

**Meeting Minutes
January 10, 2023**

**MINUTES OF MECKLENBURG COUNTY, NORTH CAROLINA
BOARD OF COUNTY COMMISSIONERS**

The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 280 on the 2nd floor of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street, Charlotte, North Carolina at 2:30 p.m. on Tuesday, January 10, 2023.

ATTENDANCE

Present: Chair George Dunlap and Commissioners
Leigh Altman, Arthur Griffin,
Mark Jerrell, Laura J Meier, and Elaine Powell
County Manager Dena R. Diorio
County Attorney Tyrone C. Wade
Clerk to the Board Kristine M. Smith
Deputy Clerk to the Board Arlissa Eason

Absent: Commissioner Susan Rodriguez-McDowell
Commissioner Patricia "Pat" Cotham
Commissioner Vilma D. Leake

CALL TO ORDER

The meeting was called to order by Chair Dunlap, followed by introductions and the Pledge of Allegiance to the Flag.

23-0053 2022 MECKLENBURG COUNTY PERFORMANCE REPORT

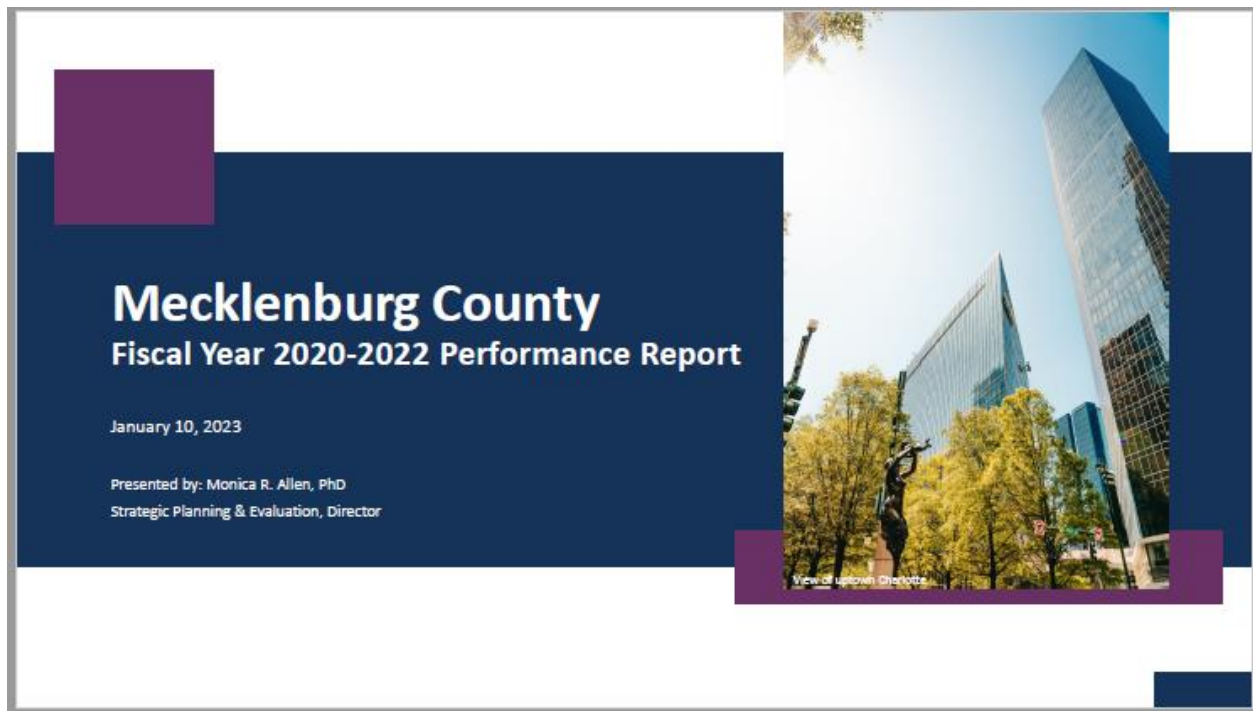
The Board received a report on Mecklenburg County's annual performance results for FY2022.

Monica R. Allen, PhD, Director for Strategic Planning & Evaluation made a presentation.

Meeting Minutes


January 10, 2023

Background: Each year, the Mecklenburg County Manager's Office produces its annual performance report. The 2022 annual performance report highlights areas in which the County does well and highlights opportunities for improvement over the past three years. The BOCC will receive highlights from the annual performance report along with contextual information to support outcomes outlined in the County's FY2020-FY2022 Corporate Strategic Business Plan completed on June 30, 2022.



MECKLENBURG COUNTY | FY2020 – 2022

CORPORATE STRATEGIC BUSINESS PLAN



CLEARING PATHS AND MOVING FORWARD

FY2020-2022 Corporate Strategic Business Plan

- Five Goal Areas
- Strategies
- Key Performance Indicators
- Key Initiatives

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Goal Areas and Goals

 Accountable Government To be a high performing, highly skilled and well-trained customer focused workforce that effectively utilizes resources to provide high-quality services to our residents, customers and employees	Connected Community To foster access to physical, social and information resources for all residents and visitors in our community 	 Economic Opportunities To enhance the economic stability and success of our current and future residents	Healthy Community To create a culture of health and wellness for our residents, customers and employees 	 Safe Community To have an efficient and effective criminal justice system
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Accountable Government

Goal: To be a high performing, highly skilled and well-trained customer focused workforce that effectively utilizes resources to provide high-quality services to our residents, customers and employees



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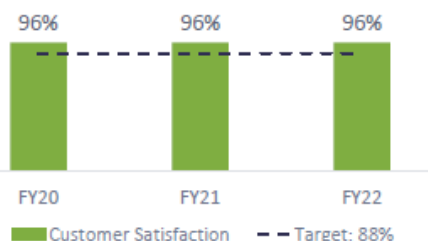
Accountable Government – Performance Update

Customer Satisfaction

Strategy: Utilize the customer service standards with a focus on customer satisfaction and priority in the design and efficient delivery of County Services.

- Customer satisfaction results were strong from Fiscal Years (FY) 2020 to 2022.
- In FY21, there was a 44% decrease in the number of survey responses, due to the closure of facilities during the COVID-19 pandemic.
- From FY21 to FY22, there was an 8% increase in the number of survey responses. At the end of FY22, responses had not returned to pre-pandemic levels.
- County departments evolved their customer satisfaction data collection strategies in the new hybrid environment.
- County departments worked on adding a question to their surveys about "Trust" in the County in FY21 and FY22.

County Customer Satisfaction Rate



Customer Service Standard	FY20 Result	FY21 Result	FY22 Result
Courtesy and Respect	97.9%	97.2%	97.5%
Communication	96.8%	95.2%	95.2%
Timeliness	96.1%	93.1%	94.4%
Ethics	96.0%	97.9%	95.7%
Service Quality	95.4%	96.2%	95.9%

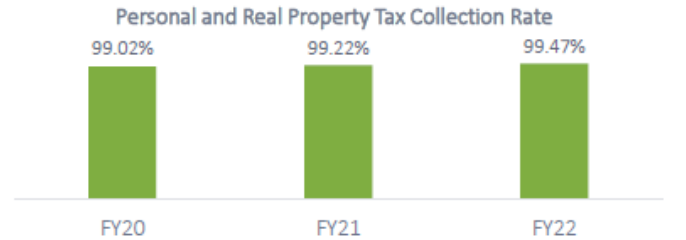
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Accountable Government – Performance Update

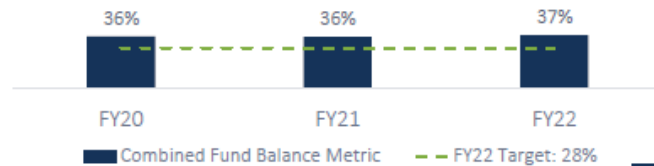
Financial Management

Strategy: Manage the use of debt and expenses to maintain the County's credit-worthiness and an affordable and competitive tax rate.

- The County's general obligation bonds consistently carried the highest credit rating, AAA, as rated by Fitch, Moody's, and Standard & Poor's (S&P).
- Despite the impacts of the COVID-19 pandemic, the Office of the Tax Collector consistently increased the collection rate of real and personal property taxes from FY20 to FY22, with collection balances surpassing forecasted budgets.
- The Office of the Tax Collector remained nimble in its utilization of enforced collection methods to adapt to the changing external environment.



Combined General Fund and Debt Service Fund balance as percentage of prior year General Fund revenues



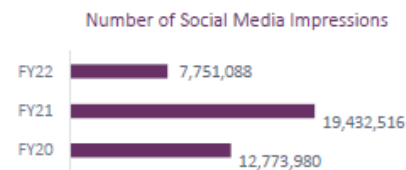
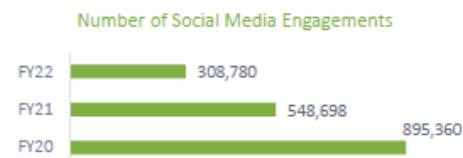
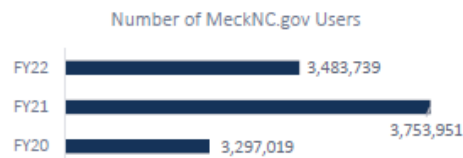
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Accountable Government – Performance Update

County Communication

Strategy: Improve communication of information about County news, programs and services to residents and customers.

- From FY20 to FY22, residents sought the latest local information on COVID-19, which brought Mecklenburg County website, social media, and news media interactions to new levels.
- Public Information (PI) created quality visual content that resonated with various audiences and increased accessibility of content.
- FY21 social media impressions were a result of significant social media advertising investments made to bring information to people outside of typical followers. Despite the decrease in FY22, impressions continued to exceed pre-pandemic levels.
- PI also helped develop improvements to the streaming platform at watch.MeckNC.gov and created a virtual broadcast platform.



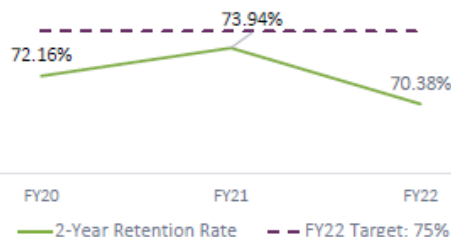
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Accountable Government – Key Initiative Update

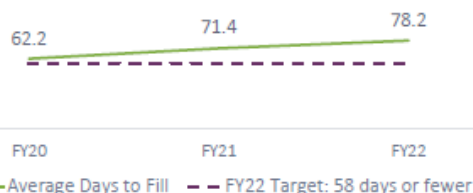
Talent Management

- In FY20, Human Resources (HRS) implemented the new Applicant Tracking System, which aids the Talent Acquisition team in recruiting top talent.
- The increase in the Average Days to Fill Job Postings measure was driven by the impacts of the COVID-19 pandemic and the Great Resignation.
- The County implemented a hiring freeze during the pandemic. Upon the lifting of the freeze, HRS was tasked with filling many positions with limited staff capacity, smaller candidate pools, and increased competition.
- In FY21, HRS implemented the Classification and Compensation Redesign Project. This project provided updated job market data, new pay delivery mechanisms, updated policies, and salary increases for all Mecklenburg County employees.
- HRS announced the new employee performance management process and created a new employee competency model, MeckACTs, to take effect in FY23.

2 Year County Employee Retention Rate



Average Days to Fill Job Postings



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Connected Community

Goal: To foster access to physical, social and information resources for all residents and visitors in our community



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Connected Community – Performance Update

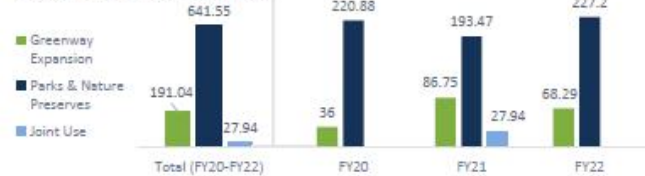
Land Acquisition

Strategy: Acquire land to enhance Park and Recreation offerings and address current gap areas.

From FY20 to FY22, Asset and Facility Management staff closed on 188 land acquisitions, totaling 860.53 acres. Of the approximately 860 acres:

- 191.04 acres were for greenway expansion,
- 641.55 were for parks & nature preserves, and
- 27.94 were for joint use between the Solid Waste Division and the Park and Recreation Department.

Acres of Land Acquired for Park and Recreation Use: FY20-FY22



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Connected Community – Performance Update

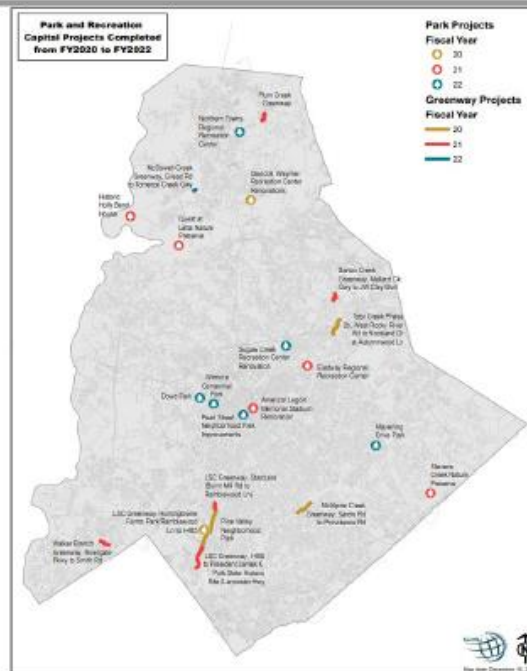
Park and Recreation Projects

Strategy: Design and build public parks, greenways, nature preserves and recreation centers.

Park and Recreation staff, in partnership with Asset and Facility Management staff, oversaw the planning and construction of 22 capital projects from FY20 to FY22.

Capital projects completed by type are:

- Nine greenway segments,
- Five park constructions and renovations,
- Seven facility and recreation center constructions and renovations, and
- One nature preserve.



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Connected Community – Performance Update

Charlotte Mecklenburg Library

Strategy: Grow the network of active library cardholders through marketing and outreach efforts in the community.

The percent of all Mecklenburg County households with an active library account dropped from 36% at the end of FY20 to 25% by the end of FY22 due to the extended effects of the pandemic.

The number of active cardholding households dropped by 43,600 from FY20 to FY22. The following are the active household counts per fiscal year:

- FY20: 154,451
- FY21: 135,371
- FY22: 110,851



Percent of Mecklenburg County Households with an Active Library Account



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Economic Opportunities

Goal: To enhance the economic stability and success of our current and future residents



Graduates of Get up and Grow, an Office of Economic Development Program

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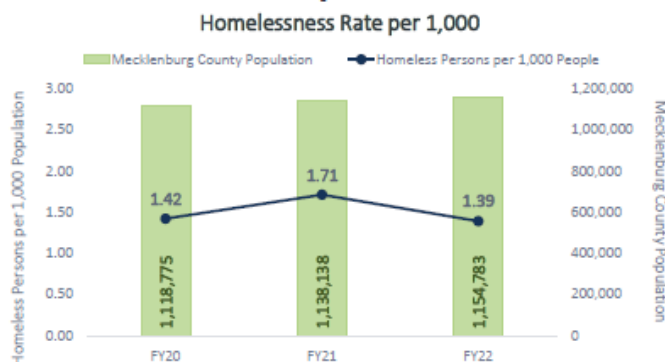
Economic Opportunities – Performance Update

Homelessness

Strategy: Promote access to housing for individuals and families to reduce the rate of homelessness in the County.

Homelessness Rate per 1,000 Residents

- Results from the FY21 Point-In-Time (PIT) Count* indicated there was a 21% increase from FY20, with 343 more people experiencing homelessness.
- Results from the FY22 PIT Count indicated there was a 19% decrease from FY21, with 338 less people experiencing homelessness.



- The increase in FY21 may have been due to an increase in temporary shelter capacity, an extension of the time period to perform the PIT Count, and an increase in housing needs due to COVID-19.
- The decline in FY22 may have been due to PIT Count outreach being limited by social distancing and the ongoing work in the community to temporarily house individuals experiencing unsheltered homelessness.

* The Point-in-Time (PIT) Count is a count of sheltered and unsheltered people experiencing homelessness on a single night in January.

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Economic Opportunities – Performance Update

Homelessness (cont'd)

Strategy: Promote access to housing for individuals and families to reduce the rate of homelessness in the County.

Housing Stability

- The increase in housing stability in FY21 can be attributed to the eviction moratorium. In FY22, when the moratorium ended, evictions increased, and housing stability decreased. Overall stability remains high.
- Program staff continued to identify solutions to aid in supporting housing stability, including working closely with landlords and tenants to address the barriers to housing.
- In the last three fiscal years, Mecklenburg County has been a key voice in leading the Charlotte-Mecklenburg Housing & Homelessness Strategy, which is the first comprehensive effort to address housing instability and homelessness in Charlotte-Mecklenburg involving the public, private and non-profit sectors.



Supportive Housing Program	Number of Individuals Stably Housed		
	FY20	FY21	FY22
Shelter Plus Care	328	340	354
Moore Place	130	120	119
Housing First Charlotte Mecklenburg Partnership	72	73	61

* Housing Stability Rate: Percentage of individuals participating in the three original supportive housing programs (Shelter Plus Care, Moore Place, and Housing First Char-Meck Partnership) who are stably housed at the end of the fiscal year

Note that the Community Support Services department partners with many other support housing organizations to provide services, including: ABCCM, Carolinas Care Partnership, Catholic Charities USA, Charlotte Family Housing, Community Link, Roof Above, Supportive Housing Communities, The Relatives, The Salvation Army, and the U.S. Department of Veteran's Affairs.

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Economic Opportunities – Performance Update

Workforce Development

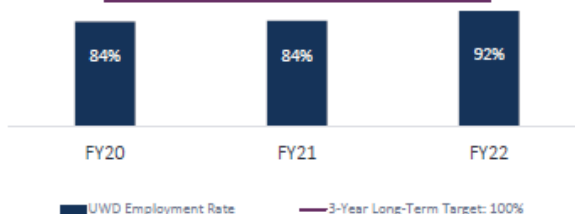
Strategy: Strengthen individual access to upward mobility opportunities through health and human integrated services and employment placement services.

Unified Workforce Development (UWD)

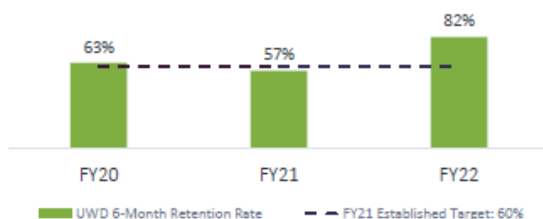
- Over the last three fiscal years, UWD secured new employment for 226 individuals.
- The average starting wage for these individuals was \$12.88/hour in FY20 compared to \$15.09/hour in FY22.*
- Individuals referred to UWD are experiencing multiple significant barriers to employment. From FY20 to FY22:
 - 67% had criminal justice involvement
 - 58% experienced homelessness
- From FY20 to FY22, 23% of individuals placed in employment by UWD showed employment growth during the program.
- UWD engages many community partners to provide individuals with access to job training that may increase employment opportunities.

*Note that changes in starting wages may be due to changing market conditions in addition to efforts made by program staff.

Unified Workforce Development: Employment Rate



Unified Workforce Development: Retention Rate



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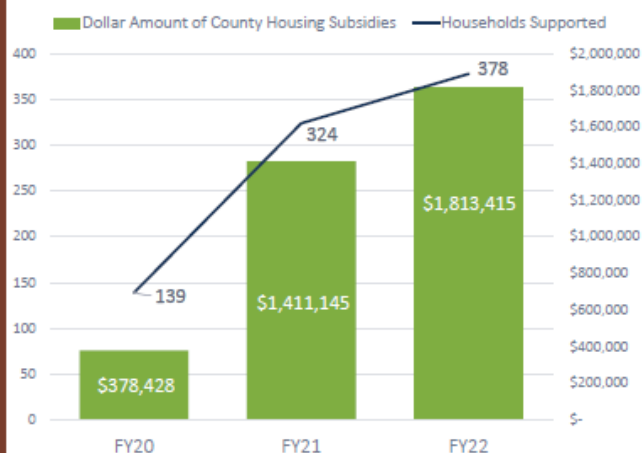
Economic Opportunities – Performance Update



Affordable Housing

- Mecklenburg County works with many partners to provide rapid rehousing, transitional housing, rental subsidies, and supportive services.
- Starting in FY20, the County established and expanded contracts with multiple County partners to implement a comprehensive affordable housing strategy.
- In FY21, the County developed the blueprint for the Mecklenburg County Long-Term Affordable Housing Plan and Implementation Roadmap.
- The County will continue the expansion of rental subsidy programs through rental subsidy investments in Naturally Occurring Affordable Housing (NOAH) projects to preserve existing affordable units for households earning 30% of the Area Median Income (AMI) and below.
- Please explore the [Mecklenburg County Affordable Housing Dashboard](#) for more information, including program and partnership details.

Mecklenburg County Housing Subsidies



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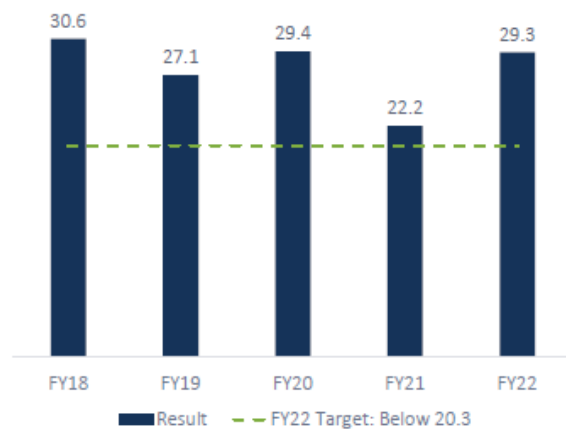
Healthy Community – Performance Update

Human Immunodeficiency Virus (HIV)

Strategy: Enhance access to HIV education, testing and treatment.

- In FY20, HIV staff worked with faith leaders to improve dialogue around HIV and other Sexually Transmitted Infections (STI) within the faith community.
- Staff additionally collaborated with the Tobacco Prevention team to develop youth-friendly messaging about HIV prevention.
- The HIV diagnosis rate fell substantially in FY21 due to limitations in testing caused by COVID-19.
- In FY22, Public Health opened its internal pre-exposure prophylaxis (PrEP) clinic to service uninsured, high-risk residents through funding from the Ending the HIV Epidemic (EHE) grant.

HIV Diagnosis Rate per 100,000 Population



Note: These are live data and are updated regularly by the State of North Carolina. Results may not match from one year to the next.

Healthy Community – Performance Update

Air Quality

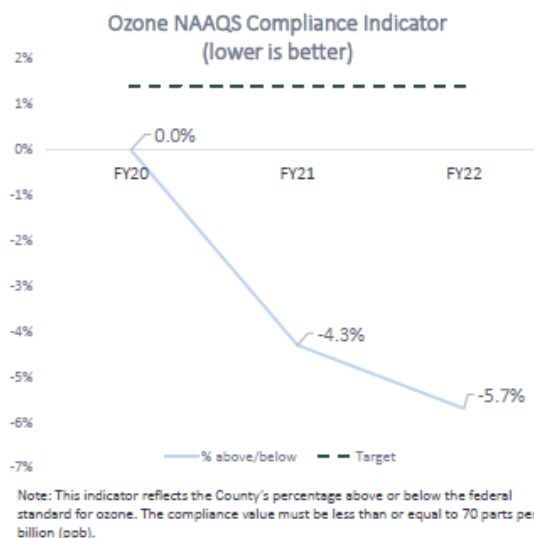
Strategy: Provide leadership in methods to enhance the overall air quality.

Despite the barriers presented by the pandemic, the Mecklenburg County Air Quality team continued key air pollution reduction strategies from FY20 to FY22, including:

- Grants to Replace Aging Diesel Engines ([GRADE](#))
- Outreach and advocacy through “[Breathing Room](#)”
- Oversight of [industrial facilities](#) that produce regulated air pollutants

These efforts combined with reduced travel in FY20 and FY21 due to COVID-19 have driven ozone compliance values further down over the past two years.

In FY22, Mecklenburg County’s air quality indicator fell to 5.7% below (better than) the Environmental Protection Agency’s (EPA) health-based standard.



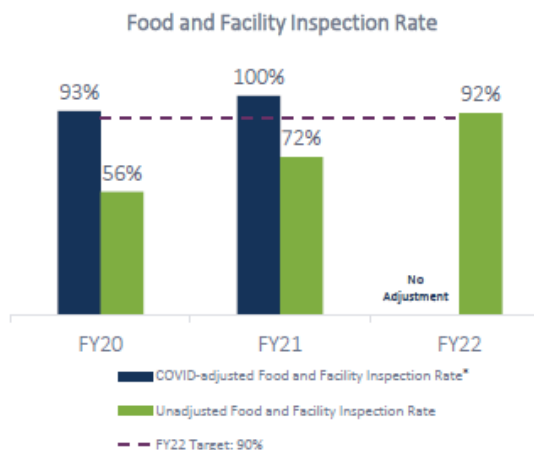
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Healthy Community – Performance Update

Food and Facility Inspections

Strategy: Promote community health by ensuring access to safe food, clean water and proper sanitation.

- During FY20, the State of North Carolina made changes to the required frequency for some categories of inspections resulting in Mecklenburg County achieving a 93% compliance rate.
- Based on State requirements throughout the pandemic, in FY21 the Food and Facilities program staff completed 100% of priority food inspections (72% unadjusted) and maintained a 7-day citizen response rate of 96.8%.
- In FY22, Mecklenburg County Environmental Health staff completed 92% of mandated food and facility inspections. Improvements in recruitment and retention have helped to increase the overall inspection rate for this program.



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Healthy Community – Performance Update

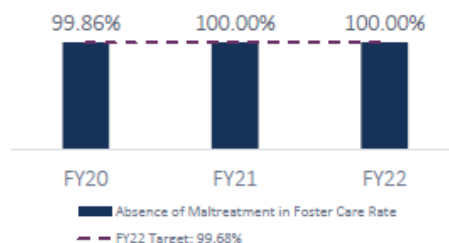
Child Welfare

Strategy: Ensure safety, well-being and timely permanency for children involved in child welfare by identifying and implementing best practices.

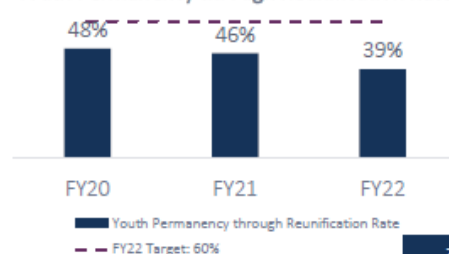
- Youth and Family Services' (YFS) current approach to child maltreatment relies on enhancing the role of the community in strengthening protective factors in a child's environment. Services include family preservation, parent monitoring, support groups, and intensive mental health and substance use services.
- Throughout the last three fiscal years, YFS launched online reporting for professional reporters such as teachers and doctors, implemented community engagement strategies using a racial equity and inclusion framework, trained and supported foster parents and kin caregivers in meeting the needs of children, and continued the implementation of the Family First Prevention and Services Act.
- Between FY20 and FY22, YFS focused on kinship care and older youth permanence as key strategies to address child well-being, placement stability, and reducing the length of stay out of home.

Note: Targets are set by the State of North Carolina.

Absence of Maltreatment in Foster Care Rate



Youth Permanency through Reunification Rate



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Safe Community

Goal: To have an efficient and effective criminal justice system



Recovery Courts team members learning what it is like for the clients to take public transit to make their appointments

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Safe Community – Performance Update

Reducing Recidivism

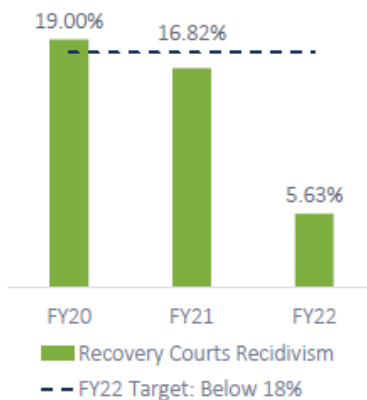
Strategy: Offer programs that encourage desistance from crime and enhance the re-entry services that include supportive networks and robust case management services for individuals with criminal histories.

Recovery Courts support paths to recovery through six Supervision, Treatment, Education, and Prevention (S.T.E.P.) programs aimed at disrupting the cycle of addiction that causes repeated law-breaking episodes.

- In FY20, Recovery Courts focused on coordination of recovery support services, such as housing, peer support and mentoring, vocational opportunities, and physical health needs. Once the stay-at-home order went into effect, recovery support services were extended to incorporate a variety of social media platforms, which engaged clients in supportive services to sustain their substance use and mental health recovery efforts.
- In FY21, substance use and mental health treatment providers' programs were audited for fidelity to best practice standards.
- In FY22, a major factor impacting the recidivism rate was the inclusion of partner agencies in training. This helped to ensure quality and fidelity to the Recovery Court national standards were maintained.

Note: Results for Recovery Courts recidivism rates may have been impacted by court closures.

Recovery Courts 2-Year Recidivism Rate



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Safe Community – Performance Update

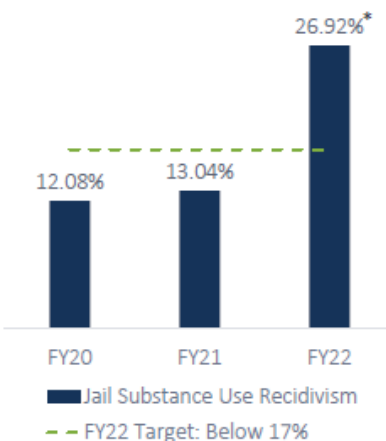
Reducing Recidivism

Strategy: Offer programs that encourage desistance from crime and enhance the re-entry services that include supportive networks and robust case management services for individuals with criminal histories.

The Jail Substance Use Program is a collaboration between Community Support Services and the Mecklenburg County Sheriff's Office to treat substance use and co-occurring mental health disorders.

- The program was suspended for part of FY20 due to COVID-19. The program resumed services on April 15, 2020 at a reduced capacity to ensure staff and clients were able to practice social distancing to prevent the spread of the coronavirus.
- In FY21, the program housed within Detention Center-Central continued to operate at reduced program capacity. Despite the numerous shutdowns and modifications to services due to COVID-19, Substance Use staff made every effort to provide services safely for the residents and the staff.
- From FY21 to FY22, the number of eligible program completions decreased by 72%. The decrease was driven by program closures and participants relocating to prison or other jurisdictions post-release. Fewer eligible completions inflated the recidivism rate when compared to years with more participants.*

Jail Substance Use 90-Day Recidivism Rate



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Safe Community – Performance Update

Court Appearance

Strategy: Ensure participant compliance throughout the duration of a court case.

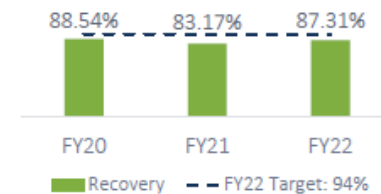
Recovery Courts

- In FY20, Recovery Courts case management services increased 50% from March 2020 to June 2020 to address the increased needs of clients, support and preserve their individual recovery efforts, and help them access and utilize services through virtual platforms.
- In FY21, court closures and emergency circumstances led to the lower court appearance rate.
- The use of cell phones for clients and the virtual/hybrid attendance options were available in FY21 and FY22.

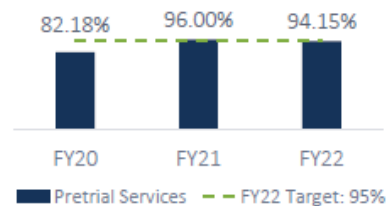
Pretrial Services

- Due to pandemic-caused court closures and new court system practices associated with COVID-19 protocols, the program saw increased caseloads in FY20 and FY21.
- In FY22, there were many court date changes with little communication about the changes, and this resulted in an increase in failures to appear.
- Court officials have attempted to rectify this problem and pretrial staff continue to increase contact with clients to ensure they are updated about court hearings.

Recovery Courts Court Appearance Rate



Pretrial Services Court Appearance Rate



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Summary Performance Highlights + Recommendations

Successes	Opportunities for Improvement
<ul style="list-style-type: none"> 95% of full-time County employees were trained on Advancing Racial Equity. 11.16 miles of greenway were completed, for a total of 63.16 miles of greenway trail in the County. 3,624 children ages birth to five were served via the County's MECK Pre-K program. Over 370 households were supported by \$3,602,988 in affordable housing rental subsidies. Public Health opened its internal pre-exposure prophylaxis (PrEP) clinic to service uninsured, high-risk residents through funding from the Ending the HIV Epidemic (EHE) grant. New processes in Criminal Justice Services led to an 87% Recovery Court appearance rate in FY22. 	<ul style="list-style-type: none"> Customer satisfaction surveys went from 216,285 unique responses in FY20 to 120,324 unique responses in FY21 due to closures. In FY22, unique responses increased by over 10,000, but have still not returned to pre-pandemic levels. The days to fill positions increased from 62.2 days (FY20) to 78.2 days (FY22). Active library cardholders decreased from 36% (FY20) to 25% (FY22) because of COVID-19 and construction related closures. Due to disruptions caused by COVID-19, many programs aimed at helping Mecklenburg County jail residents were severely reduced or shut down altogether.

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General Observations + Final Thoughts

What might we have accomplished if we did not see the impact of COVID-19 on our organization and community?

We know that prior to March 2020, departments were accelerating well in daily work, connecting to community, and running the business of the County. However, when COVID-19 hit our community, many factors came into play that both positively and negatively influenced our response.

As such, we do not want to ignore the external factors and occurrences that led to declines in performance, but we also want to recognize those factors that surprisingly pushed Mecklenburg County to be a stronger community than prior to March 2020.

Some factors that correlated with performance include, but are not limited to:

- Stay-at-home order/lockdown
- Business closures
- Supply chain challenges
- Heightened necessity of volume and timeliness of County communication
- Changing job market conditions (e.g., Great Resignation)
- Eviction moratorium
- Increased need for homelessness services
- Court closures
- Public health shifting to COVID-19 response
- Increase in federal funding: Unemployment benefits & federal loan support (CARES) during COVID impacting workforce development and small business loan programs



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Next Steps

Launch marketing strategy which includes:

- Performance report website with interactive dashboards and video highlights
- Printed and virtual reports
- Social media strategy

Finalize and implement the FY23-FY25 Strategic Business Plan.

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Comments

Commissioner Altman thanked Dr. Allen for her presentation. She said she saw a screen at the Charlotte Housing and Job Summit indicating state and local government positions have lost more job participants than other industries. She said she was happy that Dr. Allen advocated for pay raises across the board. She asked if they could get data on how or if they were competitive at the Budget Retreat, and hoped they wouldn't be losing employees to the City. She said she was interested in seeing what they could do to recruit and retain County employees and supported pay raises that were coming. In reference to slide 11, she asked why it looked as if there weren't any parks in District 2. *Dr. Allen said it was primarily due to the airport being located within the district.*

Vice Chair Powell said the area was rich in park land. She said the need there was bringing them up to be better since they were old. She said the investment would be different.

Commissioner Altman asked why it wasn't reflected on the map. *Vice Chair Powell said it was shown in the Meck Playbook.*

Commissioner Altman said she was interested and surprised that library membership was off so much and believed the decrease coincided with the decrease in library fines that helped increase subscriptions. She said she was interested in the impact of that. *Deputy County Manager Dr. Leslie Johnson responded by said during COVID-19, branches weren't open during the same service hours, and a lot was existing cardholders utilizing digital and virtual services.*

Commissioner Jerrell thanked Dr. Allen and referenced slide 8 and the retention rate. He said they saw a previous presentation of surveys from employees, and thought we were trending around 91%. He said it seemed like the retention rate would be going up with the way employees were giving feedback. He asked what the disconnect was. *Dr. Allen said the way it was calculated, the clock started with employees that were hired two years prior and didn't take into account individuals that were already here. She said it was a subset of the overall employee population and they were thinking of another way to capture that.*

Commissioner Jerrell said he would be curious to know any of the additional elements they took into consideration since it was not trending in the right direction. *Dr. Allen said there was research that showed the risks of employees in their first year. She said it showed within this dynamic environment that many leave their organization within one year of hiring at a rate higher than employees that stayed around.*

Commissioner Meier thanked Dr. Allen. Referring to slide 17 and affordable housing, she said

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she saw what they were spending and where they were going and asked if they had goals when it came to affordable housing. She asked who they were not serving and if they had shortfalls. She said she saw where they were going up, but said they weren't doing enough. *County Manager Diorio said they did not have specific targets for any of the programs and was serving based on the amount of funding that they had. She said they could have funded more people if more funding was available. She said they were being more opportunistic, with doing projects such as the Peppertree deal, where they saved all those affordable units.*

Commissioner Meier said she loved what the County was doing but stated they were just skimming the top with such a crisis and that they had so much more work to do. *Dr. Allen said the goal was to put the money into the community, but they couldn't say how many they were going to serve if they didn't know the demand. She said it was hard to set a targeted number of people reached.*

Commissioner Griffin asked for an alignment between the five budget priorities and the goals presented, as they didn't neatly fit with one another. He asked about slide 16 and the United Workforce Development securing 226 individuals and whether was it over a 3-year or 1-year period. *Dr. Allen said it was over three fiscal years. She said that many of those individuals had three or more barriers that they came into the program with.*

Commissioner Griffin asked if they targeted the most challenged. *Dr. Allen said it was part of the goal strategy.*

In reference to the alignment question, *County Manager Diorio said they provided many wrap-around services to these individuals to make sure they got the training they needed, jobs, and that they stay employed. Deputy County Manager Anthony Trotman added that it was a program run by the Department of Community Resources. Dr. Allen followed in reference to alignment stating the Strategic Plan was the County Manager's plan that had a lot of things in it that they could influence and control. She said when creating the Strategic Business Plan for the organization they thought that everything they could do, excluding education, could fit into one of the five goals or focus areas. She said they used the Board priorities, advisory board information, employee information, customer satisfaction data, and community service data input. She said that the Board's priorities were embedded throughout.*

Vice Chair Powell agreed with Commissioner Altman, that they didn't want to lose employees to the City. She said it stood out to her how long it took to fill positions, as it put such a burden on those already working so hard. She said she hoped at the retreat, they could determine how they could help Human Resources. She said during and before COVID-19 libraries lost staff because of the hours. She said that although they were back to normal hours it was still difficult since they

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were closed during the times people needed to go to the library. She said a lot of people went to rec centers since the libraries closed early. She asked how they could help change that. She said they needed to think of the people they served, in every area.

Chair Dunlap said the County Manager was going to present a budget, and if they wanted to see these things changed, they would have to be willing to fund it. He said there was an opportunity for them to address those things, but they had to have the courage to do it. He asked if they had tracked where people were going when they left. *County Manager Diorio said they do exit surveys if people offered to give that information.*

Chair Dunlap said he didn't want them to get into a bidding war with the City for employees, but he did want clarity and hoped they looked into if someone was doing the same job they wouldn't lose them because of that. He asked to what degree did they know the success rate of their priorities. He asked if they measured it to any degree. *Dr. Allen said they had an opportunity to get better data and break it down by demographic groups, for all other Board priorities there was something in place they could report back.*

Chair Dunlap said at some point they would like to have a conversation about things they would like to see measured in the priorities that they had. He said previously, the Board was putting money into things that weren't asked for and it didn't get used. He said he would like to know if they were meeting the needs in those particular areas and what more was needed to make sure they were making an impact.

Commissioner Jerrell said it was impactful for Dr. Allen to mention that the data they were looking at, needed an additional 3 years to understand what the trends were. He said it was important for them to understand the information they were looking at, based on department goals/objectives. He asked how they could factor in being forward-looking to solve what the long-term issues were or how they would figure out what the new norm was. *Dr. Allen said when departments provided their performance results, monthly, quarterly, or annually, they asked for context. She said with the community and employee surveys maybe they needed to look at four to five years. She said three years was a trend, and that normally you could trust that, while one and two years were not. She said she believed the next three-year plan cycle would be executed in a more stabilized environment than what they had the last three years.*

Commissioner Jerrell said he wanted to be sure they were able to make the best decisions. *Dr. Allen said colleagues across the nation, were all facing the same issues.*

Commissioner Altman asked County Manager Diorio if they had enough PReP, or were they having to turn people away due to insufficient PReP. She also asked how it was going with

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recruiting a new DSS Chief. She asked how it was going with the creation of the homelessness strategy. *County Manager Diorio said there were no issues with PReP, and that they were in the process of recruiting a new DSS Director. She said things were going well with the Home For All, the United Way had began to hire staff, and they had someone to chair the committee.*

Commissioner Altman asked if the United Way oversaw *Home for All*. *County Manager Diorio said that they were implementing the Home for All strategy.*

Commissioner Griffin asked concerning the HIV slide, why they were doing 3 years instead of 5, and whether it was due to funding. *Dr. Allen said for strategic planning efforts, typically those plans were written in 3-year increments because it was challenging to consider 5-years. She said 3 years was a trend. She said for this type of plan 5-years wouldn't be best.*

Commissioner Griffin said certain strategies change due to human behavior, but from a policy perspective, it made sense to him to cut it in half or by a third. He asked if there were any thoughts towards connecting with Central Piedmont Community College to do training for some challenging personnel slots. *County Manager Diorio said they were currently working with UNC Charlotte and JCSU on nursing, as it was one of their biggest critical areas. She said they were working on scholarship opportunities to create a pipeline of nurses. She said they were working with one or two schools for people with CDLs as well. She said Central Piedmont was also included with groups they were partnering with. Mr. Trotman added that they were working with CPCC and that some staff were adjunct professors to provide the training.*

Vice Chair Powell said they had great workforce development at CPCC for MEDIC. She said they kept hearing about The Great Resignation. She asked Dr. Allen if they were experiencing people doing the bare minimum and if she could speak to that. *County Manager Diorio said she didn't think they had any data to indicate they had that problem in that particular area. She said she was sure it was there, but there wasn't any data to support it.*

Chair Dunlap asked if they were advertising the vacancies in a way to say Mecklenburg County was a great place to work. *County Manager Diorio said they used digital billboards, employee testimonials, a lot of work on social media, and advertised salaries. She said they were more focused on total rewards, had the employee referral program, and were doing a host of other things to bring people to the organization.*

Commissioner Griffin asked if they qualified for any federal student loan support. *County Manager Diorio said they did tuition reimbursement but wasn't sure if they qualified federally. She said she would look into the matter.*

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23-0054 BOARD EMPLOYEE RELATIONS (PROTOCOL)

The Board received comments on proposed revised policy and protocol for the investigation of complaints made by County employees, Board members (elected or appointed), or vendors regarding alleged harassment, threats, intimidation, etc.

George Dunlap, Chair and Tyrone C. Wade, County Attorney gave the presentation.

Background: The Board currently has a Board Policy on Board Employee Relations. At the request of the Chair clarifying revisions have been made. Receive comments on proposed policy revisions.

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Board-Employee Relations (Policy & Protocol)



ANTI-HARASSMENT POLICY AND COMPLAINT PROCEDURE

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PREAMBLE

Mecklenburg County is committed to providing a work environment that is free of all forms of conduct that can be considered harassing, threatening, coercive, bullying, intimidating, or oppressive and to create and maintain a work and business environment in which all people, including staff, employees, vendors and board members (elected or appointed), are treated with dignity, decency and respect.

Managing investigations and sanctions regarding employee any complaints of harassment, intimidation, bullying, or threats, etc., by a member of the Board of County Commissioners or a member of a board or commission appointed by the Board of County Commissioners is of utmost priority.

Objective: To establish a policy and protocol for the investigation by County staff of complaints made by County employees, board members (elected or appointed), or vendors regarding alleged harassment, threats, intimidation, etc., by a member of the Board of County Commissioners or a member of any board or commission appointed by the Board of County Commissioners and for sanctions the Board of County Commissioners may impose in response to substantiated allegations of harassment.

Policy:

1. The Board of County Commissioners will not tolerate or condone harassment of County employees, vendors or other board members, by members of the BOCC Board or members of boards and/or commissions appointed by the Board of County Commissioners, including but not limited to harassment based on race, religion, color, sex, national origin, sexual orientation, age, disability or political affiliation.
2. The Board of County Commissioners will make every effort to address and prevent harassment, threats, discrimination, or unlawful retaliation in the workplace. The Board of County Commissioners believes that such efforts are necessary for productive working relationships within the organization.
3. Members of the Board of County Commissioners and members of boards and/or commissions appointed by the Board of County Commissioners should conduct themselves in a manner that assists Mecklenburg County in complying with Title VII of the Civil Rights Act of 1964 (as amended), the Age Discrimination in Employment Act, the Americans with Disabilities Act, and any other applicable nondiscrimination law.
4. Any substantiated allegation of harassment of a County employee, vendor or other board member will be subject to appropriate sanction(s) as set forth in this policy and protocol.

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Definition of Harassment:

Harassment other than sexual, is any verbal or physical conduct, including threats, bullying, discriminatory, or coercive behavior that denigrates or shows hostility or aversion toward an individual because of, among other things, race, color, religion, gender, national origin, age, disability, sexual orientation or political affiliation, which has the purpose or effect of creating an intimidating, hostile, or offensive work environment or interferes with an individual's work performance or otherwise adversely affects an individual's employment opportunities.

Sexual harassment includes unwelcomed sexual advances, requests for sexual favors, or other verbal, visual or physical conduct of a sexual nature including jokes or comments that might be considered offensive.

Harassing conduct includes, but is not limited to: epithets, slurs, negative stereotyping, or threatening, intimidating, coercive or hostile acts that relate to race, color, religion, gender, national origin, age, disability, sexual orientation or political affiliation, or other prohibited conduct. ~~Any~~ written or graphic material, whether sexual in nature or not, which denigrates or indicates hostility or aversion toward an individual or group is prohibited from display on ~~the employer's~~ County's premises, or circulation in the workplace.

Protocol:

1. Complaints

- a. Any Mecklenburg County employee, vendor or board member, who believes that he or she has been the target of harassment, as defined, by a member of the Board of County Commissioners or a member of a board or commission appointed by the Board of County Commissioners should inform their supervisor, their department director, the County Manager, the ~~Deputy~~ County Attorney/Chief Compliance Officer, Deputy Compliance Officer, or the Human Resources Department, as appropriate. If the person receiving the information is not the County Manager, the person receiving the information shall promptly notify the County Manager, ~~or~~ the Human Resources Department, or Board Chair, as appropriate.
- b. Upon being informed of the complaint, the County Manager, or the Human Resources Director as the designee of the County Manager, shall ask the employee, vendor, or board member whether he or she wants the complaint to be treated as a (a) informal or (b) formal complaint. Notwithstanding ~~the an~~ employee's request that a complaint be treated as an informal complaint, the County Manager may decide to process the employee complaint as a formal complaint if the allegations are sufficiently egregious to warrant.

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- c. INFORMAL: Upon being notified of a complaint, the County Manager shall notify the Chairperson ~~man~~ of the Board of County Commissioners or, if the complaint is against the Chairperson ~~man~~, then the Vice Chair ~~man~~. If the complaint is an informal complaint, the County Manager and the Chairperson ~~man~~ (or Vice Chair ~~man~~) may meet with the ~~person~~ individual whose alleged conduct is the subject of the complaint to inform the person of the complaint and to discuss any appropriate ~~adjustment~~ or corrective ~~an~~ action to be taken by the person ~~because~~ of his or her conduct. If appropriate, the results of this meeting may be reported to the complainant ~~ing~~ employee.
- d. FORMAL: A formal complaint (and an informal complaint that the County Manager decided to handle as a formal complaint) shall be investigated pursuant to Section 2 (Investigations).

2. Investigations

- a. Upon receipt of a formal complaint (or an informal complaint being handled as a formal complaint), the County Manager, after consulting with the County Attorney, Deputy County Attorney/Chief Compliance Officer, or designee, and Human Resources Director, will decide upon the process for investigating the complaint.
- b. In ~~his~~ determining ~~in~~ ~~ation of~~ ~~on the most~~ appropriate process for investigating the complaint, the County Manager shall take into consideration:
 - i. The nature of the complaint and the harassment alleged to have occurred;
 - ii. The County's potential liability;
 - iii. The need to protect the identity and confidentiality of the complainant ~~ing~~ employee;
 - iv. The right of the person against whom the complaint was made to have notice of the complaint and to be treated fairly throughout the process;
 - v. The extent to which County employees, including the County Manager, Deputy County Attorney/Chief Compliance Officer, and the Human Resources Director, and the County Attorney should be involved in the conduct of the investigation, or whether outside assistance should be considered;
 - vi. Whether the complaint cites a single or multiple occurrences of alleged policy violations harassment and, if multiple, whether the previous complaints were made ~~again~~ by, or against, the same person; and
 - vii. If not already involved, ~~When~~ when and how to inform the BOCC Chairperson ~~man~~ (or Vice Chair ~~man~~), the complainant ~~ing~~ employee, the person against whom the complaint was made ~~and~~ or others as appropriate about the investigation process, including the estimated time to complete the process, and the findings of the investigation, once it has been completed.

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3. Sanctions

- a. Following an investigation that substantiates any allegation of harassment, as defined, against a member of the Board of County Commissioners, the Board of County Commissioners may sanction the member of the Board who was the subject of the investigation. Potential sanctions include the adoption of a Resolution of Censure and any other lawful sanction within the authority of the Board of County Commissioners.
- b. Following an investigation that substantiates allegations of harassment, as defined, against a member of a board or commission appointed by the Board of County Commissioners, the Board of County Commissioners may sanction the member who was the subject of the investigation. Potential sanctions include the adoption of a Resolution of Censure, removal of the member from the board or commission to which they were appointed, and any other lawful sanction within the authority of the Board of County Commissioners.
- c. Following an investigation that substantiates allegations of harassment, as defined, against any employee of the County, the County may sanction the employee in accordance with any human resource policy in existence at the time of the offense.

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ADOPTED: October 4, 2011, ~~Revised November 4, 2018~~ January 4, 2023

LAST REVISED: N/A

STAFF CONTACT: Deputy County Manager/Chief of Staff Chris Peek, ~~Derrick Ramos~~
980-314-2881
~~Deputy County Attorney Tyrone Wade, Chief Compliance Officer~~
980-314-2908

Board-Employee Relations (Policy & Protocol)



ANTI-HARASSMENT POLICY AND COMPLAINT PROCEDURE

PREAMBLE

Mecklenburg County is committed to providing a work environment that is free of all forms of conduct that can be considered harassing, threatening, coercive, bullying, intimidating, or oppressive and to create and maintain a work and business environment in which all people, including staff, employees, vendors, and board members (elected or appointed), are treated with dignity, decency, and respect.

Managing investigations and sanctions regarding any complaint of harassment, intimidation, bullying, or threats, etc., by a member of the Board of County Commissioners or a member of a board or commission appointed by the Board of County Commissioners is of utmost priority.

Objective: To establish a policy and protocol for the investigation of complaints made by County employees, board members (elected or appointed), or vendors regarding alleged harassment, threats, intimidation, etc., by a member of the Board of County Commissioners or a member of any board or commission appointed by the Board of County Commissioners and for sanctions the Board of County Commissioners may impose in response to substantiated allegations of harassment.

Policy:

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2. The Board of County Commissioners will make every effort to address and prevent harassment, threats, discrimination, or unlawful retaliation in the workplace. The Board of County Commissioners believes that such efforts are necessary for productive working relationships within the organization.
3. Members of the Board of County Commissioners and members of boards or commissions appointed by the Board of County Commissioners should conduct themselves in a manner that assists Mecklenburg County in complying with Title VII of the Civil Rights Act of 1964 (as amended), the Age Discrimination in Employment Act, the Americans with Disabilities Act, and any other applicable nondiscrimination law.
4. Any substantiated allegation of harassment of a County employee, vendor or other board member will be subject to appropriate sanction(s) as set forth in this policy and protocol.

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Definition of Harassment:

Harassment other than sexual, is any verbal or physical conduct, including threats, bullying, discriminatory, or coercive behavior that denigrates or shows hostility or aversion toward an individual because of, among other things, race, color, religion, gender, national origin, age, disability, sexual orientation or political affiliation, which has the purpose or effect of creating an intimidating, hostile, or offensive work environment or interferes with an individual's work performance or otherwise adversely affects an individual's employment opportunities.

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- b. Upon being informed of the complaint, the County Manager, or the Human Resources Director as the designee of the County Manager, shall ask the employee, vendor, or board member whether he or she wants the complaint to be treated as a (a) informal or (b) formal complaint. Notwithstanding an employee's request that a complaint be treated as an informal complaint, the County Manager may decide to process the employee complaint as a formal complaint if the allegations are sufficiently egregious to warrant.
- c. **INFORMAL:** Upon being notified of a complaint, the County Manager shall notify the Chairperson of the Board of County Commissioners or, if the complaint is against the Chairperson, then the Vice Chair. If the complaint is an informal complaint, the County

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Manager and the Chairperson (or Vice Chair) may meet with the individual whose alleged conduct is the subject of the complaint to inform the person of the complaint and to discuss any appropriate or corrective action to be taken by the person because of his or her conduct. If appropriate, the results of this meeting may be reported to the complainant.

- d. FORMAL: A formal complaint (and an informal complaint that the County Manager decided to handle as a formal complaint) shall be investigated pursuant to Section 2 (Investigations).

2. Investigations

- a. Upon receipt of a formal complaint (or an informal complaint being handled as a formal complaint,) the County Manager, after consulting with the County Attorney, Deputy County Attorney/Chief Compliance Officer, or designee, and Human Resources Director, will decide upon the process for investigating the complaint.
- b. In determining the most appropriate process for investigating the complaint, the County Manager shall take into consideration:
 - i. The nature of the complaint and the harassment alleged to have occurred;
 - ii. The County's potential liability;
 - iii. The need to protect the identity and confidentiality of the complainant;
 - iv. The right of the person against whom the complaint was made to have notice of the complaint and to be treated fairly throughout the process;
 - v. The extent to which County employees, including the County Manager, Deputy County Attorney/Chief Compliance Officer, and the Human Resources Director, and the County Attorney should be involved in the conduct of the investigation, or whether outside assistance should be considered;
 - vi. Whether the complaint cites a single or multiple occurrences of alleged policy violations and, if multiple, whether the previous complaints were made by, or against, the same person; and
 - vii. If not already involved, when and how to inform the BOCC Chairperson (or Vice Chair), the complainant, the person against whom the complaint was made or others as appropriate about the investigation process, including the estimated time to complete the process, and the findings of the investigation once it has been completed.

3. Sanctions

- a. Following an investigation that substantiates any allegation of harassment, as defined, against a member of the Board of County Commissioners, the Board of County Commissioners may sanction the member of the Board who was the subject of the

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investigation. Potential sanctions include the adoption of a Resolution of Censure and any other lawful sanction within the authority of the Board of County Commissioners.

- b. Following an investigation that substantiates allegations of harassment, as defined, against a member of a board or commission appointed by the Board of County Commissioners, the Board of County Commissioners may sanction the member who was the subject of the investigation. Potential sanctions include the adoption of a Resolution of Censure, removal of the member from the board or commission to which they were appointed, and any other lawful sanction within the authority of the Board of County Commissioners.

Following an investigation that substantiates allegations of harassment, as defined, against any employee of the County, the County may sanction the employee in accordance with any human resource policy in existence at the time of the offense.

ADOPTED: October 4, 2011,

REVISED: January 18, 2023

STAFF CONTACT: Deputy County Manager/Chief of Staff, Derrick Ramos
980-314-2881
County Attorney Tyrone Wade, Chief Compliance Officer
980-314-2908

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Comments

Chair Dunlap said he learned there was nothing in place for one Board member bullying another. He said this was an attempt to address that so that they felt as if they had somewhere to go. He said it had been adapted to include bullying, which wasn't included before.

Commissioner Altman said she appreciated the Chair and County Attorney for initiating this policy. She asked if the word 'sex' was comprehensive. *County Attorney Tyrone Wade said it was consistent with the federal government.*

Commissioner Altman asked if the policy, as drafted, prohibits harassment, which is not related to a protective class. *Attorney Wade said yes, it was tweaked to empower them to take action if needed.*

Commissioner Altman asked concerning investigations, if there were any due process obligations they had to make sure were met. *Attorney Wade said it depended on the type of allegation. He said if someone was charged with violating the policy they wanted to make sure that they had the right to be heard.*

Commissioner Altman asked if it was a possible outcome that only the Chair would know, while the whole Board would be unaware.

Chair Dunlap said if it was an informal complaint, the person may have brought it to the attention of the Chair and Vice Chair and only have a hearing between the people involved. He said that would be the choice of the person involved. He said if it was a formal complaint no one could be sanctioned without bringing it to the full Board.

Commissioner Jerrell asked about sanctions, who determines what was out of bounds. *Attorney Wade said it depended on who the individual might be. He said if it was an employee then the Human Resources policy would set forth what the sanctions would be. He said if it was a Board member then the Board would make the determination. He said the Board could enter a sanction, reprimand, or resolution, but there were certain parameters.*

23-0055 REMOTE PARTICIPATION

The Board discussed Remote Participation in official meetings.

Tyrone C. Wade, County Attorney gave the presentation.

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Background: Discussion of Remote Participation in official meetings.



Remote Participation

➤ “(Electronic)” Participation: General Rule: **Pre-COVID**, no legal right for board members to participate remotely in board meetings; it was generally left to the discretion of a governing board to allow (or not) for electronic participation by a member, assuming participation did not pose a legal risk due to quorum or voting rules.

RESOLUTION OF THE MECKLENBURG COUNTY BOARD OF COMMISSIONERS APPROVING RULES OF PROCEDURE FOR REMOTE PARTICIPATION IN OFFICIAL MEETINGS DURING DECLARATION OF STATE OF EMERGENCY WITHIN MECKLENBURG COUNTY.

The Mecklenburg County Board of Commissioners hereby adopts the following rules of procedure to be followed during a declared state of emergency in which a member of the Board is unable to physically attend an official meeting (regular, special, or emergency) and there is a need to participate remotely. This procedure is supplemental to all other rules of procedure followed by the Commission.



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Remote Participation: Current Policy

NOTICE

To the extent possible, subject to the availability of technology, and in order to make appropriate arrangements, a member of the Commission shall notify the Manager or Chairman of the Board, as soon as practicable, of the inability to attend the official meeting and the need to participate remotely.

ANNOUNCEMENT OF PRESENCE AT MEETING

At the beginning of the meeting, the Chairman or designee shall announce that a named Commissioner is participating remotely. Immediately thereafter said Commissioner shall identify himself/herself and announce that he/she is present and participating remotely.

MEETING MINUTES

The meeting minutes shall show the Commissioner as participating remotely, however the member participating remotely shall not be counted in determining a quorum.



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Remote Participation: Current Policy

PARTICIPATION IN GENERAL

Except as otherwise noted herein, a Commissioner participating remotely may participate in the meeting as determined by the Commissioners who are physically present for the meeting. Such Commissioner participating remotely shall first request to be recognized by the Chairman or designee prior to taking the floor. The Commissioner participating remotely may ask questions just as he/she would be able to do if physically present, but may only make motions, second motions and vote only if allowed by majority vote of the Commissioners who are physically present for the meeting. Such determination shall be made at the beginning of the meeting before any other matters are discussed. Commissioners participating remotely who wish to leave the official meeting shall first be excused and action recorded for the record.

VOTING

Commissioners who are physically present at the meeting shall vote first in the ordinary and customary manner. The Chairman or designee shall then ask the member participating remotely what his/her vote preference is which shall be re-stated and confirmed by the Chairman or designee. Votes of members not present shall be counted only as determined by the members who are physically present. Roll call vote shall be used for remote participants



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Remote Participation

With the onset of the pandemic and the statewide emergency declaration the General Assembly amended GS 166A-90.20 and authorized both remote meetings and remote participation, but with specific restrictions.

- Authorized only during a declaration of a state-wide state of emergency by the Governor or General Assembly under GS 166A.
- The SOE law specifically allowed board members to participate remotely in meetings and provided that elected council and county board members who were participating remotely count toward the establishment of a quorum and authorized their votes and have their votes counted, as long as were connected to the meeting.
- Under pandemic rules a board member participating remotely must have simultaneous communication which was defined as: Any communication by conference telephone, conference video, or other electronic means that allowed for a member of the body to hear what is said by the other members of the body; hear what is said by any individual addressing the body; and be heard by the other members of the public body when speaking



- The person participating remotely must be able to hear and be heard throughout the meeting

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Remote Participation

POST PANDEMIC

- “(Electronic)” Participation: **Post-COVID**, there is still no individual “right” to participate in a meeting remotely or by electronic means; it remains left to the discretion of a governing board to allow (or not) for electronic participation by a member, but here in a non-emergency setting.

The local board has the authority to establish the rules for its meetings. It is up to the board to decide, by majority vote, whether or not to:

- allow such participation and, if so,
- under what circumstances participation will be allowed and
- subject to what rules.

There are both practical and legal considerations to be considered. .



Remote Participation: Draft recommended Policy

RESOLUTION OF THE MECKLENBURG COUNTY BOARD OF COMMISSIONERS APPROVING RULES OF PROCEDURE FOR REMOTE PARTICIPATION (NON-LOCAL EMERGENCY)

PARTICIPATION IN GENERAL

Except as otherwise noted, a Commissioner who requests to participate remotely in an official meeting may do so as determined by the Commissioners who are physically present for the meeting. To maintain decorum, such Commissioner participating remotely shall first request to be recognized by the Chair or Vice-Chair prior to taking the floor. The Commissioner participating remotely may ask questions and participate in the deliberation just as if he/she were physically present, after being recognized, but may only make motions, second motions and/or vote if authorized by a majority vote of the Commissioners who are physically present for the meeting. Such determination shall be made at the beginning of the meeting before any other matters are discussed. Commissioners participating remotely who wish to leave the official meeting shall first be excused by the board so that the minutes may accurately reflect who is present for the meeting. Any member failing to be properly excused shall be deemed a yes vote if the member was approved to participate in the deliberation and voting process.



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Remote Participation

VOTING

Commissioners who are physically present at the meeting shall vote first in the ordinary and customary manner. The Chair or Vice-Chair shall then ask the member participating remotely what his/her vote preference is which shall be re-stated by the Chair or Vice-Chair. Votes for member participating remotely shall be counted only as determined by the members who are physically present. If more than one member is participating remotely and authorized to vote, then a roll call vote shall be used for those participants.

Although the open meetings law recognized electronic meetings as official meetings before the state of emergency revised law there was no clear statutory authority for elected board members to participate remotely.

Since the revised statute specifically provided that board members participating remotely could be counted toward a quorum and authorized to vote under specified conditions and the fact that previously the voting and quorum statutes specifically made reference to members having to be "present" and "physically present," suggested that remote participation was not authorized prior to the pandemic.



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Remote Participation - Discussion

Questions:

Should the Board allow for remote member participation in official meetings?

If Yes: Under what conditions and will members be allowed to participate remotely?

If Yes: Will remote participants be allowed to vote and be counted to determine whether a quorum exists?

What will be the circumstances under which a member will be allowed to participate remotely?

Illness? Personal Requests? Case by case basis as determined by Board.

Unless otherwise specified by law, Board bylaws or Robert's Rules of Order, all meetings will require the presence of more than fifty percent (50%) of the Board or Board committee to conduct business.

Board Members who are participating remotely **WILL [WILL NOT]** be considered present (and count towards quorum) for the meeting.

Do you set maximums? Board Members may only participate remotely at a meeting of the full Board for a maximum of **[three (3??)]** times per year unless otherwise approved by the Board.



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Comments

Commissioner Meier asked what it took for staff to have a remote meeting for someone who was going to vote. *Clerk to the Board, Kristine Smith said they had to get other people involved. This included meeting setup, monitoring the meeting, and extra time needed ahead of the meeting to get setup. She said they had to contact the media and other partners.*

Commissioner Meier said they already had open meetings, and asked if someone wanted to participate remotely, if it had to be set up via Zoom. *Mrs. Smith said yes. Attorney Wade said they had to let the public know that the meeting could be attended virtually. Daniel Diehl, Director of Public Information, said they also had to provide one or two additional people to make sure broadcast ran smoothly.*

Chair Dunlap said they should be consistent with general participation when it related to voting for Commissioners to attend remotely. He said that things happened and while there was no attendance requirement, staff should know at least a day in advance. He mentioned how Commissioner Rodriguez-McDowell was attending virtually but didn't want to burden staff.

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Commissioner Altman said she agreed and wanted a consistent policy. She said they should have a firm deadline to alleviate staff having to scramble. She said she didn't want to exclude anyone that had health issues. She said they had to be careful around closed sessions and didn't know if they could still do that. *Attorney Wade said they should have been able to do it during closed session since all counties were still under the same guidelines.*

Chair Dunlap said they could maybe have a rule, that applied to regular board meetings that didn't apply to closed sessions. He said he believed closed sessions should be closed sessions to those who were present, but the regular Board meeting would be open to those who wanted to participate. He said he wasn't concerned with the number of times someone was absent and wanted to attend remotely, but he was concerned with the public possibly accusing them of allowing someone to be abusive of the policy and attending remotely often.

Commissioner Jerrell said he said he would like to understand what the distinction was between technology being labor intensive. *County Manager Diorio said they had a lot of challenges with making sure that people were able to log on, while the Clerk was busy running the meeting. She said they had to have help from other staff to make sure that staff and the public were able to log on.*

Commissioner Jerrell said if one couldn't navigate the technology, that should be their responsibility, not the Clerk's. He said if one wanted to participate, they should not be offering any other assistance. *Mrs. Smith explained how intense it was during COVID-19 to move participants between rooms. She said they did everything they could to make sure they were accommodating.*

Attorney Wade said under the law Commissioners had to make sure they were constantly connected otherwise their vote would be recorded as a yes. He said legally they could have issues.

Chair Dunlap asked based on the current ruling, if they didn't vote, they were counted as yes, and if they entered a meeting and didn't respond once they were called upon their vote was counted as yes as well. He asked what the risks were if the yes votes possibly put them at risk when passing a vote. *Attorney Wade said they wouldn't know until the votes were taken. He said if it was a closed vote, and the person was disconnected then they would have a problem.*

Chair Dunlap asked what the solution was to eliminate the risk.

Attorney Wade said that was a technology issue. He said there were so many variables that had to be handled when holding remote meetings that the law didn't anticipate. He said there was always a risk, especially if it involved more than four Commissioners. He said if you have a

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majority, it is less of a problem. He said whatever policy was put in place would affect the entire body.

Commissioner Altman said the solution was that they were welcome to participate, but not vote.

Chair Dunlap said they had to take into consideration if there was a close vote, and that person was needed.

Commissioner Altman said in that scenario the person shouldn't vote because they were the tiebreaker, and they were not legally voting.

Chair Dunlap said from the standpoint that they were elected to cast a vote. He asked if they should take away that right. *Attorney Wade said the current policy allowed the person to vote during an emergency. He said during a non-emergency situation the Board could allow that, however, whatever decision was, the consequences, either pro or con would be made in the beginning.*

Chair Dunlap asked if there should have been a concern for the general public that may have been watching in terms of their ability to access the meeting. *Mrs. Smith said that during COVID-19, they were supposed to provide the public with the link to get into Zoom. She asked if they were to get the link once it was a remote meeting or if they were to give it to certain people.*

Attorney Wade said the issue was really if it was a remote meeting or remote participation. He said they didn't have remote meetings anymore.

Chair Dunlap asked if there were more thoughts on what Attorney Wade had put together. *County Manager Diorio said there was no remote participation option for committees, and that this was only for elected officials.*

Attorney Wade clarified that it only applied to elected officials, and when the Board officially met they had to adhere to those rules.

Chair Dunlap asked if the committee meetings were recorded. *Deputy County Manager Derrick Ramos said that not all committees broadcast as part of standard operating procedures. He said it was a decision of the committee chair at that time.*

Chair Dunlap said whatever they do should be consistent across the board, and from a policy perspective it was a budgetary matter. He said in terms of transparency they should broadcast every committee meeting.

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Vice Chair Powell asked if there was any advice on wording for someone abusing it. She asked if they should take out the option of three instances in which one could be remote. *Attorney Wade said in conversations with colleagues across the state, they used three, as well as the school board. He said it was up to the Board to decide what they wanted to allow.*

23-0057 COMMISSIONER REPORTS

Commissioners shared information of their choosing within the guidelines as established by the Board, which included, but not limited to, past and/or upcoming events.

ADJOURNMENT

With no further business to come before the Board, Chair Dunlap declared the meeting adjourned at 4:45p.m.

Arlissa Eason, Deputy Clerk to the Board

George Dunlap, Chair