

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

Tuesday, January 3, 2017

9:00 A.M. Worksession

MINUTES

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

Present: Chair Wendy Jacobs, Vice Chair James Hill and Commissioners Heidi Carter,
Brenda Howerton, and Ellen Reckhow

Presider: Chair Wendy Jacobs

Agenda Adjustments

Commissioner Reckhow requested that a discussion be added to the end of the agenda regarding the Code of Ethics.

Commissioner Reckhow moved, seconded by Commissioner Carter, to add the discussion item to the agenda.

The motion carried unanimously.

Citizen Comments

The Board of County Commissioners provided a 30-minute comment period to allow Durham County citizens an opportunity to speak.

There were no citizens signed up to speak.

17-0015 Memorandum of Understanding between GoTriangle and Durham County

The Board was requested to authorize the County Manager to execute the attached Durham-Orange Light Rail Transit (D-O LRT) Project Memorandum of Understanding (MOU) between Durham County and GoTriangle, wherein Durham County agreed to work and cooperate with GoTriangle in the following ways:

- 1) the design, implementation, construction, operation, and maintenance of the D-O LRT Project; and
- 2) to obtain any rights of entry, permits, and appraisals associated with or related to the design, implementation, construction, operation and maintenance of the D-O LRT Project from the State of North Carolina and /or the County; and
- 3) subject to and contingent upon any and all authorizations required by County, to donate, at no cost to GoTriangle, any and all easements across and upon certain real property, if any, owned, maintained, controlled, or managed by County necessary to design, implement construct, operate, and maintain the D-O LRT Project. Such easement shall include utility

easements, temporary construction easements, easements in perpetuity, and other right-of-way interests.

Thomas Henry, GoTriangle Assistant General Counsel, was present to answer questions.

Jay Gibson stated that the MOU was a preliminary document. County Attorney Lowell Siler added that GoTriangle—and in essence, the federal government—was attempting to measure the level of commitment they were going to receive from the Board regarding easements. It was previously indicated that GoTriangle was greatly relying on public and private entities' willingness to donate easements.

Chair Jacobs requested that “and North Carolina Central University” be added to the list in the second “WHEREAS” in the MOU. She requested that GoTriangle inform the Board of all other organizations that made MOUs, including private sector agreements, for the D-O LRT Project. Chair Jacobs recalled that the Board had previously requested monthly updates that incorporated information on in-kind donations. Commissioner Howerton suggested also updating the number of miles and stations on the MOU to include the addition of the NCCU stop.

Commissioner Howerton and Mr. Henry discussed the MOU agreements GoTriangle made with the public and the private sector and how, while not identical, the basic concept of each MOU was an intent to donate land, easements, and so on for the purpose of benefitting the D-O LRT Project.

Commissioner Reckhow moved, seconded by Commissioner Howerton, to suspend rules.

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Commissioner Howerton, to approve the MOU with the following amendments in the document:

“WHEREAS, the FTA issued its Record of Decision (ROD) for the D-O LRT Project on February 11, 2016. As set forth in the ROD, the D-O LRT Project is a ~~17 mile, 17 station~~ 17.7 mile, 18 station light rail transit service which will provide connections between UNC Hospitals, the UNC campus, the William and Ida Friday Center for Continuing Education, Patterson Place, the South Square area, Duke University, the Duke University and Durham Veterans Affairs Medical Centers, downtown Durham, east Durham, and North Carolina Central University; and”

“WHEREAS, County supports the D-O LRT Project as an advancement of the interests of the ~~university~~ universities and the general community; and”

The motion carried unanimously.

17-0002 Removal of Citizen Board Members Due to Poor Attendance

The Board was requested to remove the following members in keeping with the Attendance Policy approved by the Board of County Commissioners in August, 2014. “If an appointee has absences (excused or unexcused) which constitute more than 50% of the meetings in any calendar year or three (3) consecutive unexcused absences or five (5) consecutive excused absences in any calendar year, he or she is obligated to resign.”

- City-County Appearance Commission - Awa Joof
- Women’s Commission - Amy Alspaugh

The Clerk’s Office was notified by the City-County Appearance Commission and Women’s Commission of the absences and attempted to contact the board members. There was no response.

Commissioner Howerton moved, seconded by Commissioner Reckhow, to suspend rules.

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Commissioner Howerton, to remove to remove Awa Joof from the City-County Appearance Commission and Amy Alspaugh from the Women’s Commission due to poor attendance, in keeping with the County’s policy on Citizen Appointments.

The motion carried unanimously.

17-0003 Made in Durham MOU FY2016-2017

The Board was requested to approve the annual contract in the amount of \$101,000.00 with Made in Durham, a non-profit corporation which was formed as a public-private partnership designed to build an education-to-career system. Its purpose was to connect Durham youth and young adults to postsecondary credentials and economically rewarding work.

Meredythe Holmes, Executive Director of Made in Durham, discussed the major products of FY14-15. Commissioner Reckhow stated that she expected measurable outcomes and specific accomplishments to be presented and did not believe that there were enough recorded. Ms. Holmes and Commissioner Reckhow discussed having a written report sent to the Board regarding the changes since 2014—which was when the baseline data was gathered—in order to see whether there were any improvements. Commissioner Reckhow gave examples of the data she wished to see in the report and they included: how many additional employers were working with Durham Public Schools, how many students graduated, how many students were employed, and what other accomplishments were made as related to the annual report.

Commissioner Carter concurred with Commissioner Reckhow in regards to wanting to see metrics. She also wanted to know the rate of involvement of the private sector and how much it had increased.

Commissioner Howerton wondered whether students were eligible for participation in GED classes if significant time had passed since dropping out of high school. Ms. Holmes informed

her that the program was open to everybody that was desirous of earning their GED. Commissioner Howerton, Commissioner Reckhow, and Ms. Holmes discussed the purpose of the Durham Futures program and how students could gain access to it.

Andrea Harris, Senior Fellow, NC Institute of Minority Economic Development, reminded the Board that deep cultural changes needed to happen as well so as not to exclude marginalized young people in different types of spaces—the community culture as well as the culture within employment and education-based locations. She urged the Board to keep in mind the qualitative changes that were occurring while they reviewed the quantitative data.

Commissioner Howerton and Chair Jacobs encouraged Ms. Holmes to contact Gayle Harris, General Manager of Public Health and Community Well-Being, or Michelle Young, Gang Initiative Coordinator, in regards to Bull City United. Chair Jacobs felt that it was important to use existing resources in the community to ensure that Made in Durham’s presence and services were well known.

The Board discussed the idea of creating a youth resources website and how it could be created. Commissioner Howerton suggested assigning county staff to create the website. Deborah Craig-Ray, General Manager, announced that the County website was going to be redesigned and they could work on the youth resources website if the Board made it a directive. Commissioner Reckhow felt that Durham youth should be involved in the creation of the website and recommended assigning it to the Junior Leadership Program.

Ms. Holmes stated that she would submit the report to the Board by Friday, January 20, 2017.

Commissioner Howerton moved, seconded by Vice Chair Hill, to suspend the rules.

The motion carried unanimously.

Commissioner Howerton moved, seconded by Vice Chair Hill, to approve the MOU with the understanding that the detailed report would be received before the end of the month of January and future reports submitted every six (6) months starting from April 2017.

The motion carried unanimously.

Directive:

- **Made in Durham to send detailed data report regarding accomplishments and community improvements to the Board before the end of the month of January and future reports submitted every six (6) months starting from April 2017.**

17-0004 First Year Update from Central Piedmont Community Action, Inc. on Their Community Services Block Grant (CSBG) Funded Activities in Durham

Central Piedmont Community Action (CPCA), Inc., formerly known as Joint Orange Chatham Community Action (JOCCA), was awarded Durham’s Community Services Block Grant funding

stream by the NC Department of Commerce in the fall of 2015 and began operations in Durham January 2016. The CSBG funding stream was a broad, anti-poverty stream which allowed considerable flexibility to the grantee. The grantee needed to be a qualified “community action agency” fitting HUD’s definition. There were also requirements for board composition which were different than what many non-profits had in place.

Sheryl Andrews, Community Services Block Grant Director at CPCA, Inc., went over the information included in the attached report.

Commissioner Reckhow suggested studying comparable agencies that served similar sized populations in order to understand how the CPCA’s metrics compared to others’—this would help put their report’s information into context. Natasha Elliott, Executive Director of CPCA, Inc., stated that they would provide this information, but wished to remind the Board that other agencies could have differing duties—some existed as source funding and others only as referral services.

Chair Jacobs was concerned with the minimal community presence that the organization was perceived to have. She described citizen complaints of calling the office and no one answering, of people visiting the office during business hours, but it being closed, of people not knowing what the organization did or where it was physically located in Durham. Furthermore, Chair Jacobs felt that the given data did not describe how their funds were being used and requested that the Board be provided with a budget which demonstrated how the funds were allocated. Ms. Andrews and Ms. Elliott addressed Chair Jacobs’s concerns and questions.

Vice Chair Hill noted the inaccurate information regarding the families they served and requested that the CPCA update the data in the report.

Commissioner Reckhow inquired as to the physical location of the CPCA’s Durham office. Ms. Andrews stated that the office was located at 1007 Broad Street.

Michael Becketts, Director of Social Services, stated that the CPCA Program Director gave the DSS department the wrong information regarding applicant eligibility for a program. He added that DSS staff could not reach CPCA staff on the phone when calling their office. Mr. Becketts spoke on other miscommunications regarding the CPCA’s ability to accept applications.

Commissioner Howerton encouraged the CPCA and Mr. Becketts to meet soon in order to discuss how to better collaborate in the future. Chair Jacobs summarized the information requested from CPCA as the following: an updated report with accurate data, financial budgeting information on how funding was allocated, and benchmarking information. Chair Jacobs also invited CPCA to attend the Jobs Task Force meeting in order to be introduced to the members and community. Commissioner Reckhow requested Ms. Andrews’s email; Ms. Andrews stated her email was sheryla@nc.rr.com.

Directive:

- **CPCA to provide an updated report with accurate data, financial budgeting information on how funding was allocated, and benchmarking information to the Board.**

17-0010 Discussion-Proposed 2017 Legislative Agenda

The Board was requested to receive a report from staff concerning proposed items for the 2017 General Assembly Session which convened at noon on January 11, 2017. Following a communication to County Department heads and the Board of County Commissioners, a few items were received and placed on the agenda for discussion. Staff would compile a final list of legislative proposals and return for formal approval. Afterward, the traditional Legislative Breakfast meeting—which included members of the Durham Legislative Delegation and the Board of County Commissioners—would be planned in order to discuss the 2017 session and to share the agenda.

General Manager Craig-Ray discussed the current attitude in the legislature and noted that there would likely be changes proposed in regulations.

The Board went through the list items and discussed each.

The Board deliberated about the date on which to hold the Legislative Breakfast. General Manager Craig-Ray requested that they hold January 20th and February 3rd as tentative dates.

The Board discussed the lack of state court funding for judges and whether to further pursue the issue with the Delegation.

17-0007 Commissioner Appointments to Boards and Commissions

The Board of County Commissioners was requested to consider the appointment of its members to act as liaisons to various boards and commissions. Chair Jacobs presented the appointments to the Board.

Commissioner Howerton was concerned with the appointment of Commissioners to subcommittees of boards; she felt that subcommittee appointments should be left up to the individual Boards. Commissioner Howerton was also concerned with the Chair assigning two Caucasian commissioners to the same board which already lacked diversity and served a large number of people of color. Chair Jacobs explained her thought process into the assignments and stated she tried her best to accommodate all requests.

Commissioner Carter moved, seconded by Vice Chair Hill, to suspend the rules.

The motion carried unanimously.

The present document listed Vice Chair Hill as serving on the Criminal Justice Advisory Committee and Chair Jacobs as serving on the Durham Crime Cabinet. After some discussion, Chair Jacobs and Vice Chair Hill agreed to switch appointments—Vice Chair Hill would serve on the Durham Crime Cabinet and Chair Jacobs would serve on the Criminal Justice Advisory Committee.

Commissioner Carter moved, seconded by Commissioner Reckhow, to approve the recommended board assignments with the change of Vice Chair Hill serving on the Durham Crime Cabinet and Chair Jacobs serving on the Criminal Justice Advisory Committee.

The motion carried unanimously.

17-0006 Board Discussion of Rules of Procedure and Worksession Structure

The Board was requested to discuss its Rules of Procedure for the Durham County Board of Commissioners and to discuss the structure of its Worksessions.

Commissioners Howerton and Reckhow requested that more detail be added to the last sentence of the first paragraph on page 8 due to it not mentioning that an authorized conflict of interest needed to exist before one could request to be excused from voting. Attorney Siler stated that staff would clarify the sentence so as to refer to the entire paragraph which did mention conflicts of interest. The sentence to be edited was:

“Any member who wishes to be excused from voting shall so inform the Chair, who shall take a vote of the remaining members.”

Commissioner Reckhow suggested deleting the last sentence of the first paragraph in bullet point number eight. The sentence to be deleted was:

“A commissioner shall not serve in the same position (alternate vs. regular member) more than eight (8) consecutive years on any board” (p. 5).

Commissioner Reckhow recommended editing the Attendance at Board Meetings policy to state that regular attendance at County Board meetings was expected; as a courtesy, if Commissioners were aware that they would be absent, they would notify the Board and request an excused absence. The sentence to be edited was:

“Attendance at county, state, and regional created board meetings is required. Commissioners missing more than 50% of the meetings in a fiscal year must submit a statement to the Board of County Commissioners explaining the reasons for all such absences” (p. 10).

Chair Jacobs wished to discuss different procedures for scenarios regarding virtual meeting participation as needed due to illness, traveling, etc. and requested that Attorney Siler draft a document addressing the varying possible circumstances.

Chair Jacobs requested that Attorney Siler and Michelle Parker-Evans, Clerk to the Board, collaborate in order to create the Rules of Procedure for Special Meetings.

Chair Jacobs noted that the rules for public address—on page 4—to the Board regarding regular or consent agenda items allowed individuals to yield their time to another speaker, but speaking time during public hearings was not allowed to be yielded. In the interest of consistency, the Board decided to prohibit the yielding of time for public address on agenda items at regular meetings.

Vice Chairman Hill felt that speakers should state whether they were Durham County residents during public comments.

The Board discussed the problematic wording in the section titled Quorum because, when combined with the Duty to Vote rule on page 7, it implied that the non-vote of a Commissioner who had never arrived to a meeting and had never been excused would be counted in the affirmative and assessed in favor of the pending motion. The Board agreed to edit the Quorum section as follows:

“A majority of the membership of the Board shall constitute a quorum. The members required for a quorum shall not be affected by vacancies. If a member ~~is absent or~~ has withdrawn from a meeting without being excused by a majority vote of the remaining members, he/she shall be counted as present for the purposes of determining whether a quorum is present” (p. 9).

Chair Jacobs requested that the Board receive training on the BOCC Request System and that "Chairman" be changed to "Chair" in the Public Charge on the agendas.

Directive:

- **Attorney Siler to draft a document addressing the different procedures for scenarios regarding virtual meeting participation as needed due to illness, traveling, and other circumstances.**
- **Attorney Siler and Michelle Parker-Evans, Clerk to the Board, to collaborate in order to create the Rules of Procedure for Special Meetings.**
- **Staff will look into residency rules for public comments**
- **Train the Board on the BOCC Request System.**
- **Change "Chairman" to "Chair" in the Public Charge on the agendas.**

Added Item - Discussion of Code of Ethics

Commissioner Reckhow and Attorney Siler discussed the Disclosure forms that they would be asked to sign and why they were important. Clerk Parker-Evans announced that the disclosure forms would be distributed the following day.

17-0011 Commissioner Comments

The Board was requested to allow each Commissioner three minutes to report on conferences or make comments regarding issues that may be of interest or concern to the Board.

Commissioner Carter discussed Universal Pre-K methods she learned about as a School Board member and wished to review which tools could be utilized by the County.

Chair Jacobs discussed the Legislative Breakfast and the vacancy for the representative of District 9. She spoke about Bull City United's violence interrupters and hoped that the Board would meet them at a future Worksession.

Commissioner Reckhow encouraged the Board to attend the upcoming Crime Cabinet as there would be updates on Bull City United and the Step Up Initiative. She mentioned the Emerging

Issues Forum on February 7th. Commissioner Reckhow also encouraged the Board to fill out Conference Report forms when they wished to share what they learned at conferences.

Commissioner Howerton spoke on the upcoming NCACC events. She touched on the importance of Bull City United and their Week of Peace.

Adjournment

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

The motion carried unanimously.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tania De Los Santos", is written over a light gray rectangular background.

Tania De Los Santos
Administrative Assistant