

APPROVED 9/1/2020

**MINUTES
ORANGE COUNTY
BOARD OF COMMISSIONERS
VIRTUAL BUSINESS MEETING
JUNE 2, 2020
7:00 p.m.**

The Orange County Board of Commissioners met for a Virtual Business Meeting on Tuesday, June 2, 2020 at 7:00 p.m.

COUNTY COMMISSIONERS PRESENT: Chair Rich and Commissioners Jamezetta Bedford, Mark Dorosin, Sally Greene, Earl McKee, Mark Marcoplos, and Renee Price

COUNTY COMMISSIONERS ABSENT:

COUNTY ATTORNEYS PRESENT: John Roberts

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

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

Due to current public health concerns, the Board of Commissioners conducted a Virtual Business meeting on June 2, 2020. 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 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.)

1. Additions or Changes to the Agenda

Commissioner Price said she would like to add a moment of silence.

Chair Rich suggested having it in conjunction with the Resolution below- proposed item 4-a:

ADD Resolution at Item 4-a:

A RESOLUTION DENOUNCING THE MURDER OF GEORGE FLOYD AND ADDRESSING THE HEALTH DIRECTOR'S DECLARATION OF STRUCTURAL RACISM AS A "PUBLIC HEALTH CRISIS" IN ORANGE COUNTY

A motion was made by Commissioner Price, seconded by Commissioner Greene to add this Resolution as Item 4-a to tonight's agenda.

VOTE: UNANIMOUS

PUBLIC CHARGE

The Chair acknowledged the public charge.

2. Public Comments

a. Matters not on the Printed Agenda

NONE

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

Commissioner Greene said she will forward a PowerPoint presentation to the Board, from Triangle J Council of Governments (TJCOG), made by an RDU representative.

Commissioner Bedford said the Partnership for Young Children will instruct daycares to openly carefully and safely.

Commissioner Marcoplos said he had no comments.

Commissioner Price petitioned that public transit riders be required to wear masks, since a large majority of the drivers are African-American, who are a vulnerable population.

Commissioner Dorosin said he heard that UNC was no longer capturing methane gas from the old landfill site. He asked if the Board of County Commissioners (BOCC) could get more information about that, and, if this is no longer happening, what are the ramifications ecologically and financially.

Commissioner McKee said he had no comments.

Chair Rich said there was a Covid meeting this morning, and there is an uptick in cases in Orange County, but no more deaths. She said this past weekend the health department heard there was a trend, and therefore they are out tracking this.

Chair Rich said the County is slowly moving into a recovery plan, and a consultant is being hired for this process.

Commissioner McKee asked if the increase in cases is due to an increase in testing.

Chair Rich said she has not read the meeting notes yet, and she will get that information and let him know as soon as possible.

4. Proclamations/ Resolutions/ Special Presentations

Item 4a- ADDED TO AGENDA (no abstract)

Commissioner Price said the moment of silence is for those who have died due to racial violence.

Moment of Silence.

Chair Rich said Annette Moore, Human Rights and Relations Director, wrote this resolution in the last day, and did not have time to write an abstract, but the resolution speaks for itself.

Annette Moore said Martin Luther King, Jr. emphasized non-violent efforts towards racial equity, but said a failure to address racism is violence in and of itself. She said the plight of the black American has worsened in recent years, and riots are the voice of the unheard. She said social justice and progress are the absolute guarantee of riot prevention, and society must consider how it has failed, and how it can move forward. She said people need to consider their

blind spots and be introspective. She said change will not be easy or pain free, but we must be serious about undoing racism.

Annette Moore said the resolution is a plan to move forward, and she read the resolution:

A RESOLUTION DENOUNCING THE MURDER OF GEORGE FLOYD AND ADDRESSING THE HEALTH DIRECTOR’S DECLARATION OF STRUCTURAL RACISM AS A “PUBLIC HEALTH CRISIS” IN ORANGE OUNTY

Whereas, in July 2014, a Black man, Eric Garner, alleged to have committed a petty crime, had a police officer place his arm across his neck, was wrestled to the ground and, with a number of police officer restraining him, cried out eleven times, “I can’t breathe” while lying face down on the sidewalk before losing consciousness without assistance for seven minutes; and

Whereas, in May 2020, a Black man, George Floyd, alleged to have a counterfeit \$20 bill in his possession was dragged from his car by a police officer, handcuffed, and put face down on the street with the officer’s knee in his neck as he called out, “I can’t breathe”, and as his neck and back sustained pressure over a period of more than eight minutes, the last two minutes and 53 seconds of which he was unresponsive, oxygen was cut off to his brain as he slowly asphyxiated; and

Whereas, the [Mapping Police Violence Project](#) found that although Black people were only 13% of the population in the United States, they represented 24% of the people killed by law enforcement and were three times more likely to be killed by police than white people (and Hispanic people were 3.8 times more likely to be killed); and

Whereas, the [Mapping Police Violence Project](#) also found that 99% of the killings by police officers did not result in the officer being charged with a crime because in many cases police officers have “qualified immunity”; and

Whereas, Black people have been killed across this country in cases that have come to public attention they have been shot and killed for doing the ordinary things of life that have resulted in their harassment, detention, restraint and even death where the perpetrators where not held accountable, including the deaths of 12 year old Tamir Rice, killed by a police while playing at a playground near his home; teenage Trayvon Martin, shot and killed while walking home with a bag of Skittles; school cafeteria worker Philando Castile, killed during a police stop while a passenger in the car with his girlfriend and 4-year old daughter; Sandra Bland, jailed for an alleged unsafe lane change and then later found hanging in her jail cell; EMT Breonna Taylor, shot 8 times after police wrongly barged into her apartment; Atatiana Jefferson, killed while babysitting her nephew at her mother’s house; accountant Botham Jean, killed while sitting in his living room watching television and eating ice cream; Freddie Gray, died while unrestrained and helpless in the back of a police van; and Ahmaud Arbery, shot and killed while jogging down a neighborhood street; and

Whereas, a 2018 Study found that police killings of unarmed Black Americans has had an adverse effect on the mental health of Black Americans in the general population as shown by the death of Erica Garner, daughter of Eric Garner, who fought unsuccessfully to hold police responsible for her father’s death, died of a heart attack at the age of 27;¹

1

Whereas, the [Centers of Disease Controls](#) (CDC) has identified, “discrimination” as a social determinant of health, “which can be understood as a social stressor that has a physiological effect on individuals that can be compounded over time and can lead to long-term negative health outcomes”; and

Whereas, the CDC has found that the health differences between racial and ethnic groups are often due to economic and social conditions such as where people live, learn, work and play as well as access to health contribute to the adverse health conditions that disproportionately impact diseases, [such as COVID-19](#), have on the African American community as well as other communities of color; and

Whereas, these social and economic conditions have their roots in structural discrimination, or “racial bias among interlocking institutions and across society, causing cumulative and compounding effects that systematically advantage white people and disadvantage people of color.”²

Whereas, Orange County Public Health Director Quintana Stewart has declared, “Structural Racism as a Public Health Crisis in Orange County,” stating it creates a “cycle of injustice against people of color leading to trauma which ultimately affects health.”

Now, therefore, we, the Orange County Board of Commissioners do hereby resolve to do the following:

1. Publicly denounce the egregious actions or inactions of the police officers in Minneapolis that resulted in the death of George Floyd and stand with the North Carolina Sheriffs and Chiefs of Police Associations as they support Chief Medaria Arradondo’s termination of the officers and their belief that law officers who violate laws or policy should be held accountable for their actions.
2. Commit to dismantling structural and institutional racism in Orange County government and throughout Orange County. We direct the Department of Human Rights and Relations to lead the One Orange Racial Equity Team in developing a Racial Equity Plan using the Government Alliance on Race and Equity Model and bring a first draft of the plan back to the Board in September 2020. The Plan should include:
 - a. Building internal organizational infrastructure by inviting a diverse array of stakeholders to collaborate toward a shared vision of equity.
 - b. Creating and implementing racial equity tools that mechanize the practice of considering racial impact when making and implementing policy. They should incorporate the following:
 - i. Inclusion and Engagement – Promote racially inclusive collaboration and engagement;

Jacob Bor, S. A. (July 28, 2018). Police Killings and their Spillover Effect on the Mental Health of Black Americans: A Populations-Based, Quasi-Experimental Study. *The Lancet*, Volume 392, Issue 10144, Page 302-310.

² *Advancing Racial Equity & Transforming Government, A Resource Guide to Put Ideals Into Action*, Government Alliance on race and Equity, p. 17.

- ii. Develop a Racial Equity Scorecard - Using Data and Metric to develop strategies to close gaps and track progress;
 - iii. Integrate program and policy strategies – Develop and implement program and policy strategies for eliminating racial inequity;
 - iv. Structural Change – Develop cross-section, cross-jurisdictional partnerships to achieve systematic change; and
 - v. Educate and communicate about racial equity – Educate on racial issues and raise racial awareness.
- c. Using Data and Metrics – Use data to develop strategies to close gaps and track progress over a period. Metrics can be used to align outputs with outcomes across cross-departmental and cross-jurisdictional lines to evaluate community progress on racial equity throughout the County. Develop a Racial Equity Scorecard to track equity metrics across Orange County.
 - d. Partner with Stakeholders, including communities of color, to have a “collective impact” to advance racial equity. Collective impact refers to a commitment of organizations from different sectors to a common agenda for solving a specific social problem.
 - e. Commitment to communicate and act with Urgency – While racial equity is a long term goal, we are committed to prioritizing action with a shared vision, specific priorities and strategic actions and organizing that can lead to change.

This the 2nd day of June 2020.

Penny Rich, Chair, Orange County Board of Commissioners

Commissioner Marcoplos thanked the Human Relations Commission for putting this resolution together.

Commissioner Price said it is a shame that all the people that have been killed in recent years could not be listed, because the list is too long. She thanked Annette Moore for writing the resolution.

A motion was made by Commissioner Price, seconded by Commissioner McKee to approve the Resolution, and direct the Board Chair to sign.

VOTE: UNANIMOUS

5. Public Hearings

NONE

6. Regular Agenda

a. Eviction Diversion Program and Approval of Budget Amendment #9-A

The Board considered voting to:

- 1) approve the development of an Eviction Diversion Program in Orange County;
- 2) approve Budget Amendment #9-A appropriating \$187,950 from the Social Justice Reserve for the Program; and
- 3) authorize staff to seek funding for the Eviction Diversion Program from the Towns, and donations from the communities and businesses.

Annette Moore presented the item, along with Caitlin Fenhagen, Criminal Justice Resource Director, and Emila Sutton, Housing Director:

BACKGROUND: The COVID-19 Pandemic has had a devastating effect on the global economy. In February 2020, Orange County along with Buncombe County led the state with the lowest unemployment rate of 2.9%. Because of COVID-19, Orange County's unemployment rate in March 2020 increased to 3.4%. With the increase in unemployment, staff have seen an increase in requests for food and housing assistance, particularly in the communities that cannot receive government assistance. The Orange County Housing and Community Development Department (OCHCD) in particular has seen the number of requests for emergency housing assistance through the Housing Displacement Fund more than quadruple in April (table below) and calls to the Housing Helpline (aka Coordinated Entry) have increased sharply from 250 in April to more than 650 in May. The Housing Helpline receives approximately three to five calls per week from residents specifically seeking legal counsel for a housing issue, and this number is rising. Finally, the Clerk of Court's Office has seen a dramatic increase in eviction filings and is adding additional court hearing dates to address this increase.

Eviction destabilizes the lives of families and has consequences for the entire community. Those most affected by evictions are the most vulnerable populations. Numerous studies show the negative impact of eviction on health, child development and achievement, and well-being.¹ There is also research showing that preventing eviction can reduce costs to the health care system, lower costs and reduce the burden on shelter and other emergency housing programs, ease the administrative burden on the courts, reduce job loss, reduce negative educational outcomes, and prevent the decline of communities that occurs when people are displaced.² A 2018 study by the Philadelphia Bar Association found that if the City of Philadelphia allocated \$3.5 million per year to fund counsel for eligible low-income tenants facing eviction, the city would save \$45.2 million per year, a return of \$12 for every \$1 spent.³ Research also shows that housing assistance, such as that provided through the Risk Mitigation and Housing Displacement Fund, reduces hardship and increases economic opportunity for low-income families.⁴ The Risk Mitigation and Housing Displacement Fund currently, and the Eviction Diversion Program when in operation, will provide cost savings to the community, help stabilize and preserve the housing market in Orange County⁵, and most importantly help Orange County residents remain in their homes and avoid the negative impacts of eviction.

The Departments of Human Rights and Relations and Housing and Community Development have been working toward bringing forward a proposed Eviction Diversion Program to the Board of County Commissioners since last year. In light of the COVID-19 pandemic and its economic impact on the community, there is a critical need for this program now. Eviction diversion programs were started around 2010 to address the number of evictions from the recession.

The Human Rights and Relations, Housing and Community Development (HCD), and Criminal Justice Resource Departments, along with the Clerk of Court, the Chief Magistrate, Carolina Student Legal Services, NC Pro Bono Resource Center, Orange Chatham Legal Aid, Commissioner Mark Marcoplos and Jamie Paulen met to discuss the impending eviction crisis and potential solutions. The group determined an eviction diversion program would offer the best solution. The two most pressing issues are: (1) ensuring attorneys are available to meet the demand; and (2) identifying funds to enable tenants to stay in residence once they have demonstrated some financial capacity to meet rental obligations going forward and the landlord has agreed to let the tenant stay.

The second aspect is currently being addressed by HCD's Risk Mitigation and Housing Displacement (RM-HD) fund in helping to pay for arrears so low-income renters stave off eviction and remain in their housing. In order to meet the first need, legal counsel needs to be

made available to tenants facing eviction. In most cases, low-income renters either represent themselves in court, or don't show up for their hearing, most often resulting in an eviction moving forward. Providing legal support and counsel will enhance greatly the existing work of HCD and RM-HD fund in paying arrears and will ensure that tenants remain in housing by having legal representation. The Orange County Eviction Diversion Program would bring together an Orange County temporary employed bi-lingual attorney, Legal Aid of North Carolina ("Legal Aid"), and pro bono attorneys to represent tenants in court and to act as in court mediators to negotiate agreements between tenants and landlords to avoid eviction. County staff is working with the 18th Judicial District Bar and the NC Pro Bono Resource Center to assist with identifying local pro-bono attorneys, including bi-lingual attorneys, to meet additional community needs. Referrals to the program would come through the existing HCD and Orange County Partnership to End Homelessness' Housing Helpline (a.k.a "Coordinated Entry"). Every person who calls into the Housing Helpline goes through a needs assessment that is best practice and evidence based. In addition, outreach offering legal assistance will be made to every individual tenant with a summary ejection hearing date.

As noted, HCD staff will use funds the Board has already allocated for rental arrears for this project through the RM-HD Fund (the sub-fund called "Emergency Housing Assistance", formerly "Housing Stabilization Fund"). The Board approved a one-time transfer of funds (\$100,000) from the Local Rent Supplement Program into the RM-HD Fund on April 7, 2020. Since that time, approximately forty thousand (\$40,000) in emergency housing assistance has been utilized by Orange County residents experiencing a housing crisis through the Housing Helpline (a.k.a. "Coordinated Entry").

In FY19-20, over one hundred and fifty seven thousand dollars (\$157,000) in assistance has been funded. The table below illustrates the increase in funding since January 2020. There are approximately \$35,400* in Emergency Housing Assistance funds remaining, but with new requests coming in every day, this estimate changes daily – and sometimes dramatically. At this time, a large majority of requests are coming from low-income residents who have been out of work due to COVID-19 and business closures. The Urban Institute estimates that more than 5,000 Orange County residents lost employment due to COVID-19, and most of those jobs are in the food service, retail, and accommodation industries⁶, which make up a significant portion of the County's economic base.⁷

⁶ Urban Institute (2020, April 24). Where Low-Income Jobs Are Being Lost to COVID-19. <https://www.urban.org/features/where-low-income-jobs-are-being-lost-covid-19>

⁷ Orange County Consolidated Plan. Market Analysis (MA-45): Non-Housing Community Development Assets. <http://orangecountync.gov/DocumentCenter/View/10806/Orange-County-NC-Consolidated-Plan-Final-Draft?bidId=>

Current Emergency Housing Assistance fund criteria is as follows. Full policies can be found here: <https://www.orangecountync.gov/2359/Risk-Mitigation-and-Housing-Displacement>

Assistance is available to households in Orange County that (1) earn no more than 60% of the area median income (AMI)*, (2) can demonstrate urgent need for housing assistance, and (3) do not have adequate savings to cover their housing costs.

To be referred for assistance, households must either:

- Be assessed through Coordinated Entry as at risk of or currently experiencing homelessness and who have identified safe, decent, and affordable housing OR
- Referred by various Orange County Departments and local service providers (e.g., Aging, Health/Family Success Alliance, Criminal Justice Resource and Social Services, Community Empowerment Fund, Interfaith Council, Compass Center, etc.)

**Preference will be given to applicants earning under 50% of AMI*

The Towns and County streamlined application and policies in April so that all Orange County residents can be assessed through the Housing Helpline process, which uses a research-based Coordinated Assessment process to connect people with community resources. One of these resources is the Towns' and County's Emergency Housing Assistance. Hillsborough, Chapel Hill, and Carrboro each have funds for emergency housing assistance. Prior to the coordination of these funds, access to the separate funds was not systematized, resident requests were not tracked across the County/system, and eligibility for each fund was disparate. Now, there is a coordinated intake system for requests and eligibility criteria are streamlined. Before streamlining, there were instances of residents not being eligible for Town funds living in the Towns' jurisdictions, so the County would cover these costs. OCHCD has established a reimbursement process with the Towns for eligible costs incurred from residents residing within the respective Town's jurisdiction. The amount incurred from each jurisdiction is recorded and tracked. This has been a fully collaborative effort between Town and County staff with the goal of lowering barriers and increasing access to emergency housing assistance funds.

The fund offers one-time assistance per household, and there is a funding maximum of \$2,000 per household. The average amount of assistance the fund provides is \$1,297, so the additional \$130k allocation could serve approximately 100 people. Thus far, OCHCD has only had one person to request assistance for a second time. However, this could become more common as issues with affordability and job security are ongoing. While the emergency housing assistance can keep someone from eviction for now, that person may not be able to afford their dwelling six months from now depending on employment, rent stability of the current housing, and other factors. However, keeping an eviction off someone's record is a powerful way to help them access housing in the future, as an eviction record can bar people from housing for years into the future.

The need for ongoing flexible housing assistance is great. Based on the current data on cost-burdened renters, there are more than 12,000 Orange County residents in need of rental subsidy to keep their income to rent ratio affordable.

OCHCD, in partnership with the Orange County Partnership to End Homelessness (and through initial staffing support from DSS), is providing case management to eligible Orange County residents in need of ongoing rent assistance through the County's Housing Help Rapid Re-Housing program, which provides rent assistance and case management for roughly 20-25 Orange County residents. OCHCD is also leveraging the Housing Choice Voucher program by implementing existing Orange County Housing Authority preferences for people experiencing homelessness and people impacted by natural disaster (to include the pandemic) to obtain longer term rent assistance through a Housing Choice Voucher. This month OCHCD began mailing HCV applications to people meeting the preference definitions with the goal of issuing 75-130 additional vouchers in 2020. All of these programs will work in tandem with the Eviction Diversion Program to help address the growing need, exacerbated by this pandemic, for affordable housing in the County.

There are additional potential CARES Act allocations that can help replenish the fund to include Emergency Solutions Grant funding and Community Development Block Grant funding from the Town of Chapel Hill. The County Manager recommended to the Board CARES Act funds allocations for housing resources as follows

\$42,950	Eviction Diversion Temporary Legal Assistance
\$50,000	Housing Voucher Incentives
\$50,000	Short Term Rental Assistance
\$100,000	Risk Mitigation and Housing Stabilization fund
\$100,000	Foreclosure Prevention

The Personal Responsibility And Work Opportunity Act of 1996 (“PRWORA”) (8 U.S.C. § 1621(b)(2)) precludes nonimmigrants and undocumented immigrants from receiving federal public benefits. These classifications of immigrants are eligible for public health benefits, emergency services, and program identified by the United States Attorney General as necessary for the protection of life and safety. An exception to the PRWORA nonimmigrants and undocumented immigrants is for “short term, non-cash, in-kind emergency disaster relief.” Nonimmigrants and undocumented immigrants would be eligible for the eviction diversion programs legal resources under this exception. PRWORA prevented federal CARES Act from providing benefits to nonimmigrants and undocumented immigrants. Nonimmigrants and undocumented immigrants who pay taxes, using an individual taxpayer identification number (“ITIN”) instead of a social security number, did not receive stimulus funds nor did they receive unemployment benefits. However, HUD has provided guidance that under the “protection of life and safety” exception Rapid Re-Housing funds are not subject to PRWORA Immigration-based restrictions. So any funds received for Rapid Re-housing could be used for nonimmigrants and undocumented immigrants. However, consideration must be given to providing Rapid Re-housing funds to undocumented immigrants seeking to obtain citizenship when it is not known the affect receipt of those funds may have on the Public Charge Test.

Staff is requesting the following:

1. An allocation of Social Justice Reserve funds to finance the Eviction Diversion Program – Funds allocated would pay for 50% of a one-year salary and benefits for a temporary bi-lingual attorney, trained in eviction diversion and pro bono legal services. (The other half of the salary and benefits would be paid by the CARES funds.) The attorney would not only assist with development the program, training of pro bono attorneys and case management, but also would perform bi-lingual legal services for the Eviction Diversion Program and mediation of Housing Helpline calls prior to residents reaching court proceedings. The hiring of a temporary bi-lingual attorney trained in eviction diversion would overcome the obstacle of not only Legal Aid’s income limit threshold but also its inability to serve undocumented persons.
2. An allocation of the Social Justice Reserve funds to the Risk Mitigation and Housing Displacement Fund to pay rent and mortgage arrears to assist nonimmigrants and undocumented immigrants and continue to prevent eviction and foreclosure.
3. An allocation of Social Justice Funds to Legal Aid of North Carolina for surge assistance with eviction cases and to assist with mediation in court proceedings.
4. Authorization to seek funding from the Towns, and donations from community residents and businesses to fund this Program – While the Towns have their own emergency housing assistance funds that are streamlined with the County’s emergency housing assistance fund to follow the same referral and application process, additional funds will be requested specifically to provide support to the Eviction Diversion Program. Donations from the private sector as well as from community residents could also help bolster existing resources and services provided through this program.

County staff is currently solidifying the details of this program. However, on June 1, 2020 when the Courts open, staff would like to have the resources in place to get started assisting people. Currently, there are about 90 evictions pending. OCHCD has already reached out to the tenants and landlords to try and avoid those evictions. Staff is receiving more calls each day, and with this program, the County can begin to allay some County residents' fears of eviction.

FINANCIAL IMPACT: Budget Amendment #9-A provides for the appropriation of \$187,950 in available Social Justice Reserve funds in the following manner:

- Forty-Two Thousand Nine Hundred Fifty dollars (\$42,950) for Temporary Employment for a full time staff attorney to provide legal and case management services;
- One Hundred Thirty Thousand dollars (\$130,000) for the Risk Mitigation and Housing Displacement Fund, and
- Fifteen Thousand dollars (\$15,000) for Legal Aid of North Carolina to increase assistance during surge of cases.

With this appropriation, there would be \$12,050 funds remaining in the Social Justice Reserve for FY 2019-20

Annette Moore made the following PowerPoint presentation:

Eviction Diversion Program

Human Rights and Resources Department-Annette Moore

Criminal Justice Resource Department- Caitlin Fenhagen

Housing and Community Development Department-Emila Sutton

Background

- Due to COVID-19, calls to the Housing Helpline are up from 250 in April to more than 650 in May
- Requests for OCHCD Emergency Housing Assistance (EHA) have quadrupled
- Housing Helpline receives 3-5 calls per week from residents seeking legal counsel for a housing issue
- Clerk of Court's Office has seen dramatic increase in eviction filings and is adding additional court hearing dates to address this increase
- Studies show that eviction harms health and child outcomes, and that preventing eviction saves costs to health systems and homeless shelters, reduces burden on courts, and improves job and educational outcomes
- Research shows that housing assistance (such as EHA) reduces hardship and increases economic opportunity for low-income families
- EHA + the Eviction Diversion Program will
 - Save costs
 - Stabilize the housing market
 - Help Orange County residents avoid the negative impacts of eviction

Greatest Needs

- Group of local stakeholders convened: Human Rights and Relations, Housing and Community Development, and Criminal Justice Resources Departments; Clerk of Court; Chief Magistrate; Carolina Student Legal Services; NC Pro Bono Resource Center; Orange Chatham Legal Aid; Commissioner Mark Marcoplos; Jamie Paulen
- Determined the two greatest needs are:

- 1.) Ensuring attorneys are available to meet the demand
- 2.) Funds to enable tenants to stay in housing once they have demonstrated financial capacity to pay future rent

Proposal: Eviction Diversion Program

Need #1: Legal counsel for tenants facing eviction

- Orange County Eviction Diversion Program would bring together an Orange County temporary employed bi-lingual attorney, Legal Aid of North Carolina, and pro bono attorneys to represent tenants and negotiate agreements between tenants and landlords to avoid eviction
- County staff are working with the Orange County Bar Association and the NC Pro Bono Resource Center to identify local pro-bono attorneys, including bi-lingual attorneys, to meet additional community needs
- Referrals to the program would come through the Housing Helpline – every person who calls in goes through needs assessment

Proposal: Funding for EHA

Need #2: Funds to stabilize tenants in their housing

- Risk Mitigation and Housing Displacement Fund (“Emergency Housing Assistance” sub-fund, formerly “Housing Stabilization Fund”) pays for rent arrears and/or other eligible costs needed to keep tenants in housing
- Board approved a one-time transfer of \$100,000 from the Local Rent Supplement Program on April 7, 2020
- Since then, more than \$110,000 in emergency housing assistance has gone to Orange County residents experiencing a housing crisis

Funding Request Recommendations (chart)

Recommendations

- 1.) Approve development of Eviction Diversion Program
- 2.) Approve Budget Amendment #9-A appropriating \$187,950 from the Social Justice Reserve for the Program
- 3.) Authorize staff to seek funding for the Eviction Diversion Program from the Towns, and donations from the community and businesses

PUBLIC COMMENT:

Jamie Paulen said she sent her Tenant Right’s Inc. proposal to Orange County Board of County Commissioners via email. She said Tenant Rights, Inc. proposes to help prevent individuals from becoming unsheltered by working to keep them in the housing in which they currently reside. She said Tenant Rights, Inc. believes that the best place for people to be in this COVID crisis is in the housing that is available. She said it plans to accomplish this by: providing legal representation to individuals who are facing evictions in Orange County; grassroots organizing across apartment complexes; and Lobbying the General Assembly for changes in the law; and legal representation. She said Tenant Rights, Inc. intends to offer legal representation in eviction proceedings to any resident or business operating in Orange County. She said she is the President and General Counsel of Tenant Rights, Inc. (CV attached), and she is a long time Orange County resident and tenant herself. She said she has 10 years of experience in landlord/tenant litigation in North Carolina, having represented residential and commercial landlords, residential and commercial tenants, and also spending two years deciding eviction cases as a magistrate in Orange County. She said this experience gives her

a unique background to fill the needs of her community members facing evictions in these unprecedented circumstances. She said Tenants Rights, Inc. is uniquely prepared to represent ALL Orange County tenants, regardless of immigration status, income level, or other circumstances. She said Tenants Rights, Inc. also offers grassroots organizing and lobbying along with legal representation.

Jamie Paulen said Tenant Rights, Inc. is requesting BOCC funding from the social justice fund in the amount of \$40,000 to fund this organization, which is dedicated to Orange County residents first. She said while organizing and lobbying will benefit those beyond Orange County, Tenant Rights will only commit to tenant representation in Orange County, if this proposal was granted.

Bonnie Hammersley said the money being requested is from the social justice fund from FY 2019-20.

Riley Ruske read the following statement:

Trust between the citizens and the government that is supposed to represent them is a very fragile thing. The foundation of that trust is the citizens' belief that their government officials will act in accordance with the laws of the nation and state. In fact, our Commissioners take an oath of office 'that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith'.

When this program proposal entered the public record at the May 19 board meeting it included language that indicated an intent to use this funding in violation of federal laws. One sentence in the first paragraph and an entire second paragraph made this intent clear. Several members of Orange County government are listed as being involved in this proposal and the County Manager recommended approval of it. This raises the issue of whether Orange County government can be trusted to comply with federal laws. The County Manager did remove this proposal from the May 19 agenda after the meeting had started.

In tonight's proposal, the entire second paragraph has been removed but the sentence in the first paragraph remains. Due to the original expressed intent there is a question as to whether the program will be executed in accordance with federal laws.

To restore the broken trust created by the original proposal, I recommend adding a new second paragraph as follows:

"The County Manager, County Chief Financial Officer and the Chair of the Board of Orange County Commissioners shall personally and officially accept responsibility to make certain that no funds in this program are used by any person or entity in violation of federal laws. In the event of any such violations, these officials shall, in their official capacity, request the U.S. Attorney for the Middle District of North Carolina to prosecute the individuals or entities involved in such violations."

Hopefully, this would begin to restore the broken trust.
Thank you.

Commissioner Dorosin said he is encouraged that this project is coordinated within so many County departments, and with the Towns. He said this is a financially reasonable request.

Commissioner Dorosin said the Governor has extended the moratorium on evictions (until June 21st or 26th, with the exception of utility cut offs), and asked if there is a timeline to get this program up and running.

Annette Moore said it is anticipated that the program will be up and running by the end of the month.

Commissioner Dorosin referred to the chart that describes how the assistance was spent, and asked if the specific utilities were known. He said there ought to be more pressure placed on utility companies to provide assistance.

Annette Moore agreed with putting pressure on utility companies.

Commissioner Dorosin said the BOCC may need to take this on, as there is some political pressure that can be leveraged.

Commissioner Dorosin said on that same page, there is a breakdown of expenditures, and the bottom category is "foreclosure prevention – generally", and asked if this category is different than the others.

Emila Sutton said staff decided it was important to separate out mortgage arrear payments, and this is a dedicated funding source that will help low income home owners pay off their mortgage arrears. She said this is especially important for those who have private mortgages, and do not fall under the protection of the CARES Act.

Commissioner Dorosin clarified that this funding is for homeowners.

Emila Sutton said yes.

Commissioner Dorosin said he really wanted to highlight the strategy of this program taking into consideration that undocumented immigrants can take part. He said these are residents of the community; are friends and neighbors; and provide vital social and economic services to the community

Chair Rich said these residents also pay taxes.

Commissioner Price referred to the term non-immigrant, and asked if there is a reason why this term is being used.

Annette Moore said a non-immigrant is a person with a visa, who is not seeking citizenship.

Commissioner Price referred to the one time assistance per household, at a maximum of \$2000, and asked if there is a plan in place to help after households use this initial payout.

Emila Sutton said in this history of this program, it is rare that people come back to ask for more assistance. She said it did happen twice in the last two weeks.

Emila Sutton said staff is trying to create a rental assistance program, for those who may need more long-term help.

Commissioner Price said program names keep changing, and she hopes that a name can be chosen and kept.

Commissioner Greene said she wanted to highlight the coordinated re-entry program, and the Partnership to End Homeless has done a great deal of work in this area, which is wonderful. She commended the efforts of everyone involved.

Commissioner Price asked if landlords have been receptive.

Emila Sutton said many people who call for help have not spoken to their landlords. She said staff encourages people to do so, and some landlords have been cooperative, while others have been more difficult.

Emila Sutton said the housing help line re-branding was to make people more familiar with the helpline, especially during the pandemic.

Commissioner Marcoplos asked if legal aid can work with undocumented people.

Annette Moore said no.

Commissioner Marcoplos asked if this can be addressed.

Annette Moore said this is the reason staff will be hiring their own legal person.

Chair Rich asked if Bonnie Hammersley could provide the budget for the social justice fund for 2020-21.

Bonnie Hammersley said the base budget is \$200,000.

Chair Rich said there has been some discussion that people want to donate to this fund, and asked if the process to do so can be explained.

Annette Moore said staff will add this information to the website.

Commissioner Bedford said her concern is that this program will need more funding, if things do not get better. She asked if staff could provide a chart, not just for housing, but also for the food programs, etc. on how funds are being spent. She said she would like to know how much the need continues to expand.

Bonnie Hammersley said staff has been tracking every penny being spent on Covid and non-Covid items since February, and if more funding is needed, staff will find it and can come back to the Orange County Board of Commissioners with a proposed budget amendment.

A motion was made by Commissioner Bedford, seconded by Commissioner Price for the Board to:

- 1) approve the development of an Eviction Diversion Program in Orange County;
- 2) approve Budget Amendment #9-A appropriating \$187,950 from the Social Justice Reserve for the Program; and
- 3) authorize staff to seek funding for the Eviction Diversion Program from the Towns, and donations from the communities and businesses.

VOTE: UNANIMOUS

Chair Rich said the Health Department had made arrangements to have a Covid-19 testing site on Friday, June 5th at the Mt. Zion Church from 1:00 p.m. – 6:00 p.m.

b. Guidance for Future Climate Action Fund Project Eligibility and Scoring

The Board received recommendations from the Climate Mitigation Review Team updating and clarifying the eligibility and scoring for future Climate Action Fund projects; and consider voting to approve the new guidance and provide it to the Orange County Commission for the Environment (CFE) for their use in soliciting and scoring project applications for the FY20-21 round of Climate Action Fund projects.

BACKGROUND:

As part of the FY 2019-20 budget, the Board of Orange County Commissioners authorized an additional ¼ cent property tax to provide an estimated \$469,272 dedicated to accelerating climate change mitigation through the new Climate Change Mitigation Project in the Capital Investment Plan. Those funds have been awarded to a first round of projects, and the process for soliciting and selecting projects is being refined and clarified with the aim of creating a formal grant program.

In mid-April, Commissioner Penny Rich asked Commissioners Renee Price, Sally Greene, and Mark Marcoplos to serve as a Climate Action Review Team to review the first year's process and make recommendations to the full Board of Commissioners during the June 2nd Business meeting. Brennan Bouma was designated to serve as supporting staff, and both Steven Arndt and Travis Myren also participated to offer assistance.

The specific charge for this group was to:

1. Review the scoring process put in place by the CFE
2. Consider modifications
3. Make eligibility recommendations to clarify who can apply for the grant
4. Confirm the application process

5. Make recommendations for the project evaluation process for the CFE to use moving forward

The Climate Mitigation Review Team conducted three virtual meetings to discuss and agree on the attached guidance document that refines and clarifies the eligibility and scoring for Climate Action Fund grant projects beginning in the FY 2020-21 round.

The recommended eligibility and scoring criteria will clarify the project selection process and ensure that the funds continue to be allocated in alignment with the intentions of the Board of Commissioners.

FINANCIAL IMPACT: The Climate Action Tax is projected to generate \$478,657 in funds in FY 2020-21, and the Board of Commissioners intends to identify impactful projects and distribute these funds promptly to accelerate action on the urgent issue of climate change and help to further stimulate the local economy.

Brennan Bouma, Sustainability Director, made the following PowerPoint presentation:

**Climate Action Fund
Eligibility and Scoring Guidelines
June 2, 2020**

Climate Action Fund – FY19-20 Projects

- \$469,272 total
 - \$150,000 – Supplemental Weatherization
 - \$150,000 – Solar for Schools - OCS
 - \$150,000 – Solar for Schools - CHCCS
 - \$19,272 LED Light Campaign

Climate Action Fund – Allocation Timeline

*Application cycle for the FY20-21 funds to run in the Fall and then follow it with the FY21-22 cycle in the Spring. This would allow the project solicitation and review process to catch up so that in subsequent years there could be a single more relaxed evaluation schedule aligned with the CIP process

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 Open for FY20-21 Funds	Project Ranking and Selection for FY20-21	Application Open for FY21-22 Funds	Project Ranking and Selection for FY21-22
2021-22	Application Open for FY22-23 Funds	Project Review and Ranking for FY20-21	BOCC Review with CIP	Project Selection for FY20-21

FY20-21 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 eligible if not likely to be funded within 5 years.

FY20-21 Scoring Process

- CFE review still uses formula weighing social justice and racial equity most heavily.
- CFE to consult with experts or other advisory boards to reinforce decisions and representation.
- Room for CFE expertise in assigning scores, notes on rationale will be provided.
- BOCC has final decision

FY20-21 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)**
- Minimum score for eligibility

Minimum score:

- Not discussed by Climate Mitigation Review Team

CFE Scoring Table

Project	Cost Estimate	Social Justice/Racial Equity (5 pts)	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):	Total	R
Total (Max for 2020-21: \$478,657)										

Commissioner Price said a minimum score was not set, and if a project were not up to par, having a minimum score may just be something to consider.

Commissioner Marcoplos said a minimum score may be a useful number to have, but another cycle is likely needed to see what numbers would look like.

Commissioner Dorosin said the BOCC is not obligated to fund anything, so seeing how this new process works first makes sense.

Commissioner Dorosin referred to the point about legal standing, and said if the goal is to fast track this process, it is unrealistic for one to apply if ones does not have the legal standing. He said it is a long process to become a 501-c-3, and hoping that one will have legal standing by the time the funds are awarded seems unrealistic. He said it is important to be clear as to the definition of “non-profit” that is being used; and asked if this means a 501-c-3, or organized as a non profit under North Carolina State law.

John Roberts said the policy does not currently specify the definition of a non-profit.

Commissioner Dorosin asked if it makes a difference in giving out funding, and can the BOCC give money to an entity that is non-profit, but not a 501c-3.

John Roberts said yes the Board can give out money to non 501-c-3s, and this has been done before with the Piedmont Food and Agricultural Processing (PFAP) Center.

Travis Myren said his intent was for applicants to sign a contract, and therefore be legally accountable for the result.

Commissioner Dorosin said if the BOCC can give money to a non-profit, as said under state law, this should be made very clear to potential applicants, as that process is quick and easy. He asked if being a non-profit under state law should be required for people to apply, as there is some value in having an entity be legally responsible.

Commissioner Greene said the committee imagined a group coming together with a wonderful idea, which gets funded, and staff wanted to insure that the group is legally obligated. She said she would push back on the idea that one needs to be a legal entity prior to applying for funding, because if funding is not awarded, the efforts would have been for naught.

Commissioner Dorosin said the document says it has to be a non-profit.

Commissioner Greene said it can be a small business, up to \$3 million a year.

Commissioner Dorosin said the document does say that, but \$3 million seems pretty high for a small business.

Commissioner Greene said this standard was used, as it is the same standard that is used for the small business loan and grant program. She said it seemed high to her too, and is open to suggestions.

Commissioner Dorosin said it would seem odd that a business with gross revenue of up to \$3 million would need this type of grant.

Commissioner Bedford asked if it would work to continue the weatherization program, and would that mean a department could put in for additional funding for their program.

Commissioner Greene said yes.

Travis Myren said yes, the intent is for funds to not go to projects that are already funded through the CIP already.

Commissioner Bedford suggested leaving the \$3 million threshold for now, to see how it works.

Commissioner Price said the \$3 million number was just to offer consistency with existing programs.

Commissioner Price referred to the wording in the scoring process, paragraph 3: "the Commission for the Environment (CfE) may consult with other experts or advisory boards on any and all applications for the purposes of diversity and inclusion..." and said she wants this language to be stronger. She said she wants language that says, "in the event that the CfE lacked diversity the CfE shall consult other experts and advisory boards, such as the Humans Rights and Relations Commission".

Commissioner Marcoplos said the County is going to learn a lot during this next cycle, and he would recommend waiting and reviewing the process next year, if need be.

Commissioner Dorosin said the BOCC is creating something new and making changes is no less baked than anything that already exists. He asked if anyone knows why the \$3 million is the threshold for the grant and loan program.

Gary Donaldson, Chief Financial Officer, said the \$3 million number is a carryover from the Economic Development small business loan program.

Commissioner Dorosin asked if this number was picked for any particular reason.

Gary Donaldson said that happened before his time, and he can get him the information as to why this number was chosen arbitrarily.

Chair Rich said the BOCC could come back to amend the process, if need be.

Commissioner Dorosin said given the priority being placed on social justice and racial equity, the BOCC may want to target smaller businesses. He said he appreciated the work his colleagues have done on this, and would like to know how many small business loans have gone to businesses making \$3 million.

Commissioner Marcoplos said \$3 million does not seem like that much to him, and what is left at the end of the year of a \$3 million business is not much.

Commissioner Greene agreed with raising the questions, but said it is likely good to wait and watch. She said the scoring criteria include equity and social justice.

Commissioner McKee said the document says gross income should not exceed \$3 million, so smaller entities could certainly apply.

Commissioner Dorosin said it does not exclude businesses that make less, but he is just saying the cap should be lower.

Commissioner McKee agreed that \$3 million is not much at the end of the day, and such businesses would not have excess cash to start a big project. He said for many businesses this may just be breaking even.

Bonnie Hammersley said the North Carolina definition of a small business is, “\$7 million in revenue, and less than 500 employees”. She said staff likely just cut this number in half.

Chair Rich said the only change she sees as necessary is Commissioner Price’s request to tighten the language up in paragraph 3.

The Board agreed by consensus.

A motion was made by Commissioner Price, seconded by Commissioner Greene for the Board to:

- 1) Receive recommendations from the Climate Mitigation Review Team updating and clarifying the eligibility and scoring for future Climate Action Fund projects; and
- 2) Approve the new guidance and provide it to the Orange County Commission for the Environment (CFE) for its use in soliciting and scoring project applications for the FY 2020-21 round of Climate Action Fund projects.

VOTE: UNANIMOUS

c. Amendments to the Advisory Board Policy

The Board considered options for clarification to the advisory board policy related to remote meetings of advisory boards and vote to select one of those options to be effective July 1, 2020.

John Roberts presented this item:

BACKGROUND:

On March 13, 2020 the Board Chair declared a State of Emergency in Orange County (“Declaration”) related to the national emergency created by the Corona Virus Disease 2019 pandemic. At that time the Chair directed all Orange County advisory and other boards to cease in-person meetings to reduce chances of virus transmission. The Orange County Board of Commissioners Advisory Board Policy (“Policy”) does not allow remote meetings. This restriction was included by the Board during the creation of the Policy to encourage members of advisory boards to actually attend meetings rather than attending by teleconference. Recently members of the Board have expressed an interest in removing this restriction.

There is also language included allowing individual members to attend meetings remotely when they are unable to be physically present for a regularly scheduled meeting. Furthermore, the County Attorney noticed a technical inconsistency in the Policy and made a minor change that specifically includes three quasi-judicial boards in the ethics and limitations sections of the Policy. These three boards are left out of the remote meetings sections based on due process concerns with conducting quasi-judicial hearings remotely.

All proposed language is included in the draft and the Board may change or reject all, including the technical correction mentioned above, and should discuss any other options the Board may wish to consider.

Option 1 – leave in place the restrictions on remote meetings.

Option 2 – leave the general restriction on remote meetings in place for advisory boards, but specifically authorize the Manager to allow a remote meeting for an advisory board when a meeting is immediately necessary to further County business.

Option 3 – only allow remote meetings during declared states of emergency and do so for all advisory boards whether or not authorized by the Manager.

Option 4 – allow remote meetings during declared states of emergency and allow individual members to attend remotely at any other time.

Option 5 – allow remote meetings at all times.

Remote meetings will need to be compliant with statutory notice provisions and with open meetings laws. All remote meetings must provide for access by the public and where applicable, also comment by the public. Deputy Clerk David Hunt also indicates the Board should consider that a “hybrid meeting with some board members on-site and some at home will be technologically challenging. A conference call with a single phone in the meeting room would be the least complicated solution. Setting up a video conference is more complicated. (Think camera positions, sharing documents, view for members in the room, view for public in the room, etc.)”

FINANCIAL IMPACT: The financial impact associated with this action is dependent upon the number and type of remote meetings.

John Roberts said staff has had some questions since this was published. He said quasi-judicial boards were intentionally left out, as they are not advisory boards, with the exception for the ethics portion of the advisory board policy. He said quasi judicial boards can meet virtually, regardless of the County’s action (due to State statute), but his concern would be with decisions being overturned if there are connectivity issues, or troubles hearing, etc., which may lead to due process complaints.

David Hunt said an advisory board meeting would likely be sitting at a table, and the easiest option for remote involvement would be telephonic. He said using a computer to join the meeting would be somewhat harder.

Chair Rich said this was brought up because internal advisory boards cannot meet remotely now, because the current policy in place that says they cannot do so.

Commissioner Marcoplos said he liked Option 5, as it gives maximum flexibility, but he may not have thought of potential drawbacks.

John Roberts said one of the drawbacks is that even in a remote meeting, the public has to have access to the meetings, and he is not sure all departments have that capability.

Commissioner Bedford said she is concerned that everyone may not have the technology and Internet access to do remote meetings. She said she preferred option 3, but option 4 may also work. She said she would like to have input from the advisory boards. She said she thinks it is very important to have video access, as following by audio alone can lead to confusion. She said technology can be helpful, and the goal here is to be more inclusive, but she does not want to inadvertently exclude people.

Commissioner Dorosin said there are two interests to balance: facilitating the work of the boards and public access/transparency of meetings. He said even the BOCC zoom meetings are difficult, and it is not the same as being together in person.

Commissioner Dorosin said the best way to reconcile the issue is a combination of options 2 and 4: promoting in person expectations, with the option for remote participation if necessary. He said he hopes this will keep the remote participation low, but also allow for greater diversity in participation, as it allows for flexibility in extenuating circumstances.

Chair Rich agreed, but with the comment that one cannot repeatedly attend virtually. She said the goal should be in person participation.

Commissioner Price said she was looking at combining options 3 and 4. She said there is currently a state of emergency, and advisory boards need to meet, but she would like to have an option that people can participate virtually if needed (with the authorization from the Manager in option 3). She said she would also want the preference to be in person meetings.

Commissioner McKee said he would support option 2 or 3.

Commissioner McKee said option 4 is contradictory, as it allows for virtual meetings to attend during a declared state of emergency, but also for members to attend remotely at any other time.

Commissioner McKee said he is not for option 5, as it is his expectation that board members should attend meetings in public. He said his main fear for remote meetings is the limits of technology, and not all people have IT support and may live in rural areas.

Commissioner McKee said he has counted only about 5 people that have spoken to the BOCC by public comments during these remote meetings, and he believes access to technology may be a factor in that number.

Commissioner Marcoplos said if the goal is transparency, then nothing beats option 5. He said he believes more of the public would participate in remote meetings. He said he questions as to whether this should be a fluctuating issue, needing a decision to be made in each circumstance. He said option 5 would require no room rental, no expense, and he thinks it allows the most access.

Commissioner Greene said if everyone in the county had equal access to high quality Internet then option 5 would be great, but that is not the case. She said she liked the discussion that Chair Rich and Commissioner Dorosin were having around options 2 and 4. She said the Partnership to End Homelessness (PTEH) has allowed members to call in, and it has worked very well, and has not been abused.

A motion was made by Commissioner McKee to move option 3 – no second.
Motion fails.

A motion was made by Commissioner Dorosin, seconded by Commissioner Greene to move option 2, with the addition of the language in option 4, and allow individual members to attend meetings remotely anytime.

Option 1 – leave in place the restrictions on remote meetings.

Option 2 – leave the general restriction on remote meetings in place for advisory boards, but specifically authorize the Manager to allow a remote meeting for an advisory board when a meeting is immediately necessary to further County business. And allow individual members to attend remotely at any other time.

Option 3 – only allow remote meetings during declared states of emergency and do so for all advisory boards whether or not authorized by the Manager.

Option 4 – allow remote meetings during declared states of emergency and allow individual members to attend remotely at any other time.

Option 5 – allow remote meetings at all times.

Commissioner McKee said he will support this, with a few reservations. He said the BOCC can always amend it, if necessary.

Commissioner Price clarified that the motion is saying that advisory boards cannot meet now without permission, and any member can attend remotely anytime.

Chair Rich said yes, a state of emergency will not be required.

Commissioner Price asked if the second part of the motion negates the first part.

Commissioner Dorosin said the general restriction for remote full board meetings stays in place, unless by permission of the Manager, but if an individual needs to attend remotely for some reason, it is permissible to do so.

Commissioner Price said the goal is to discourage a blanket statement that all advisory boards can meet during a state of emergency.

Commissioner Dorosin said yes, he supports boards meeting virtually only if there is urgent County business, to which the boards need to attend.

Commissioner Marcoplos said he predicts that there will be a record number of people meeting remotely after doing this for a while.

Commissioner Bedford suggested taking out the word immediately in option 2, as some boards will need to touch base, which would not be considered an immediate need, but is valuable nonetheless.

Commissioner Dorosin said the point is that the motions leaves in place the general restriction. He said phase three will be happening soon, and the ability to meet in person again may be happening soon too.

Commissioner Greene said this motion leaves the decision to the Manager's discretion.

VOTE: Ayes, 5 (Chair Rich, Commissioner McKee, Commissioner Dorosin, Commissioner Greene, Commissioner Bedford); Nays, 2 (Commissioner Marcoplos and Commissioner Price)

John Roberts said some wording will need to be changed, and he can bring this item back for consent agenda, or read it now.

Chair Rich asked if he could read it now to keep the process moving.

John Roberts read section 12.a.1:

SECTION XII. REMOTE MEETINGS AND REMOTE ATTENDANCE PURSUANT TO NCGS §166A-19.24

A. Declared states of emergency.

1. Upon a declaration of a state of emergency in Orange County by the Chair of the Board of Commissioners advisory boards subject to this Advisory Board Policy may meet remotely as authorized by the County Manager.
2. A remote meeting is an official meeting, or any part thereof, with a majority or all of the members of the advisory board participating by simultaneous communication.
3. Simultaneous communication is any communication by conference telephone, conference video, or other electronic means.
4. Advisory Boards shall comply with open meetings laws.
5. Advisory Boards shall coordinate with the Clerk to the Board of Commissioners to notify the public of the remote meetings and the means by which the public may access the remote meetings.
6. If at any time during a remote meeting the number of members needed for a quorum is disrupted by a loss of simultaneous communication the meeting will not continue until simultaneous communication is restored and if simultaneous communication cannot be restored the meeting will be adjourned without further action.

B. Remote attendance at other times.

1. At all other times advisory boards shall meet in person at the time and location adopted in the board's meeting schedule and as set out herein.
2. Should a member be unable to physically attend a meeting the member may attend remotely so long as simultaneous communication is maintained for the remotely attending member(s) and only so long as the public has access to communications by the member(s).
3. Remote attendance involves a member(s) of the advisory board participating by simultaneous communication.

4. If the presence of a member(s) remotely attending a meeting is necessary for purposes of achieving a quorum and simultaneous communication with the member(s) is lost the meeting will not continue until simultaneous communication is restored and if simultaneous communication cannot be restored the meeting will be adjourned without further action.

Commissioner Price said this seems the same as option 3.

Commissioner Greene said option 2 requires the Manager’s permission for boards to meet remotely, and option 3 does not.

John Roberts said the Board should adopt the policy, with the added language.

A motion was made by Commissioner Dorosin, seconded by Commissioner Greene to adopt the policy changes

VOTE: Ayes, 6; Nays, 1 (Commissioner Marcoplos)

Commissioner McKee said he would like information brought back in January 2021 regarding attendance numbers for virtual meetings, versus in person.

Commissioner Greene asked if staff could communicate to the chairs of the boards that the expectation is to meet in person, if possible, and not remotely for every meeting. She said this privilege should not be abused.

d. Coronavirus Relief Funding Plan and Additional Emergency Small Business Grant Funds

The Board considered voting to approve:

- 1) the appropriation of \$2,665,753 in Coronavirus Relief Funding (CRF) on a County-wide per capita basis;
- 2) the submittal to the State of the County’s CRF Plan by June 1, 2020; and
- 3) the appropriation of \$410,000 in Article 46 Sales Tax Small Business Loan Funds for Emergency Funding to small businesses.

Gary Donaldson, Chief Financial Officer, presented this item:

BACKGROUND:

The North Carolina General Assembly unanimously approved the Coronavirus Relief Funding (House Bill 1043) that was signed by the Governor on May 4, 2020. The CRF package includes relief measures related to public health and safety, education, small business assistance, and continuity of state government operations.

The Orange County State-wide per capita share is \$2,665,753 of the \$150 million allocated to NC counties. House Bill 1043 does not appropriate any funds directly to a city or town, but instead delegates that funding decision to counties. At the May 19, 2020 Virtual Business Meeting, the BOCC approved the CRF funding allocation detailed in the table below based on a per capita allocation.

ORANGE	\$ 1,546,136.74	58%
CARRBORO	\$ 266,575.30	10%
CHAPEL HILL	\$ 746,410.84	28%
DURHAM	\$ -	0%
HILLSBOROUGH	\$ 79,972.59	3%

MEBANE	\$ 26,657.53	1%
TOTAL	\$ 2,665,753.00	100%

COVID-19 Eligible Expenses:

- Support COVID-19 related expenditure for public health staff and program costs, personal protective equipment (PPE), public safety staff expense, medical expense, overtime or mandatory pay, distance learning and teleworking requirements
- Economic and Human Services support
- Expenses must be incurred between March 1, 2020 – December 30, 2020
- Funds cannot be used to replace lost local government revenue

The proposed County compiled CRF Funding Plan following requests from County Departments is:

Categories	Planned Expenditures
Public Health Expenses; PPEs, Disinfectants	\$570,000
Personnel Support	\$350,000
Human Services including Housing Assistance and Food to vulnerable residents	\$456,136
Telework and Information Technology	\$145,000
Economic Development	\$25,000
Total	\$1,546,136

CRF Reporting Requirements

June 1, 2020 - Counties determine a funding plan

Beginning October 1 - Submit Quarterly Reporting of expenditures to the State

The Funding Plan categories due by June 1, 2020 are:

- 1) Medical expenses
- 2) Public health expenses
- 3) Payroll expenses
- 4) Expenses to facilitate compliance with COVID-19-related public health measures
- 5) Expenses associated with economic support including small businesses

Emergency Small Business Grants

Staff is separately proposing using \$410,000 from Article 46 Sales Tax Small Business Program funds to provide Round 2 Emergency Grants to small businesses based on a financial review of businesses April 2019 and April 2020 revenue. Grant Program eligibility requirements:

- Orange County based businesses
- A business must have not received Federal CARES Act, State or local funds
- Minimum of one year of operations
- Provide a public benefit in the form of job creation and tax base increase
- For-Profit business status
- All applicants are required to have been in business for a minimum of one-year, hold applicable 2019 business privilege licenses, and be registered with appropriate legal entities such as the North Carolina Secretary of State or Orange County Register of Deeds office

- Companies are not eligible if they have past-due tax liabilities or tax liens, delinquencies in Orange County property taxes, or were in bankruptcy (Corporate or Personal) prior to the pandemic

FINANCIAL IMPACT: The State has allocated \$2,665,753 to the County for eligible COVID-19 expenses and the use of \$410,000 of Article 46 Sales Tax Small Business Fund. There will be forthcoming Budget Amendments for both funding sources.

Commissioner Greene said the abstract references a desire to see public benefit in the form of job creation and tax base increase. She asked if this is actually an either/or situation.

Gary Donaldson said yes, either/or.

Commissioner Dorosin asked if job creation means new work, or bringing people back to work.

Gary Donaldson said staff is working on that now, and he said the desire is something measurable, and is trying to keep it simple.

Commissioner Dorosin said he appreciated this.

Commissioner Dorosin referred to the attachment, and the personnel support category. He said virtually all of these will provide support to those departments who support the most adversely affected populations by the pandemic.

Commissioner Price referred to bankruptcy - last bullet on qualifications – and that one is not eligible if in bankruptcy before the pandemic. She asked if this is true of one's entire history, or in more recent years.

Gary Donaldson said it is considers the past year.

Chair Rich said the last round of business grants was not given out completely, and asked if these funds are available.

Gary Donaldson said staff will provide an updated report, and any residual funds will be swept into this amount.

Chair Rich referred to the bankruptcy bullet, and said there are some businesses that have received funding already and are not repaying the loan. She said she would not want these businesses to get additional funds, if they are not paying back existing loans.

Gary Donaldson said staff considered this, and there are 11 businesses with outstanding balances. He said staff will bring an abstract on June 16 with respect to the small business non-profit, and this is for enhanced controls and bringing those funds unto the County books.

Chair Rich asked if staff would use the press release to strongly encourage minority and women owned businesses to apply.

Commissioner Bedford said she very much supports this, but would like to offer an opposing view: there was an article in the News & Observer, which said 42% of the jobs lost will not recover. She said the article's summary was that it is inefficient to use funds to support a business that is not going to make it anyway. She said the County will be protected from this due to the caveat of looking for applicants that will create jobs, or provide public service, etc. She said it is important to use public dollars wisely.

Commissioner Price asked if applicants for County funding must have a good relationship with another financial institution, or if the applicant can just be in good standing with the County.

Gary Donaldson said the primary metric staff is using is April revenues.

Commissioner Price asked if the press release could be very simple and readable, so th that one could pass it out to small businesses or emailed.

A motion was made by Commissioner Bedford, seconded by Commissioner McKee for the Board to approve the CRF Funding Plan for submittal to the State as stated herein, and

approve the appropriation of \$410,000 from Article 46 Sales Tax Small Business Loan Program funds for Emergency Small Business grants.

VOTE: UNANIMOUS

**7. Reports
NONE**

8. Consent Agenda

- **Removal of Any Items from Consent Agenda**
No items removed.
- **Approval of Remaining Consent Agenda**

A motion was made by Commissioner Greene, seconded by Commissioner McKee for the Board to approve the remaining items on the Consent Agenda.

VOTE: UNANIMOUS

a. Minutes

The Board approved the draft minutes from May 5, 12 and 14, 2020 as submitted by the Clerk to the Board.

b. Motor Vehicle Property Tax Releases/Refunds

The Board adopted a resolution, which is incorporated by reference, to release motor vehicle property tax values for three taxpayers with a total of six bills that will result in a reduction of revenue in accordance with NCGS.

c. Property Tax Releases/Refunds

The Board adopted a resolution, which is incorporate by reference, to release property tax values for two taxpayers with a total of four bills that will result in a reduction of revenue in accordance with North Carolina General Statute 105-381.

d. Extension of Little River Regional Park Interlocal Agreement

The Board adopted and authorized the Manager to sign a one-year extension of the current interlocal agreement between Orange County and Durham County for the operation of Little River Regional Park and Natural Area. The current agreement term expires on June 30, 2020.

e. Resolution of Support – Triangle Trails Initiative

The Board adopted a resolution, which is incorporated by reference, of support for the Triangle Trails Initiative, a new effort to plan for linked trails within the Triangle region coordinated by the East Coast Greenway Alliance, through a grant from the AJ Fletcher Foundation and authorize the Chair to sign.

f. Orange County ABC Board Travel Policy

The Board approved the Orange County Alcoholic Beverage Control (ABC) Board's adoption and continued use of Orange County's travel policy for FY 2020-21.

9. County Manager's Report

Bonnie Hammersley said the Virtual Budget Public Hearing will be held on June 4th. She said she will need all proposed amendments to the budget by close of business on Wednesday, June 3rd, in order to be able to post them on the website for the public to view prior to the June 4th public hearing.

10. County Attorney's Report
NONE

11. *Appointments

a. Workforce Development Board – Appointment Discussion

The Board considered making an appointment to the Workforce Development Board (WDB).

A motion was made by Commissioner Marcoplos, seconded by Commissioner McKee to appoint Katie Loovis to the WDB for a first full term in the position of At-Large – Private Sector - Business expiring 6/30/2023.

VOTE: UNANIMOUS

12. Information Items

- May 19, 2020 BOCC Meeting Follow-up Actions List
- Tax Collector's Report – Numerical Analysis
- Tax Collector's Report – Measure of Enforced Collections
- Tax Assessor's Report – Releases/Refunds under \$100
- 2021 Property Tax Revaluation Update

13. Closed Session
NONE

14. Adjournment

A motion was made by Commissioner McKee, seconded by Commissioner Price to adjourn the meeting at 9:35 p.m.

VOTE: UNANIMOUS

Penny Rich, Chair

Donna S. Baker
Clerk to the Board

Submitted for approval by David Hunt, Deputy Clerk to the Board.