

**THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA**

Monday, October 6, 2014

9:00 A.M. Worksession

MINUTES

Place: Commissioners' Chambers, second floor, Durham County Government
Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman Michael D. Page, Vice Chair Brenda Howerton and Commissioner
Wendy Jacobs

Absent: Commissioners Fred Foster, Jr., and Ellen Reckhow

Presider: Chairman Michael D. Page

Citizen Comments

The Board of County Commissioners provided a 30-minute comment period to allow Durham County citizens an opportunity to speak. Citizens were requested to refrain from addressing issues related to personnel matters.

Victoria Peterson discussed the need for an educational program other than the Individual Education Plan (IEP) which was being offered for mentally disabled inmates. Ms. Peterson also stated there were no educational offerings for girls in the detention center. She stated Durham County violated the federal law by not having educational programs for minors and asked the Board to monitor this issue.

James Chavis stated Durham County was in violation of not providing educational programs in the jail. He stated the Board provided the funds to the Sheriff's Department and to Durham Public Schools (DPS) and asked that the Board ensure that both parties were compliant with the use of those funds.

Commissioner Jacobs responded that a teacher from DPS was available four (4) hours a day to work with students. She clarified that the IEP program was not for mentally disabled students; it was for students with special educational needs. Commissioner Jacobs stated Captain Elijah Bazemore, Sheriff's Office Detention Officer was in conversation with DPS about expanding the services provided to offer a high school diploma.

Conversation about Courts, Detention Center and Pretrial Services

Lee Worsley, Deputy County Manager recalled the Board requested that the District Attorney, Detention Staff, and Gudrun Parmer, Director of the Criminal Justice Resource Center attend a Worksession to discuss judicial issues and answer questions.

Ms. Parmer shared a presentation on *Pre-trial Services* which highlighted the following: Philosophy, Pretrial Services (First Appearance, Target Population, Pretrial Release Supervision and Non-Target Population Cases), Pre-trial Risk Assessment, Outcomes FY 2013-14, and Outcomes by Charge Types.

Vice Chair Howerton asked what were the requirements for a 16 year old on pre-trial release that allowed them to continue their education. Ms. Parmer responded that they were allowed to attend school as a required condition. If they were not in school, they could go to the General Education Diploma (GED) program offered at the Criminal Justice Resource Center. Vice Chair Howerton asked for clarification on the 75% of the charges disposed. Ms. Parmer stated 75% of the cases in jail were complete; which meant they were compliant with pre-trial services. She added the other 25% were non-compliant with conditions; which meant they picked up additional charges while on pre-trial release or failed to appear on their court date. Vice Chair Howerton asked what the average amount of time a person remained on pre-trial release. Ms. Parmer stated for misdemeanor charges, the average time was four (4) months; for felony charges, it could take several months to years depending on the exact charge.

Commissioner Jacobs asked what Class H and Class I felonies were. Ms. Parmer responded those felony classes were property and drug possession crimes. Commissioner Jacobs asked what types of misdemeanors were considered violent. Ms. Parmer stated misdemeanor assault, weapon charges and assault on female were examples of violent misdemeanors. Commissioner Jacobs inquired about the education offered for the stakeholders who issued the referrals. Ms. Parmer responded the stakeholders set the target population for pre-trial services. Commissioner Jacobs asked about the educational plan. Ms. Parmer stated they tried not to have many conditions on pre-trial releases because if a person broke a condition, it would send them back to jail.

Chairman Page asked if they were interacting with Alliance to provide mental health services. Ms. Parmer concurred. Captain Barnes stated if the person already received services, they would get connected with their current provider. He added that if the person needed new services, they would get connected with Alliance.

Vice Chair Howerton asked if the original purpose of pre-trial services was for the persons who could not afford to pay bail. Ms. Parmer concurred. Vice Chair Howerton asked if those same services were now offered to anyone. Ms. Parmer stated if they had the funds to bond out, they could. She added pre-trial was offered regardless of the ability to pay and was also sometimes a condition issued by the judge.

Roger Echols, District Attorney stated in June 2014, the Board had questions concerning the process of a case working its way through the system along with questions regarding the disposition rates. Attorney Echols discussed the Case Management System and the FY 2013-14 Court Filings and Dispositions.

Commissioner Jacobs expressed her concern about *Measure 3: Time to Disposition in Durham* (Attachment B, Page 10) percentages. She also questioned the goals and actual measurements of

Measure 4: Age of Pending Caseload in Durham (Attachment B, Page 12) stating the County was not meeting their targets. Attorney Echols responded 95% of the caseload in Superior Court were misdemeanor appeals, meaning they had a lower amount of misdemeanor appeals in comparison to other districts. He continued to say in FY 2010-11 the district was first in the State with a disposition rate of misdemeanor appeals. Attorney Echols added the rates had improved with the felony charges.

Commissioner Jacobs mentioned the need to expedite the evidence and lab results needed to get the cases completed. She asked County Manager Davis if the County was making any progress with this matter. Mr. Worsley responded, stating the Boards' direction was on two items: (1) contracting with the State Bureau of Investigation (SBI) for services on an interim phase; (2) a local lab be incorporated in the design aspect of the Jail Annex. He added in FY 2014-15, a conversation would take place with the SBI to determine if additional positions could be funded.

Brian Jones, Director of Operations and Planning mentioned the three (3) problems the Sheriff's Office was working to address: (1) the Individual Educational Plan (IEP) students - Durham Public Schools (DPS) was working to meet the need of those students in the facility; (2) youth not enrolled in DPS – the Sheriff's Office kicked off a pilot program with the Durham Literacy Center and the Literacy Council of Wake County to provide job readiness skills, adult basic education and mentoring for youth between the ages of 16 and 24; (3) 16 and 17 year old students currently enrolled in DPS and plan to return upon release – meetings were planned to discuss the technological piece needed to provide the service.

Vice Chair Howerton inquired about what the program consisted of. Mr. Jones responded the IEP program was for developed, mentally challenged students. He stated the Sheriff's Office had partnered with local non-profits to help students who were not enrolled in DPS. Mr. Jones mentioned a curriculum, basic work skills and job readiness skills were provided at local neighborhood community centers.

Commissioner Jacobs asked why Durham Technical Community College (DTCC) was not named as a contributor to the program. Mr. Jones responded that the state changed their funding and DTCC was not able to provide their services due to the state law change. He stated DTCC had offered to assist as much as they could once the inmate was released; however, due to state law, they could not assist at this time. Commissioner Jacobs mentioned that legislators should be made aware of the GED testing. She also commended Captain Barnes on the guided tour which showcased job training being made available in the jail.

Chairman Page noted that Commissioner Foster would need to be excused from the Regular Session meeting on October 13, 2014. He also asked for a motion to excuse both Commissioners Foster and Commissioner Reckhow from this meeting.

Commissioner Jacobs moved, seconded by Vice Chair Howerton to suspend rules to excuse Commissioner Foster and Commissioner Reckhow.

The motion carried unanimously.

Commissioner Jacobs moved, seconded by Vice Chair Howerton to excuse Commissioner Foster on October 6th and October 13, 2014 and Commissioner Reckhow on October 6, 2014.

The motion carried unanimously.

Alliance Behavioral Healthcare Organizational Overview

Amanda Graham, Chief of Staff; Dr. Beth Melcher, Chief of Program Development and Evaluation and Al Ragland, Chief Human Resources Officer shared a presentation on the *Alliance Healthcare Organizational Overview*. This presentation highlighted the following: About Alliance, Alliance Timeline, Local Presence, Alliance FY 2015 Funding, Alliance Staffing, Managed Care Organization (MCO) Operations, Manage of Network Providers, Current Network, Network Development, Using County Funding, Accountability for Funds, Community Involvement and Proposed Local Management Entities (LME)/MCO Regions.

Chairman Page inquired about the IBM program. Dr. Melcher stated the program was for disconnected youth between the ages of 14 and 24 years old who dropped out of school or lacked credentials to gain employment.

Vice Chair Howerton asked how the IBM program was implemented without the Board's knowledge. Dr. Melcher stated there were positions to support the program; she added Alliance was not the only organization doing this, there were others as well.

Chairman Page asked if the IBM Program had the same concept as the Made in Durham Initiative. Dr. Melcher stated she was unsure. Commissioner Jacobs clarified that the Youth Opportunity Coordinator and the Youth Opportunity Outreach person were the positions the Board was aware of. She stated the IBM Program was something separate.

Ms. Graham asked the Board to continue speaking up for Alliance. She stated if Alliance needed the Board's support in a more direct manner, they would contact them.

Vice Chair Howerton stated Commissioners across the state were frustrated that the LME had been reduced from six (6) to four (4). She recommended Ms. Graham get on the North Carolina Association of County Commissioners (NCACC) Agenda to share this information.

Commissioner Jacobs mentioned her concern about the foundation. She asked what would happen to the individuals without Medicaid, how would they get mental health services. Dr. Melcher stated there were services such as the Durham Center Access for people that needed support. Commissioner Jacobs asked how many people in Durham were without Medicare, Medicaid or another form of health insurance that needed mental health services. Dr. Melcher responded she was unsure but would provide those numbers to the Board.

Proposal to Amend the Membership and Charter of the Criminal Justice Advisory Committee

Gudrun Parmer, Director of Criminal Justice Resource Center (CJRC) and Lao Rubert, Vice-Chairperson of the Criminal Justice Advisory Committee (CJAC) submitted proposed changes to the current resolution for the Board to review.

Ms. Rubert stated that the CJAC was trying to get the County set-up for re-entry dollars. She stated the County had not been listed as one of the five (5) statewide pilot programs; but was selected as one of the ten pilot programs once the state extended the districts. Ms. Rubert stated to be placed in a better position, the CJAC requested additional positions to be added to the commission as well as a re-entry committee.

Chairman Page stated this would be a great asset to make sure people were getting the services they needed as soon as they were released. Ms. Rubert stated there was no money allocated for those coming out of prison. She stated there was no system in place provided by the state to assist the County in getting the number of inmates being released from prison.

Vice Chair Howerton asked if the commission revisions would take place only if the funds were granted. Ms. Rubert responded no, they would like to set up the standing committee to begin thinking more systematically. Vice Chair Howerton inquired about the timeline. Ms. Parmer stated if the proposal was placed on the Consent Agenda for October 27, 2014 and approved, the process would begin in the upcoming months.

Wendell Davis, County Manager clarified the request was to add the Amended Charter proposal to the October 27, 2014 Consent Agenda and the Amendment to the Membership be added at a later date. Ms. Parmer concurred.

Vice Chair Howerton asked about the budget being requested. Ms. Parmer stated there was no budget request. She added this required no funds from the County.

Commissioner Jacobs asked for a model or proposal that could be taken to the state level to request funds. Ms. Rubert responded the state had five (5) pilot programs and she did not think the proposal would help. Commissioner Jacobs asked what was being requested. Ms. Parmer responded they were asking for a portion of the savings to come to the communities for services and to allow more flexibility. Commissioner Jacobs clarified the request was to allow each County to determine what services were needed and use the funds as they saw fit. Ms. Rubert concurred, adding they would also request to be a pilot district for the re-entry program.

Lowell Siler, County Attorney asked who would appoint the citizens to the subcommittee. Ms. Rubert responded the County appointed members would appoint the subcommittee. Attorney Siler stated in the interim period, Kathy Everett-Perry, Assistant County Attorney would review the Charter and advise the commission on how to appoint the subcommittee.

Discussion about Purchasing Courthouse Sculpture

Drew Cummings, Assistant County Manager shared a presentation on the *Discussion of Purchasing a Sculpture for the Courthouse*. The presentation mentioned the following: Cliff Notes on the sculpture, Sculpture Photographs, Court Staff Reaction and Options.

Mr. Cummings stated the staff recommended the purchase be made with the funds remaining in the capital project for the courthouse.

Chairman Page inquired about the sculpture at the South Regional Library, asking if the piece was donated. Wendell Davis, County Manager responded the piece was purchased for over \$87,000.00. Chairman Page suggested the County look for donations to make the sculpture purchase. He mentioned the County had other pressing needs and using taxpayers' money to make the purchase could cause a burden.

Vice Chair Howerton concurred with Chairman Page. She added the cost of \$36,000.00 for the sculpture was expensive.

Chairman Page asked if the artist might consider reducing the purchase price. Mr. Cummings responded the artist would not likely reduce the price. He stated there could be members of the public interested in contributing to the purchase of public art.

Commissioner Jacobs asked how much money was left in the capital budget for the courthouse. County Manager Davis responded there was over \$2 million dollars remaining in the courthouse project budget. Commissioner Jacobs stated that she supported the sculpture project in Durham and mentioned other public art areas in Chapel Hill and Carrboro, NC. She added the funds for the purchase would come out of the money designated for the courthouse usage. Commissioner Jacobs encouraged the County to look at other options such as Durham Open Space and Trails (DOST) funding since it was in an open space area.

Vice Chair Howerton mentioned she was for public art; however, she did not agree with the cost of the sculpture.

Mr. Cummings stated the sculpture was on display for free until late April 2015. He stated there was still time to discuss the purchase in the future.

Vice Chair Howerton asked if the sculpture held any historical significance to Durham. Mr. Cummings stated the sculpture was not created for the courthouse and he was not aware of any historical or Durham significance.

Chairman Page asked that this item be brought back to the Board when the other Commissioners were present. He stated he would like to be prudent instead of quick when making this decision.

Discussion of the Creation of a Durham County Community Giving Fund

Drew Cummings, Assistant County Manager stated this proposal was based on two principals; (1) the public's interest in projects that would not be on the County's public funding priority list;

and (2) the local government had never perfected the art of accepting charitable donations. He stated the concept would address both principles.

Mr. Cummings shared a presentation on the *Proposal for Durham County Community Giving Fund* which highlighted the following: Explanation of a Community Giving Fund, How does it Work, Orange County Giving Fund (website) Tour, Advantages, Update on the Triangle Community Foundation/Orange County Fund, and Details to be worked out.

Vice Chair Howerton asked how the County would decide which projects the funds would be used for and would the person donating have input on the use of the funds. Mr. Cummings stated the County would set up a project, and would not allow the public to set up projects that would not exist. Vice Chair Howerton asked would the County match the funds donated. Lowell Siler, County Attorney responded it would depend on how the County set the fund up. Mr. Cummings added Orange County was doing 100% crowd funding.

Commissioner Jacobs mentioned her excitement about Community Giving Fund. She added the funds could come in handy for those instances such as child care and Medicare funds. Commissioner Jacobs stated there was a definite need in the community for this type of fund.

Attorney Siler readdressed Vice Chair Howerton's comment. He stated the administrators of the fund would have to create a formula. He added the Triangle Foundation would charge a small fee, but it would keep the County out of it. Attorney Siler recommended the County investigate more and determine how many efforts it would receive funds for. Commissioner Jacobs suggested six (6) efforts or less.

Mr. Cummings mentioned that the \$10,000.00 would not be lost funds, it was considered an investment. He mentioned being specific for the efforts could limit the funds being donated.

Chairman Page stated he would not recommend other parties be used to set up the fund, he stated the County should depend on their own constituents to make it work. He asked what the planned implementation date of the Giving Fund was. Mr. Cummings responded he would bring the item back to the Board at the December 1, 2014 or January 5, 2015 Worksession with suggestions and specific proposals where the Commissioners could discuss at greater length.

Durham Workforce Development Program

Wendell Davis, County Manager stated that Vice Chair Howerton requested a discussion on the Workforce Development Program in August 2014. Ms. Cora Wilson, Human Resources Director, was present to offer an explanation of the program.

Ms. Wilson stated the County had partnered with the Workforce Development Board and on September 24, 2014 there was a presentation shared at the Department Heads' meeting to inform the hiring managers on what the program entailed. Ms. Wilson discussed the two programs: Workforce Investment Act (WIA) which provided individual assistance through career readiness training and On the Job Training (OJT) where the employer would be reimbursed for up to six (6) months while the employee was learning the job. She added the program was targeted for

under-employed and unemployed individuals. Ms. Wilson stated 30 days from the recruitment and selection process, the County hoped to have an identified person on board.

Vice Chair Howerton added that the program was free to the departments, grant funds would pick up the cost of the position, the county would not be saddled with insurance claims due to the assignment and they would be considered for new positions as they became open.

Commissioner Jacobs asked how long would the program be for each person. Ms. Wilson responded it would typically take about three (3) months for a WIA individual and six (6) months for an OJT individual. Commissioner Jacobs asked if staff was provided to conduct the training. Ms. Wilson stated the County would use their own staff to train individuals in the program and Workforce Development would provide the training plan. Commissioner Jacobs inquired about how the grant funds would be delivered to the County and how training would impact staff workload. Ms. Wilson stated the County was working with the Finance Department to get the funds from the Workforce Development Program; she added the staff workload would not be impacted, they would not treat the program any differently than the training of a new County employee. Commissioner Jacobs asked if the individuals in the programs would be placed in positions where help was needed. Ms. Wilson concurred.

Review of BOCC Directives

Ms. Dionne Hines, County Intern presented the Board Directives for the months of June, July, August and September of 2014.

The Board did not have any questions regarding the directives presented.

Closed Session

The Board of Commissioners was requested to adjourn to Closed Session to consult with an attorney in the Matter of the Shaner v. County of Durham et al 12 CVS 1634, and to preserve the attorney-client privilege pursuant to G.S. § 143-318.11(a)(3).

Vice Chair Howerton moved, seconded by Commissioner Jacobs that the Board move into Closed Session pursuant the aforementioned Statute.

The motion carried unanimously.

Reconvene from Closed Session

Chairman Page reconvened the meeting. He announced that the Board met in Closed Session and the following actions took place.

Vice Chair Howerton moved, seconded by Commissioner Jacobs to suspend the rules to approve the Closed Session action.

The motion carried unanimously.

Vice Chair Howerton moved, seconded by Commissioner Jacobs that the following items be approved: third modification of the Air Lease with Shaner and the approval to allow the Chair to sign the settlement agreement.

The motion carried unanimously.

Adjournment

Vice Chair Howerton moved, seconded by Commissioner Jacobs that the meeting be adjourned.

The motion called unanimously.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Monica W. Toomer". The signature is written in a cursive, flowing style.

Monica W. Toomer
Deputy Clerk to the Board