

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

Monday, June 5, 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 and
Ellen Reckhow

Excused: Commissioner Brenda Howerton

Presider: Chair Wendy Jacobs

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 "Giovanni" Tarantino, of Tarantino Satire of Durham, performed a musical selection for the Board.

Attorney Siler introduced law student Kayla Britt as the new intern in the Attorney's Office.

Discussion Items:

17-0271 Update from Downtown Durham Incorporated and Presentation of 2016 Annual Report

Downtown Durham, Incorporated (DDI) President and CEO, Nicole J. Thompson, provided the Board with an update and the 2016 annual report. The County's \$150,000 annual service contract with DDI for downtown advocacy and economic development work required an annual presentation before the County Commissioners.

Vice Chair Hill and Matt Gladdek, Director of Policy & Planning for DDI, discussed the available office space in downtown Durham.

Commissioner Reckhow and Ms. Thompson discussed the FY17-18 budget and trash/recycling receptacles. Ms. Thompson wanted to be strategic about location and minor details as well as how much was expected of the ambassadors. Commissioner Reckhow wondered how many restaurants were located in downtown. Melissa Muir, Director of Business Relations for DDI, stated that there were 90 restaurants. Commissioner Reckhow and Ms. Thompson discussed

possible parking solutions. Commissioner Reckhow suggested encouraging employees of businesses in downtown Durham to carpool.

Chair Jacobs suggested for DDI ambassadors to keep a list of sidewalk, road holes/problems which they could submit to the City for repair. Chair Jacobs was concerned about the owners of private lots who were not willing to let the public use their lots at night or on weekends. She spoke on the lack of diversity in retail space renters and shop owners and wondered whether the rent rates were the cause.

Commissioner Carter raised the question of what could DDI do to partner with DPS to lift it up that could also be a strategy for business recruitment, community engagement, and diversity. Vice Chair Hill stated that probing a few bars and restaurants in downtown as to why they did not appear to have many Black or Latino customers could also help with increasing diversity.

17-283 Updates from Alliance Behavioral Healthcare

The Board was requested to receive updates from Alliance Behavioral Healthcare. Rob Robinson, President and CEO of Alliance Behavioral Healthcare discussed Medicaid reform. Kelly Goodfellow, CFO of Alliance Behavioral Healthcare, covered the financials for FY 17 and FY 18. Ann Oshel, Senior VP of Community Relations for Alliance Behavioral Healthcare, spoke on Durham Crisis Utilization, the Durham Recovery Response Center (formerly Durham Center Access), and community services including the Durham System of Care.

Commissioner Reckhow, Mr. Robinson, and Ms. Goodfellow discussed the large fund balances held by LME/MCO's, the possibility of the state perceiving the organizations as cash cows, and why the fund balances were present.

Robert Sotolongo, DTW Architects & Planners, Inc., discussed the renovation of the Durham Center Access/Oakleigh Building. Commissioner Reckhow and Joy Brunson-Nsubuga, Recovery Services Administrator II for Recovery Innovations, Inc., discussed the administrative offices, about half of which were empty.

At Commissioner Carter's request, Ms. Oshel described the process of Care Review. Commissioner Carter wondered where Care Review could take place. Ms. Oshel stated that it could happen anywhere—schools, jail, Urban Ministries, or at Allied Healthcare's main building.

Commissioner Reckhow was concerned with the poor state of the Durham Recovery Response Center facility. She felt that Alliance should use perform some major repairs or, at the very least, cosmetic repairs. Commissioner Reckhow suggested to Manager Davis that the lease for the facility should include upkeep and regular maintenance as requirements.

Commissioner Reckhow inquired how many children were served under the System of Care program. Ms. Oshel clarified that System of Care was a philosophical framework of how services were designed to create safety nets. Commissioner Reckhow and Ms. Oshel discussed the people who were touched by the philosophy and how many people were expected to be served through Behavioral Urgent Care—the projected number was 120 people per week.

Commissioner Reckhow gave staff kudos on the updated Network of Care and encouraged them to continue sharing the resource with the public.

Chair Jacobs suggested that Alliance attend a Joint Board of County Commissioners and Board of Education meeting as well as a Joint City-County Committee meeting; this would increase the number of people who knew about it and could promote it in the community.

Chair Jacobs encouraged the panel to speak to Jodi Miller, General Manager of Community and Public Safety, about the County's paramedicine program as well as work with the 911 Center, EMS, and First Responders. She also suggested that Alliance update their pamphlets to include new programs.

Directive:

- **Staff to see if the lease for the Durham Recovery Response Center facility could include upkeep and regular maintenance of the facility as requirements.**

17-0254 Update on the Minority and Women Business Enterprise (MWBE) Program

The Board was requested to receive an update on the operation of the County's Minority and Women Business Enterprise (MWBE) Program. On November 28, 2016, the Board of County Commissioners adopted a new Minority and Women Business Enterprise (MWBE) Ordinance. The MWBE Program was also included in the County's Managing for Results (MFR) approach as a best practice management model used to improve efficiencies and effectiveness in order to address some of the County's social and economic challenges. The County partnered with The Institute of Minority Economic Development (The Institute) to assist with increasing the utilization of diverse business enterprises through resources, programs, policies and events.

Farad Ali, President and Chief Executive Officer for The Institute, provided an overview of the County's 2017 MWBE Program End of Year Report.

Commissioner Reckhow was interested in seeing longer range trend data. Jacqueline Boyce, Procurement Manager, stated that they only had the given data due to having recently changed their database software. Manager Davis stated that they could potentially look at previous disparity studies and put the data on a longitudinal scale as a part of the overall analysis. Commissioner Reckhow was struck with the construction survey and believed that there was a lot of work to be done in getting businesses engaged and encouraging them to take on Durham high school students as interns—this had the potential to increase the percentage of Durham County residents employed in RTP which was currently only 15%.

Chair Jacobs noticed that the statement in Sec. 8-132. Policy Statement (page 10) did not mention gender or sexual orientation, she wondered if they could be added. Attorney Siler would look into the matter.

Chair Jacobs and Mr. Ali discussed the various ways the County could utilize as much of the 25% "availability" in the Durham County market area of five (5) ethnic and gender classifications—African American; Asian American; Hispanic American; American Indian; and White Females—and across four (4) procurement categories—Construction; Architecture/Engineering; Services; and Goods.

Chair Jacobs and Keisha Davis, MWBE Coordinator, discussed the low turnout for the business development classes and how the class time seemed to be the most common deterrent. This prompted staff to livestream the class and make materials available online. Ms. Davis spoke with Tammy Baggett, Director of Library Services, about possible reasons as to why people were not accessing the available library resources for small and minority businesses.

Vice Chair Hill inquired whether the same people or businesses showed up every time. He wanted to ensure that the prosperity was being widely distributed as much as possible. Ms. Davis described how she addressed the problem of having the “token” contractors chosen for every project by helping other people/businesses meet the requirements for applying for a contract; she walked them through the process with the relevant websites pulled up and made sure all necessary information was available online.

Commissioner Reckhow believed that the County should be more user friendly and partner with the City of Durham for joint training classes.

Commissioner Carter and Manager Davis discussed why the MWBE Program only focused on the businesses that were minority- or female-owned rather than businesses that employed a high percentage of minorities or females. This was due to the ruling in the case of the City of Richmond v. J.A. Croson Co. Attorney Siler agreed to look further into it and find out whether the City of Durham gathered workforce statistics on the businesses who receive their contracts.

Directive:

- **Attorney Siler to look into whether the words “gender” or “sexual orientation” could be added to the statement in Sec. 8-132. Policy Statement (page 10).**
- **Attorney Siler to look further into why the MWBE Program only focused on the businesses that were minority- or female-owned rather than businesses that employed a high percentage of minorities or females.**
- **Attorney Siler to find out whether the City of Durham gathered workforce statistics on the businesses who receive their contracts.**

17-0275 Update on the City of Durham’s Affordable Housing Goals - 2016-2021

Reginald Johnson, Director of Community Development, reviewed why the City of Durham’s Affordable Housing Goals existed. Karen Lado, Enterprise Community Development for the City of Durham presented the Board with an update on the City of Durham’s Affordable Housing Goals. The City’s Five-Year Housing Plan was built around three overarching goals which reflected the City’s commitment of working with the Durham Community to protect the most vulnerable and preserve diversity at the neighborhood level:

Goal 1: Address the City’s greatest housing needs by preserving and expanding affordable rental housing units and vouchers serving Durham residents, with a focus on households below 50% AMI.

Goal 2: Maintain affordability and protect low-income Durham residents (especially households below 50% AMI) in neighborhoods experiencing significant price appreciation, with an initial focus on Southside and northeast central Durham.

Goal 3: Engage the larger Durham community to make affordable housing a citywide priority.

The purpose of this update was to review the City's Five-Year Housing Plan including background information, goals and strategies outlined to achieve the plan. This would allow Durham County to make informed decisions around the space of Affordable Housing particularly for forthcoming projects including the redevelopment of the 300 and 500 sections of East Main Street.

Commissioner Reckhow inquired whether the rent for older garden apartments in which students were living was decreasing. Ms. Lado clarified that it was not and, in fact, the City overall was becoming more expensive. Commissioner Reckhow recalled a church that built apartment units in a building behind the main church building and served the elderly for a low cost—she wondered if this was a viable aid to the solution. Ms. Lado stated that Durham was ripe for faith-based solutions and considered the possibility. Ms. Lado emphasized that there was no single solution to the affordable housing shortage, it was a continuum.

Commissioner Carter and Ms. Lado discussed the parking problems and how they related to affordable housing.

Chair Jacobs felt that it was important that the County, as a major stakeholder, participate in the City of Durham's Affordable Housing Goals and work.

17-0294 Update on Animal Services and APS

Shafonda Davis, Executive Director of Animal Protection Society (APS), provided the Board with an update and presentation on APS.

Lt. Tim Deck provided the Board with an update and presentation on the Animal Services Division of the Sheriff's Department. He spoke on the Healthy Animal Initiative and how it was a non-punitive approach to animal welfare.

Chair Jacobs indicated to Deborah Craig-Ray, General Manager of the Office of Strategic Management and Innovation, Public Affairs and Special Projects, that the Healthy Animal Initiative would be a good workshop topic for the 2017 North Carolina Association of County Commissioners (NCACC) Conference.

Commissioner Reckhow thanked the APS and Animal Services Division employees for their dedicated work; she felt that they provided good public relations for the Sheriff's Office.

Commissioner Carter noted that the Healthy Animal Initiative was similar to community based policing. She asked how only 12 staff members were able to work 100+ hours per week. Lt. Deck described the hard work and long hours that went into the positions as well as the strategies the Division used to ensure all hours were covered by at least two (2) officers.

At Chair Jacobs's request, Lt. Deck spoke on officers going to animal control calls and seeing other types of crimes happening in homes.

Chair Jacobs requested that the Manager to look into the cost of providing so much overtime to the Animal Services Division staff and how it compared to adding enough positions to eliminate the need for overtime hours.

Chair Jacobs asked Ms. Davis about the state of the County-owned APS building. Ms. Davis described the dilapidated conditions of the shelter and the repairs they needed. Commissioner Reckhow was surprised to hear about the state of the facility due to the considerable renovations completed 12 years prior. Ms. Davis encouraged the Board to visit the shelter. Manager Davis stated that staff would look into the situation.

Directive:

- **Manager to look into the cost of providing so much overtime to the staff of the Animal Services Division of the Sheriff's Department and how it compared to adding enough positions to eliminate the need for overtime hours.**
- **Staff to look into the state of the County-owned APS building.**

17-0242 Youth Initiatives Manager Interlocal Agreement

The Board was requested to receive a presentation for the proposed five-year Interlocal agreement with the City of Durham that would authorize creation of a joint City-County Youth Initiatives Manager position housed in the City Manager's Office.

This position would work to better align, support and assess programs provided and supported by the City and County for youth ages 5 to 24. Staff believed a joint City-County position would promote better coordination among City and County youth programs and initiatives, stronger collaboration with external community partners, and more strategic allocation of City and County resources for youth. Costs for the position were to be divided equally between the City and County; funding for this position was included in the City and County Managers' proposed budgets for FY 2017-2018.

The Interlocal agreement stipulated a 50-50 split of total costs for the position (including associated operating costs) between the City and County. The proposed pay range for the new position was \$62,765 - \$100,423, with estimated benefits costs of approximately \$24,000. Initial operating costs could include office space, office furniture, technology, training, and funds for engagement activities. Operating costs for future years would be determined and approved during each annual budget process.

This item was to be placed on the June 12, 2017 Regular Session agenda for approval.

Vice Chair Hill wondered whether the tasks that this position entailed would be too daunting for one person. Manager Davis stated that that could be the case, but the work should at least get started and they could later add staff as needed. Vice Chair Hill inquired about performance metrics and how they would be measured. Ms. Craig-Ray stated that they would create metrics according to the individual programs and perhaps look at the crime rate, but it would be a work in progress.

Chair Jacobs requested information on the full budget and, if applicable, the operating budget as well. Mattie Sue Stevens, Management Analyst in the City Manager's Office, informed her that the operating cost would depend on the hiring range. Chair Jacobs noted that a youth resources website did not yet exist, she requested that the Interlocal Agreement include the following: explicitly state that the website would be a deliverable, a commitment to allow the youth to maintain the website as well as manage related social media. Manager Davis requested that the Board allow staff time to get an understanding of how the work would be performed at the staff level, once they were able to structure it, it would be submitted for further consideration. Chair Jacobs requested that, in the section in the Interlocal titled Exhibit A which addressed assessment and evaluation, the words "regularly report" be edited to say "quarterly report" so as to be clearly defined.

Commissioner Reckhow felt uncertain as to whether this would move the ball on youth involvement since the encompassing initiatives might not be all encompassing. There needed to be some assessment into what initiatives or youth needs could be missing. She hoped that staff would not assume that the waterfront was covered and that all that was needed was coordination.

Commissioner Carter wondered whether assessment was built into the position. Ms. Stevens confirmed that it was and stated it was a primary role of the position.

Commissioner Reckhow strongly believed that the youth should be involved and encouraged staff to think of ways to use the youth in a constructive manner; high school students would design and manage the website in a way that would engage other youths, the target audience. Chair Jacobs inquired as to why was staff was not able to be explicit about a website being created in the Interlocal. Ms. Stevens informed her that they did not want to dictate to youth which communications tools were going to be used, how the information would be broadcasted, just that it would be a goal to get that info out there. Ms. Craig-Ray added that there were multiple layers of communication that they could use.

Directive:

- **In the section in the Interlocal titled Exhibit A which addressed assessment and evaluation, the words "regularly report" should be edited to say "quarterly report" so as to be clearly defined.**

17-0288 Discuss Possible TEFRA Policy

The Board was requested to discuss Wake County's Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA) Policy.

Commissioner Carter believed this would be beneficial for the County. She noted that the Wake County policy required that there be evidence of the City approving it if it was taking place within the municipality.

Commissioner Reckhow felt that it was a useful policy; she advocated for copying it and simply changing the name to apply to Durham County. Chair Jacobs concurred and wished this information was available sooner, she asked that the policy be put in the next agenda to be approved as soon as possible.

Attorney Siler was uneasy about the policy as there was not a lot of guidance on it from the IRS or case law.

Commissioner Reckhow and Attorney Siler agreed that Attorney Siler would contact the attorney for the Hill Center to inform them of this policy—the policy would determine whether they were to appear before the City Council rather than the County Commissioners.

17-0291 Remote Participation Policy

The Board was requested to discuss outstanding questions regarding the Commissioners' legal authority to vote remotely.

Attorney Siler discussed the possible issues surrounding voting by remote participation; he recommended that remote participants not be able to make motions, second motions, or vote.

Upon further discussion, the Board agreed to abide by Attorney Siler's recommendation.

17-0286 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 and Vice Chair Hill had nothing to report.

Commissioner Reckhow was concerned with the emails the Board was receiving regarding the education budget, especially the arguments with flawed premises. She wondered whether it was possible for the Board to put out a press release to explain the current status to the community—the press release should include that the Manager's allocation was higher than what the superintendent originally requested, that there was money available to address some of the most urgent needs in the district, and the off boarding of some costs would free up existing base budget money, which would essentially be a further increase. Chair Jacobs agreed that there was a strong, coordinated effort and all the same people had inaccurate information.

The Board deliberated as to what would be the most effective way to inform the public about the County's budget and allocation to Durham Public Schools. Keith Lane, Director of Budget and Management, offered a presentation created by staff with facts about both budgets. Claudia Hager, General Manager of Financial Affairs, Process Improvement and Government Efficiency, suggested having an information sheet handout available during the budget presentation. The Board felt that the handout was a better option.

Chair Jacobs and Manager Davis discussed the Manager's work plan. Chair Jacobs preferred to have it completed by August 7, 2017.

Chair Jacobs recalled the resolution that was presented to the Board on April 3, 2017 by Beth Dehghan, Founder of the North Carolina Coalition for Counties for the Elimination of Discrimination against Women (CEDAW). She requested that it be added to the September Worksession for further discussion; the agenda for the August Worksession was too full.

Directive:

- **Staff to add the resolution that was presented to the Board on April 3, 2017 by Beth Dehghan, Founder of the North Carolina Coalition for Counties for the Elimination of Discrimination against Women (CEDAW) to the September Worksession for further discussion.**

17-0287 Review of Consent Items for June 12, 2017 Regular Session

The Board was requested to review Consent Agenda items for the June 12th Regular Session meeting. Staff was present to address questions the Board had regarding the items. The following June 12th consent agenda items were reviewed:

- 17-0185 Courthouse S-2 Video Management System Installation
- 17-0259 Approval of Contracts with County Volunteer Fire Departments That Provide Fire and Rescue Services in Durham County
- 17-0261 Approval of Capital Project (4200DC104) Contract with NWN Corporation to Provide Professional Services to Assist in Upgrading the Cisco Unified Communications (UC) Platform to the Latest Release Version 11.5 and Implementing a Quality Manager Server to Integrate with the Existing Call Center Server, Using Technology Capital Funds Set Aside for the Purpose of Telecommunication Upgrades in the Amount of \$57,200
- 17-0263 Contract Amendment to Purchase SAP Success Factors Hybrid Cloud Computing (HCP) Technical Consulting services (One-Time Fee) from SAP using SAP Operating Funds Set Aside for Upgrading our current SAP portal environment in the Amount of \$114,600.
- 17-0264 Approval of Contract Amendment to Increase SAP-Successfactors Cloud Support Contract to Include Preferred Care by \$3, 873.29 (first year) and Each Year After Will be an Additional \$45,000 Per Year with Total Amount of \$187,277 Extending Date of Contract to July 31, 2021.
- 17-0268 2017 Updated Statewide Mutual Aid and Assistance Agreement
- 17-0282 Budget Ordinance Amendment No. 17BCC000075 Approval of Special Tax and Service District Funds Fund Balance Appropriation in the Amount of \$1,010 to to Support Increased Expenditures Associated with the North Carolina Vehicle Tax System Fees
- 17-0284 Capital Project Amendment No. 17CPA000026 - Appropriating \$3,800,000 of Limited Obligation Bonds into the Judicial Building Annex Renovation Capital Project (DC141) and Execution of Architectural Design Service Agreement with Roughton Nickelson and DeLuca Architects for the Durham County Judicial Building Annex Renovations Project No.: DC141
- 17-0285 Approval of Contract with Cherwell IT Service Management system, installation and configuration for services from Cherwell. The approved funding to support this project uses funds from the IS&T Fiscal Year 2017 Operating Budget in the Amount of \$135,476.25.
- 17-0274 Budget Ordinance Amendment No. 17BCC000074 to Recognize Grant Funds in the amount of \$2,000 from the North Carolina Division of Veterans Affairs for Durham County Department of Veteran Services
- 17-0276 Approval of Interlocal Agreement between the County of Durham and the City of Durham for the International City/County Management Association (ICMA) Local Government Management Fellowship Position
- 17-0279 Execution of the Construction Manager @ Risk “Guaranteed Maximum Price #1” Contract for the Main Library Renovation. Project No.: DC094
- 17-0280 Contract renewal with the City of Durham for the Repair and Maintenance of Fire Apparatus

Vice Chair Hill and Motiryo Keambiroiro, Director of General Services, discussed why government technology was not more affordable and how the County accepting the most affordable RFPs sometimes led to installing proprietary technology which did not have a long life-span.

The Board felt that the format of this review was not easy to follow or comprehend and asked that staff consider a more efficient process. Commissioner Reckhow suggested providing a summary solely for items that Commissioners had questions on or were very complicated in nature.

Directive:

- **Staff to consider a more efficient process for the review of Consent Items. Maybe provide a summary solely for items that Commissioners had questions on or were very complicated in nature.**

Closed Session

The Board was requested to adjourn to Closed Session to discuss matters relating to the location or expansion of business or industry pursuant to G. S. 143-318.11(a)(4).

Commissioner Reckhow moved, seconded by Vice Chair Hill, to adjourn to Closed Session.

The motion carried unanimously.

Reconvene from Closed Session

Chair Jacobs announced that the Board met in Closed Session and direction was given to staff.

Adjournment

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

The motion carried unanimously.

Respectfully submitted,



Tania De Los Santos
Administrative Assistant