

**APPROVED 4/4/23**

**MINUTES  
ORANGE COUNTY  
BOARD OF COMMISSIONERS  
LEGISLATIVE BREAKFAST  
February 27, 2023  
8:30 a.m.**

The Orange County Board of Commissioners met for a breakfast meeting with the Orange County Legislative Delegation on Monday, February 27, 2023 at 8:30 a.m. at the Orange County Solid Waste Administration Building (1207 Eubanks Rd., Chapel Hill, NC 27516).

**COUNTY COMMISSIONERS PRESENT:** Chair Jamezetta Bedford, and Commissioners Sally Greene, Jean Hamilton, Phyllis Portie-Ascott, and Anna Richards

**COUNTY COMMISSIONERS ABSENT:** Vice-Chair Earl McKee and Commissioner Amy Fowler

**COUNTY ATTORNEYS PRESENT:** John Roberts

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

**LEGISLATIVE DELEGATION PRESENT:** Senator Graig Meyer, Representative Renee Price, and Representative Allen Buansi

Chair Bedford called the meeting to order at 8:40 a.m. All board members were present except Vice-Chair McKee and Commissioner Fowler.

Chair Bedford welcomed the legislative delegation.

The Board of County Commissioners, legislative delegation, and staff introduced themselves.

Chair Bedford said that Vice-Chair McKee and Commissioner Fowler both had work conflicts this morning and could not attend.

Chair Bedford noted the list of Orange County's 2023 Priority Legislative Issues is consolidated from previous years. She said the legislative delegation already supports many of them.

Chair Bedford reviewed the first item on the Board's list of priority legislative issues:

**Mental Health & Behavioral Health Services** – Seek legislation to develop and fund mental health and behavioral health facilities and services at the state and local level that:

- ensure adequate State-funded mental health, developmental disability and substance use disorder services and facilities are available, accessible and affordable to all residents;
- include dedicated resources for community para-medicine projects and enhanced mobile crisis response;
- support Medicaid reimbursement to EMS for behavioral health transport to crisis centers;
- reduce the number of people with mental health issues in county detention centers;
- ensure that state resources fund service provision costs, inclusive of crisis intervention and treatment;

- provide assistance to NC residents, especially youth, who are dealing with the impacts of COVID;
- Increase innovation waiver slots more aggressively to meet the Olmstead Act requirements; and
- Increase compensation for nurses and direct support staff funded by innovation waivers and other Medicaid sources.

She said Alliance Health has been Orange County's Managed Care Organization (MCO) for one year. She said they are all aware that there is a shortage of funding for mental and behavioral health services. She noted there are 16,000 people on the waitlist for Innovations Waivers, which are for people with intellectual/developmental disabilities (I/DD) who could live in the community rather than an institution.

Chair Bedford reviewed the second list on the Board's list of priority legislative issues:

**Medicaid Expansion** – Support legislation increasing access to the Medicaid program to make health insurance available to North Carolina residents at 138% of the poverty level; broaden the opportunity for coverage for more than 500,000 North Carolinians to address chronic conditions and to prevent illness and disease progression; to provide additional support for rural hospitals; and to protect families from medical debt and bankruptcy.

She said the North Carolina House of Representatives passed legislation expanding Medicaid, and asked Senator Meyer what the next steps are.

Senator Meyer said there's broad agreement that Medicaid expansion will happen. He said there are only questions about the timeline and what other legislation will be tied to it. He said if it's passed by the end of March 2023, North Carolina would receive \$1.4 billion in federal bonus. He said there is discussion about tying expansion to Certificate of Need reform and expansion of advanced practice for nursing.

Chair Bedford asked Senator Meyer to explain both of those issues.

Senator Meyer said Certificate of Need is a law in North Carolina that governs healthcare facility expenses. He said it requires state approval before the purchasing any major healthcare facility cost that justifies there is a need for it. He said it's an attempt to regulate both healthcare costs and the distribution of healthcare facilities across the state, including rural hospitals. He said the downside is that it may prevent market-based competition so costs are higher if there's limited availability. He said there is probably some middle ground, but the negotiations on that issue in the North Carolina Senate are more complex than just Medicaid expansion.

Senator Meyer said the issue of advanced practice nursing looks at whether nurses should be able to practice independently without the supervision of a doctor, which could bring down costs and expand access to healthcare, but some argue is more risky.

Commissioner Greene asked for Senator Meyer to outline what each party wants related to Certificate of Need.

Senator Meyer said the issue isn't partisan, but is more about what independent doctor practices want vs. what hospitals want. He said Medicaid expansion would change the economics related to profits at both types of healthcare facilities, which is why the North Carolina Senate wants to address both issues at the same time.

Commissioner Richards asked how common Certificate of Need and advanced practice nursing are in other states.

Senator Meyer said it varies state by state. He said his take is that there are probably other pathways the state could take where everyone comes out fine. He said he thinks there is a way to preserve enough of Certificate of Need to keep rural hospitals from going out of business and give enough expansion of practice to nurses so there are more nurses in more places so it's easier to get healthcare.

Commissioner Richards asked if anyone is pursuing that middle ground.

Senator Meyer said yes.

Commissioner Hamilton asked if there is any movement to de-couple these issues.

Senator Meyer said that is essentially the House's position.

Commissioner Hamilton asked what would change the Senate's position on tying these issues to Medicaid expansion.

Senator Meyer said it would take negotiations between House and Senate leadership.

Representative Buansi said the Senate passed the Medical Omnibus Bill over the summer that included Medicaid expansion, but House leadership at the time did not want to consider it during that session.

Representative Price said Governor Cooper is really pushing for the Medicaid expansion bill by the end of March for the federal bonus. She said there was discussion in the House about how desperately young people need mental health care now and the need for practitioners in every school, or at least accessible to students.

Related to youth mental health services, Chair Bedford said she was pleased to hear that the hospital in Butner will convert by July with UNC Hospitals to serve children. However, she noted that it will now be a 2 hour drive for adults in Orange County who need substance use treatment, so fewer will get it. She said we aren't solving the problems, just shifting it to a different population. She said not only are 1/3 of the beds for substance use treatment going away, but there's also the question of who is going to transport the adults if they do get a bed.

Chair Bedford said she hopes the legislative delegation supports the Department of Health and Human Service's appeal of the ruling by Judge Baddour about the Olmstead Act because it was going to eliminate all the small group homes. She said the goal is a full continuum of services because some people do need to be in institutions at times in their lives, while others can live in the community without supports.

Chair Bedford revisited the following component of the first item on the list on the Board's list of priority legislative issues an:

- support Medicaid reimbursement to EMS for behavioral health transport to crisis centers;

She said this would help Orange County financially.

Chair Bedford also revisited the following component of the first item on the list:

- reduce the number of people with mental health issues in county detention centers;

Chair Bedford said the county is working on this. She shared that some Board members are going to learn about a DHHS-funded mental health center in Mecklenburg County and see if Orange County could qualify for something similar. She said the county could build this type of facility but the issue is operating it. She said MCOs are supposed to do this but they don't have the money. She said it's important to keep people with behavioral health issues out of the criminal justice system and overcrowded hospital emergency rooms. She said expanding Medicaid will help many people access the real services that they need.

Representative Price said she saw through her work with the National Association of Counties that states with Medicaid expansion have great models and programs with quick handoffs from law enforcement to mental health providers.

Commissioner Richards asked if the end of pandemic funding is also part of the discussion. She said the Department of Social Services Director, Nancy Coston, recently spoke to the Board and shared that people who receive healthcare through the additional pandemic-related benefits will fall off care before Medicaid expansion is in place and we may lose contact with them.

Senator Meyer said Governor Cooper brings up this issue every time he talks about Medicaid expansion.

Representative Buansi said he's on the Housing Standing Committee for Appropriations for Health and Human Services and they received a presentation from the Deputy Secretary of DHHS last week talking about that very issue, as well as how the State will have to make up the gap in funding from lost pandemic benefits.

Commissioner Richards asked if State agencies are ready to handle Medicaid expansion when passed.

Senator Meyer, Representative Buansi, and Representative Price all said yes.

Chair Bedford said the Board received a letter from DHHS saying the State will cover the administrative costs to the county for Medicaid expansion. She said she's glad DHHS is trying to be proactive so counties won't be left with the cost. She said she is grateful for that support.

Chair Bedford revisited the following components of the first item on the list:

- Increase compensation for nurses and direct support staff funded by innovation waivers and other Medicaid sources.

She said while the General Assembly did increase the pay for direct care staff last year, it's still insufficient. She said with an aging population, the shortage will only get bigger.

Commissioner Hamilton said the Board heard that the State is not training Adult Care Home and Nursing Home Community Advisory Committee applicants to go into these facilities. She said this is crucial work and there are people willing to volunteer, but they have to be trained.

Chair Bedford said she plans to work on this issue as well and may need help from the legislators.

Representative Price said they have contacts at the Governor's Office that can assist if needed.

Commissioner Richards said she wanted to make the legislators aware that the plan for mental health supports starts at age 4, and there really is a need for it at this age. She said the Board is particularly interested in anything that supports mental health services in early childhood and for children.

Senator Meyer said there's discussion across the General Assembly this year about child and adolescent mental health. He said there is also discussion about increasing funding for early childhood care and rate of pay for early childhood care. He said there's crossover in the labor market of people who work in adult care and early childhood care, so if there's funding towards this effort the market dynamics may raise rates for adult care workers too. He said there is also a broad realization that the vacancies in state agencies are due to pay not keeping up with the private sector, so there could be significant increases in state agency pay as well, which could help pay rates in all of these fields.

Commissioner Richards asked if there's discussion about expanding eligibility rules for Medicaid, which were waived during the pandemic, as part of the negotiations on Medicaid expansion.

Representative Price and Representative Buansi said that is part of the bill passed by the House.

Back on child care, Representative Price said money came in during the pandemic to help with early childhood centers, but the pay is abysmal. She spoke about the importance of increasing pay for these positions.

Chair Bedford said Orange County has been covering parents' share for anyone eligible for early childhood education and childcare services with American Rescue Plan Act (ARPA) funding.

Commissioner Richards said there are a lot of openings for early childhood staff and transportation staff as well.

Chair Bedford said the county's goal is for there to be no waitlists and for there to be no financial barrier for children to have quality childcare.

Representative Price said the other part of the issue is those doing childcare work are getting really low pay and will likely leave the field if they have opportunities to make more money elsewhere.

Senator Meyer asked if the Board has an impression of how Alliance is doing.

Chair Bedford said she thinks it's much better. She said Justice United held a meeting and several Senior Vice Presidents were there to discuss providing more mental health services in Spanish. She said Alliance staff is very knowledgeable about rapid-rehousing for when people exit criminal justice system. She said Alliance did a study around five years ago and determined they would rather do short-term housing with a transition to permanent housing with supports rather than long-term institutional settings. She said there's a closed group home on Nash St. in Hillsborough that is being looked at as the future site of a state-owned traumatic brain injury facility. She also said that some Maintenance of Efforts funds are being monitored and managed by Alliance with quarterly reports to the county.

Travis Myren said Alliance is very responsive to even case-specific things and are wonderful to work with.

Representative Price asked about transitioning to the tailored plan.

Chair Bedford said she doesn't know the current status. She said hospitals have been a barrier because the rates are so low, but individual providers have signed up to provide services.

Senator Meyer asked if there are conversations with the property owner of the facility on Nash St.

Representative Price said the idea is for another provider to take over but possibly serve a different population.

Commissioner Hamilton asked if it was a former mental health group home.

Chair Bedford said yes, but it would be recertified as something different.

Representative Price said the former owner of the facility passed away and family could not run it. She said they were able to find other places for everyone who lived there to go. She shared that someone from Alamance County is interested in the facility, but is waiting to see if they could change who the facility serves. She also said she can also assist if anyone is trying to get someone placed in a group home.

Chair Bedford said she's glad the county is with Alliance now because at least people will only have to move to Durham rather than across the state. She also said Commissioner Hamilton is the new liaison to Alliance.

Chair Bedford reviewed the third item on the Board's list of priority legislative issues:

**Racial Equity in Criminal Justice** – Support continued consideration and implementation, where practicable, of the recommendations of the North Carolina Task Force for Racial Equity in Criminal Justice (TREC), including:

- legislation to legalize the possession and use of marijuana and permit licensed businesses to engage in retail sales to adults, as this decriminalization will in turn broaden the agricultural economy and jobs as well as enhance revenue for governments with taxes, licenses, and other associated revenues that can be utilized to address opioid and other drug-related problems and other needs;
- policing reforms to address use of force, community oversight and law enforcement training on crisis intervention;
- Funding at the county level to expand access to diversion and restorative justice programs;
- the reduction of fines, fees and costs in criminal court, noting that such fines, fees and costs disproportionately impact people of color and people of low income; and
- the decompression of Juvenile Justice salaries.

Commissioner Richards said some commissioners attended the Justice Advisory Council and received a presentation from Crystal Wynn-Lewis of the North Carolina Department of Public Safety on the state of youth in the juvenile system. She said 16-17 year olds in North Carolina are 54% white, 24% African American, and 17% Latino, but white adolescents make up 29% of complaints, African American adolescents make up 58% of complaints, and Latino adolescents make up 9% of complaints. She said there were 33,000 complaints last period total. She said of those adolescents who were diverted, 47% were white, 33% were African American. She said the types of complaints were broken down into categories including violent, serious, and age-related. Orange County offenses were more violent and serious than state statistics. She said that African American adolescents were 2.8 times more likely to be complained against across the State, but 5 times more likely in Orange County. She said in Orange County white kids make up 61% of the population and 24% of complaints, but African American kids make by 12% of the population and 67% of complaints. She said the numbers that lead to confinement are small across the state except when it comes to African Americans. She said there were only around 100 kids with complaints in Orange County, so there should be very specific help for them and their families. She said this information plus the "opportunity gap" makes her concerned about what is going on in this county.

Commissioner Hamilton said the causality is needed in order to reach a conclusion.

Commissioner Richards said her point is that with only 100 kids, they should be able to find that out.

Commissioner Hamilton said the question is what agency can do that kind of analysis.

Commissioner Richards said the county should take that initiative to understand why. She said she believes there's enough energy and resources in this county to inform people of the numbers, and then figuring out what to do. She said she brought this up here in case there are things the legislative delegation can do to collaborate on this.

Chair Bedford said this relates to the Governor's Task Force for Racial Equity in Criminal Justice.

Representative Price asked what year the data was from.

Chair Bedford said 2021.

Representative Price said COVID was a factor as well then. She said when they worked on raising the age of the juvenile jurisdiction, one of the issues was need to have a program for people to go into in lieu of the adult prison, and there is nothing automatically set up. She said

the situation has gotten much worse for young people since COVID. She said she would also like to know the ages of these children, as well as their school status. She also said the resources here may not be getting to the people who need them most. She said this is a good wakeup call that there is work to do.

Commissioner Hamilton said she agrees and that it's a county function to bring the pieces together to do the analysis.

Chair Bedford said the state may have more data to share as well.

Commissioner Richards said they do and the Board could review it or have it brought to a meeting. She said part of why the data is so shocking is that the disparities are still there despite diversion programs.

Senator Meyer said there is also a statistical truth that the lower the end, the easier it is to have disparities.

Chair Bedford said she thinks it was inadvertent when the General Assembly decompressed salaries in the justice system, and did not include juvenile justice staff. She asked if there are any bills to address that.

Senator Meyer said it will be in the budget.

Commissioner Richards said there's a national effort to help people keep Medicaid when released from incarceration. She said this should also be worked on in North Carolina.

Representative Price said the county picks up the cost when individuals lose their Medicaid benefits. She said this is something NACo and NCACC are working on.

Senator Meyer said the Downtown Partnership asked for joint meetings between the Criminal Justice Resource Department (CJRD) and UNC Hospitals to try to address patients discharged from the hospital interfering with the downtown Chapel Hill geographic area. He said this is complicated because there's physical, mental, and behavioral health mixing with property issues and police. He said it's been a fruitful partnership so far.

Chair Bedford said Mayor Hemminger said one solution is to provide a bus ticket.

Commissioner Richards said (CJRD) just got a grant for a social worker to work within each of the law enforcement agencies in the county.

Chair Bedford added that this also includes 1.5 clinical positions at Freedom House. She said Durham has a pilot program for mental health professionals to respond to calls usually without police, but it was \$8 million.

Senator Meyer said there is another push in legislature to authorize non-law enforcement traffic investigators.

Chair Bedford reviewed the remaining components of the third item on the Board's list of priority legislative issues.

Chair Bedford reviewed the fourth item on the Board's list of priority legislative issues:

**Concealed Weapons in Parks and Red Flag Law** – Support legislation authorizing counties to regulate the carrying of concealed weapons on county-owned playgrounds and in county-owned parklands, and allowing courts to prevent access to firearms for individuals who show signs of being a danger to themselves or to others. Mental illness, escalating threats, substance abuse and domestic violence are among the circumstances in which a judge should have the authority to order weapon restrictions or surrender;

Senator Meyer said each chamber has passed a bill but not the same one.

Commissioner Greene asked what happens if the bills are vetoed.

Representative Buansi said there's hope that won't happen.

Chair Bedford reviewed the remaining items on the Board's list of priority legislative issues:

**Full Funding of the Leandro Remedial Action Plan** – Support equity and racial justice by fully funding the Leandro Remedial Action Plan, which details additional comprehensive, targeted education funding over the next eight years, predominantly to low-wealth and minority communities, in order for the State to come into compliance with its constitutional obligation to provide every student a sound basic education;

**Priority School Issues** – Support legislation to address the following issues related to schools:

- a) Provide local school systems with calendar flexibility;
- b) Provide full funding for State allotments including Average Daily Membership (ADM) growth and infrastructure/capital, and support legislation to provide for an overall increase in funding based on ADM outside of the current formula system;
- c) a periodic accounting process for State per pupil funds so that funds and pro-rated funds follow students to their respective schools, as opposed to the current process that only considers State funding allocations based on students' attendance location on a single day during the school year;
- d) Increase salary compensation for teachers and staff at all years of service;
- e) Impose class size reductions commensurate with State funding for staffing; and
- f) Maintain full funding for Driver Education;

**School Capital Funding** – Support legislation to provide needed State capital funding to support school infrastructure, renovations, and new construction, and support a State bond referendum to address school capital needs; and

**Non-Partisan Redistricting Process for Elections** – Support legislation to establish a process for an independent, non-partisan redistricting process after each United States Census for the election of representatives from North Carolina to the United States House of Representatives, the North Carolina House, and the North Carolina Senate.

Chair Bedford asked about the state surplus.

Senator Meyer said last year there was about an \$8 billion unappropriated surplus and about half has been spent. He said most of remainder is in reserve funds. He said there was about \$3 billion left, but it is now up to a \$6 billion unappropriated surplus with around \$3 billion expected to be recurring. He said the Senate would likely not agree to raise the state budget by \$3 billion so some of the money will probably go into reserve funds, some into tax cuts or possibly tax rebates, and some will likely be spent. He said there is a possibility of direct funding for school construction, rather than bond money. He said there may also be investment in special education funding. He said he doesn't know what will be decided regarding teacher pay.

Commissioner Richards noted that Leandro v. State of NC is back in court.

Chair Bedford asked about the calendar bill.

Representative Price said there was a general bill that she and Representative Buansi co-sponsored but only individual local bills are being passed.

Representative Buansi said they will follow up on it this week.

Senator Meyer said the Senate has no plans to hear calendar bills.



Chair Bedford said Commissioner Hamilton and Vice-Chair McKee are on a Schools Capital Needs Work Group and expressed the need for funding. She said the Board continues to hope there might be a state bond for school facilities for all counties.

Commissioner Hamilton said another possibility would be to change the State's rules for giving money for school facilities because Orange County is not currently eligible.

Senator Meyer said Speaker Moore made it a priority to introduce a bond package which passed the House, but he hasn't heard anything discussed since then.

Chair Bedford said the Board has a meeting with the school boards on March 9, 2023.

Board members and the legislative delegation discussed the public school funding debate, and the movement of support for charter and private schools. They also discussed developments regarding non-partisan maps for elections.

Chair Bedford said Chapel Hill-Carrboro City Schools and Orange County Schools are the 1<sup>st</sup> and 3<sup>rd</sup> in the state for funding, but systems across the state need more support. She acknowledged that Representative Buansi, Representative Price, and Senator Meyer are all there to do the best they can.

Senator Meyer said he's been in very productive conversations with the Chancellor of Leadership at UNC Chapel Hill about shutting down the coal plant. He said not only will there be an environmental benefit, but the North Carolina Railroad Corporation would no longer need the rail line, which goes through the largest areas of undeveloped property in southern Orange County. He said converting it to a transportation pathway opens up possibilities for housing and economic development. He said the University is open to a long range plan for the area.

Representative Price asked if this would require changing the rural buffer.

Commissioner Greene said Carrboro has already changed land-use planning to accommodate future development in the area in question.

Senator Meyer said development in the area would not impact the rural buffer.

Chair Bedford said she advocated for rails to trails, but hadn't considered other options.

Senator Meyer said it would be a very different way of handling this corridor than Durham handled the American Tobacco Campus, which is almost exclusively recreational. He said this would be similar to the Beltline in Atlanta with recreation and transportation pathways through the middle of multiuse development. He said the community will need to work with the university on an energy transition plan and then a long range plan for housing and economic development in the area.

Commissioner Richards asked if the university is also talking about workforce housing as a possible use.

Senator Meyer said yes, it is driving their interest in the project.

Commissioner Greene said an opportunity exists to create a positive outcome.

John Roberts briefly reviewed the departmental legislative priorities.

Representative Price asked for John Roberts to send the list to the legislators.

Chair Bedford thanked everyone for coming together.

A motion was made by Commissioner Richards, seconded by Commissioner Hamilton, to adjourn the meeting at 10:04 a.m.

Jamezetta Bedford, Chair

Recorded by Tara May, Deputy Clerk to the Board

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