OCPEH Manager Rachel Waltz will present the updated data and discuss how current data relate to identified gaps in the homeless service system.

Corey Root introduced Rachel Waltz, Homeless Programs Manager. She said she is a licensed clinical social worker with over 15 years' experience working in housing instability. She said Waltz was hired as the Homeless Program Coordinator in April 2021, and became the manager for the program when Corey Root became the Housing and Community Development Director. She said Waltz worked in the VA in Durham, the Bronx, as well as UNC Center for Excellence in Community Mental Health.

Rachel Waltz made the following PowerPoint presentation:

Slide #1



2021 Homelessness Data Review

October 19, 2021

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34

Rachel Waltz said this presentation is lightly adapted from one done for community service providers and stakeholders in August. She continued the PowerPoint presentation:

1 Slide #2

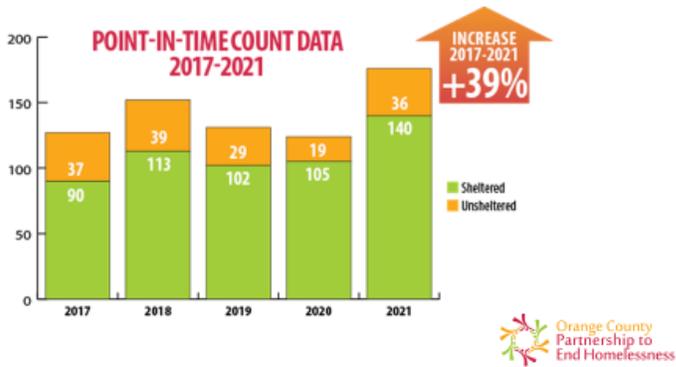
How many people are experiencing homelessness?



2 Rachel Waltz said other questions are:
3 -What is known about people experiencing homelessness in Orange County?
4 -What is known about people exiting homelessness in community?
5 She said the report is based on two sets of data: the Point in Time Count conducted annually
6 and the System Performance Measures, which captures data submitted through September
7 2020. She resumed the PowerPoint presentation:

9 Slide #3

Orange County Point-in-Time (PIT) count numbers increased significantly

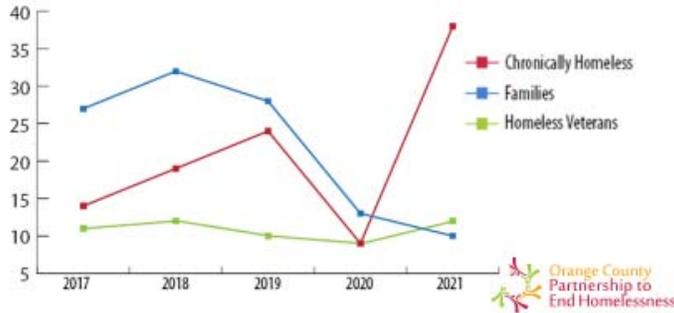


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1 Slide #4

Subpopulations are seeing different outcomes

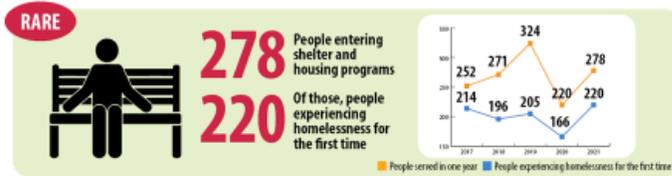
- Steady decreases for families
- Veterans flat lined
- Most chronic homeless identified since 2010



2 Rachel Waltz said many gains in addressing chronic homelessness were lost over the
 3 past year. She said a Street Outreach Team was developed in the Fall 2020, which may
 4 account for some of this increase as more people are connected with the system. She said
 5 there continued to be around 10 veterans homeless in Orange County, despite significant
 6 investments from the VA and other service providers. She heard concerning news from service
 7 providers that intimate partner violence is increasing and people are staying in unsafe situations
 8 longer because of lack of access. She resumed the PowerPoint presentation:

10
 11 Slide #5

PIT counted 176 people on one night, how many in 12 months?



- % total that experienced homelessness for the first time

2017	2018	2019	2020	2021
85%	72%	63%	75%	79%

- Shelter, Transitional Housing, & Permanent Housing
- Homeless for first time = no entries for 24 months prior

12 Rachel Waltz said staff is starting to see the percentage of people experiencing
 13 homelessness increasing, for the first time, after a previous period of decreasing. She resumed
 14 the PowerPoint presentation:

16
 17

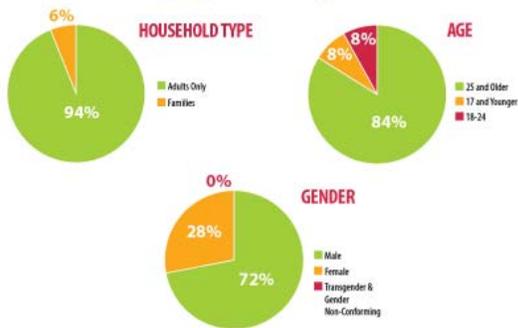
1 Slide #6

What do we know about people experiencing homelessness?



2
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4
5 Slide #7

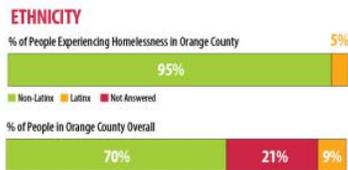
There have not been significant changes in MOST demographic categories



6 Rachel Waltz said youth homelessness increased from 2% to 8% over past the year.
7 She resumed the PowerPoint presentation:
8
9

10 Slide #8

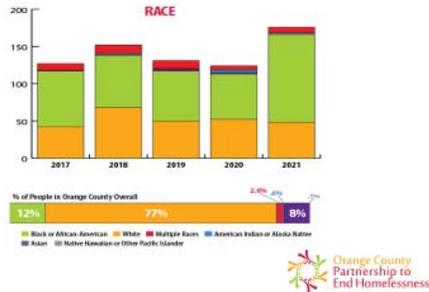
5% of people exp. homelessness are Latinx compared with 9% in overall population



11 Rachel Waltz said staff is exploring ways to insure all resources are made available in
12 multiple languages. She resumed the PowerPoint presentation:
13

1 Slide #9

67% of people exp. homelessness are Black/African American – 5.5x general pop



2
3 Rachel Waltz said staff has seen a further exacerbation of gap in representation due to
4 COVID-19. She resumed the PowerPoint presentation:

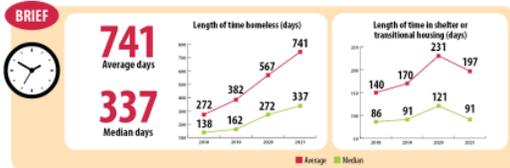
5
6 Slide #10

How are people exiting homelessness?



7
8
9 Slide #11

Length of time homeless large and increasing



- Shelter, Transitional Housing, & Permanent Housing
- Includes approximate date of homelessness
- Shelter & Transitional Housing only
- Program entry to exit

10
11 Rachel Waltz said the HUD goal is that someone experiencing homelessness can
12 access services in 90 days. She said the median number of days of someone experiencing
13 homelessness is currently close to one year, and average is close to two years. She said the
14 length of time in programs is decreasing after increasing in past years, which is a good sign.

1 She said transitional housing and rapid rehousing services have been particularly impactful in
 2 recent months. She resumed the PowerPoint presentation:

3
 4 Slide #12

A bright point: Returns are low and continue to decrease



5
 6
 7 Rachel Waltz said the HUD goal is to have fewer than 20% of people who exit to
 8 permanent housing return to homelessness within 2 years, and this is currently 9% in Orange
 9 County. She resumed the PowerPoint presentation:

10
 11 Slide #13

Next up: filling homeless system gaps



12
 13
 14 Slide #14

So many pandemic response changes affect homeless data – many successes!

- Noncongregate & expanded shelter
- \$7 million in rent & utility assistance
- New programs: SOHRAD, Rapid Rehousing, Housing Helpline, Housing Stability
- Tighter collaboration with healthcare system



15
 16
 17

1 Slide #15

Other pandemic responses created challenges

- Decreased in-person services
- Coordination and collaboration had to happen in different ways and with different people
- Gaps exacerbated

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3
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Slide #16

Orange County has significant gaps in the homeless service system14 current gaps

- **Housing:** Rapid Re-housing, Permanent Supportive Housing, Youth housing, Landlord Incentive Program, Housing Locator, Household goods
- **Services – Temporary Housing:** Accessible housing-focused shelter, Medical respite, Bridge housing
- **Services – Connections:** Housing Helpline, Sober Center, Integrated service center
- **Services – Dignity:** 24-hour bathroom access, Memorial service funding

5
6
7

Slide #17

Please let me know if I can present to your group, or provide further info

- Rachel Waltz
- rwaltz@orangecountync.gov
- (919) 245-2496



8
9 Commissioner Fowler asked if the percentage of people with mental health conditions,
10 substance abuse, or intellectual/developmental disabilities experiencing homelessness is
11 known.

12 Rachel Waltz said HUD collects data on these items, but Orange County does not
13 require people to answer these questions.

14 Corey Root said the information is collected and more can be provided. She said this
15 information is not always the best because it is based on how people identify versus clinical
16 diagnoses. She said these should not be considered firm statistics.

17 Commissioner Fowler said it could be helpful in informing the gaps analysis.

18 Commissioner Greene asked about the gap for the housing locator and thought that
19 position had already been funded.

1 Rachel Waltz said the Housing Access Coordinator position was funded, which focuses
2 80% of time on system level issues like landlord recruitment and retention, building
3 collaboration to increase affordable housing stock in the community that is willing to partner with
4 rental subsidies, etc. She said this position spends the remaining 20% of its time is dedicated
5 to individualized housing searches for people with multiple barriers. She said a Housing
6 Locator position would strictly provide the individualized housing search.

7 Commissioner Greene said this position originated at Community Empowerment Fund
8 (CEF) and got transferred to the county.

9 Rachel Waltz said that part is currently happening, and Christopher Jackson came on
10 board the end of June and he engages in the landlord recruitment and reaches out to landlords
11 and builds relationships. She said he came from the Durham Housing Authority, and is focused
12 on providing high quality rentals.

13 Commissioner Greene asked if the difference between the Housing Access and Housing
14 Locator positions could be explained.

15 Rachel Waltz said the locator would have an individualized role with people searching
16 for housing. She said the Current Housing Access Coordinator is only able to do a portion of
17 that.

18 Commissioner Greene recalled a past presentation from Corey Root where then
19 Commissioner Dorosin asked how much money would be required to fund the gaps and
20 therefore end homelessness in Orange County, but then COVID happened and it got lost. She
21 asked if staff can reestablish what amount of money it would take to end homelessness in
22 Orange County and begin that conversation again with colleagues in municipalities.

23 Rachel Waltz said the OCPEH Leadership Team will vote on whether or not to adopt the
24 updated gaps analysis at its November meeting and will present that information to the BOCC
25 thereafter.

26 Corey Root said staff is also working on updated gaps numbers for American Rescue
27 Plan Act (ARPA) funding.

28 Commissioner Richards said there are a couple of gaps that community partners may be
29 able to help fill, and asked if that is factored into the gaps analysis. She said the reentry project
30 involved churches that came forward willing to provide goods and services to help people.

31 Corey Root said there are lots of different entities and people needed to fill these gaps.

32 Commissioner Richards asked if there is an outreach person who does that in terms of
33 community organization.

34 Corey Root said she and Rachel Waltz do that, plus service providers. She said these
35 gaps are a galvanizing tool for the community. She said there has been success in partnering
36 with community organizations to address the gaps, and highlighted some examples.

37 Commissioner Hamilton asked if the percentage of newly homeless is increasing
38 because of job losses as result of COVID is known. She asked where the newly homeless are
39 coming from within the County, and how mental health and domestic violence play a factor.
40 She said this type of information helps Board understand what is needed and how much. She
41 asked if there is a reason why there is not 24-hour bathroom access, and where, when, how,
42 they could exist. She asked if other communities have addressed this need successfully.

43 Corey Root said there was a task force pre-COVID with the Town of Chapel Hill to
44 discuss public bathrooms for all residents. She said these bathrooms need to be in downtown
45 Chapel Hill or Carrboro, preferably with a shower option. She said there was a pilot project that
46 was set to move forward in March 2020, which needs to be picked back up.

47 Commissioner Hamilton asked if funding was identified for the pilot project.

48 Corey Root said it was going to be an ask from Town of Chapel Hill, for a fancy port-a-
49 potty with some tracking technology to understand how often it is used, etc.

1 Chair Price referred to the return to homelessness within 2 years, and asked if some
2 particular happened in 2019 to make the percentage so low and then go back up in 2020 and
3 2021.

4 Rachel Waltz said that is actually the number exited from homelessness to permanent
5 housing, not people returning to homelessness.

6 Chair Price asked if there is an idea of the number of people who will always be
7 homeless, because it is their choice or preference.

8 Rachel Waltz said this is a common question, but no one wants to be homeless;
9 however, shelter comes with a set of conditions that most people would not want for
10 themselves. She said permanent supportive housing is a best practice that has been around for
11 40 years now, and is designated for people who have experienced chronic homeless and have
12 a self-identified disability. She said there is large amount of research that people who are
13 permanently housed have better health outcomes, less interaction with criminal justice system,
14 more night housed, etc.

15
16 *Commissioner McKee exited the meeting at 9:35 pm*

17
18 Chair Price said there are people who just will not be housed for whatever reason,
19 whether to do with mental illness, or they just reject housing and would rather be homeless.
20 She asked if there is an idea of the percentage in this community. She said she did know one
21 person who preferred to camp in the woods, and did not want permanent housing. She said in
22 other locales, there are some people who remain homeless no matter what staff does,

23 Corey Root said it used to be acceptable in the field to say that some people just want to
24 be homeless and that is that; but now, in the work, there are a lot of people who are hard to
25 house, have barriers to housing entry and housing maintenance. She said there are no people
26 in this community who staff is not trying to continue to house, even if the answer is repeatedly
27 no. She said staff continues to have conversations about housing with people who may have
28 previously declined. She said if housing is offered with optional high quality case management,
29 where people can be in their own space and set their own rules, it is irresistible. She said this is
30 true nationwide as well.

31 Chair Price said she is glad to hear this.

32 Commissioner Greene said staff has always told her that if there are people who are
33 “choosing” to be homeless, it is not really their position, and it is the failure of the providers to be
34 reaching their needs. She said it used to be the broader feeling that some people prefer to be
35 homeless, or are unhelp-able, but there is more of an understanding that if one works hard
36 enough at it, people do want to be helped.

37 38 **8. Consent Agenda**

39 40 **• Removal of Any Items from Consent Agenda**

41
42 Items 8-i and 8-j were moved from the consent agenda to the regular agenda at the start
43 of the meeting.

44 Commissioner Bedford asked to pull item 8-h from the consent agenda for discussion.

45
46 *Commissioner McKee returned to the meeting at 9:40 pm.*

47
48 A motion was made by Commissioner McKee, seconded by Commissioner Fowler, to
49 approve the remaining consent agenda.

50
51 **Roll call ensued**

1
2 **VOTE: UNANMIOUS**

3
4 • **Approval of Remaining Consent Agenda**

5
6 **a. Minutes**

7 The Board approved the minutes from the September 14, 2021 Virtual Business Meeting.

8 **b. Fiscal Year 2021-22 Budget Amendment #2**

9 The Board considered approved budget, grant, and capital project ordinance amendments for
10 fiscal year 2021-22.

11 **c. Approval of Financing Arrangements for Orange Rural Fire Department to Construct a**
12 **New Fire/EMS Station**

13 The Board approved Orange Rural Fire Department (ORFD) entering into a financing
14 arrangement for the construction of the fire portion of a joint fire/EMS station in the Waterstone
15 community of Hillsborough and authorize the BOCC Chair to sign the appropriate documents
16 related to the financing arrangements.

17 **d. Development Agreement between Orange County and Orange Rural Fire Department**
18 **for a New Fire/EMS Station**

19 The Board approved a Development Agreement between Orange Rural Fire Department
20 (ORFD) and Orange County; and considered authorizing the County Manager to execute the
21 Agreement upon final review by the County Attorney.

22 **e. Amendments to the Orange County Code of Ordinances, Section 14-1- Fire, to Adopt**
23 **All Optional Operational Permits as Identified in the NC Fire Prevention Code, Section**
24 **105**

25 The Board approved a resolution, which is incorporated by reference, amending the Orange
26 County Code of Ordinances, Section 14-1- Fire, to adopt all Optional Operational Permits as
27 identified in the NC Fire Prevention Code, Section 105.

28 **f. Renewal of the Expiring Three-Year Interlocal Agreement between Orange County and**
29 **the Town of Chapel Hill to Continue the Joint Funding for the "LAUNCH, Inc." Small**
30 **Business Incubator**

31 The Board renewed the current three-year Interlocal Agreement between Orange County and
32 the Town of Chapel Hill that financially supports the LAUNCH, Inc. entrepreneurial small
33 business incubator.

34 **g. Approval of a Lease for the Historic Norwood Law Office – 135 Court St.,**
35 **Hillsborough, to the Preservation Fund of Hillsborough, Inc.**

36 The Board approved a three-year lease agreement with the Preservation Fund of Hillsborough,
37 Inc., for the historic Norwood Law Office, built c. 1830; and considered authorizing the Chair to
38 sign the Resolution for Lease, and the Manager to sign the Lease Agreement upon final review
39 by the County Attorney.

40 **h. Approval of the Management Services Agreement for the Piedmont Food Processing**
41 **Center**

42 The Board approved a management services agreement between Piedmont Food Processing
43 Center (PFPC) which establishes a legal agreement under which the County can continue
44 working with and supporting PFPC to provide shared kitchen incubator services.

45
46 • **Discussion and Approval of the Items Removed from the Consent Agenda**

47
48 Commissioner Bedford petitioned for there to be a presentation at a work session in the
49 future to include information about PFPC and its operations, so the Board has more information.
50 She said she realizes that data pulled right now is not necessarily accurate, due to the

1 pandemic. She said staff might need a longer time frame, and she would like to let the Manager
 2 work with Executive Director, Eric Hallman, to determine when to gather a good data set. She
 3 said having data that can take a longer, deeper view. She proposed changing the contract to 2
 4 years, as 5 years is a long time.

5 Commissioner Fowler said she likes the idea of getting data, and knowing what
 6 percentage of clients are going on to other successful venues. She said PFPC is supposed to
 7 serve as an incubator, and having an update on it would be useful.

8 Commissioner Greene said she is the Board's representative on this board of directors.
 9 She said her sense is that the BOD would welcome the opportunity to share more information
 10 as well as observations of the board's composition. She said these are known needs, and the
 11 BOD welcomes the criticism and opportunity to explain the history of the board. She said there
 12 are only a few clients who stay for a long period of time, and most move on successfully. She
 13 said two years is a reasonable amount of time.

14 Chair Price said it is always good to look at and review entities for any potential
 15 changes.

16 Eric Hallman said he appreciates what Commissioner Bedford brought up. He said the
 17 goal with the contract would be to present to the Board regularly. He said he hopes to have two
 18 commissioners at a time come to facility, as it is well known nationally. He said
 19 entrepreneurship is the way to do economic development. He said the reason this came up fast
 20 is because the Golden Leaf foundation gave a grant, and one condition was to have an
 21 agreement in place. He said PFPC planned to come present to the Board, but the timeline from
 22 Golden Leaf was pushed forward as it was going to rescind the money. He said that is why this
 23 item is on the consent agenda without any background information. He said the facility is
 24 amazing, creating revenue as well as jobs. He said the county supports with free rent, but no
 25 operational costs.

26
 27 A motion was made by Commissioner Bedford, seconded by Commissioner Greene, to
 28 approve a management services agreement between Piedmont Food Processing Center
 29 (PFPC), amended for a term of two years.

30
 31 **Roll call ensued**

32
 33 **VOTE: UNANMIOUS**

34
 35 **9. County Manager's Report**

36 Bonnie Hammersley brought attention to census item on consent agenda. She said
 37 there is an information item that looks more closely at Orange County and NC census results.
 38 She said another information item includes the status of 2016 Bond Referendum projects from
 39 both school districts.

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

42 John Roberts said the General Assembly has been focused on redistricting, and he
 43 anticipates a flood of bills to be passed by legislature after they get this issue dealt with.

44 Commissioner Richards asked if there is any information about how school funding will
 45 increase based on the decision of the Leandro v. State of North Carolina.

46 Chair Price said the schools have an idea of what they may receive.

47 Travis Myren said he will provide that information to the Commissioners.

48
 49 **11. *Appointments**

50 NONE

51

1 **12. Information Items**
2

- 3 • October 5, 2021 BOCC Meeting Follow-up Actions List
4 • Memorandum – Report on 2020 Census Results in Orange County
5 • Memorandum Regarding 2016 School Bond Referendum Projects
6

7 **13. Closed Session**

8 None
9

10 **14. Adjournment**
11

12 A motion was made by Commissioner Fowler, seconded by Commissioner McKee, to
13 adjourn the meeting at 9:54 p.m.
14

15 **Roll call ensued**
16

17 **VOTE: UNANMIOUS**
18
19

20 Renee Price, Chair
21

22
23 Tara May
24 Deputy Clerk to the Board
25

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

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MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
VIRTUAL BUSINESS MEETING
November 4, 2021
7:00 p.m.

The Orange County Board of Commissioners met for a Virtual Business Meeting on Thursday, November 4, 2021 at 7:00 p.m.

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

COUNTY COMMISSIONERS ABSENT: None.

COUNTY ATTORNEYS PRESENT: John Roberts

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

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

A roll call was called; all members were present.

Chair Price recognized the beginning of Diwali, a Hindu five-day celebration of lights. She sent peace and blessings to all those celebrating.

Chair Price noted that the local elections are over and she is looking forward to working with new colleagues in collaboration across the county.

Due to current public health concerns, the Board of Commissioners is conducting a Virtual Business Meeting on Thursday, November 4, 2021. Members of the Board of Commissioners participated in the meeting remotely. As in prior meetings, members of the public were able to view and listen to the meeting via live streaming video at <http://www.orangecountync.gov/967/Meeting-Videos> and on Orange County Gov-TV on channels 1301 or 97.6 (Spectrum Cable).

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

- Written submittals by email
- Speaking during the virtual meeting

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

Chair Price dispensed with reading the public charge.

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*

1 *BOCC asks that all electronic devices such as cell phones, pagers, and computers should*
 2 *please be turned off or set to silent/vibrate. Please be kind to everyone.*
 3

4 **Arts Moment** – No Arts Moment was available for this meeting.
 5

6 **1. Additions or Changes to the Agenda**
 7

8 **2. Public Comments (Limited to One Hour)**

9 a. Matters not on the Printed Agenda

10 b. Matters on the Printed Agenda

11 (These matters will be considered when the Board addresses that item on the agenda below.)
 12
 13

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

15 Commissioner Richards said she has attended a couple community events over the past
 16 few weeks. She noted the 25th Anniversary of EmPOWERment and said it was a great
 17 celebration for a community organization that the Commissioners work closely with and the
 18 county supports. She said EmPOWERment does great work. She also shared that she traveled
 19 this week and was able to celebrate her mom's 95th birthday yesterday in Pennsylvania. She
 20 said she is glad to be back and looking forward to upcoming work, as November is a busy
 21 month.

22 Commissioner Greene congratulated winners in local elections and thanked those who
 23 ran for putting themselves out there. She said she appreciates everyone who ran and is looking
 24 forward to working with new colleagues.

25 Commissioner McKee congratulated Commissioner Richards's mother on her birthday.
 26 He said Orange County Schools were meeting in public session at schools where other
 27 activities were going on, and due to a number of people attending the meetings and chances of
 28 interactions between students and other groups, the school board decided to go back to virtual
 29 meetings. He said he was contacted about the use of the Whitted meeting room. He said he
 30 believed that when the room was built it wasn't intended for sole use by the Board of County
 31 Commissioners, but was available for other elected boards and other community events. He
 32 said his issue is with the charge for audio/video services, which he said seems high. He
 33 petitioned staff to bring the Board the cost on a per meeting basis and notify other elected
 34 boards in the county that they are able to use the Whitted meeting room and provide what the
 35 audio/video price should be, as they will have to contract independently with vendors.

36 Commissioner McKee asked Bonnie Hammersley to share the general cost per meeting.

37 Bonnie Hammersley said she had a conversation with Dr. Felder, superintendent of
 38 Orange County Schools, the prior day. She clarified that any entity that uses the meeting room
 39 would contract with vendors separately. During their conversation, Dr. Felder shared the school
 40 system was quoted \$1200-\$1500 per meeting and felt that was reasonable. Bonnie
 41 Hammersley said staff will ask the vendors what they will charge for other entities who use the
 42 meeting room, and noted that Laura Jensen would know what the cost is per meeting for the
 43 Board of County Commissioners.

44 Commissioner McKee said the numbers he was given were significantly higher than that
 45 so that is why he would like the clarification. He reiterated he would like staff to contact other
 46 elected bodies to notify them the Whitted meeting room is available for their use and has always
 47 been available for their use.

48 Commissioner Hamilton congratulated all of the candidates who won local elections and
 49 thanked those who ran for public office for their public service. She attended the Board of
 50 Health meeting in the prior week, and things are going a little better with COVID. She said the
 51 health department is still doing testing and the vaccine clinic, and is also working on a customer

1 satisfaction survey. She said that, in light of the protest that took place at Orange County
2 Schools and concerns about intimidation and violence, she petitioned the Board to have
3 discussions about ordinances that can regulate protests in order to increase the chance that
4 things can stay civil at an upcoming work session, including representation from the Sheriff's
5 Office and schools to discuss what might support civility in the community. She thanked John
6 Roberts for researching this topic.

7 Commissioner Fowler congratulated those who ran successful campaigns for mayor and
8 town councils, and schools boards. She also thanked those who were willing to serve and put in
9 time and effort with the goal of benefitting the community.

10 Commissioner Bedford echoed Commissioner Fowler's comments. She reminded
11 commissioners of the Veteran's Day program on Thursday, November 11, 2021 at 11:00 am at
12 the memorial across from Southern Human Services off of Homestead Rd.

13 Chair Price said there is also a tailgate/drive-thru breakfast at the Passmore Center and
14 anyone interested should sign up by November 9th.

15 Chair Price said that Chapel Hill Pediatrics was visited by Governor Cooper and
16 Secretary Mandy Cohen to highlight the fact the Pfizer vaccine is available to children 5-11
17 years old. She noted this is a milestone in the pandemic. She also said the opioid litigation is
18 moving forward. She and the County Attorney received documents by email, and they will be
19 ready for Board probably around the first meeting in December for approval. She thanked
20 Commissioner Greene and her colleagues in the group that helped make all of this possible.

21 Chair Price said the Orange County Community Remembrance Coalition became aware
22 there is a portrait of John Washington Graham in the old courthouse. She said he was a
23 Confederate major and was the leader of "Leave no Negro alive". She made a petition for the
24 portrait to be removed. She asked John Roberts to advise the Board on who has the authority to
25 remove this portrait.

26 Commissioner Greene said this should be the same procedure as the removal of the
27 portrait of Judge Ruffin which was in the same room.

28 John Roberts said he does not remember the specific process that was followed, but it
29 has been done before and he will get back to the Board on the steps.

30 Chair Price said the Board appealed to then Judge Carl Fox for his approval. She said
31 she is petitioning that this Board at least weigh in if it does not have the final say.

32 Chair Price reminded the public there will be two meetings about the Greene Tract in the
33 next week in the Rogers Road Neighborhood Center. The next day will be a Zoom meeting for
34 people to ask questions and make comments. She also reminded that the Board should have
35 received an invitation for a meeting the Orange County Schools is holding on November 5th.
36 She said there is also a wet paint sale on November 5th at Eno Arts Mill.

37 Commissioner Richards said there is a lot of misinformation about the information
38 meetings and has received several emails. She asked how to combat the misinformation. She
39 said it creates a lot of unnecessary fear, and her fear is that meetings intended to be
40 informational will turn into something else because people will come geared up for battle.

41 Chair Price said Mayor Lavelle, Mayor Hemminger, and herself issued a statement that
42 was posted several places regarding the intent for the Greene Tract in following what was
43 decided 20 years ago. She acknowledged that some adjustments had to be made due to the
44 environmental study. She and two council members signed a statement even more recently to
45 try to combat some of the misinformation, but it is hard to get people to understand. She said all
46 Commissioners can do is try to continue providing facts. She said it is very difficult when people
47 send out false information, and the best thing they can do is continue to provide correct
48 information. She said she's spoken with people from the Rogers Road community and some of
49 them are concerned with comments supposedly being made on their behalf when they never
50 spoke to them. She said the best thing the Board can do is continue the consistent statement

1 that the plan is in line with what the board has been trying to do for the last 20 years, that the
2 county needs affordable housing, and there will still be green space still available.

3
4 **4. Proclamations/ Resolutions/ Special Presentations**

5
6 **a. Resolution Supporting Orange County Schools**

7 The Board considered adopting a resolution supporting Orange County Schools.

8
9 **BACKGROUND:** Orange County School's Board of Education meetings and events in
10 September and October were disrupted by protestors displaying hostile and intimidating
11 behavior including racist and homophobic language. In an October 11, 2021 Resolution
12 to Address Harm Caused to Students by Incidents of Hostile and Racist Behavior, Orange
13 County School's staff and students attested to the emotional and psychological harm
14 done by the protestors.

15
16 As stated in Section 12-3 of the Orange County Civil Rights Ordinance, the policy of
17 Orange County is to promote the equal treatment of all individuals; to prohibit
18 discrimination in Orange County based on race, color, religion, sex, national origin, age,
19 disability, familial status, and veteran status; to protect residents' lawful interests and their
20 personal dignity so as to make available to the County their full productive and creative
21 capacities, and to prevent public and domestic strife, crime, and unrest within Orange
22 County.

23
24 The attached resolution commits to working with Orange County Schools, the Orange
25 County Sheriff's Office, and the broader community to promote peaceful and civil
26 discourse and behavior, and support students and school staff. The resolution also
27 proposes that the Department of Human Rights and Relations and the Human Relations
28 Commission study and recommend measures that will promote civility among all groups in
29 the County.

30
31 Commissioner Hamilton reviewed the background information for the item. She said she
32 and Commissioner Richards worked on the resolution in response to the events that happened
33 in Orange County Schools. There were protests by parents, but also by members of the Proud
34 Boys, where there was intimidation and hostile and racial comments that caused students and
35 staff to feel unsafe. She said it is important for the Board to recognize what happened and to
36 support the schools to foster a civil environment and a positive school climate. She read a quote
37 by Marian Wright Edleman, founder of Children's Defense Fund: "a nation that does not stand
38 for its children does not stand for anything and will not stand tall in the future". She said the
39 future prosperity of the county and nation depends on children's education and children can't
40 learn in an environment of fear and intimidation. She said adults may disagree about curriculum
41 and public health measures, but must disagree in a civil manner that respects individual
42 differences and upholds a school climate that supports learning and emotional health for all
43 students as well as teachers and staff. She indicated adults must model what a civil society
44 looks like, and that this resolution says how the Board will do their part and support the schools.

45 Commissioner Richards said she would underscore the fact this resolution is not
46 intended to quell civil discourse of parents and input from the community around schools. She
47 hopes that commissioners, in support of this, can make sure this is communicated. She said
48 there is a role for parents to be involved and engaged and encourage parental involvement and
49 support for schools. She said it is all about how that is done and the respect and modeling of
50 civil behavior that should be encouraged. She said people may disagree, but need to do it in a
51 way that is respectful and projects values of the county. She said this was her first assignment,

1 and appreciated working with Commissioner Hamilton on this. She thanked the Board for their
2 willingness to read the resolution together to present a united front.

3 Starting with Commissioner Hamilton, the Board read the following resolution in turn:
4

5 **ORANGE COUNTY BOARD OF COMMISSIONERS**
6

7 **RESOLUTION IN SUPPORT OF THE STUDENTS, STAFF, AND BOARD OF EDUCATION OF**
8 **ORANGE COUNTY SCHOOLS WHOSE SCHOOL CLIMATE HAS BEEN ADVERSELY**
9 **AFFECTED BY PROTESTORS**
10

11 WHEREAS, Orange County Schools is located in the northern and western part of the county
12 and serves more than 7,400 students and approximately 800 teachers and administrative staff;
13 and
14

15 WHEREAS, respect for diversity and emotional and physical safety are central elements in the
16 Safe and Supportive Learning Environments adopted by the US Department of Education in
17 2015; and
18

19 WHEREAS, Orange County Schools Board of Education meetings and events in September
20 and October were disrupted by protestors displaying hostile and intimidating behavior including
21 racist and homophobic language; and
22

23 WHEREAS, in the Resolution to Address Harm Caused to Students by Incidents of Hostile and
24 Racist Behavior, passed by the Orange County Schools Board of Education on October 11,
25 2021, staff and students attested to the emotional and psychological harm done by the
26 protestors; and
27

28 WHEREAS, as stated in Section 12-3 of the Orange County Civil Rights Ordinance, the policy of
29 Orange County is to promote the equal treatment of all individuals; to prohibit discrimination in
30 Orange County based on race, color, religion, sex, national origin, age, disability, familial status,
31 and veteran status; to protect residents' lawful interests and their personal dignity so as to make
32 available to the County their full productive and creative capacities, and to prevent public and
33 domestic strife, crime, and unrest within Orange County; and
34

35 WHEREAS, the Orange County Human Relations Commission was established by the Orange
36 County Board of Commissioners to make recommendations designed to promote goodwill and
37 harmony among all groups in the County;
38

39 NOW, THEREFORE, BE IT RESOLVED that the Orange County Board of County
40 Commissioners (BOCC) shall work with Orange County Schools, the Orange County Sheriff's
41 Office, and the broader community to promote peaceful and civil discourse and behavior, and
42 support our students and school staff; and
43

44 BE IT FURTHER RESOLVED that the Orange County BOCC calls upon the Orange County
45 Department of Human Rights and Relations and the Human Relations Commission to continue
46 to study and recommend to the Orange County BOCC, within the next six months, measures
47 that will promote civility among all groups in the County; and
48

49 BE IT FURTHER RESOLVED that the Board of Commissioners directs the Clerk to the Board to
50 share this resolution with the Orange County Schools, the Chapel Hill-Carrboro City Schools,

1 the Orange County Sheriff's Office, and the towns of Hillsborough, Mebane, Chapel Hill and
2 Carrboro.

3
4 This the 4th day of November, 2021.

5
6

Renee A. Price, Chair
7 Orange County Board of
8 Commissioners
9

10 A motion was made by Commissioner Hamilton, seconded by Commissioner Richards,
11 to approve the resolution supporting Orange County Schools.

12
13 Commissioner Fowler said she appreciates Commissioner Hamilton and Commissioner
14 Richards working on this resolution and believes the resolution is really important. She said it is
15 well thought out and well crafted. She said she believes the Board's goal is to uphold their
16 mission and the Orange County Civil Rights Ordinance, which promotes civil discourse, and to
17 protect residents' lawful interest and personal dignity. She believes the community benefits
18 when it works together to understand other perspectives.

19 Commissioner McKee said he appreciates Commissioner Richards's comment that it
20 does not speak to parents who have concerns over education, curriculum, sports, wearing or
21 not wearing a mask, virtual school, or in person school. He said those people have a right to
22 express their concerns civilly and strongly if they so desire. He said it is his understanding that
23 there were people at the school board meeting from outside of Orange County and even North
24 Carolina with intent to disrupt. He said he will support civil discourse until his last breath, but
25 will not support a disruption of meetings or a hostile protest.

26 Chair Price said this is so important because this is about children and young people.
27 She said that when she first got the email from school board chair Hilary McKenzie, she read
28 the statements from students, and felt the Board must stand behind them and lift them up and
29 protect them. She said people can disagree civilly, but the most important thing is children being
30 able to learn in a safe environment.

31
32 **Roll call ensued**

33
34 **VOTE: UNANMIOUS**

35
36 Chair Price noted that school board member, Brenda Stephens, wanted to attend the
37 meeting tonight, but Spectrum is working on her internet right now.

38
39 **5. Public Hearings**

40 NONE

41
42 **6. Regular Agenda**

43 NONE

44
45 **7. Reports**

46 NONE

47
48 **8. Consent Agenda**

49

1 A motion was made by Commissioner Bedford, seconded by Commissioner McKee, to
 2 approve the consent agenda, noting there was a change in minutes for September 23, 2021 to
 3 remove Joal Broun as an attendee at the joint meeting with the schools.

4
 5 **Roll call ensued**

6
 7 **VOTE: UNANMIOUS**

- 8
 9 • Removal of Any Items from Consent Agenda
 10 • Approval of Remaining Consent Agenda
 11 • Discussion and Approval of the Items Removed from the Consent Agenda

12
 13 **a. Minutes**

14 The Board considered approving minutes from the September 23, 2021 Virtual Joint Meeting
 15 with Schools.

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

17 The Board considered adoption of a resolution to release motor vehicle property tax values for
 18 two taxpayers with a total of three bills that will result in a reduction of revenue.

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

20 The Board considered adoption of a resolution to release property tax values for five taxpayers
 21 with a total of five bills that will result in a reduction of revenue.

22 **d. Applications for Property Tax Exemptions/Exclusion**

23 The Board considered ten untimely applications for exemption/exclusion from ad valorem
 24 taxation for ten bills for the 2021 tax year.

25 **e. Quarterly Report (2021 Q3) for Orange County's CDBG-CV Grant**

26 The Board received the third quarterly update on Orange County's Community Development
 27 Block Grant – Coronavirus (CDBG-CV) grant from the NC Department of Commerce, and
 28 authorized the Chair to sign the report for submission to the NC Department of Commerce.

29 **f. Fiscal Year 2021-2022 Budget Amendment #3**

30 The Board considered approving a budget amendment for fiscal year 2021-22.

31
 32 **9. County Manager's Report**

33 Bonnie Hammersley noted the Board will have an in-person work session on November
 34 11th. She said the agenda will include discussion of the local food economy and boards and
 35 commissions appointments. She said this will be a pilot for future in-person meetings. She
 36 noted the information items including the financial report for the first quarter of 2021-2022, and
 37 asked the Board to contact her or the Chief Financial Officer with any questions.

38 Commissioner Richards said she read the data available for the financial report, and
 39 asked if it would be discussed tonight.

40 Bonnie Hammersley said the item was submitted to the Board for their information and if
 41 there are questions, they should be sent to staff and staff will send out the question and answer
 42 to all commissioners.

43
 44 **10. County Attorney's Report**

45 John Roberts said the legislature completed map redistricting for federal and state
 46 representatives and senators. He anticipates a lot of bills being passed in the next week or two,
 47 but if not, it means they will be revisited in the short session that is coming up. He said any bills
 48 left now have survived crossover from both houses so can be considered in the short session.

49 Commissioner Richards said there are already lawsuits on the maps. She asked if the
 50 maps stand until the judicial process is complete.

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 6, 2021

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

PURPOSE: To consider adoption of a resolution to release motor vehicle property tax values for two taxpayers with a total of two 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 \$420.81 to Orange County, the towns, and school and fire districts. Financial impact year to date for FY 2021-2022 is \$11,943.59.

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

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

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

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

NORTH CAROLINA

RES-2021-070

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

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

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

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

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

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

Ayes: Commissioners _____

Noes: _____

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

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

Clerk to the Board of Commissioners

**BOCC REPORT - REGISTERED MOTOR VEHICLES
DECEMBER 6, 2021**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL EXPLANATION
Hutcherson, Jack Earle Jr.	63218259	2021	28,000	500	(242.40)	Antique plate (property classification)	
Wilson, Thomas Cody	63449089	2021	20,870	20,870	(178.41)	*Situs error (illegal tax)	The situs error was to correct the default district for addresses that do not validate during billing
				Total	(420.81)		

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: December 6, 2021

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

SUBJECT: Property Tax Releases/Refunds

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Resolution
Releases/Refunds Data Spreadsheet

INFORMATION CONTACT:

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

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

BACKGROUND: The Tax Administration Office has received eighteen 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 \$17,609.12 to the County, municipalities, and special districts. The Tax Assessor recognized that refunds could impact the budget and accounted for these in the annual budget projections.

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

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

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

NORTH CAROLINA

RES-2021-071

ORANGE COUNTY

REFUND/RELEASE RESOLUTION (Approval)

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

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

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

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

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

Ayes: Commissioners _____

Noes: _____

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

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

Clerk to the Board of Commissioners

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

**BOCC REPORT - REAL/PERSONAL
 DECEMBER 6, 2021**

NAME	ACCOUNT NUMBER	BILLING YEAR	ORIGINAL VALUE	ADJUSTED VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT	ADDITIONAL INFORMATION
Beattie, Hunter	3191492	2021	8,792	-	(135.95)	Assessed in error (illegal tax)	Watercraft not located in Orange County
Bodenham, Matthew Christopher	3196977	2021	9,160	-	(300.81)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Texas
Castellano Capdet, Vanessa	3196564	2021	14,800	-	(130.86)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in California
Feld, Eris Ross	3196537	2021	9,940	-	(590.08)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Massachusetts
Ferguson, Kelly	301881	2021	453,800	377,800	(1,220.64)	Incorrect value (clerical error)	*Inadvertently not presented to the BOER for reduction in land value
Fliederbaum, Phyllis A.	152479	2021	313,400	237,400	(1,220.64)	Incorrect value (clerical error)	*Inadvertently not presented to the BOER for reduction in land value
Glass, David M.	207500	2021	332,600	256,600	(1,220.64)	Incorrect value (clerical error)	*Inadvertently not presented to the BOER for reduction in land value
Goldston, Emma Heirs	3175735	2021	200,000	124,000	(1,220.64)	Incorrect value (clerical error)	*Inadvertently not presented to the BOER for reduction in land value
Hargrave, Madison Lynn	3196877	2021	23,380	-	(295.30)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Colorado
Leonard, Ann H. Trustee	297053	2021	309,800	233,800	(1,220.64)	Incorrect value (clerical error)	*Inadvertently not presented to the BOER for reduction in land value
Omane Bathsheba Trustee	228740	2021	418,600	209,300	(3,361.56)	Incorrect value (clerical error)	late
Omland, Gregory Omar	3182215	2019	11,160	-	(105.05)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Georgia
Palmquist, Mark	3197043	2021	10,220	-	(1,019.80)	Assessed in error (illegal tax)	Gap bill: Vehicle registered in Florida
Powell, Joe W. Jr.	229672	2021	492,200	457,400	(527.46)	Incorrect value (clerical error)	Value change for 2022 was erroneously keyed in 2021 appraisal system
Smith, Robert W.	284954	2021	434,100	358,100	(1,220.64)	Incorrect value (clerical error)	*Inadvertently not presented to the BOER for reduction in land value
Thompson, Kysha Jones	3196776	2021	16,670	-	(304.59)	Assessed in error (illegal tax)	Gap bill: Vehicle register Mississippi
United States of America	3183247	2021	62,800	-	(562.06)	Assessed in error (illegal tax)	During County review this was an exempt property billed in error
United States of America	3183247	2020	32,400	-	(307.44)	Assessed in error (illegal tax)	During County review this was an exempt property billed in error
United States of America	3183246	2021	96,200	-	(860.99)	Assessed in error (illegal tax)	During County review this was an exempt property billed in error
United States of America	3183246	2020	59,300	-	(562.69)	Assessed in error (illegal tax)	During County review this was an exempt property billed in error
Walker, Carley L.	32451	2021	348,700	272,700	(1,220.64)	Incorrect value (clerical error)	*Inadvertently not presented to the BOER for reduction in land value
				Total	(17,609.12)		
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.							
* An appeal to a neighboring property brought to light the need to correct the value of these properties also. We made plans to request the corrections of the Board of Equalization and Review, but failed to present before the deadline of September 1, 2021, resulting in a clerical error.							

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 6, 2021

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

SUBJECT: Applications for Property Tax Exemption/Exclusion

DEPARTMENT: Tax Administration

ATTACHMENT(S):

Exempt Status Resolution
Spreadsheet
Requests for Exemption/Exclusion

INFORMATION CONTACT:

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

PURPOSE: To consider five untimely applications for exemption/exclusion from ad valorem taxation for five bills 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.

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

Including these five applications, the Board will have considered a total of eighteen 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 applications and based on the above-referenced General Statutes, the applications may be approved by the Board of County Commissioners. NCGS 105-282.1(a1) permits approval of such application if good cause is demonstrated by the taxpayer.

FINANCIAL IMPACT: The reduction in the County's tax base associated with approval of the exemption application will result in a reduction of FY 2021/2022 taxes due to the County, municipalities, and special districts in the amount of \$4,878.

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-2021-072

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 _____, 2021.

Clerk to the Board of Commissioners

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

**BOCC REPORT - REAL/PERSONAL
LATE EXEMPTION/ EXCLUSION
DECEMBER 6, 2021**

NAME	ACCOUNT NUMBER	BILL YEAR	ORIGINAL VALUE	TAXABLE VALUE	FINANCIAL IMPACT	REASON FOR ADJUSTMENT
Daniels, Mona	208510	2021	162,100	84,050	(687.93)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Horton, Betty	260646	2021	236,800	118,400	(1,901.62)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Hoyt, Sharon	187978	2021	151,100	78,030	(644.03)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Noell, Geraldine	193633	2021	218,600	126,645	(1,004.70)	Late application for exemption General Statute 105-277.1 (homestead exemption)
Waters, Janice	210687	2021	153,900	81,320	(639.72)	Late application for exemption General Statute 105-277.1 (homestead exemption)
					(4,878.00)	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.

October 14, 2021 thru November 16, 2021

FILED

NOV 03 2021

ORANGE COUNTY
TAX ADMINISTRATIONMona L Daniels
2527 Gemena Rd
Chapel Hill, NC 27516
mldaniels50@gmail.com
(919) 265-7914 (c)Orange County Tax Assessment
Homestead Exclusion Program
Gateway Center Building
228 S Churton Street
Suite 200
Hillsborough, NC 27278
919-245-2100

November 7, 2021

To Whom It May Concern,

This letter is in support of my application for consideration for the Homestead Exclusion Program and Solid Waste Management Exemption. These applications are being submitted after the required date of June 1st because I was unaware that these programs existed within Orange County.

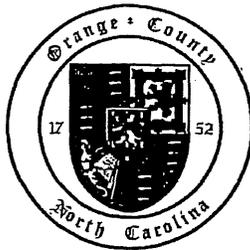
With my daughter's assistance, I was able to gain knowledge of these programs and complete the required documentation for submission to your office. Please see fit to place my application(s) on the agenda for the December 2021 meeting, as any assistance provided through these programs would go a great way towards helping me remain in my home of 25 years.

Please do not hesitate to contact me at the number listed above with any questions, comments, or concerns you may have regarding my application(s).

Kindest Regards,



Mona L. Daniels



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

Date: 11/25/21

To Whom It May Concern:

I, (PRINT NAME) Betty Horton, 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) # 9778740836. Please note that the deadline to submit a timely application Deadline is June 1st of the tax year.

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

Please explain:

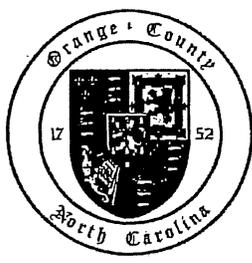
I wasn't aware of the deadline.

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

Thank you,

Betty L Horton
(Signature)

RECEIVED
OCT 12 2021
Orange County Tax



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

Date: 9/30/21

To Whom It May Concern:

I, (PRINT NAME) Sharon Louise Hoyt, 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) # 9759566700. Please note that the deadline to submit a timely application Deadline is June 1st of the tax year.

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

Please explain:

[Redacted area]

Personal reasons

How did you find out about the program(s)? word of mouth

Thank you,

Sharon L Hoyt

(Signature)



OCT 26 2021

ORANGE COUNTY
TAX ADMINISTRATION

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

Date: 9/3/21

To Whom It May Concern:

I, (PRINT NAME) GERALDINE NOELL, 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) # 9768687145. Please note that the deadline to submit a timely application Deadline is June 1st of the tax year.

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

Please explain:

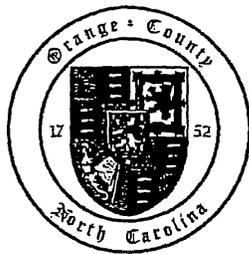
I wasn't aware of the deadline

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

Thank you,

Geraldine Noell

(Signature)



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

Date: 11/1/21

To Whom It May Concern:

I, (PRINT NAME) Janice Waters, 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) # 9759566955. Please note that the deadline to submit a timely application Deadline is June 1st of the tax year.

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

Please explain:

Just found out about program

How did you find out about the program(s)? Through associates / friends

Thank you,

Janice Waters
(Signature)

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 6, 2021

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

SUBJECT: Updates to the Assistance Policies for the North Carolina Housing Finance Agency (NCHFA) 2021 Urgent Repair Program (URP21) and the 2020 Essential Single Family Rehabilitation Loan Pool (ESFRLP20), and the Orange County Procurement and Disbursement Policy

DEPARTMENT: Housing and Community
Development

ATTACHMENT(S):

Attachment 1: URP21 Assistance Policy
Attachment 2: ESFRLP20 Assistance Policy
Attachment 3: Orange County Procurement
and Disbursement Policy

INFORMATION CONTACT:

Corey Root, Housing and Community
Development Director, (919) 245-2492

PURPOSE: To authorize the County Manager to sign, and thereby adopting, the amended URP21 Assistance Policy, ESFRLP20 Assistance Policy, and Orange County Procurement and Disbursement Policy for Urgent Repair and Housing Rehabilitation Programs.

BACKGROUND: The North Carolina Housing Finance Agency (NCHFA) requires recipients of funding through the Urgent Repair Program (URP) and the Essential Single Family Rehabilitation Loan Pool (ESFRLP) to adopt Assistance Policies and a Procurement and Disbursement Policy that describe how eligible applicants are selected for the programs, and how the bid solicitation and payment processes for the rehabilitation work are conducted.

The Department of Housing and Community Development proposes the attached amendments to the URP21 Assistance Policy, ESFRLP20 Assistance Policy, and Orange County Procurement and Disbursement Policy for Urgent Repair and Housing Rehabilitation Programs.

- The amendments to the URP21 Assistance Policy are to update the contact person for applying to the program.
- The amendments to the ESFRLP20 Assistance Policy are to update the contact person for applying for the program, and to clarify that applications will be accepted on a rolling basis until all funds are committed or until December 31, 2022 (whichever is sooner).
- The amendments to the Procurement and Disbursement Policy are to specify that, in order to perform work on a URP project, contractors on the County's Contractor Registry must carry, at a minimum, General Liability Insurance, as well as Worker's Compensation Insurance to the extent required by State laws (i.e., companies with three or more employees must carry Worker's Compensation Insurance). In addition, in order to perform work on an ESFRLP project, contractors must carry General Liability Insurance and Worker's Compensation Insurance, regardless of the number of employees.

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

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

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

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

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

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

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

RECOMMENDATION(S): The Manager recommends that the Board authorize the Manager to sign the amended URP21 Assistance Policy, ESFRLP20 Assistance Policy, and Orange County Procurement and Disbursement Policy, thereby adopting the amended policies.



Orange County Assistance Policy Urgent Repair Program 2021

What is the Urgent Repair Program?

Orange County has been awarded \$100,000 by the North Carolina Housing Finance Agency (“NCHFA”) under the 2021 cycle of the Urgent Repair Program (“URP21”). This program provides funds to assist very-low and low- income households with special needs in addressing housing conditions which pose imminent threats to their life and/or safety or to provide accessibility modifications and other repairs necessary to prevent displacement of very-low and low- income homeowners with special needs such as frail elderly and persons with disabilities. A total of 14 households will be assisted under URP21.

This Assistance Policy describes who is eligible to apply for assistance under URP21, how applications for assistance will be rated and ranked, what the form of assistance is, and how the repair/modification process will be managed. Orange County has designed this URP21 project to be fair, open, and consistent with the County’s approved application for funding and with NCHFA’s URP Program Guidelines.

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

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

Who is eligible to apply?

To be eligible for assistance under URP21 applicants must:

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

URP21 Income Limits* for Orange County

Number in Household	30% of Median (very-low income)	50% of Median (low income)
1	\$18,150	\$30,250
2	\$20,750	\$34,600
3	\$23,350	\$38,900



4	\$25,900	\$43,200
5	\$28,000	\$46,700
6	\$30,050	\$50,150
7	\$32,150	\$53,600
8	\$34,200	\$57,050

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

Outreach efforts of the Urgent Repair Program

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

Selection of applicants

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

Priority Ranking System for Orange County URP21

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

Under NCHFA Program Guidelines, a minimum of 50% of households assisted must have incomes which are less than 30% of the area median income for the household size, and no household with an income exceeding 50% of the area median income will be eligible. This guideline will be adhered to strictly and will be the primary factor in the selection of those households to be assisted under URP21.



Recipients of assistance under the URP21 will be chosen by the above criteria without regard to race, color, religion, national origin, sex, familial status and disability.

The definitions of special needs populations under URP21 are:

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

Client referral and support services

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

What is the form of assistance under URP21?

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



What is the amount of the loan?

The amount of the loan will depend on the scope of work necessary to address the identified imminent threats to life and/or safety, and that will be determined by the County's rehabilitation specialist. There is no minimum to the amount of the loan; however, the maximum life-time limit according to the guidelines of URP21 is \$10,000.

What kinds of work will be done?

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

All work that is completed under URP21 must meet or exceed NC Residential Building Code.

Who will do the work on the homes?

The County is obligated under URP21 to ensure that quality work is done at reasonable prices and that all work is contracted through a fair, open and competitive process. To meet those very difficult requirements, the County will invite bids only from contractors who are part of ~~an "approved the County's contractors' Contractor registryRegistry"~~. Please request a copy of the County's Procurement and Disbursement Policy for further information.

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

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

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

Now that you have the information about how to qualify for Orange County URP21, what work can be done, and who will do it, let's go through all the major steps in the process:

1. **Completing an Application form:** Homeowners who wish to apply for assistance may apply by completing an application form, available at <http://orangecountync.gov/2211/Home-Repair-Programs> or by contacting ~~Erika Brown~~ Jack Watson at (919) 558-2700-9394 or ebrown@tcog.org/jwatson@tcog.org. Applications will be accepted on a rolling basis beginning October 18, 2021 until all funds are committed. Proof of ownership and income will be required. Those who have applied for housing assistance from the County in the past will not automatically be reconsidered. A new application will need to be submitted.
2. **Preliminary inspection:** The County's Rehabilitation Specialist will visit the homes of potential loan recipients to determine the need and feasibility of repairs/modifications.
3. **Screening of applicants:** Applications will be rated and ranked by the County based on the priority system outlined on page 2. The first round of households to be assisted will be selected by November 30, 2021. Household income will be verified for program purposes only (information will be kept confidential). Ownership of property will be verified along with other rating factors. From this review, the fourteen ~~(14)~~ most qualified applicants will be chosen according to the



priority system described above. There will also be a list of alternates in the order of qualification. If fewer than fourteen (14) applications are received by November 30, or if funds remain to assist more than fourteen (14) units, applications will continue to be accepted on a rolling basis until all funds are committed. Applicants not receiving notification by November 30, 2021 that they were chosen may contact [Erika Brown](#)/[Jack Watson](#) at (919) 558-~~2700~~-[9394](#) to confirm the disposition of the application.

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



issue a "proceed order" formally instructing the contractor to commence by the agreed-upon date within 24 hours of the pre-construction meeting.

10. **Construction:** The contractor will be responsible for obtaining any required building permits for the project before beginning work. The permit must be posted at the house during the entire period of construction. Program staff will closely monitor the contractor during the construction period to make sure that the work is being done according to the work write-up (which is made a part of the rehabilitation contract by reference) and in a timely fashion. Code Enforcement Officers will inspect new work for compliance with the State Building Code as required by the guidelines of URP21. The homeowner will be responsible for working with the contractor toward protecting personal property by clearing work areas as much as practicable.
11. **Change Orders:** All changes to the scope of work must be reduced to writing as a contract amendment ("change order") and approved by all parties to the contract: the owner, the contractor and two representatives of Orange County. If the changes require an increase in the loan amount, a loan modification stating these changes in the contract amount must be completed by the County, and executed by the owner. If the changes result in a decrease in the loan amount, an estoppel informing the homeowner of these changes in the contract amount will be completed by the County and conveyed to the owner.
12. **Payments to contractor:** The contractor will be paid following inspection of and satisfactory completion of all items on the work write-up and change orders, if any, as outlined in the County's Procurement and Disbursement Policy. The contractor will also be responsible for handing over all owner's manuals and warranties on equipment, and reviewing with the homeowner all operating and maintenance requirements for new equipment installed.
13. **Closeout:** Once each item outlined in section 12 has been satisfied and the homeowner has signed a Certificate of Satisfaction, the job will be closed out (fully completed).

What are the key dates?

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

- Applications available to the public starting October 18, 2021.
- First round of households selected from applications on November 30, 2021.
- All rehabilitation work must be under contract by October 12, 2022.
- All rehabilitation work must be completed by December 31, 2022.

How do I request an application?

- Contact [Erika Brown](mailto:ebrown@tjocog.org)/[Jack Watson](mailto:Jack.Watson@tjocog.org)
(919) 558-2700/9394
ebrown@tjocog.org/jack.watson@tjocog.org
- OR download an application online: <http://orangecountync.gov/2211/Home-Repair-Programs>



- OR pick up an application at the Orange County Department of Housing and Community Development office at 300 W. Tryon Street, Hillsborough, NC 27278.

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

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

During the application process:

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

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

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

During the repair/modification process:

If the homeowner feels that repairs or modifications are not being completed per the contract, he/she must inform the contractor and the Rehabilitation Specialist.

The Rehabilitation Specialist will inspect the work in question. If it is found that the work is not being completed according to contract, the Rehabilitation Specialist will review the contract with the contractor and ask the contractor to remedy the problem.

If problems persist, a mediation conference between the homeowner and the contractor may be convened by the Rehabilitation Specialist and facilitated by the Orange County Housing and Community Development Director.

Should the mediation conference fail to resolve the dispute, the Director will render a written final decision.

If the Rehabilitation Specialist finds that the work is being completed according to contract, the complaint will be noted and the Rehabilitation Specialist and the homeowner will discuss the concern and the reason for the Rehabilitation Specialist's decision.

Will the personal information provided remain confidential?

Yes. All information in applicant files will remain confidential. Access to the information will be provided only to County employees who are directly involved in the program, the North Carolina Housing Finance Agency and auditors.

What about conflicts of interest?

No officer, employee or other public official of the County, or member of the County Commissioners, or



entity contracting with the County that exercises any functions or responsibilities with respect to URP21 shall have any interest, direct or indirect, in any contract or subcontract for work to be performed with program funding, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Relatives of County employees, Board of Commissioners and others closely identified with the County, may be approved for rehabilitation assistance only upon public disclosure before the County Commissioners and written permission from NCHFA.

What about favoritism?

All activities under URP21, including rating and ranking applications, inviting bids, selecting contractors and resolving complaints, will be conducted in a fair, open and non-discriminatory manner, entirely without regard to race, color, religion, national origin, sex, familial status and disability.

Who can I contact about URP21?

Any questions regarding any part of this application or program should be addressed to:

[Erika Brown](#)[Jack Watson](#)

(919) 558-[27009394](tel:27009394)

ebrown@tjcog.orgjwatson@tjcog.org

David Saconn

(919) 612-1527

dsaconn@orangecountync.gov

These contacts will do their utmost to answer questions and inquiries in the most efficient and correct manner possible.

This Assistance Policy is adopted this ____ day of _____ 2021.

County Manager

Notary Public



Orange County Assistance Policy Essential Single-Family Rehabilitation Loan Pool 2020

What is the Essential Single-Family Rehabilitation Loan Pool?

Orange County has been awarded Membership by the North Carolina Housing Finance Agency (“NCHFA”) under the 2020 cycle of the Essential Single-Family Rehabilitation Loan Pool (“ESFRLP20”). This program provides Members with funds via a “loan pool” to assist with the rehabilitation of moderately deteriorated homes that are owned and occupied by lower-income, special need households. ESFRLP20 assists eligible households by facilitating aging in place, meeting minimum housing code requirements, promoting long-term affordability, lowering operating costs, and stabilizing pre-1978 homes that include children aged six or under whose health is threatened by the presence of lead hazards.

Orange County has been allocated an initial set-aside of \$190,000 to be used for rehabilitation of five (5) homes in Orange County. After demonstrating successful use of this allocation, the County may access additional funds, when available, on a unit-by-unit basis from the ESFRLP loan pool to assist additional homes.

This Assistance Policy describes who is eligible for assistance under ESFRLP20, how applications for assistance will be ranked, what the terms of assistance are, and how the rehabilitation process will be managed. Orange County has designed the ESFRLP20 project to be fair, open and consistent with its approved application for funding and with ESFRLP20 Program Guidelines.

The funds provided by NCHFA come from the U.S. Department of Housing and Urban Development (“HUD”) HOME Investment Partnerships Program (“HOME”) for construction-related costs (hard costs) and will be provided as no interest, no payment loans, forgiven at the rate of \$5,000 per year. Non-construction-related costs (soft costs including lead/asbestos inspections/clearances, radon testing and environmental reviews) will be provided in the form of a grant.

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

Who is eligible to apply?

To be eligible for ESFRLP20 assistance, applicants must:

- Reside within the county limits of Orange County and own and occupy the home in need of rehabilitation
- Have a household income which does not exceed 80% of the County median income for the household size (see income limits below)
- Have a special need (i.e., be > 62 years old, handicapped or disabled, a single parent with a



dependent living at home, a Veteran, a large family with >5 household members or a household with a child below the age of six with lead hazards in the home)

- Have home rehabilitation needs do not exceed the ESFRLP Program limit of \$30,000 and must include all Essential Rehabilitation Criteria as described in the ESFRLP20 Administrator's Manual (available online at www.nchfa.com).

Unfortunately, not all homes can be rehabilitated to meet the Essential Rehabilitation Criteria with the limited funding available. Some otherwise-eligible households may be deemed ineligible for assistance because their homes fail this test.

ESFRLP20 Income Limits* for Orange County

Number in Household	80% of Median
1	\$50,900
2	\$58,200
3	\$65,450
4	\$72,700
5	\$78,550
6	\$84,350
7	\$90,150
8	\$96,000

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

What Types Of Houses Are Eligible?

Properties are eligible only if they meet all of the following requirements:

- The property must require at least \$5,000 of improvements to meet ESFRLP Property Standards or the local minimum housing code.
- Site-built and off frame modular units are eligible for assistance. Manufactured housing is eligible for assistance if the foundation and utility hookups are permanently affixed including removal of all transporting equipment (e.g., wheels, axles, tongue) and installation of a full masonry foundation and tie-downs.
- No more than fifty percent (50%) of the total area of the unit may be used for an office or business (e.g., day care, hair salon, room rental, etc.). Program funds may only be used to improve the residential exterior, interior, and systems portion of mixed-use buildings.
- The property must be free of environmental hazards and other nuisances as defined by all applicable codes or regulations, or any such hazards or nuisances must be corrected as part of the rehabilitation of the home. Orange County's Rehabilitation Specialist will determine the presence of any known environmental hazards/nuisances on the site and if they can be removed through rehabilitation.



- Properties cannot be located in the right-of-way of any impending or planned public improvements. Orange County staff will assist in making this determination.
- The property cannot be located on a site that is endangered by mudslides, landslides or other natural or environmental hazards. If needed, the Rehabilitation Specialist will work with the homeowner to make this determination.
- The property may be located in the 100-year flood plain if the lowest finished floor level (verified by an elevation certificate provided by the homeowner) is above the base flood elevation and the property will be covered by flood insurance. The property must be in compliance with Orange County's flood plain ordinance. All things considered equal, properties located outside the 100-year flood plain will be given priority over properties located in the 100-year flood plain. Orange County will verify whether the home is in the flood plain.
- The property cannot have been repaired or rehabilitated with public funding of \$30,000 or more within the past ten (10) years without NCHFA approval.

How are applications ranked?

There are many more ESFRLP-eligible households (with eligible houses) than can be assisted with the available funds. Therefore, Orange County has devised the following priority system to rank eligible applicants, determine which of them will be selected for assistance and in what order. Under this system, applicants will receive points for falling into certain categories. Applications will be ranked according to which receive the most points. If there are more eligible applicants with eligible houses than can be treated with existing funding, Orange County may be able to treat additional houses with unrestricted pool funds. Pool applicants will come from the original applicant list and be considered according to which received the most points. If alternate pool applicants are not identified on the original applicant list and must be solicited, the solicited, eligible, pool applicants will be selected on a first come, first to qualify basis.

Priority Ranking System for ESFRLP20

Emergency Need	Points
Threat of imminent eviction/removal; must meet Special Need(s) and income requirements; applications received at any time	8
Special needs (for definitions, see below)	Points
Household with a child under age 6 with lead hazards in the home	4
Household member who is elderly (62 or older)	4
Household member with a disability	4
Household member who is a Veteran	4
Multiple household members who are elderly, Veterans, or have a disability	4



Income (see income table above)	Points
Less than 30% of County Median Income	4
30% to 50% of County Median Income	4
50% to 80% of County Median Income	4

Definitions under ESFRLP are:

- *Elderly*: An individual aged 62 or older.
- *Person with a disability*: A person who has a physical, mental, or developmental disability that greatly limits one or more major life activities, has a document of such impairment, or is regarded as having such impairment.
- *Head of household*: The person or persons who own(s) the house.
- *Household member*. Any individual who is an occupant (defined below) of the unit to be rehabilitated shall be considered a “household member” (the number of household members will be used to determine household size and all household members are subject to income verification).
- *Occupant*: An occupant is defined as any immediate family member (mother, father, spouse, son/daughter of the head of household) who has resided in the dwelling unit for at least three (3) months prior to the submission of the family's application.
- *Veteran*: A person who is a military veteran, is defined as one who served in the active military, naval, or air service (i.e., Army, Navy, Air Force, Marine Corps, and Coast Guard; as a commissioned officer of the Public Health Service; or as a commissioned officer of the National Oceanic and Atmospheric Administration or its predecessors), and who was discharged or released there from under conditions other than dishonorable. Provide DD-214 form to demonstrate.
- *Emergency*: A situation in which a household member has an immediate threat of being evicted or removed from a home due to health or safety issues within a timeframe that the program can complete a repair to stop eviction or removal. These applications will be received at any time during the funding cycle and elevated based on the ability of the program to complete the work in a timely manner that meets the goal of assisting homeowners to remain in their home. This may be documented with a doctor's letter or eviction notice.

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

What are the terms of assistance under ESFRLP?



The form of ESFRLP assistance is a 0% interest, forgivable loan covering the hard costs associated with the rehabilitation of the home and a grant for the soft costs. These will be two separate documents or sets of documents.

The loan: NCHFA will create loan documents for the homeowner(s) including a Promissory Note and Deed of Trust covering hard costs for the rehabilitation in an amount not to exceed \$30,000. This loan covering the hard costs remains 0% interest and-forgivable at \$5,000 per year for as long as the owner resides in the home or until the balance is reduced to \$0. The term of the loan is dependent upon the loan amount and the number of years it takes to bring the balance of the loan to \$0 when forgiven at \$5,000 per year. For example, if the amount of the loan is \$21,452, then the term is five (5) years: \$20,000 forgiven over the first four (4) years and \$452 forgiven at the end of the fifth year. The maximum term of the loan will be six (6) years.

As long as the borrower lives in the home, no payments on the loan will be required. If the recipient prefers, the loan can be paid off at any time to NCHFA, either in installments or as a lump sum payment. Furthermore, under certain circumstances NCHFA may allow assumption or refinancing of the loan. Should an heir inherit the property and choose to live in the house as their permanent residence, they may assume the loan without being income eligible. However, the lien remains on the property. A buyer who may wish to buy the property to live in may assume the loan so long as they can document that they are income-eligible (80% AMI). Default can occur if the property is sold or transferred to another person and/or if the borrower fails to use the home as a principal residence, without prior written approval of NCHFA.

The grant: To pay for soft costs including application outreach/intake/management, environmental reviews/inspections/testing and project assessment/documentation/ estimating/bidding, NCHFA will create a Grant Agreement not to exceed \$10,000. The grant has no repayment or recovery terms.

What kinds of work will be done?

Each house selected for assistance must be rehabilitated to meet ESFRLP Rehabilitation Criteria. That means every house must, upon completion of the rehabilitation:

- Meet the more stringent requirements of either NCHFA's Essential Property Standard or Orange County's Minimum Housing Code. These are so-called "habitability standards" that set minimum standards for decent, safe and sanitary living conditions. Additionally, the home must meet applicable Lead Based Paint regulations 24 CFR Part 35.
- Retain no "imminent threats" to the health and safety of the home's occupants or to the home's "structural integrity". An example of an imminent threat to occupants as well as to the home's structural integrity is an infestation of insects or a crawlspace that is too damp.

These requirements are spelled out in full in the ESFRLP Administrator's Manual which you may view, at reasonable times, upon request, at the Housing and Community Development office of Orange County or anytime online at www.nchfa.com

In addition to the above items that must be done to satisfy NCHFA requirements, the scope of work may include approved items meant to reduce future maintenance and operational costs or to further protect homes from natural disasters and/or home modifications designed to enable greater accessibility for



household members to function more independently as they age.

Once the rehabilitation is complete, major systems in the home that, with reasonable maintenance and normal use, should be capable of lasting another five (5) years include: structural support, roofing, cladding and weatherproofing, plumbing, electrical and heating/cooling systems.

Of course, contractors performing work funded under ESFRLP are responsible for meeting all local requirements for permits and inspections. All work done under the program must be performed to meet NC State Residential Building Code standards. This does not mean, however, that the whole house must be brought up to current Building Code Standards. Upon the date of approval by Orange County of the contractor's request for final payment, a one-year warranty on all products and workmanship will begin.

What about Lead Based Paint?

Until it was discovered to be a health hazard, lead was used for centuries to make house paints. Now we know that lead exposure is a serious problem for everyone and especially small children. Selling lead paint was outlawed in 1978, but many older buildings still contain lead paint and children are still being poisoned.

Under ESFRLP, a lead hazard evaluation must be performed on every home selected for rehabilitation that was built before 1978. The specific type of evaluation and the appropriate lead hazard reduction work performed will depend on the total amount of Federal funds used to rehabilitate the home, as per 24 CFR Part 35. If required, lead-based paint hazard reduction and/or abatement will be performed by contractors who are trained and certified to perform such work.

It may be necessary for the household to relocate during the construction process for protection against lead poisoning. If relocation is required, it shall be the responsibility of the homeowner to pay for the relocation.

Who will do the work on the homes?

Orange County is obligated under ESFRLP to ensure that quality work is done at reasonable prices and that all work is contracted through a fair, open and competitive process.

To meet these requirements, Orange County will invite bids only from licensed general contractors who are part of [an "Approved the County's Contractors Registry"](#). For additional information about procurement and disbursement procedures, please refer to the Orange County Procurement and Disbursement Policy.

- All qualified members of the Contractors Registry will be invited to bid on each job, and the lowest responsive and responsible bidder will be selected for the contract.
- All contractors working on pre-1978 units must be Renovate, Repair and Paint Rule (RR&P) Certified Renovators working for Certified Renovation firms.
- Homeowners who know of quality rehabilitation contractors that are not on the approved [contractors' Contractor registry Registry](#) are welcome to invite them to apply.

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



You now have information about how to apply for the Essential Single-Family Rehabilitation Loan Pool (ESFRLP) and what type of work can be done through the Program Let's go through the steps for getting the work done:

1. **Completing a pre-application form:** Homeowners who wish to apply for assistance may apply by [completing an application form, available at http://orangecountync.gov/2211/Home-Repair-Programs](http://orangecountync.gov/2211/Home-Repair-Programs) or by contacting [Erika Brown](mailto:Ebrown@tjocog.org)/[Jack Watson](mailto:JackWatson@tjocog.org) at (919) 558-2700-9394 or ebrown@tjocog.org/jackwatson@tjocog.org. Applications will be accepted on a rolling basis beginning October 30, 2020 until all funds are committed. Proof of ownership and income will be required. Those who have applied for housing assistance from Orange County in the past will not automatically be reconsidered and must complete a new pre-application form.
2. **Client referral and support services:** Many homeowners seeking assistance through the Essential Single-Family Rehabilitation Loan Pool may also need other services. If the ESFRLP staff meets the homeowner during the application process, they will provide pamphlets and a list of the agencies with contact information for the resources and programs available in the County. For households that meet the requirements of the pre-application step and qualify to receive assistance through the ESFRLP program, additional verbal discussion will be offered during the screening of applicants and/or pre-rehab inspection steps of the program. With the homeowner's permission, a case file will be created and a staff person will follow up with the homeowner concerning the available services in the referral network.
3. **Preliminary inspection:** Orange County's Rehabilitation Specialist will visit the homes of eligible households to determine the need and feasibility of the home for rehabilitation. Homeowners must inform staff of any known pest infestations prior to the visit.
4. **Screening of applicants:** Applications will be ranked by Orange County based on the priority system outlined on page 3 and the feasibility of rehabilitating the house. The first round of households to be offered assistance will be selected by January 31, 2021. Household income will be verified for program purposes only (information will be kept confidential). NCHFA will verify ownership of the property by conducting a title search. From this review, the five (5) most qualified applicants will be chosen according to the priority system described above; the remaining applicants will be placed on a list of alternates in the order that they qualified. If fewer than five (5) applications are received by January 31, or if funds remain to assist more than five (5) units, applications will continue to be accepted on a rolling basis until all funds are committed. Orange County will then submit to NCHFA an ESFRLP Loan Application and Reservation Request for each potential borrower for approval. Applicants not selected for ESFRLP assistance will be notified in writing.
5. **Written agreement:** A HOME Owner Written Agreement, between the homeowner and Orange County, will be executed as part of the Loan Application and Reservation Request procedure (that formally commits funds to a dwelling unit). This agreement will certify that the property is the principal residence of the owner, that the post-rehab value of the property will not exceed 95% of the 203(b) limits established by HUD and defines the ESFRLP maximum amount and form of assistance being provided to the homeowner, the scope of work to be performed, the date of completion and the rehabilitation criteria and standards to be met.



6. **Pre-rehab inspection and unit evaluation:** Orange County's Rehabilitation Specialist will visit the home again for a more thorough inspection. All parts of the home must be made accessible for inspection, including the attic and crawlspace. The owner should report any known problems such as electrical short circuits, blinking lights, roof leaks, etc. Each unit will be evaluated for energy saving opportunities such as air sealing and duct sealing as well as for environmental concerns, such as lead based paint hazards, radon and asbestos.
7. **Work write-up:** The Rehabilitation Specialist will prepare complete and detailed work specifications (known as the "work write-up"). A final cost estimate will also be prepared by the Rehabilitation Specialist and held in confidence until bids are received from contractors.
8. **Lead and other testing:** Orange County will arrange for a certified firm to inspect all the pre-1978 constructed homes for potential lead (required) and asbestos hazards (as deemed necessary by the Rehabilitation Specialist in all homes built during, before, and after 1978). All homes will be tested for radon. The owner will receive information covering the results of the tests and any corrective actions that will be needed as part of the rehabilitation.
9. **Bidding:** The work write-up and bid documents will be conveyed to all contractors from the Contractors Registry. Contractors will be given no less than seven (7) days in which to inspect the property and prepare bid proposals. Each contractor will need access to all parts of the house in order to prepare a bid. A bid opening will be conducted at the Orange County Housing and Community Development Department office at a specified date and time, with all bidders invited to attend.
10. **Contractor selection:** Within 72 hours of the bid opening the winning bidders will be selected. All bidders and the homeowner will be notified in writing of 1) the selection of the winning bid, 2) the amount of the winning bid, 3) the amount of the County's cost estimate, and 4) the specific reasons for the selection, if other than the lowest bidder was selected.
11. **Loan closing and contract execution:** Loan documents (Promissory Note and Deed of Trust) will be prepared by NCHFA as the lender and executed by the homeowner. By law, homeowner's have the right to hire legal representation of their choosing at loan closing. If a homeowner does not have representation at the closing, the borrower must sign a NCHFA "Legal Advice Disclosure". Rehabilitation contract documents will be executed by the homeowner and contractor with Orange County signing on as an interested third party prior to the commencement of any construction. Orange County will facilitate with the loan closing and recordation of these documents and forward the recorded documents to NCHFA.
12. **Pre-construction conference:** A pre-construction conference will be held at the selected applicant's home. At this time, the homeowner, contractor and ESFRLP Orange County program representatives will discuss the details of the work to be completed Starting and ending dates will be finalized, along with any special arrangements such as weekend or evening work hours and disposition of items to be removed from the home. Orange County will issue a "proceed order" formally instructing the contractor to commence work by the agreed-upon date.
13. **Construction:** The contractor is responsible for obtaining and posting all permits for the project before beginning work. Orange County ESFRLP Program staff will closely monitor the contractor



during the construction period and local Code Enforcement Officials will inspect the work. To protect personal property the homeowner will be responsible for working with the contractor toward clearing work areas of personal property as needed as much as practicable. The contractor will be responsible for all clearing and cleaning activities necessary due to construction activities.

14. **Change Orders:** All changes to the scope of work must be approved by the owner, the contractor, the Orange County Rehabilitation Specialist, and reduced in writing as a contract amendment (“change order”). The owner, contractor and two Orange County personnel must execute any change order agreements to the construction contract.
15. **Progress payments:** The contractor is entitled to request up to three (3) partial payments and a final payment. When a payment is requested, the Rehabilitation Specialist will inspect the work within three (3) days.
16. **Closeout:** When the Rehabilitation Specialist and the homeowner are satisfied that the contract has been fulfilled, the homeowner, Project Administrator and Rehabilitation Specialist will sign off on the work. All material and workmanship will be guaranteed by the contractor for a period of one (1) year from the date of completion of the work as established by Orange County's approval date of the final pay requisition. Orange County will notify the homeowner in writing of this date.
17. **Post-construction conference:** Following construction, the contractor and the Rehabilitation Specialist will sit down with the homeowner one last time. At this conference the contractor will hand over all owner's manuals and warranties on equipment and materials to the homeowner. The contractor and Rehabilitation Specialist will go over operating and maintenance requirements for the new equipment, materials and appliances and discuss general maintenance of the home with the Homeowner. The homeowner will have the opportunity to ask any final questions about the work.
18. **Final loan amount determination:** If, upon completion of all rehabilitation work, the contract price has changed due to the effect of change orders and there is a need to modify the loan, NCHFA will prepare an estoppel for a loan reduction or modification agreement for loan increases as necessary at the time of closeout of the unit to modify the loan amount when there is a need for a change order involving a change in the original loan amount). The loan will remain the property of NCHFA, with original documents remaining there for storage and servicing. Please note that it is the responsibility of the owner to record an estoppel if they wish this to be reflected in the Deed of Trust.
19. **The warranty period:** It is extremely important that any problems with the work that was performed be reported by the homeowner to the Orange County Rehabilitation Specialist or other representative, as soon as possible in writing. All bona fide defects in materials and workmanship reported within one (1) year of completion of construction will be corrected free of charge by the contractor.

What are the key dates?

If, after reading this document, you feel that you qualify for this program and wish to apply, please keep



the following dates in mind:

- Applications available to the public starting October 30, 2020.
- Applications will be accepted on a rolling basis until all funds are committed, or December 31, 2022, whichever is sooner. must be turned in at the Orange County Housing and Community Development Office by 5:00 PM on December 31, 2020.
- Selection of units will be made on January 31, 2021.
- All rehabilitation work must be under contract by December 31, 2022.
- All rehabilitation work must be completed by June 15, 2023.

How do I request an application?

- Contact Erika BrownJack Watson
(919) 558-27009394
ebrown@tjco.orgjackwatson@tjco.org
- OR download an application online: <http://orangecountync.gov/2211/Home-Repair-Programs>
- OR pick up an application at the Orange County Department of Housing and Community Development office at 300 W. Tryon Street, Hillsborough, NC 27278.

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

Although the application process and rehabilitation guidelines are meant to be as fair as possible, Orange County realizes that there is still a chance that some applicants or participants may dispute decisions, work completed, or other issues. The following procedures are designed to provide an avenue for resolution of complaints and appeals.

During the application process:

If an applicant feels that his/her application was not fairly reviewed or rated and would like to appeal the decision made about it, he/she should contact Erika BrownJack Watson within five (5) days of the initial decision and voice their concern. If the applicant remains dissatisfied with the decision, the detailed complaint should be put into writing. A written appeal must be made within ten (10) business days of the initial decision on an application.

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

During the rehabilitation process:

If the homeowner feels that construction is not being completed according to the contract, he/she must inform the contractor and the Rehabilitation Specialist.

The Rehabilitation Specialist will inspect the work in question. If he finds that the work is not being completed according to the contract, the Rehabilitation Specialist will review the contract with the contractor and ask the contractor to correct the problem.



If the Rehabilitation Specialist finds that the work being completed according to contract, the complaint will be added to the applicant's file. The Rehabilitation Specialist and the homeowner will discuss the concern and the reason for the Rehabilitation Specialist's decision.

If problems persist, the homeowner must put the concern in writing and a mediation conference between the homeowner and the contractor may be convened by the Rehabilitation Specialist and facilitated by the Orange County Housing and Community Development Director.

Should the mediation conference fail to resolve the dispute, the Director will render a written final decision.

Final Appeal:

After following the above procedures, any applicant or homeowner who remains dissatisfied with Orange County's final decision may appeal to Michael Handley, NCHFA, PO Box 28066, Raleigh, NC 27611-8066, (919) 877-5627.

Will the personal information provided remain confidential?

Yes. All information in applicant files will remain confidential. Access to the information will be provided only to Orange County employees who are directly involved in the program, the North Carolina Housing Finance Agency, the US Department of Housing and Urban Development (HUD) and auditors.

What about conflicts of interest?

No employee or board member of Orange County, or entity contracting with Orange County, who exercises any functions or responsibilities with respect to the ESFRLP17 project shall have any interest, direct or indirect, in any contract or subcontract for work to be performed with project funding, either for themselves or those with whom they have family or business ties, during their tenure or for one year thereafter. Relatives of Orange County employees or of Orange County board members and others closely identified with, may be approved for rehabilitation assistance only upon public disclosure before the Orange County Board of Commissioners and written permission from NCHFA.

What about favoritism?

All activities under ESFRLP20, including rating and ranking applications, inviting bids, selecting contractors and resolving complaints, will be conducted in a fair, open and non-discriminatory manner, entirely without regard to race, color, religion, national origin, sex, familial status and disability.

Outreach Efforts of the ESFRLP Program

The County makes citizens aware of the ESFRLP program and other housing rehabilitation opportunities through various service providers and specific outreach efforts. At minimum, the County will advertise the Essential Single-Family Rehabilitation Loan Pool Program via the following media/venues: the local English-speaking and Spanish-speaking newspapers serving the County (such as *The Daily Tarheel*, *The News of Orange* and *La Noticia*), senior centers and community centers throughout the County, Orange County Home Preservation Coalition, Orange County Affordable Housing Coalition, Carrboro Town Hall, Chapel Hill Town Hall, Orange County DSS Office, and on the County's website.

Who can I contact about the ESFRLP program?

Any questions regarding any part of this application or program should be addressed to:



Erika BrownJack Watson
 (919) 558-27009394
ebrown@tjcog.orgjwatson@tjcog.org

 _____David Saconn
 (919) 612-1527
dsaconn@orangecountync.gov

This Assistance Policy is adopted this ____ day of _____ 2021.

 County Manager

 Notary Public



Orange County Procurement and Disbursement Policy Urgent Repair and Housing Rehabilitation Programs

Procurement Policy

To the maximum extent practical, Orange County (the "County") promotes a fair, open and competitive procurement process as required under the North Carolina Housing Finance Agency ("NCHFA") Urgent Repair Program ("URP"), NCHFA Essential Single-Family Rehabilitation Loan Pool ("ESFRLP") and the County's local urgent repair and housing rehabilitation programs. Bids are invited from contractors on the County's Contractor Registry. Any current contractor listed with and approved by the County and in good standing (i.e., no unresolved past performance issues and not listed on the federal or state debarred list) will receive automatic approval status on the Contractor Registry.

To be listed on the Contractor Registry, a contractor must complete an application, submit proof of insurance and have their recent work inspected and approved by the Rehabilitation Specialist. All contractors' insurance renewals must be submitted to the County on an annual basis. In order to bid on a pre-1978 property, the contractor's firm must be Renovate, Repair and Paint ("RR&P") certified and have their RR&P certificate on file with the County. [In order to perform work for an URP project, a contractor must carry, at a minimum, General Liability Insurance, as well as Worker's Compensation Insurance to the extent required by North Carolina Worker's Compensation laws. In order to perform work for an ESFRLP project, a contractor must carry General Liability Insurance and Worker's Compensation Insurance, regardless of the number of employees in the company.](#)

To the maximum extent practical, a minimum of three (3) eligible contractors on the Contractor Registry should be invited to bid on each job and the lowest, most responsive and responsible bidder shall be selected for the contract. "Responsive and responsible" means the following: the contractor is deemed able to complete the work in a timely fashion; the bid is within 15% in either direction of the County's cost estimate; the contractor has not been suspended or debarred; and there is no real or perceived conflict of interest. Because of the increasing difficulty of soliciting eligible bids for URP projects, the County can solicit a bid from an eligible contractor on the Contractor Registry based on their rotating placement on the Registry. If the selected contractor submits a responsive and responsible bid then it will be accepted and after successful completion of the project that contractor's name will rotate to the end of the Registry. If the contractor does not submit a responsive and responsible bid or chooses not to submit a bid, then the next contractor on the Registry will be eligible to submit a bid on the project. In addition, in emergency situations, telephone or email bids or quotes will be accepted and documentation of such bids or quotes will be maintained in the applicable file.

Although bid packages may be bundled for multiple job sites, these bids shall be considered separate and apart when awarded and shall be awarded to the lowest responsive and responsible bidder(s) for each job site. No contractor shall have more than three (3) open jobs at any one time. A job shall be considered "open" once a contract is signed.

Bid packages shall consist of an invitation to bid, work write-up(s) and bid sheet(s) for each job, including instructions for distribution and receipt of bids. For urgent repair activities, contractors will be given no less than seven (7) days in which to inspect the property and prepare bid proposals. Each contractor will



need access to all parts of the house in order to prepare a bid. For minor and comprehensive housing rehabilitation activities, contractors will be given no less than ten (10) days in which to inspect the property and prepare bid proposals.

Bids must include a cost-per-item breakdown with line item totals equaling the submitted bid price. Any discrepancies must be reconciled prior to a contract being awarded.

The County reserves the right to reject any or all bids at any time during the procurement process.

In the event of an emergency situation, the County reserves the right to waive normal procurement procedures in favor of more expedient methods, which may include seeking quotes and bids by telephone, email, fax and the like. Should such methods ever become necessary the transaction, including the nature of the emergency, will be fully documented and placed in the project file. In the event telephone bids are used, the County will call the next eligible contractor on the Approved Contractor Registry who has indicated a desire to be on the Emergency Call List. The County will track who has been called and been responsive and will rotate through the Emergency Call List before beginning the rotation again.

All sealed bids will be opened publicly at a date, time, and venue specified in the bid invitation. All bidders are invited and welcome to attend. Within 72 hours of the bid opening, after the review of bid breakdowns and construction schedules, the winning bidder(s) will be selected. All bidders and the homeowner will be notified in writing of the selection of the winning bid, the amount of the winning bid, and the specific reasons for the selection if the lowest bidder was not selected.

The contractor is responsible for obtaining a building permit for the project before beginning work. The permit must be posted at the project site during the entire period of construction. If applicable, the contractor will obtain a permit for lead and/or asbestos hazard-related activities. The Rehabilitation Specialist will closely monitor the construction to make sure that the work is being done according to the work write-up (which is made part of the contract by reference) and in a timely fashion. Local code enforcement officials will, if required, inspect the work for compliance with the NC State Building Code and the local minimum housing code, when applicable. The homeowner will be responsible for working with the contractor to clear their personal property from the work areas as needed, as much as practicable. The contractor will be responsible for all clearing and cleaning activities necessary due to construction.

Any change to the original scope of work must be in writing in the form of a change order to be agreed upon and signed by all parties to the original contract and two representatives of the County. The change order must detail any changes to the original contract price.

No work may begin prior to a contract being awarded and executed and a written order to proceed provided to the contractor. A pre-construction conference and a walk through of the project site must also be held prior to the commencement of the project. At this time, the homeowner, contractor, and Rehabilitation Specialist will discuss the details of the work to be completed. Project start and end dates will be finalized, along with any special arrangements such as weekend or evening work hours and the disposition of items to be removed from the home. Within 24 hours of the pre-construction conference, the County will issue a "proceed order" formally instructing the contractor to commence work by the agreed upon date.

Orange County is an equal opportunity employer, implements non-discriminatory practices in its



procurement and disbursement and will make special outreach efforts to include Minority/Women Business Enterprise (M/WBE) businesses within its contractor and subcontractor pool. Contractors will be chosen by the above criteria without regard to race, color, national origin, disability, religion, age, sex/gender, sexual orientation, gender identity and expression, marital status or veteran status.

Disbursement Policy

All repair work must be inspected by the Rehabilitation Specialist, the local Building or Minimum Housing Code Inspector, when applicable, and the homeowner prior to any payments to contractors. If all construction work is deemed satisfactory and all other factors and written agreements are in order, payment shall be issued upon presentation of an original cost-per-item invoice from the contractor. The contractor should allow up to fourteen (14) business days for processing of the invoice for payment.

The contractor is entitled to request two partial payments and a final payment. The first partial payment may be requested when the work is 50% complete. The second partial payment may be requested when the work is 90% complete. When a payment is requested, the Rehabilitation Specialist will inspect the work within three (3) days, determine the percentage of job completion and calculate a payment based on 90% of the total work completed. For projects that have a contract amount of less than \$5,000, the second payment will be the final payment for 100% of the total work completed.

Following the completion of the construction, the contractor and the Rehabilitation Specialist will meet with the homeowner in a post-construction conference. At this time, the contractor will provide to the homeowner the owner's manuals and warranties on equipment and materials and be available to answer any questions.

When the contractor declares the work complete, the Rehabilitation Specialist will thoroughly inspect the work as part of the project closeout. If any of the work is deemed unsatisfactory, it must be corrected prior to the authorization of final payment. If the contractor fails to correct the work to the satisfaction of the Rehabilitation Specialist, payment may be withheld until such time as the work is deemed satisfactory. If a dispute occurs, contractors may follow the procedure dealing with complaints, disputes, and appeals in the applicable program's Assistance Policy. Contractors must abide by the final decision as stated in the policy. The homeowner, Rehabilitation Specialist, and Housing and Community Development Manager must sign off on the work. After the receipt of the contractor's final invoice, inspections, certificate of completion and lien releases, the final payment will be processed. All material and workmanship will be guaranteed by the contractor for a period of one (1) year from the date of completion of the work.

Orange County assures, through this policy, that adequate funds shall be available to pay the contractor for satisfactory work.

All contractors, subcontractors and suppliers must sign a lien waiver prior to the disbursement of funds.

This Procurement and Disbursement Policy is adopted this ____ day of _____ 20__.



County Manager

Notary Public

Contractor's Statement:

I have read and understand the attached Procurement and Disbursement Policy.

SIGNED: _____

COMPANY NAME: _____

WITNESS: _____

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 6, 2021

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

SUBJECT: Three Party Right of Way Encroachment Agreement on Primary and Secondary System Associated with the Orange County Emergency Services Substation

DEPARTMENT: Asset Management Services

ATTACHMENT(S):
Three Party Right of Way Encroachment Agreement

INFORMATION CONTACT:
Angel Barnes, 919.245.2628
Steven Arndt, 919.245.2658

PURPOSE: To:

1. Approve a Three Party Right of Way Encroachment Agreement on Primary and Secondary System between the North Carolina Department of Transportation (NCDOT), Orange County, and Orange Alamance Water System (OAWS); and
2. Authorize the County Manager to sign the Encroachment Agreement on Primary and Secondary System contingent upon final review by the County Attorney and upon Orange Alamance Water System's execution of the Agreement.

BACKGROUND: Orange County is seeking permission from NCDOT to encroach on its Right of Way ("ROW") in the general vicinity of US 70 West, along the south side of US70W – 760 feet west of the intersection of US 70W and SR 1004 towards Ashwick Drive. The purpose is to install one fire hydrant assembly, one 12 x 6 tapping sleeve and valve for a 6" Ductile Iron Pipe ("DIP") fire service and one 2" type "k" copper domestic water services and 2" water meter for the Orange County Emergency Services Station located at 3800 Hwy 70W, Efland.

FINANCIAL IMPACT: There is no additional funding as a result of this action. Construction of the fire hydrant assembly, one 12x6 tapping sleeve and valve for a 6" DIP fire service and one 2" type "k" copper domestic water services and 2" water meter are included in previous project appropriations by the Board of Orange County Commissioners for the Efland Emergency Services Station.

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

- **GOAL: ESTABLISH SUSTAINABLE AND EQUITABLE LAND-USE AND ENVIRONMENTAL POLICES**
The fair treatment and meaningful involvement of people of all races, cultures, incomes and educational levels with respect to the development and enforcement of environmental

laws, regulations, policies, and decisions. Fair treatment means that no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental and commercial operations or policies.

ENVIRONMENTAL IMPACT: The following Orange County Environmental Responsibility Goal impact is associated with this item:

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

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

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

1. Approve a Three Party Right of Way Encroachment Agreement on Primary and Secondary System between the North Carolina Department of Transportation (NCDOT), Orange County, and Orange Alamance Water System (OAWS); and
2. Authorize the County Manager to sign the Three Party Right of Way Encroachment Agreement on Primary and Secondary System upon final review by the County Attorney and upon Orange Alamance Water System's execution of the Agreement.

ROUTE US 70W PROJECT Efland EMS Station COUNTY OF Orange STATE OF NORTH CAROLINA

DEPARTMENT OF TRANSPORTATION

THREE PARTY RIGHT OF WAY

-AND-
Orange County

ENCROACHMENT AGREEMENT ON
PRIMARY AND SECONDARY SYSTEM

P.O. Box 8181, Hillsborough, NC 27278

-AND-

Orange Alamance Water System

5900 US-70, Mebane, NC 27302

THIS AGREEMENT, made and entered into this the _____ day of _____, 20____, by and between the Department of Transportation, party of the first part; and Orange County

_____ party of the second part; and Orange Alamance Water System

_____ party of the third part,

WITNESSETH

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as Route(s) US 70W, located along the south side of US 70W, 760 feet west of the intersection of US 70W and SR 1004 towards Ashwick Drive

with the construction and/or erection of: One (1) fire hydrant assembly, one (1) 12x6 tapping sleeve and valve for a 6" DIP fire service, and one (1) 2" type k copper domestic water service and 2" water meter

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof upon the following conditions, to wit:

That the installation, operation, and maintenance of the above described facility will be accomplished in accordance with the party of the first part's latest POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITIES ON HIGHWAY RIGHTS-OF-WAY, and such revisions and amendments thereto as may be in effect at the date of this agreement. Information as to these policies and procedures may be obtained from the Division Engineer or State Utility Agent of the party of the first part.

That the said party of the second part binds and obligates himself to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the cost incurred for any repairs or maintenance to its roadways and structures necessary due to installation and existence of the facilities of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the said facilities, that the said party of the second part binds himself, his successors and assigns, to promptly remove or alter the said facilities, in order to conform to the said requirement, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Division Engineer of the party of the first.

That the party of the second part hereby agrees to indemnify and save harmless the party of the first part from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the Division Engineer of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Division Engineer of the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the Division Engineer of the party of the first part.

That the party of the second part agrees to have available at the construction site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.

Provided the work contained in this agreement is being performed on a completed highway open to traffic; the party of the second part agrees to give written notice to the Division Engineer of the party of the first part when all work contained herein has been completed. Unless specifically requested by the party of the first part, written notice of completion of work on highway projects under construction will not be required.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within one (1) year from the date of authorization by the party of the first part unless written waiver is secured by the party of the second part from the party of the first part.

During the performance of this contract, the second party, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

- a. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U. S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- b. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- c. Solicitations for Subcontracts, including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- d. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- e. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to,
 - (1) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (2) cancellation, termination or suspension of the contract, in whole or in part.
- f. Incorporation of Provisions: The contractor shall include the provisions of paragraphs "a" through "f" in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

That when title to the subject that constitutes the aforesaid encroachment passes from the party of the second part and vests in the party of the third part, the party of the third part agrees to assume all responsibilities and rights and to perform all obligations as agreed to herein by the party of the second part.

R/W (166) : Party of the Second Part certifies that this agreement is true and accurate copy of the form R/W (166) incorporating all revisions to date.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and year first above written.

DEPARTMENT OF TRANSPORTATION

BY: _____
DIVISION ENGINEER

WITNESS:

Orange County

P.O. Box 8181, Hillsborough, NC 27278

Second Party

WITNESS:

Third Party

**ORANGE COUNTY
BOARD OF COMMISSIONERS**

ACTION AGENDA ITEM ABSTRACT

Meeting Date: December 6, 2021

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

SUBJECT: Advisory Boards and Commissions - Appointments

DEPARTMENT: Board of Commissioners

ATTACHMENT(S):
No Attachments

INFORMATION CONTACT:
Clerk's Office, 919-245-2130

PURPOSE: To approve the Advisory Boards and Commissions appointments as reviewed and discussed during the November 11, 2021 Work Session.

BACKGROUND: The following appointments are for Board approval:

- **Chapel Hill Orange County Visitors Bureau**

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Pam Hemminger	Chapel Hill Town Council Representative	Second Full Term	12/31/2024
Tanya Moore	UNC Chapel Hill Representative	Second Full Term	12/31/2024
Lili Engelhardt	At-Large	First Full Term	12/31/2024
Heidi Werner Dawson	OC Lodging Association Representative	First Full Term	12/31/2024

- **Commission for the Environment**

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Elizabeth McWhorter	At-Large	First Full Term	12/31/2024

Eric Scheier	At-Large	First Full Term	12/31/2024
James Eichel	At-Large	Second Full Term	12/31/2024
Jessie L. Birckhead	At-Large	First Full Term	12/31/2024
Jane Harris	At-Large	First Full Term	12/31/2024

- **Orange County Housing Authority**

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Dennis Carmody	At-Large	First Full Term	06/30/2024
Valerie Sauer	At-Large	First Full Term	06/30/2024
Alice Mahood	At-Large	Partial Term	06/30/2022

- **Orange County Parks and Recreation Council**

NAME	POSITION DESCRIPTION	TYPE OF APPOINTMENT TERM	EXPIRATION DATE
Gina Reyman	Eno Township	Second Full Term	12/31/2024

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

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

- **GOAL: ENABLE FULL CIVIC PARTICIPATION**

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

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

RECOMMENDATION(S): The Manager recommends that the Board approve the recommended appointments as reviewed and discussed during the November 11, 2021 Work Session.

INFORMATION ITEM

Tax Collector's Report - Numerical Analysis

Property Tax Collection - Tax Effective Date of Report: November 18, 2021						
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	\$ 86,754,106.23	81,551,863.77	165,001,124.00	\$ 78,247,017.77	52.58%
Real and Personal Prior Year Taxes	\$ 3,676,980.95	\$ 548,160.39	2,698,278.50	\$ 1,155,000.00	\$ 606,839.61	47.46%
Total	\$ 168,678,104.95	\$ 87,302,266.62	\$ 84,250,142.27	\$ 166,156,124.00	\$ 78,853,857.38	52.54%
Registered Motor Vehicle Taxes		\$4,530,207.63	\$4,881.38	\$ 10,339,468.00	\$ 5,809,260.37	43.81%
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	\$ 79,137,013.09	78,024,439.18	\$ 154,198,531.00	\$ 75,061,517.91	51.32%
Real and Personal Prior Year Taxes	\$ 3,818,647.51	\$ 679,897.95	2,783,052.12	\$ 1,155,000.00	\$ 475,102.05	58.87%
Total	\$ 158,017,178.51	\$ 79,816,911.04	\$ 80,807,491.30	\$ 155,353,531.00	\$ 75,536,619.96	51.38%
Registered Motor Vehicle Taxes		\$4,490,648.99	\$12,816.35	\$ 10,770,627.00	\$ 6,279,978.01	41.69%
2021 Current Year Overall Collection Percentage - Real & Personal			51.55%			
2021 Current Year Overall Collection Percentage - with Registered Motor Vehicles			52.81%			
2020 Current Year Overall Collection Percentage - Real & Personal			50.35%			
2020 Current Year Overall Collection Percentage - with Registered Motor Vehicles			51.73%			

INFORMATION ITEM

Tax Collector's Report - Measures of Enforced Collections

-
Fiscal Year 2021-2022

Effective Date of Report: October 31, 2021

	July	August	September	October	November	December	January	February	March	April	May	June	YTD
Wage garnishments	12	19	18	27									
Bank attachments	8	6	6	4									
Certifications	-	-	-	-									
Rent attachments	-	-	-	-									
Housing/Escheats/Monies	2	2	16	15									
Levies	-	-	-	-									
Foreclosures initiated	-	-	3	3									
NC Debt Setoff collections	\$2,819.45	\$ 1,699.69	\$ 748.44	\$ 1,426.64									

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
Bacon, Joshua Kyle	60172333	2020	3,330	3,330	(24.71)	(30)	(54.71)	*Situs error (illegal tax)	RMV-VTS	Approve	11/4/2021	
Cordero, Marvin Cruz	303292	2021	1,220	-	(20.34)	-	(20.34)	Assessed in error (illegal tax)	Personal	Approve	11/17/2021	Single-wide replaced with double-wide
Going, Sheila	1058841	2020	3,550	-	(34.18)	-	(34.18)	Double billed (illegal tax)	Personal	Approve	11/4/2021	Also billed on account 1073147
Going, Sheila	1058841	2021	3,440	-	(31.42)	-	(31.42)	Double billed (illegal tax)	Personal	Approve	11/4/2021	Also billed on account 1073147
Going, Sheila Allen	1058841	2020	3,550	-	(34.18)	-	(34.18)	Assessed in error (illegal tax)	Personal	Approve	11/17/2021	Taxed in error billed on account 1073147
Going, Sheila Allen	1058841	2021	3,440	-	(31.42)	-	(31.42)	Assessed in error (illegal tax)	Personal	Approve	11/17/2021	Taxed in error billed on account 1073147
Jacobs, Eva Maria	316716	2009	1,000	-	(9.22)	-	(9.22)	Incorrect value (clerical error)	Personal	Approve	11/17/2021	Property split from real property account 212887 during ownership change. There is no mobile home on this property
Jacobs, Eva Maria	316716	2010	1,000	-	(9.32)	-	(9.32)	Incorrect value (clerical error)	Personal	Approve	11/17/2021	Property split from real property account 212887 during ownership change. There is no mobile home on this property
Jacobs, Eva Maria	316716	2011	950	-	(8.85)	-	(8.85)	Incorrect value (clerical error)	Personal	Approve	11/17/2021	Property split from real property account 212887 during ownership change. There is no mobile home on this property
Jacobs, Eva Maria	316716	2012	950	-	(8.85)	-	(8.85)	Incorrect value (clerical error)	Personal	Approve	11/17/2021	Property split from real property account 212887 during ownership change. There is no mobile home on this property
Jacobs, Eva Maria	316716	2013	950	-	(8.85)	-	(8.85)	Incorrect value (clerical error)	Personal	Approve	11/17/2021	Property split from real property account 212887 during ownership change. There is no mobile home on this property
Jacobs, Eva Maria	316716	2014	950	-	(9.04)	-	(9.04)	Incorrect value (clerical error)	Personal	Approve	11/17/2021	Property split from real property account 212887 during ownership change. There is no mobile home on this property
Jacobs, Eva Maria	316716	2015	950	-	(9.04)	-	(9.04)	Incorrect value (clerical error)	Personal	Approve	11/17/2021	Property split from real property account 212887 during ownership change. There is no mobile home on this property
Jacobs, Eva Maria	316716	2016	950	-	(9.04)	-	(9.04)	Incorrect value (clerical error)	Personal	Approve	11/17/2021	Property split from real property account 212887 during ownership change. There is no mobile home on this property
Jacobs, Eva Maria	316716	2017	950	-	(8.73)	-	(8.73)	Incorrect value (clerical error)	Personal	Approve	11/17/2021	Property split from real property account 212887 during ownership change. There is no mobile home on this property
Jacobs, Eva Maria	316716	2018	950	-	(8.85)	-	(8.85)	Incorrect value (clerical error)	Personal	Approve	11/17/2021	Property split from real property account 212887 during ownership change. There is no mobile home on this property
Jacobs, Eva Maria	316716	2019	950	-	(9.02)	-	(9.02)	Incorrect value (clerical error)	Personal	Approve	11/17/2021	Property split from real property account 212887 during ownership change. There is no mobile home on this property
Jacobs, Eva Maria	316716	2020	950	-	(9.02)	-	(9.02)	Incorrect value (clerical error)	Personal	Approve	11/17/2021	Property split from real property account 212887 during ownership change. There is no mobile home on this property
Jacobs, Eva Maria	316716	2021	950	-	(8.50)	-	(8.50)	Incorrect value (clerical error)	Personal	Approve	11/17/2021	Property split from real property account 212887 during ownership change. There is no mobile home on this property
Jones, Danny Ray	324186	2018	1,760	-	(18.04)	-	(18.04)	Assessed in error (illegal tax)	Personal	Approve	11/4/2021	United States Government seized property. Decree and forfeiture recognized March 22, 2017
Jones, Danny Ray	324186	2019	1,650	-	(17.22)	-	(17.22)	Assessed in error (illegal tax)	Personal	Approve	11/4/2021	United States Government seized property. Decree and forfeiture recognized March 22, 2017
Jones, Danny Ray	324186	2020	1,540	-	(16.08)	-	(16.08)	Assessed in error (illegal tax)	Personal	Approve	11/4/2021	United States Government seized property. Decree and forfeiture recognized March 22, 2017
Jones, Danny Ray	324186	2021	1,490	-	(14.67)	-	(14.67)	Assessed in error (illegal tax)	Personal	Approve	11/4/2021	United States Government seized property. Decree and forfeiture recognized March 22, 2017
Jones, Danny Ray	324190	2018	950	-	(9.74)	-	(9.74)	Assessed in error (illegal tax)	Personal	Approve	11/4/2021	United States Government seized property. Decree and forfeiture recognized March 22, 2017
Jones, Danny Ray	324190	2019	950	-	(9.92)	-	(9.92)	Assessed in error (illegal tax)	Personal	Approve	11/4/2021	United States Government seized property. Decree and forfeiture recognized March 22, 2017
Jones, Danny Ray	324190	2020	950	-	(9.92)	-	(9.92)	Assessed in error (illegal tax)	Personal	Approve	11/4/2021	United States Government seized property. Decree and forfeiture recognized March 22, 2017
Jones, Danny Ray	324190	2021	950	-	(9.35)	-	(9.35)	Assessed in error (illegal tax)	Personal	Approve	11/4/2021	United States Government seized property. Decree and forfeiture recognized March 22, 2017
Jones, Danny Ray	324189	2018	4,770	-	(48.87)	-	(48.87)	Assessed in error (illegal tax)	Personal	Approve	11/4/2021	United States Government seized property. Decree and forfeiture recognized March 22, 2017
Jones, Danny Ray	324189	2019	4,490	-	(46.87)	-	(46.87)	Assessed in error (illegal tax)	Personal	Approve	11/4/2021	United States Government seized property. Decree and forfeiture recognized March 22, 2017
Jones, Danny Ray	324189	2020	4,180	-	(43.64)	-	(43.64)	Assessed in error (illegal tax)	Personal	Approve	11/4/2021	United States Government seized property. Decree and forfeiture recognized March 22, 2017
Jones, Danny Ray	324189	2021	4,040	-	(39.78)	-	(39.78)	Assessed in error (illegal tax)	Personal	Approve	11/4/2021	United States Government seized property. Decree and forfeiture recognized March 22, 2017
Kamrani, Fariba	3196912	2021	9,880	-	(62.39)	-	(62.39)	Assessed in error (illegal tax)	Personal	Approve	11/4/2021	Gap bill generated in error
Omland, Gregory Omar	3182381	2019	3,530	-	(33.23)	-	(33.23)	Assessed in error (illegal tax)	Personal	Approve	11/4/2021	Gap bill: Vehicle registered Georgia during gap period
Roberts, Patricia	3197034	2021	2,970	-	(63.99)	-	(63.99)	Double billed (illegal tax)	Personal	Approve	11/4/2021	Also billed on account 249181
Spira, Immanuel	63369810	2021	35,200	35,200	(31.82)	-	(31.82)	*Situs error (illegal tax)	RMV-VTS	Approve	11/4/2021	
Staley, David Stuart	63494838	2021	3,000	3,000	(20.77)	(30)	(50.77)	*Situs error (illegal tax)	RMV-VTS	Approve	11/17/2021	
Villines, Michael	61413354	2020	8,500	8,500	(90.04)	-	(90.04)	*Situs error (illegal tax)	RMV-VTS	Approve	11/17/2021	
Wagner, David	222439	2021	4,130	3,180	(32.55)	-	(32.55)	Assessed in error (illegal tax)	Personal	Approve	11/4/2021	Mobile home is not livable, value was decreased
Whaley, Betty	60656325	2021	8,960	-	(79.88)	-	(79.88)	Assessed in error (illegal tax)	RMV-VTS	Approve	11/4/2021	County change to Person County
Williams, Wendy	3184293	2021	6,550	-	(65.82)	-	(65.82)	Assessed in error (illegal tax)	Personal	Approve	11/4/2021	Mobile home is a double-wide (Leasehold) and is also on account 245196
Woods Farm and Garden LLC	62940196	2021	2,500	2,500	(47.32)	-	(47.32)	*Situs error (illegal tax)	RMV-VTS	Approve	11/17/2021	
Zimmerman, Susan	56961996	2020	6,850	-	(67.92)	-	(67.92)	County changed to Alamance (illegal tax)	RMV-VTS	Approve	11/17/2021	
							(909.83)	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

1

*RENEE PRICE, CHAIR
JAMEZETTA BEDFORD, VICE CHAIR
AMY FOWLER
SALLY GREENE
JEAN HAMILTON
EARL MCKEE
ANNA RICHARDS*

**Orange County Board of Commissioners
Post Office Box 8181
300 West Tryon Street
Hillsborough, North Carolina 27278**



MEMORANDUM

From: Laura Jensen, Clerk to the Board
Date: December 1, 2021
Re: Draft Rules of Procedure for Review

The attached draft Rules of Procedure reflects updated North Carolina General Statutes regarding local government meetings, the location of the office of the Clerk to the Board, practices for publishing agendas, and the process for evaluating the County Manager, Clerk to the Board, and County Attorney. The entire document was also reviewed and edited for clarity and grammatical errors. The Rules of Procedure will be included on the December 14, 2021 business meeting agenda for discussion and approval.

Rules of Procedure for the Board of County Commissioners

Adopted - May 2002
Amended – December 2021
Printed - ----- 2022



Orange County
North Carolina

***Principles of
Parliamentary Law***

- *Justice and courtesy for all*
- *Majority rules*
- *Right of the minority to be heard*
- *Protection of the rights of the individual and the absentee*
- *Consideration of one thing at a time*
- *Maintain order*
- *Expedite business*
- *Partiality to no one*

Rules of Procedure for the Board of County Commissioners

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Orange County, North Carolina

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Rules of Procedure for the Board of County Commissioners

Introduction

These rules of procedure were designed for use by a North Carolina board of county commissioners. Essentially, the rules are a modified version of *Robert's Rules of Order, Revised*. *Robert's Rules* is intended to guide the deliberations of a large legislative body; consequently, it is not always appropriate for a small governing board, which can afford to proceed with much less formality. Another valuable resource consulted for this revision of the rules was *Mason's Manual of Legislative Procedure*. *Mason's Manual* is intended primarily for state legislatures, but its extensive discussion of the basic principles of parliamentary law and procedure is valuable for local governing boards as well.

These rules apply to all meetings of the Orange County Board of Commissioners at which the board is empowered to exercise any of the executive, administrative or legislative powers conferred on it by law.

The North Carolina law (G.S. 153A-41) permits a board of county commissioners to adopt its own rules of procedure if these conform to “generally accepted principles of parliamentary procedure” and do not conflict with applicable law. *Mason's Manual* suggests that parliamentary law affecting the work of a board of county commissioners can be summarized in ten basic principles:

1. *The board can take only those actions that it has authority or jurisdiction to take.* A corollary of this principle is that the board's action, to be valid, must not violate any applicable law or constitutional provision. This is simply another manifestation of the familiar legal doctrine that a unit of local government has only those powers conferred on it by law or necessarily implied from some specific grant of power.
2. *The board must meet in order to act.* Under North Carolina law, the powers conferred on the county governing board are exercised by the county board of commissioners as a group, not its individual members. Therefore, the group must meet in order to act.
3. *All board members must receive proper notice of meetings.* Since all members are equally entitled to participate in board

meetings, each member must be properly notified of the place, time, and purpose of meetings.

4. *The board may act only with a quorum.*
5. *There must be a question before the board on which it can decide.*
Except when electing their own officers or balloting for appointments, legislative bodies proceed by voting yes or no on specific proposals put forward by one or more members. Each member has a right to know at all times what question is before the board and what effect a yes or no vote would have on that question.
6. *There must be opportunity for debate.* The very nature of a deliberative body requires that members share information and opinion about matters before the board.
7. *Questions must be decided by vote.* Legislative bodies do not decide matters by discussing them until a consensus emerges.
8. *Votes are decided by majority.* Usually only a simple majority of votes cast suffices, though the board's rules or an applicable law may sometimes require an extraordinary majority.
9. *There must be no fraud, trickery, or deception in the board's proceedings.*
10. *The board's rules of procedure must be applied consistently.*

Most of the following rules have been modified to suit local needs and customs. The comments following the rules note when a rule is derived from procedures required by state law (North Carolina General Statutes, hereinafter cited as G.S.).

I. Applicability

Rule 1. Applicability of Rules. These rules apply to all meetings of the Board of Commissioners of Orange County, whether in-person or electronic, at which the board is empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers conferred on it by law.

Comment: On the whole, rules of procedure of a governing board are intended to govern formal meetings of the board where it will exercise any of its executive and legislative powers. These rules fulfill that purpose and also are designed to ensure board compliance with the Open Meetings Law, G.S. 143-318.9 through 318.18, which applies to any gathering

of a majority of the board to discuss public business. The rules also apply to informal work sessions or committee meetings where public business is discussed but no official action is taken.

II. Open Meetings

Rule 2. Meetings to be Open.

(a) It is the public policy of North Carolina and of Orange County that the hearings, deliberations, and actions of this board and its committees be conducted openly.

(b) Except as otherwise provided in these rules and in accordance with applicable law, each official meeting of the Orange County Board of Commissioners shall be open to the public and any person is entitled to attend such meeting.

Comment: See G.S. 143-318.10(a).

(c) For the purposes of the provisions of these rules concerning open meetings, an official meeting of the board is defined as any gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of board members for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting public business within the jurisdiction, real or apparent, of the board.

Comment: See G.S. 143-318.10(d). The Open Meetings Law provides that a social meeting or other informal assembly or gathering together of the members of the board does not constitute an official meeting unless it is “called or held to evade the spirit and purposes” of the laws requiring meetings to be open.

Comment: See G.S. 143-318.13(a) specifically authorizing electronic meetings of public bodies.

Rule 3. Closed Sessions.

(a) Notwithstanding the provisions of Rule 2, the board may hold a closed session in compliance with G.S. 143-318.11. It is the policy of the state of North Carolina that closed sessions shall be

held only when required to permit a public body to act in the public interest as permitted in this section. A public body may hold a closed session and exclude the public only when a session is required.

(b) The board may go into closed session only upon a motion made and duly adopted at an open meeting. This motion must cite one or more of the permissible purposes listed in G.S. 143-318.11. In addition, a motion to go into closed session pursuant to G.S. 143-318.11(a)(1) must state the name or citation of the law that renders the information to be discussed privileged or confidential, and a motion to go into closed session pursuant to G.S. 143-318.11(a)(3) must identify the parties in each existing lawsuit, if any, concerning which the board expects to receive advice during the closed session.

(c) The board shall determine who shall attend the closed session. The County Manager, County Attorney, and Clerk to the Board shall attend all closed sessions unless otherwise determined by the board. The board shall determine other necessary attendees as the facts and the circumstances dictate. With respect to a closed session to consult with the County Attorney or another attorney employed by or retained by the county, in order to preserve the attorney-client privilege between the attorney and the board, the board shall not permit a person to attend the closed session if that person's attendance would defeat the attorney-client privilege.

(d) The board shall conclude a closed session and return to open session upon a motion made and adopted to do so.

III. Organization of the Board

Rule 4. Organizational Meeting. The board shall hold an organizational meeting at its regular meeting place on the first Monday in December of each year. The incumbent chair shall call the meeting to order and shall preside until a chair is elected. The agenda shall be as follows: (1) special recognition of any out-going commissioners, (2) taking and subscribing the oath of office by the newly elected members of the board, (3) election of a chair and vice-chair, (4) designation of voting delegate for all NCACC and

NACo meetings, and (5) seating arrangement.

Comment: This rule incorporates the requirements of G.S. 153A-26 concerning the times for organizational meetings and the qualifications of new members and the requirements of G.S. 153A-39 concerning the election of the chair and the vice-chair.

G.S. 153A-26 provides that the oath of office is that prescribed by Article VI, Section 7, of the North Carolina Constitution (see also G.S. 11-6 and G.S. 11-7) and may be administered by any person authorized by law to administer oaths. The written statement of the oath shall be signed by each new member and filed with the Clerk to the Board. The statute also provides that a new member who cannot be present at the organizational meeting may take and subscribe the oath later.

Rule 5. Election of the Chair and Vice-Chair. The chair and vice-chair of the board shall be elected annually at the organizational meeting for the ensuing year, for a term of one year and shall not be removed from the office unless he or she becomes disqualified to serve as a member of the board.

Comment: G.S. 153A-39 provides for the election of a chair and states that he or she is chosen “for the ensuing year.”

IV. Meetings

Rule 6. Business and Special Meetings.

(a) Business Meetings. The board usually holds a business meeting on the first and third Tuesdays of each month in accordance with the “Board Calendar of Meetings,” as approved by the board. All meetings shall begin at 7:00 p.m. unless otherwise noted on the “Calendar of Meetings.” The board may change the place or time of any meeting listed on the approved “Calendar of Meetings” by a majority vote at a Business Meeting, and have it posted and noticed no less than seven days before the change takes effect. A notice shall be filed with the Clerk to the Board and published in print media and online, posted on the principal bulletin board of the county, and at or near the regular meeting place, and notices shall be sent to all persons who have requested notice of meetings of the board.

(b) Special Meetings. The chair or a majority of the members of the board may at any time call a special meeting of the board by signing a notice stating the time and place of the meeting and the subjects to be considered. The person or persons who call the meeting shall cause the notice to be posted on the principal bulletin board of the county, located at the office of the Clerk to the Board in Hillsborough, and at or near the meeting place, and delivered to the chair and all other board members or left at the usual dwelling place of each member at least 48 hours before the meeting. In addition, the notice shall be mailed or sent by e-mail to individual persons and news media organizations who have requested such notice as provided in subsection (e), below. Only those items of business specified in the notice may be transacted at a special meeting, unless all members are present or those who are not present have signed a written waiver.

A special meeting may also be scheduled by vote of the board in open session during another duly called meeting. The motion calling for a special meeting shall specify its time, place, and purpose. At least 48 hours before the meeting, the notice shall be posted on the principal bulletin board of the county and at the regular meeting place, and delivered to all board members not present at the meeting at which the special meeting was called. Only items of business specified in the motion calling for the special meeting may be transacted at a special meeting called in this matter unless all members are present and the board determines in good faith at the meeting that it is essential to discuss or act on the additional item immediately.

Comment: See G.S. 153A-40(a) and G.S. 143-318.12(b)(2).

(c) Emergency Meetings. The chair or a majority of board members may at any time call an emergency meeting of the board by signing a written notice stating the time and place of the meeting and the subjects to be considered. Written or oral notice of the meeting shall be given to each board member and to each news organization that has filed a written emergency meeting notice request with the Clerk to the Board, and whose request includes that organization's telephone number. Only business connected with the emergency may be considered at an emergency meeting.

(d) Work Sessions, Committee Meetings or other Informal Meetings. The chair or a majority of the board members may schedule work sessions, committee meetings or other informal meetings of the board or of a majority of its members at such times and concerning such subjects as may be established by the board. The times and subject matter may be established by resolution or order of the board. A schedule of any such meetings that are held on a regular basis shall be filed in the same place and manner as the schedule of business meetings.

Work sessions and other informal official meetings not held regularly are subject to the same notice requirements as special board meetings. Work sessions include regular work sessions, budget work sessions, joint meetings with other governmental entities, and other meetings not scheduled as “business meetings.” All work sessions are open to the public and the public may attend and observe work sessions. Public comment generally is not accepted at work sessions for several reasons: (1) Work sessions are intended to be informal meetings to allow discussion between and among board members; (2) For the most part, items presented at work sessions for board discussion, are items in the early stages of development, items for which county staff need direction from the Board of Commissioners, or items needing further discussion before formal presentation for decision; (3) Final and binding votes on work session agenda items are not conducted at work sessions, unless the board members vote to suspend the rules prior to voting on a work session agenda item; and (4) Except as noted above all work session agenda items are brought forward for final and binding votes at board business meetings at which public comment is sought and encouraged.

(e) Sunshine List. Any individual person and any newspaper, wire service, radio station, and television station may file with the Clerk to the Board of Commissioners a written request for notice of all special meetings of the board. These are meetings not listed on the “Calendar of Meetings.” Orange County maintains an online list service in which anyone may add their email address to receive meeting notices at no charge.

Comment: The Open Meetings Law requires that any “official meeting” at which a majority of the board deliberates on public business must be open to the public and notice must

be given. The last sentence of the rule embodies that principle. The rule goes beyond the Open Meetings Law in requiring a published schedule of work sessions or committee meetings held on a regular basis.

G.S. 143-318.13(a) provides that if the board holds any regular, special, emergency, or other official meeting by use of conference telephone or other electronic means, the clerk shall provide a location and means whereby members of the public may listen to the meeting and notice of the meeting shall specify that location.

Rule 7. Location of Meetings. All meetings shall be held within the boundaries of Orange County except as otherwise provided herein.

1. A joint meeting with the governing board of any other political subdivision of this state or any other state may be held within the boundaries of either subdivision as may be stated in the call of the meeting. At any such joint meeting, the board reserves the right to vote separately on all matters coming before the joint meeting.
2. A special meeting called for the purpose of considering and acting upon any order or resolution requesting members of the General Assembly representing all or any portion of this county to support or oppose any bill pending in the General Assembly or proposed for introduction therein may be held in Raleigh or such other place as may be stated in the call of the meeting.
3. A meeting may be held in connection with a retreat, forum, or similar gathering solely for the purpose of providing members of the board with general information relating to the performance of their public duties.
4. A meeting may be held while in attendance at a convention, association meeting, or similar gathering solely to discuss or deliberate the board's position concerning convention resolutions, elections of association officers, and similar issues that are not legally binding upon the board or its constituents.

Comment: See G.S. 153A-40(c). That statute also speaks of two other categories of gatherings that may be held outside the boundaries of the county: retreats, and meetings with the legislative delegation representing the county in the General Assembly. The statute expressly forbids the board to take any official action at any such meetings, so they are not

mentioned in the proposed rule. However, such meetings are covered by the Open Meetings Law if a majority of the board is present and “deliberates” on public business.

V. Agenda

Rule 8. Agenda.

(a) The County Manager shall prepare the agenda for each regular, special and emergency meeting subject to review and approval by the chair and vice-chair. A staff request to have an item of business placed on the agenda must be received by 12:00 noon, Monday of the week prior to the meeting. Any board member may petition the board to have an item placed on the agenda.

(b) The agenda packet for business meetings shall include the agenda document, any proposed ordinances or amendments to ordinances, and supporting documentation and background information relevant to items on the agenda. A copy of the agenda packet shall be provided to each member of the board at least ninety-six hours before the meeting. Documents in the agenda packet, if not previously available for public inspection, shall become so when packets have been provided to each board member or left at his or her usual dwelling. Copies shall be available for members of the public in the Clerk to the Board’s office and at the Orange County Public Library. The agenda is also published on the county’s web site, orangecountync.gov.

For all other meetings (special, work sessions, etc.) a copy of the agenda and attachments shall be available to members of the public on the Orange County website prior to the meeting (usually 48-72 hours before the meeting).

The Clerk to the Board’s office shall post agendas for business meetings, public hearings and work sessions on the county’s website within 24 hours after they are distributed to the Board of Commissioners by the County Manager’s office.

(c) The board may, by approval of a majority of its members, i.e. an affirmative vote equal to a quorum, add an item at the meeting that is not on the agenda.

Comment: Because of the increased volume and complexity of the matters they must consider, nearly all boards use an agenda. Some boards use an agenda only to organize the material they must consider and to give themselves an opportunity to study the issues before they meet. These boards generally allow last-minute additions to the agenda by general consent. This rule takes that approach. Other boards use their agenda to control the length of their meetings. Often a board that uses its agenda for this purpose will hold a work session before the business meeting to ask questions and thoroughly explore the proposals that must be voted on at the business meeting. Generally these boards take a stricter approach and do not allow late additions to the agenda unless an emergency exists.

Rule 9. Public Comments - Items Not on the Printed Agenda.

The County Manager shall include on the agenda of each business meeting a time for comments or questions from members of the public in attendance. The chair will first recognize individuals or groups who have signed up to be heard, and then may recognize others, subject to available time. Speakers will be allowed three minutes each up to an hour total. After the hour set aside for public comments has expired, the chair will recognize further speakers only upon motion duly made and adopted. As noted above public comment is not accepted at work sessions but only at business meetings. North Carolina law requires local governments to schedule one public comment period at one regular meeting one time per month. Orange County far exceeds this mandate and schedules a public comment period at all of its business meetings during which the public may comment on any topic. Further, the public is invited to comment separately on each item on a business meeting agenda.

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 business 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.

Comment: The board may decide as a matter of general policy to set aside part of each meeting for individuals or groups to address the board. The rule allows any individual or group to

get on the agenda but lets the board decide whether there is time to hear its comments.

Rule 10. Order of Business.

(a) Business Meetings. For all business meetings, items shall be placed on the agenda as listed below:

1. Additions or Changes to the Agenda
Public Charge
2. Public Comments (Limited to One Hour)
3. Announcements and Petitions by Board Members (Three Minute Limit Per Commissioner)
4. Proclamations/Resolutions/Special Presentations
5. Public Hearings
6. Regular Agenda
7. Reports
8. Consent Agenda
 - Removal of Items from Consent Agenda
 - Approval of Remaining Consent Agenda
 - Discussion and Approval of the Items Removed from the Consent Agenda
9. County Manager's Report
10. County Attorney's Report
11. Appointments
12. Information Items
13. Closed Session
14. Adjournment

If there is no objection, the chair may call items in any order most convenient for the dispatch of business. The meeting will end at 10:30 p.m. unless there is a majority vote of the board to continue beyond that time.

(b) Order of Business for Public Hearings

1. Opening Remarks from the Chair
2. Public Charge
3. Public Hearing Items
4. Adjournment

(c) Public Charge. A public charge may be read at each meeting to set the tone for civil decorum. The public charge is placed on the agenda immediately after item 1, "Additions or Changes to the

Agenda” and it shall read:

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.

VI. Conduct of Debate

Rule 11. Powers of the Chair. The chair shall preside at all meetings of the board if he or she is present. If the chair is absent, the vice-chair shall preside. If both the chair and vice-chair are absent, another member designated by vote of the present board members shall preside. A member must be recognized by the presiding officer in order to address the board. The chair shall have the following powers:

1. To rule on points of parliamentary procedure, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time;
5. To adjourn in an emergency.

A decision by the presiding officer under any of the first three powers listed above may be appealed to the board upon motion of

any member. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, and the motion, if timely made, may not be ruled out of order.

Comment: The chair normally presides at board meetings. In his or her absence, the vice-chair, if there is one, presides. If there is no vice-chair, or if both the chair and vice-chair are absent, the board typically selects a temporary presiding officer.

The board may choose whether the chair always votes or votes only to break a tie. Someone who is temporarily presiding in the chair's place is still a full member of the board and thus entitled to make motions and to vote.

The chair or anyone presiding in the chair's place has substantial procedural powers, but those powers are not absolute. Under this rule and Rule 15, any board member is entitled to make a motion to appeal to the other members concerning the presiding officer's decisions on motions, decorum in debate and most other procedural matters.

There are two exceptions to this right of appeal. A chair or other presiding officer may adjourn without the board's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time, when necessary to "clear the air" and thus reduce friction among the members.

Rule 12. Presiding Officer when the Chair is in Active Debate. If the chair wishes to become actively engaged in debate on a particular proposal, he or she shall designate another board member to preside. The chair shall resume the duty to preside as soon as action on the matter is concluded.

Comment: Good leadership depends, to a certain extent, on not taking sides during a debate. On a small board this may not always be feasible or desirable; yet an unfair advantage accrues to the side whose advocate controls access to the floor. This rule is designed to ensure evenhanded treatment to both sides during a heated debate. Ordinarily the chair should call on the vice-chair to preside if he or she finds it necessary to step aside.

Rule 13. Action by the Board. The board shall proceed by motion. Any member, including the chair, may make a motion. If two or more Commissioners speak at the same time to make a motion

(or second), the chair shall determine, for purposes of recording action for the minutes, which name the Clerk to the Board shall use.

Comment: The chair may make motions, or the chair may invite another member to make a motion by saying “The chair will entertain a motion that...”

Rule 14. Second Required. A motion shall require a second, followed by discussion and/or comments and a vote.

Comment: The philosophy underlying the requirement of a second is that if a proposal is not supported by at least two members, it is not worth the time it would take to consider the matter. A second does not necessarily mean that a member agrees with the motion, but that the member wishes the matter open to discussion. A second allows the matter to be discussed further.

Rule 15. One Motion at a Time. A member may make only one motion at a time.

Rule 16. Substantive Motion. A substantive motion is out of order while another substantive motion is pending.

Comment: This rule sets forth the basic principle of parliamentary procedure: distinct issues are considered and dealt with one at a time, so a new proposal may not be put forth until action on the preceding one has been concluded.

Robert's Rules of Order does not refer to substantive motions as such; instead it uses such adjectives as “main” or “principal.” Here, a substantive motion is any motion other than the procedural motions listed in Rule 19. The possible subject matter of a substantive motion coexists with the board’s legal powers, duties, and responsibilities. Indeed, since Rule 13 provides that the board shall proceed by motion, the substantive motion is the board’s exclusive mode of action. The procedural motions detailed in the following rules set forth the board’s various options in disposing of substantive motions.

Rule 17. Adoption by Majority Vote. A motion shall be adopted if approved by a majority of the votes cast, a quorum being present, unless an extraordinary majority is required by these rules or the laws of North Carolina. A majority is more than half. A quorum is a majority of the actual membership of the board, including any

vacant seats. A member who has withdrawn from a meeting without being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether or not a quorum is present.

Rule 18. Debate. The chair shall state the motion and then open the floor to debate, presiding over the debate according to these general principles:

1. The member making the motion or introducing the ordinance, resolution, or order is entitled to speak first.
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken.
3. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

Rule 19. Procedural Motions.

(a) In addition to substantive proposals, the procedural motions listed in subsection (b) of this rule, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

Comment: This rule substantially departs from *Robert's Rules of Order*. Each procedural motion in *Robert's Rules of Order* was reviewed to determine whether it was appropriate for use by a small board; substantial modifications and deletions were the result. The following enumeration of procedural motions is exhaustive; if a procedural option is not on the list, it is not available.

(b) In order of priority (if applicable), the procedural motions are:

Comment: While a substantive motion is out of order if another substantive motion is pending, several procedural motions can be entertained in succession without necessarily disposing of the immediately pending one. The order of the list below establishes which procedural motion yields to which—for example, a move to defer consideration (6) may be made while a move to refer to committee (9) is pending because (6) ranks higher on the list.

1. *To Appeal a Procedural Ruling of the Presiding Officer.* A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond

reasonable standards of courtesy in his or her remarks, or entertaining and answering a question of parliamentary law or procedure may be appealed to the board as specified in Rule 11. This appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer and the motion, if timely made, may not be ruled out of order.

Comment: Rule 11 allows the ruling of the presiding officer on certain procedural matters to be appealed to the board. This appeal must be made as soon as the presiding officer's decision is announced, so this motion is accorded the highest priority. See Rule 11 and its comment for further discussion of this motion.

2. *To Adjourn.* The motion may be made at the conclusion of action on a pending matter; it may not interrupt deliberation of a pending matter.

Comment: This motion differs from the *Robert's Rules of Order* motion in several respects. In *Robert's Rules of Order*, it is not debatable or amendable and can be made at any time, even interrupting substantive deliberations. In view of the small number of members and the available procedures to limit debate, this rule allows debate and amendment of the motion to adjourn but allows the motion to adjourn only when action on a pending matter is over. The motion to defer consideration or to postpone to a certain time or day may be used if the board wants to adjourn before completing action on a matter.

3. *To Take a Recess.*

Comment: *Robert's Rules of Order* does not allow debate on this motion, but since the number of members is small and procedures to limit debate are available, this rule allows debate on the motion. As in *Robert's Rules of Order*, the motion is in order at any time. Note that under Rule 11, the chair also has the power to call a brief recess.

4. *To Call to Follow the Agenda.* The motion must be made at the first reasonable opportunity or it is waived.

Comment: This motion differs from the call for the orders of the day in *Robert's Rules of Order*: it may be debated and must be made when an item of business that deviates from

the agenda is proposed or the right to insist on following the agenda is waived for that item.

5. *To Suspend the Rules.* The motion requires a vote equal to a quorum.

Comment: This motion differs from *Robert's Rules of Order* in that it is debatable and amendable and the number of necessary votes is a quorum rather than two-thirds. Thus if a board has seven members, four members (a quorum) must vote for the motion; if only four members are present at a particular meeting, all four must vote for the motion in order to adopt it. This motion is in order when the board wishes to do something that it may legally do but cannot without violating its own rules. The procedure will pose some problems for a three-member board, as it can be used to prevent one member from participating in the board's deliberations. Frequent use of the motion to prevent one member from presenting proposals to the board or from speaking on an issue before the board is of doubtful legality. A three-member board may decide to require a unanimous vote to suspend the rules.

6. *To Divide a Complex Motion and Consider it by Paragraph.* This motion is in order whenever a member wishes to consider and vote on subparts of a complex motion separately.

Comment: This motion is the same as the division of a question and consideration by paragraph in *Robert's Rules of Order* except that it is debatable.

7. *To Defer Consideration.* The board may defer a substantive motion for later consideration at an unspecified time. A substantive motion that has been deferred expires 100 days thereafter, unless a motion to revive consideration is adopted.

Comment: This motion, which replaces the motion to lay on the table in *Robert's Rules of Order*, was renamed to avoid confusion. It allows the board temporarily to defer consideration of a proposal. It differs from *Robert's Rules of Order* in that it may be debated and amended, and in that a motion that has been deferred dies if it is not taken up by the board (via a motion to revive consideration) within one hundred days of the vote to defer consideration. (In *Robert's Rules of Order* a motion laid on the table dies at the end of the particular session of the assembly.) One hundred days is the suggested period of time for deferring consideration because it is also the time within which a proposed ordinance must be enacted (see Rule 27).

8. *To Call the Previous Question.* The motion is not in order until there has been a debate and every member has had one opportunity to speak.

Comment: This motion differs from the motion in *Robert's Rules of Order*. The *Robert's Rules of Order* motion is always in order, is not debatable or amendable, and requires a two-thirds vote for adoption. Thus, it may be used to compel an immediate vote on a proposal without any debate on the issue. Such a device may be necessary to preserve efficiency in a large assembly, but with a small board, a minimum period of debate on every proposal that comes before the board strikes a better balance between efficiency and effective representation by all board members. Since every member will have an opportunity to speak, the debate may be ended by a majority vote.

9. *To Postpone to a Certain Time or Day.*

Comment: This motion allows the board to defer consideration to a specified time or day and is appropriate when more information is needed or the deliberations are likely to be lengthy.

10. *To Refer a Motion to a Committee.* The board may vote to refer a substantive motion to a committee for its study and recommendations. Sixty days or more after a substantive motion has been referred to a committee, the introducer of the substantive motion may compel consideration of the measure by the entire board, whether or not the committee has reported the matter to the board.

Comment: This motion is identical with the motion of the same name in *Robert's Rules of Order* except that the introducer's right to compel consideration by the full board after a specified period of time prevents using the motion to defeat a proposal by referring it to a committee that intends to take no action on it. If the board does not use committees, this rule is unnecessary.

11. *To Amend.* An amendment to a motion must be pertinent to the subject of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a motion to

amend. There may be an amendment to the motion and an amendment to an amendment, but no further amendments. Any amendment to a proposed ordinance shall be reduced to writing. A vote on a motion to amend a motion may be regarded as a vote on the motion as amended if that is determined to be the intent of the board.

Comment: This motion is identical to the motion of the same name in *Robert's Rules of Order* except for the requirement for written amendments to proposed ordinances.

12. *To Revive Consideration.* The motion is in order at any time within one hundred days of a vote deferring consideration of it. A substantive motion on which consideration has been deferred expires one hundred days after the deferral, unless a motion to revive consideration is adopted.

Comment: This motion replaces the motion to take up from the table in *Robert's Rules of Order* and was renamed in order to avoid confusion. This motion may be debated and amended; the motion in Robert's Rules of Order may not. If the motion to revive consideration is not successful within 100 days of the original deferral date, the substantive motion expires. The subject matter of the motion may be brought forward again by a new motion.

13. *To Reconsider.* The board may vote to reconsider its action on a matter. The motion to do so must be made by a member who voted with the prevailing side (the majority, except in the case of a tie; in that case the "nos" prevail) and only at the meeting during which the original vote was taken, including any continuation of that meeting through recess to a time and place certain. The motion cannot interrupt deliberation on a pending matter but is in order at any time before final adjournment of the meeting. If a member wishes to reverse an action taken at a previous meeting, he or she generally may make a new motion having the opposite effect of the prior action.

Any new motion having the opposite effect of the prior action that is related to the board issuing or not issuing a permit may be considered only where new evidence is presented to the board concerning the permit and all pertinent ordinance requirements, substantive and procedural, including those related to public hearings, have been met. Any new motion

having the opposite effect of the prior action that relates to an ordinance may only be considered consistent with pertinent ordinance requirements, substantive and procedural, including those related to public hearings.

Comment: According to *Robert's Rules of Order*, the motion may be at the same meeting or on the next legal day and may interrupt deliberation on another matter. The rule does not allow reconsideration of a vote once the meeting adjourns. A member wishing to reverse an action taken at a previous meeting may make a motion or introduce a new ordinance having the opposite effect, consistent with public hearing requirements of North Carolina Law.

14. *To Prevent Reconsideration for Six Months.* The motion shall be in order immediately following the defeat of a substantive motion, and at no other time. The motion requires a vote equal to a quorum and is valid for six months or until the next regular election of county commissioners, whichever occurs first.

Comment: This clincher motion prevents the same motion from being continually introduced when the subject has been thoroughly considered. Because this motion curtails a member's right to bring a matter before the board, a vote equal to a quorum is required. As with every other motion, a clincher may be dissolved by a motion to suspend the rules. Six months is merely a suggested time; the board may shorten or lengthen the time as it sees fit. In order to give a new board a clean slate, the motion is not effective beyond the next regular election.

Rule 20. Renewal of Motion. A defeated motion may not be renewed at the same meeting.

Rule 21. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before it is amended or before the chair puts the motion to a vote, whichever occurs first.

Comment: Robert's Rules of Order provides that once a motion has been stated by the chair for debate, it cannot be withdrawn without the assembly's consent. Such a procedure is unnecessary for a small board.

VII. Quorum and Other Rules

Rule 22. Duty to Vote. It is the duty of each member to vote unless excused by a majority vote according to law. The board shall excuse members from voting on matters involving their own financial interest or official conduct as provided by law. A member who wishes to be excused from voting shall so inform the chair, who shall take a vote of the remaining members. No member shall be excused from voting except in cases involving conflicts of interest, as defined by the board or by law, or the member's official conduct, as defined by the board. In all other cases, a failure to vote by a member who is physically present in the meeting, or who has withdrawn without being excused by a majority vote of the remaining members present, shall be recorded as an affirmative vote.

Comment: G.S. 153A-44 provides that board members have a duty to vote, but does not state the remedy for failure to do so. Many boards record all members as voting yes on any matter put to vote unless members audibly vote no. A few boards reverse the presumption and record members as voting no unless they audibly vote yes.

Rule 23. Prohibition of Secret Voting. No vote may be taken by secret ballot. If the board decides to vote by written ballot, each member shall sign his or her ballot and the minutes shall record the vote of each member. These ballots shall be retained and made available for public inspection until the minutes of that meeting have been approved, at which time they may be destroyed.

Comment: See G.S. 143-318.13(b)

Rule 24. Action by Reference. The board shall not deliberate, vote, or otherwise act on any matter by reference to an agenda or document number unless copies of the agenda or documents being referenced are available for public inspection at the meeting and are so worded that people at the meeting can understand what is being discussed or acted on.

Comment: See G.S. 143-318.13(c).

Rule 25. Introduction of Ordinances, Resolutions, and Orders. A proposed ordinance shall be deemed introduced at the first meeting at which it is on the agenda and actually considered by the board and its introduction shall be recorded in the minutes.

Comment: G.S. 153A-45 provides that an ordinance may not be finally adopted at the meeting at which it is introduced except by unanimous vote. The definition of introduction therefore is important because it makes a difference in the number of votes required to adopt an ordinance. The rule assumes that a measure is introduced only when the board begins to consider the matter.

Rule 26. Adoption, Amendment, or Repeal of Ordinances.

To be adopted at the meeting where first introduced, an ordinance or any action with the effect of an ordinance, or any ordinance amending or repealing an existing ordinance (except the budget ordinance, a bond order, or other ordinance requiring a public hearing before adoption), must be approved by all members of the board of commissioners. If the proposed measure is approved by a majority of those voting but not by all members of the board, or if the measure is not voted on at the meeting where introduced, it shall be considered at the next business meeting of the board. If the proposal receives a majority of the votes cast at the next meeting or at a meeting within 100 days of being introduced, it is adopted.

Adoption of Ordinances, Resolutions, Proclamations and Orders.

A motion shall be adopted by a majority of the votes cast for any and all resolutions, proclamations and orders. The vote shall express the sense of the board on a question or issue brought before it and shall serve as an official declaration of a particular state of fact or circumstance.

Comment: See G.S. 153A-45. See also G.S. 153A-46 for requirements for granting franchises.

Rule 27. Quorum. A majority of the board membership shall constitute a quorum. The number required for a quorum is not affected by vacancies. If a member has withdrawn from a meeting without being excused by majority vote of the remaining members present, he or she shall be counted as present for the purposes of determining whether a quorum is present. The board

may compel the attendance of an absent member by ordering the sheriff to take the member into custody.

Comment: See G.S. 153A-43. Compelling the attendance of a member by ordering the sheriff to take the person into custody is an extraordinary remedy intended for use when a member obstinately refuses to attend meetings for the purpose of preventing action on a proposal. If the board contemplates using this power, it should give the absent members notice that their attendance is required by the majority and may be compelled in this manner.

Rule 28. Public Hearings. Public hearings required by law or deemed advisable by the board shall be advertised per legal requirements and staff shall set forth the subject, date, place, and time of the hearing as well as any rules regarding the length of time allotted to each speaker and designating representatives to speak for large groups. At the appointed time, the chair shall call the hearing to order and preside over it. When the allotted time expires, or earlier, if no one wishes to speak who has not done so, the presiding officer shall entertain or make a motion to end the hearing or adjourn the public hearing to another board meeting, or vote on the item. The board shall thereafter resume the regular order of business.

Anyone wishing to speak during a public hearing must first provide his or her name and address to the Clerk to the Board.

Comment: G.S. 153A-52 provides that public hearings may be held anywhere within the county and gives the board authority to adopt rules governing the hearings.

Rule 29. Quorum at Public Hearings. A quorum of the board shall be required at all public hearings required by law.

Comment: G.S. 153A-52 implies that a quorum of governing board members is necessary for a public hearing by providing that a hearing shall be deferred to the next business meeting if a quorum is not present at the originally scheduled time. However, if the board decided to hold a public hearing not required by law to gather a consensus of public opinion on an issue, the hearing could be held at several different sites, with a few members at each site.

Rule 30. Minutes. Minutes shall be kept of all board meetings. Minutes will be presented to the board on the business meeting agenda. Substantive changes, including changes in content, will be made in open session. Other changes may be provided to the Clerk to the Board.

The exact wording of each motion and the results of each vote shall be recorded in the minutes. On the request of any board member the board shall be polled by name on any vote.

Minutes of closed sessions will be presented to the board during a closed session held under G.S. 143-318.11(a)(1). Motion to go into closed session should state that one purpose of the session is “to prevent the disclosure of information that is made privileged or confidential by G.S. 143-318.10(e).”

Minutes and general accounts of closed sessions shall be considered sealed automatically. Closed session records shall be unsealed by board action if and when the closed session’s purpose would no longer be frustrated by making these records public.

Comment: See G.S. 143-318.10(d) and the discussion of minutes in Bonnie E. Davis, *Handbook for North Carolina County Commissioners, second edition, revised*, by Joseph S. Ferrell (Chapel Hill, N.C.: Institute of Government, 1985). G.S. 143-318.11(d) provides that minutes and other records made of a closed session may be withheld from public inspection as long as such inspection would frustrate the purpose of the closed session.

Rule 31. Appointments. The board shall make appointments to the covered advisory boards and committees as provided in the Orange County Board of County Commissioners Advisory Board Policy and associated board-specific policies and as that Policy and associated policies may be amended from time to time.

Rule 32. Evaluation of Appointed Staff. The board shall evaluate the performance of the County Manager, County Attorney, and Clerk to the Board on an annual basis.

Rule 33. Amendment of the Rules. These rules may be amended at any business meeting or at any properly called special meeting that includes amendment of the rules as one of the stated

purposes of the meeting. Adoption of these rules or an amendment thereof shall require an affirmative vote equal to a quorum.

Comment: Local boards may generally amend their rules of procedure whenever they choose, unless a statute or rule of the body that created the particular board provides otherwise. To ensure that any amendments adopted reflect the will of the board majority, a vote equal to a quorum is required to approve the amendment.

Rule 34. Reference to Robert's Rules of Order. To the extent not provided for in, and not conflicting with the spirit of, these rules, the chair shall refer to *Robert's Rules of Order* to resolve procedural questions.

Comment: *Robert's Rules of Order* was designed to govern a large legislative assembly, and many of its provisions may be inappropriate for small boards. Nevertheless, it is the best source of Parliamentary procedure; care should simply be taken to adjust *Robert's Rules of Order* to meet the needs of small governing boards.

Rule 35. The Clerk to the Board shall be the Sole County Officer Responsible for Presenting Documents to the Chair for Signature. The Clerk to the Board shall review all such documents with the County Manager and County Attorney before they are presented to the chair for execution.

Rule 36. The Chair shall be the Spokesperson for the Board. The chair shall be the official spokesperson for the board. In the chair's absence, the vice-chair shall be spokesperson. In the absence of the chair and vice-chair, the most senior BOCC member will be the spokesperson. This follows the standard hierarchy of board leadership. The chair may designate a board representative to speak at events where a speaker has been requested to represent the BOCC.