

STATE OF NORTH CAROLINA

WAKE COUNTY

HOKE COUNTY BOARD OF
EDUCATION, et al.,

Plaintiffs,

and

CHARLOTTE-MECKLENBURG BOARD
OF EDUCATION

Plaintiff-Intervenor,

and

RAFAEL PENN, et al.,

Plaintiff-Intervenors,

v.

STATE OF NORTH CAROLINA and the
STATE BOARD OF EDUCATION,

Defendants,

and

CHARLOTTE-MECKLENBURG BOARD
OF EDUCATION

Realigned Defendant,

and

PHILIP E. BERGER, in his official capacity
as President *Pro Tempore* of the North
Carolina Senate, and TIMOTHY K.
MOORE, in his official capacity as Speaker
of the North Carolina House of
Representatives,

Intervenor-Defendants.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
No. 95 CVS 1158

**AFFIDAVIT OF
KRISTIN L. WALKER**

I, Kristin L. Walker, having been duly sworn, depose and state as follows:

1. I am over 18 years of age, legally competent to give this declaration, and have personal knowledge of the facts set forth in it.
2. I am the Chief Deputy Director of State Budget for the North Carolina Office of State Budget and Management. I have been employed in this capacity since February 2017.
3. On 24 March 2022, this Court ordered the State of North Carolina to “file with the Court an accounting showing the extent to which the 2021 Appropriations Act, 2021 N.C. Sess. Laws 180, complies with the Comprehensive Remedial Plan.” *24 March 2022 Order at 2.*
4. Consistent with the Court’s 24 March 2022 Order, I, with the assistance of several budget analysts under my supervision, determined the funding requirements identified in the Comprehensive Remedial Plan for each action item, both by year and total. Those determinations are reflected in the attached **Exhibit 1**.
5. As part of our analysis, my staff and I compared how much funding each action item in the Comprehensive Remedial Plan for Year Two and Year Three received in the Current Operations Appropriations Act of 2021 (S.L. 2021-180), including the Committee Report. That document is entitled “Appendix A” and is attached hereto as **Exhibit 2**.
6. Our analysis found that S.L. 2021-180 funds 63 percent of the Year Two Action Items of the Comprehensive Remedial Plan and 49 percent of the Year Three Action Items of the Comprehensive Remedial Plan. This means that approximately \$257,418,175 in the Comprehensive Remedial Plan is unfunded in Year Two and approximately \$537,409,782 is unfunded in Year Three. A report summarizing our findings, entitled “Leandro Comprehensive Remedial Plan Update,” is attached as **Exhibit 3**.

7. On 25 March 2022, the Court requested that the parties provide the Court information regarding “[t]he amount of funds remaining in the General Fund currently both in gross and net of appropriations in the 2021 Appropriations Act.” 25 March 2022 Order at 2.

8. Consistent with the Court’s 25 March 2022 Order, my staff and I determined the amount of funds remaining in the General Fund. In summary, S.L. 2021-180 anticipates a net of \$2.38 billion unappropriated and unreserved in Fiscal Year 2021-2022 and anticipates a net of \$22 million unappropriated and unreserved in Fiscal Year 2022-2023. In each Fiscal Year, the Budget reserves \$1.134 billion to the State’s Saving Reserve, which would bring the total unappropriated funds in the Savings Reserve to \$4.25 billion.

9. Separately, the Office of the State Controller maintains daily summaries of the State’s cash balance. As of March 25, 2022, the gross cash balance was \$9.84 billion and the net unreserved cash balance was \$4.79 billion. A true and correct copy of the 25 March 2022 Estimated Cash Flow report is attached as **Exhibit 4**.

I affirm, under penalty of perjury, that the foregoing statements are true to the best of my knowledge. This concludes my affidavit.

This the 4th day of April, 2022.



Kristin L. Walker, Chief Deputy Director of State Budget
North Carolina Office of State Budget and Management

STATE OF NORTH CAROLINA

WAKE COUNTY

Kristin L. Walker, first duly sworn, deposes and says that she has read the foregoing Affidavit and knows the contents thereof; that the same are true of her own knowledge except as to those matters and things stated therein upon information and belief, and as to those she believes them to be true. Subscribed and sworn to before me this 4th day of April, 2022.



P. Collier

(Notary Public)

My commission expires: 3/7/2026