

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

Monday, February 2, 2015

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 Commissioners
Fred Foster, Jr., Wendy Jacobs 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.

John Tarantino shared a Valentine's musical satire for the Board.

James Chavis discussed his concern about jobs and opportunities in Durham City and Durham County.

Discussion Items:

15-247 Status Update from Made in Durham

Dr. Bill Ingram, Executive Board, Made in Durham (MDC) shared updated status information on progress to serve disconnected youth in Durham County. MDC Action Plan centered on six areas:

1. Build flexible career pathways for young people, with support for disconnected youth.
2. Build engagement among the employers: both public and private sector in Durham.
3. Develop young people leaders, as members of the board of directors.
4. Use data to drive.
5. Invest for significant return
6. Engage in strategic leadership for alignment and coordination in our community.

He stated MDC was incorporated as a non-profit and had applied for non-profit status with IRS. Dr. Ingram commented on conducting a search for an executive director. He mentioned interviews would be the next step. He added they planned to have person identified by end of the month and have person on board and ready soon thereafter.

Dr. Ingram stated under Bob Ingram's leadership, fundraising for the first year from March 2014 to June 2015, the budget was \$900,000. \$600,000 was raised from private sources and the hope was to supplement that with \$300,000 from public sources. He commented that the Durham Board of Education voted to commit \$100,000 this year and consideration for next year as well. MDC received generous support from the AJ Fletcher Foundation. Lumina Foundation gave a \$10,000 planning grant and \$50,000 commitment for two years to work on post-secondary attainment connecting public schools with Durham Technical Community College (DTCC) and North Carolina Central University (NCCU).

Commissioner Jacobs thanked Dr. Ingram for the update. She inquired about goals on major products and timeline. Dr. Ingram responded that they would like to have the new Executive Director be a part of the process. He added the long term vision for MDC was aligning the good work that was going on in the community in an efficient way. Commissioner Jacobs asked County Manager Davis about the process of voting on a contribution for MDC. Mr. Davis replied that the item could be put on the Consent Agenda. He added the County had earmarked \$101,000 in the current year's budget. County Manager Davis stated the Tri-party memorandum of understanding had been developed, but not refined and completed. He mentioned if the Board wanted to take an official vote on Monday, February 9, 2015, it would be available.

Commissioner Reckhow thanked Dr. Ingram for the extensive packet of information. She inquired about how many new jobs would be created in 2015 & 2016. Ms. Julie Mooney, MDC Fellow, responded they were working to identify the number of young people that would be prepared for work or work based learning opportunities according to partner organizations. Commissioner Reckhow inquired about providing realistic targets and a detailed schedule. Dr. Ingram responded that the goal was ambitious, but as a community, the goal was that everyone exceed. Ms. Mooney added MDC was trying to get baseline data required to set those targets. She mentioned they were currently working with state agencies to get baseline data and numbers. Commissioner Reckhow inquired about when information about targets, timelines, and numbers would be provided in Appendix B. Ms. Mooney responded that it would in the next 4-6 months. She added it was in control of multiple state agencies. Commissioner Reckhow suggested a target date of August 1, 2015. She wanted the information to include how many young people would feel the effects in the next two years. She wanted more representation from the Manufacturing sector so young people could be trained in joint programming with high schools and Durham Technical Community College.

Chairman Page commented about really wanting to see some results and asked what we could expect to see happen in the next year or two. He asked if the Housing Authority was involved with MDC. Ms. Mooney responded that the Housing Authority had been contacted about the youth network with some of their young people, with direct conversations with them, but not otherwise. Chairman Page commented that he hoped there could be a connection with the right people at Housing Authority to have them included.

Chairman Page asked if there was going to be an interdisciplinary approach to working on the grants in terms of all four of the initiatives or focused solely on MDC. Dr. Ingram responded it would be interdisciplinary or cross organizational. Chairman Page inquired about how the office

would look over the next few years. Dr. Ingram responded with the budget in the first two years there would be 7.5 full time employees. He stated the role was coordinating and aligning, so the service providers would do the work. Chairman Page commented about how the County funded these positions, but when we get to the end of the period there was little progress or change. He expressed hope about seeing results moving forward in the years ahead.

Vice Chair Howerton asked if the Board would had to vote again next year. Chairman Page commented that Dr. Ingram said the school system voted on it. Chairman Page asked if they were going to vote on funding again next year. Mr. Ingram responded that he did not know the school's procedures. He added their vote was \$100,000 for this year. Chairman Page mentioned in the committee meeting there was discussion of coming back and giving that due consideration next year.

County Manager Davis explained the importance of the tri-party agreement. He stated the private, non-profit, and government agencies support would require deliberate decisions about whether to do this work or not. He added if the City or County decided to sit on the sideline, it would not make sense to have the school be a part of the effort. He mentioned all parties needed to be involved. County Manager Davis stated once the metric data was received, it would be a work in progress and moving forward in a collective kind of way.

Commissioner Reckhow questioned if the City committed their \$100,000. Ms. Mooney replied not yet, awaiting information from the City about next steps. Commissioner Reckhow responded she would like to see a detailed budget before voting. She wanted to understand how MDC would spend somewhere in the order of \$900,000 this physical year. Chairman Page asked Ms. Mooney when she could provide the requested information. Ms. Mooney answered that she could provide a detailed budget later in the week.

Commissioner Foster asked County Manager Davis when it was funded, were we under the same situation as the school board or was our funding one time and then MDC would come back to renew for a two year commitment. County Manager Davis was not sure since the details of the Memorandum of Understanding had not been finalized.

Commissioner Foster asked what the difference was between MDC and BECOMING. County Manager Davis responded that Ann Oshel could speak about the role of BECOMING. Ms. Oshel responded that BECOMING complimented the work of MDC. BECOMING was a mental health treatment grant focused on 16 to 21 year old disconnected youth. She mentioned a lot the efforts of MDC would support some of the weak links in the system to successfully connect with the disconnected youth. She added BECOMING was able to meet mental health needs and work on some educational programs for the lucky few, but was not a systematic way of making sure young people were supported. Ms. Oshel commented the youth opportunity initiative was the follow up step to the IBM's Smarter City Challenge recommendations, which was where most of the conversations about the alignment of this work. She mentioned the work was much more focused on having a broader focus of all disconnected youth from ages 11 to 24. Commissioner Foster asked if BECOMING just dealt with mental health and no job initiative. Ms. Oshel responded that BECOMING was a SAMSHA grant and it did have a mental health component. She mentioned you could create jobs and education programs, but unless you address the real

complex social needs, then it would be harder to support their overall success. Ms. Oshel stated BECOMING was the learning lab of how you bring all the systems together like criminal justice, education employment, child welfare and housing. She added youth initiative was not just about mental health.

15-214 Durham County Judicial Building Renovation – Programming and Pre-design Update

Ms. Gudrun Parmer, Director of Criminal Justice Resource Center, provided an update from the last 18 months on the Judicial Building renovation. She mentioned in the summer of 2013 the Board approved a contract with O'Brien/Atkins to evaluate the building and plan the program phase to look at the building to determine its feasibility and what departments could possibly benefit from the space in the building. She added the Board received the results of this work and some recommendations of what the building could provide.

Mr. Kevin Montgomery, Architect with O'Brien/Atkins stated that work was started in August 2014. He mentioned the results provided were from the last four (plus) months of work. He added the next step after the Board's approval would be to go forward with the implementation of recommendations.

Mr. Josh Brady, O'Brien/Atkins, stated the purpose of the pre-design study was to establish the goals and targets that would define the scope of the project. Mr. Brady commented the building had some good bones and a lot of life left. He stated the building had a few known issues that included the age of the building, some code compliances that needed to be upgraded, and meeting the County's high performance building policy suitable for the potential uses of the project.

Commissioner Foster asked where the Fire Marshal was located. Mr. Brady responded on Broad Street. Commissioner Foster asked if the Broad Street building was leased or owned. Mr. Lee Worsley, Deputy County Manager replied the building was owned. Commissioner Reckhow asked who was moving out of the Agriculture Building that Cooperative Extension. Deputy County Manager Worsley replied that Soil & Water and North Carolina Fire Service would be moving. Chairman Page asked if Cooperative Extension was content with staying there. Mr. Montgomery responded that Cooperative Extension wanted to stay. He added there was some work that needed to be done to the building to accommodate the expansion. Commissioner Jacobs commented that Cooperative Extension would like a working kitchen to able to increase their programming.

Chairman Page asked Ms. Parmer if Community Corrections was in her building. Ms. Parmer responded no, the County currently leased space for Community Corrections. She mentioned one was on Orange Street and one was on Chapel Hill Boulevard. She added every other department that was considered for the renovated building did not want to be co-located with Community Corrections based on the customers they served. Commissioner Reckhow commented that she was disappointed to hear that. Ms. Parmer responded that there would be space vacated for Community Corrections to move into the Judicial Annex. Mr. Brady commented that the departments in the Judicial Annex would moving into the Judicial Building. Commissioner Reckhow ask if Elections would be moving again. Mr. Brady responded Elections would be

moving. Commissioner Reckhow commented that she hoped they would not be moving within two months of an election this time. Mr. Brady responded the Judicial Annex would be a much better fit for Community Corrections since it was isolated and could take the entire building and it would solve the rent issue. Commissioner Reckhow asked if the Judicial Annex had enough square footage to accommodate Community Corrections. Mr. Brady replied the Judicial Annex was big enough.

Commissioner Reckhow asked if the War Memorials were with the Administration Building. Mr. Brady responded yes. Commissioner Foster asked when finished, would any departments be in leased space. Mr. Brady responded that Community Corrections would be the only department, but there was a plan going forward with them. Commissioner Foster asked why the 7th floor was left empty. Mr. Montgomery replied it would give the opportunity to have the flex space for future growth. He also added it was not large enough to hold Community Corrections and Cooperative Extension. Deputy County Manager Worsley commented the 7th floor was still designed as a jail. He mentioned one idea would be to demolish the jail now or wait until later. He added staff decided to do it now. He stated the plan was not for five years, but 20 to 40 years out. He added knowing the community was going to grow, that there would be a need for additional office space. Commissioner Foster asked if there was an opportunity for a green roof. Mr. Montgomery responded it would be a green roof, but not like the lower level of the courthouse. He added it would be a sustainable roof, because the building envelop would have to be bought up to new energy codes. Commissioner Foster asked what kind of retail on 1st floor. Mr. Montgomery responded restaurant, so the building would have life after hours. Commissioner Foster asked how the other floors would be secured after hours. Mr. Montgomery responded the retail would have direct access of the street without coming into the building.

Commissioner Reckhow asked where the Board of Elections would be located. Mr. Brady responded on the 5th floor with EMS. Commissioner Reckhow expressed concern due to long lines during elections. Deputy County Manager Worsley responded that the Board of Elections offices would be on 5th floor. He stated folks who were voting would not need to go to 5th floor. He added One-Stop Voting could occur somewhere else other than their offices. Commissioner Reckhow commented that Elections needed to be user friendly and have easy access. Commissioner Reckhow asked after moving Register of Deeds and Tax Administration what would be plans for the vacant two floors. Ms. Parmer responded that the facility master plan would be updated. She mentioned the need to identify departments in Administration Building that were out of space or located on several floors and to give those departments adequate space.

Chairman Page asked if the elevators were repaired before the building was closed. Deputy County Manager Worsley responded two elevators were serviced. Commissioner Page questioned if the elevators would have to be redone. Mr. Montgomery commented that an elevator consultant came to look at the elevators. He mentioned the elevators were back to back instead of face to face. He added there was a proposal in the renovation to reconfigure the elevators. Chairman Page asked about Commissioners having offices in the Judicial Building. Deputy County Manager Worsley responded it was not in plans. Commissioner Reckhow responded that the offices should be in Administration building to be close to Clerk and County Manager.

Deputy County Manager Worsley commented that the next step would be to bring to the Board the design contract from O'Brien/Atkins on February 9th. He mentioned someone from O'Brien/Atkins could talk about their vision of a time table to have design drawings done. Mr. Montgomery answered they would come back at the end of May to give a schematic design. He stated the Board would have to sign off to continue to move into development of design and then documentation. He added the documentation would be finished beginning 2016, then bids would begin. Mr. Montgomery mentioned that a demolition phase would start before that, so late spring 2016 construction on renovation could start on the building. He stated early estimates were about 16 months to complete the work.

County Manager Davis asked Mr. Montgomery to talk about timing for the facilities master plan update. Mr. Montgomery answered it would be a 5-6 month effort. He stated the number of County holdings that were not occupied were less now. He added a consultant who specialized in government planning around the country would work with trends as it related to population growth and anticipated increasing staffing. Mr. Montgomery mentioned at the end of the year, the County should have a clearer understanding of cost and the rest of its holdings.

15-256 Discussion of Appointment to Workforce Development Board

Mr. Kevin Dick, Director of Workforce Development Board (WDB), requested that the Board rescind its decision to appoint Mr. DeWarren Langley to the Workforce Development Board. He commented that the action requested was for the sake of equity in the Workforce Development Board application process, By-Laws that were approved in 2012, and the City-County Interlocal agreement that was approved in 2003. He added once an application was received from either of the governing bodies, the individual was interviewed, then a recommendation from staff would go to the Workforce Development Board Executive Committee. The recommendation from that group would be forwarded to the County Commissioners. In this case, Mr. Langley's name was submitted by the Clerk's office for approval prior to that process. Mr. Dick stated enabling of the board By-laws to govern the application process was stipulated in Article 8 of the Interlocal Agreement.

Mr. Dick acknowledged that Mr. Langley had an interview scheduled, which was postponed. He added they had rescheduled another interview for February 9, 2015. He commented that after the interview, the Executive Committee's recommendation from the meeting on March 12, 2015, would be brought back to the County Commissioners. He added that was the process every other board member had followed to be on the WDB. Chairman Page asked about getting back to the Board by the March 12, 2015 Regular meeting. Mr. Dick replied he would be able to get back to the Board due to the bi-monthly meeting of the Workforce Development Board.

Commissioner Reckhow commented that if a board suggested or mandated an interview as part of their process, that The Clerk to the Board place it in the vacancy announcements. Chairman Page commented that a few boards did have an interview process. He stated some had recommendations from incumbents. He added that somebody needed to work out the details if the applicants had cleared all the requirements of the board.

The Board continued to discuss the formality of the process and the administrative process. Mr. Dick commented that the interview was not a formality. He added the Department of Labor set

guidelines for the type of individuals that should be on Workforce Development Boards. County Manager Davis commented if there were special conditions for those appointments, we could ask the Clerk to send an email out as an all call to boards and commissions, send any specific information about requirements and By-laws to send information to be placed on website. Commissioner Jacobs commented that Mr. Langley sent the Board members an email right before the Monday night meeting stating he had not had an interview.

County Attorney Lowell Siler commented that this was one of few situations where we had gotten into By-laws of the various boards and commissions. He stated in the Inter-local Agreement with the City, it actually incorporated the By-laws into the Inter-local agreement that the By-laws would be followed as related to appointments.

After further review of the Bylaws, it was determined that the Chair could make a discretionary appointment. Chairman Page asked if he could make appointment. Attorney Siler commented that looking at the Federal Act it referred to the top elected officials making the appointment. He mentioned the By-laws in Section 2 said the Chair of the Commissioners shall also be entitled to make a recommendation for one citizen for county commission approval. Mr. Dick responded they were both true, the Chair and Mayor could each make one appointment, that was the intent of Section 2. Section 1 applied to majority of the board.

Attorney Siler and the Board recommended that the Workforce Development Board fine tune its By-Laws. There was also concern about having staff conduct the interviews and make recommendations on Board appointments rather than the Workforce Development Board.

After further discussion of the matter, the following motion was offered.

Commissioner Reckhow moved, seconded by Commissioner Foster to suspend the rules for the sake of the addressing the appointment to the Workforce Development Board.

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Commissioner Foster to reaffirm the appointment of DeWarren Langley as the Chairman's designee to the Workforce Development Board and request the Workforce Development Board to waive the interview process in this instance.

The motion carried unanimously.

Commissioner Reckhow asked that the Clerk contact Boards to find out if there were special conditions in their By-laws regarding appointments. County Manager Davis commented to put an all call, with a deadline to respond, to all boards if any special revisions in any By-Laws associated with appointments.

Chairman Page stated that he would like to have additional discussion about the process at a future Worksession.

15-232 Presentation from Griffin & Strong P.C. on Disparity Study

Rodney Strong, Principal of Griffin & Strong, P.C. conducted the most recent disparity study which was a multi-jurisdictional study for both the City of Durham and Durham County. Griffin and Strong performed the County's previous disparity study. He shared a presentation which highlighted the following: Technical Approach, Underutilization in Prime Contracting and in Subcontracting, Utilization in Dollars, Minority and Women Owned Business Availability vs. Awards in Prime and SUB, Regression Analysis, Anecdotal Evidence, Need for Program Resources and Recommendations.

Mr. Strong stated the Federal Courts required a state or local government jurisdiction that had a race or gender conscious minority or women or both participation program, that those programs be reviewed periodically to determine if a problem that had been identified in a previous analysis still existed, and if there was a need to continue the program. He commented that the team was led by Michelle Clark Jenkins, Project Manager. Mr. Strong mentioned Monarch Services here in Durham provided data entry services. He added most of the economic analysis was conducted by Dr. Gregory Price, Senior Economist.

Mr. Strong discussed the process of the disparity study and highlighted some of the findings of the report. The report found underutilization for most minority groups in prime contracting. In subcontracting, there was overutilization of white females in some areas. In the regression analysis, M/WBE firms were more likely to need start-up and expansion financing and were less likely to utilize bank loans, home equity, and venture capital. Disparities could reasonably be explained by race, ethnicity, and gender as a factor in their exclusion from private markets. The disparity percentage based on those factors was above 50 percent.

Based on feedback, business owners were supportive of County staff; there was a definite need for more staff to work in the M/WBE area; there was concern of WBE certification fraud at the State level; and M/WBE firms didn't win government contracts without programs in place. The lack of staff resources had a great impact on the program because of the ability to help minorities find out about upcoming opportunities and be able to compete for them.

Mr. Strong offered the following recommendations: codify internal guidelines; increase prime contract utilization (joint venture opportunities); performance review after contracts have been bid; outreach with Asian Americans, American Indians and Hispanic Americans; and enhancement of the M/WBE website.

Commissioner Reckhow asked if the Board would be getting the full report. Mr. Strong responded yes. Chairman Page asked when the report would be received. Jacqueline Boyce, Procurement Manager responded that staff had received a revised final report and the Board would have the report by the end of the week.

Commissioner Reckhow asked for further clarification on whether minorities bid and did not get the job or whether they bid and did not get the job because their bid was higher. Commissioner Reckhow also asked was there a mismatch between scale and capacity. She asked were those items covered in the report. Mr. Strong responded they were covered in the report. He added the availability numbers were based on firms active in market place bidding. Mr. Strong commented

in the prime contracts the minority businesses were not as competitive. He added ways to increase prime contract opportunities would be to break out certain categories of projects and make those projects primarily oriented towards smaller businesses or to add joint-ventures or require joint-ventures. Mr. Strong said there were some capacity issues with prime contracts that were impacted by financial and bonding considerations. Commissioner Reckhow commented that the City of Durham had adopted a strategy to target small businesses and asked if that was referenced with a recommendation. Mr. Strong responded it was looked at, but it would be up to the County to adopt the city type program or make modifications to a similar one and it was in the recommendations. Commissioner Reckhow asked if any consideration was given to merging a joint office to deal with minority issues related to contracting. Mr. Strong responded the study did not look at that. He added it would save resources, but would definitely need more resources.

Commissioner Foster asked if the report included the percentage of WBE fraud encountered. Mr. Strong responded he didn't look at it from a percentage standpoint. Commissioner Foster asked if in the community, there was a perception that were companies that were getting bids from the county that were MWBE or WBE. Mr. Strong responded there was a concern that businesses receiving the WBE certification should be going to legitimate businesses.

Commissioner Jacobs commented that she was happy to receive the report. She asked that the report come back to the Board at a Worksession once staff and the Board had an opportunity to read the full report. She added this was an issue that the Board needed to give its full attention. She felt it was important to hear recommendations from Purchasing staff on what the County could do better. She emphasized the need to spend some more time on this item at a future Worksession. She spoke about how the item overlapped a Smart Growth Conference theme.

Mr. George Quick, Chief Financial Officer commented that the County's program and City's program were different programs. He mentioned the City's program was designed to bring more small businesses into the fold and the County's program was to bring more minorities into fold rather big or small. He stated the City had 6-7 staff that worked in their department. He added the County had only one half person.

Vice Chair Howerton thanked Mr. Strong for the report. She echoed the differences between the City and County departments and the limited resources in the County department.

Manager Davis commented that one challenge was who had the ability to make the bid but could not bond. He asked if they took some time to look at bonding capacity in the report. Mr. Strong responded yes and recommended that staff work with the SBA program to enhance the capacity of the firms in the bonding area. County Manager Davis asked when the report would be available to the City. Mr. Strong replied he had already presented to City Manager and was looking at the week of February 16th for City Council.

Chairman Page agreed with Commissioner Jacobs that the report should come back to a Worksession for more in depth discussion. He thanked Mr. Strong for the report and promised to put him at the beginning of the agenda on his next visit.

15-249 Discussion of Sidewalks in the County

County Manager Davis discussed that Drew Cummings, Assistant County Manager sent the Board a letter regarding the issue about two weeks ago. He stated that two requests had been received regarding the sidewalks. He added staff wanted to get some consensus from the Board in respect to direction.

Commissioner Jacobs commented on getting some information from Planning staff on establishing a mechanism to collect fees for sidewalks. County Manager Davis commented if we made a commitment to go down this path, we would not know what the future cost may hold. Commissioner Jacobs asked staff to bring the issue back to another meeting. She stated she would like to have Planning staff for a resource to ask questions about existing policy and changes. She added we didn't have any information about maintenance costs.

Chairman Page asked County Manager Davis to table his two requests. County Manager Davis replied he would put the item on for the March Worksession.

Adjournment

Commissioner Jacobs moved, seconded by Commissioner Reckhow that the meeting be adjourned.

The motion called unanimously.

Respectfully Submitted,

Macio Carlton
Senior Administrative Assistant