

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

Monday, April 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

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.

Daniela Hernández Blanco, from Alerta Migratoria NC, spoke on the Sheriff's Office's lack of transparency regarding law enforcement checkpoints and whether they facilitated the work of Immigration Customs Enforcement (ICE). She stated that Alerta Migratoria NC was requesting that the Board exercise their authority under NCGS 153A-104 and call the Sheriff to report to the Board on these matters and answer questions while under oath. Additionally, they requested that the Board participate in an open and public discussion about the concerns presented, in the letter she submitted, at a future Regular Session meeting.

Brian Callaway acknowledged that law enforcement checkpoints were gateways to deportation. He reiterated the two (2) requests issued by Ms. Hernández Blanco on behalf of Alerta Migratoria NC and read the North Carolina General Statute:

“§ 153A-104. Reports from officers, employees, and agents of the county. The board of commissioners may require any officer, employee, or agent of the county to make to the board, either directly or through the county manager, periodic or special reports concerning any matter connected with the officer's, employee's or agent's duties. The board may require that such a report be made under oath. If a person fails or refuses to obey a reasonable order to make a report, issued pursuant to this section, the board may apply to the appropriate division of the General Court of Justice for an order requiring that its order be obeyed. The court has jurisdiction to issue these orders.”

Gregory Williams of the Inside-Outside Alliance observed a moment of silence for Uniece “Niecey” Fennell who died in the Durham Detention Center on March 23, 2017. He spoke out in opposition of the implementation of video visitation in the Detention Center.

Chair Jacobs inquired about Inside-Outside Alliance's efforts to communicate, meet, and work with the Sheriff's Office. Mr. Williams clarified that they focused their efforts on the County Commissioners because the Sheriff's Office's monopoly of power over the Detention Center was part of the problem and the Sheriff's Office did not have many avenues for democratic accountability. Chair Jacobs and Mr. Williams further discussed video visitation, the germane contract, and the options that Mr. Williams believed the Board could employ to prevent its implementation.

Maria Hutchins-Cabibi, member of Inside-Outside Alliance, read detainee letters that indicated how they felt about video visitation and all were against it.

Attorney Siler took a moment to introduce Luis Pinto to the Board as the new intern in the County Attorney's Office.

Commissioner Reckhow announced that according to the Clerk, there was no evidence of the Board having been presented with a contract with Global Tel for video visitation. There were only mentions of video visitation in the 2013 and 2014 Sheriff's Office Annual Reports and in one (1) budget presentation. It was never presented as the only option, but rather an add-on.

Discussion Items:

17-0094 Update on Durham County Transit Plan

The Board received an informational update on the Durham County Transit Plan from John Tallmadge, Director of GoTriangle's Regional Services Development. The PowerPoint included information on the following: how exceptional transit could transform communities; Regional Transit Vision; the goals of the Durham Transit and Orange Transit Plans; the Durham and Orange Plans implementation since 2013; and funding changes. He also presented draft 2017 Plans key assumptions, funding projects and services, projected cash flow results, mitigating risks, ongoing implementation activities, and the planned public comment periods.

Chair Jacobs reemphasized that the Durham-Orange Light Rail Transit (D-O LRT) Cost-Share Agreement was readjusted to reflect the added mileage and station in Durham. There would be 14 stations and 84% percent of the total mileage in Durham County whereas Orange County would house 4 (four) stations and 16% of the mileage.

Commissioner Reckhow recommended that the wording on page 17 of the Transit Plan regarding the cost-sharing assumptions be amended to explicitly state the causes; this would ensure that the public understood the reason for the decisions. She asked if, when looking at cash-flow projections, there was any sense of when Durham County would be able to participate in construction of the Durham-Wake Commuter Rail. Mr. Tallmadge informed her that they would be able to provide the information by the end of April.

Commissioner Reckhow requested a yearly work plan that needed to be approved by the Board of County Commissioners; the work plan would be created and submitted each spring for the

impending fiscal year. Commissioner Reckhow requested that an annual report be given to the Board that included highlights of the generated revenues, expenditures, and accomplishments in summary form—the length of the report was to be about five (5) pages or so.

Commissioner Howerton and Mr. Tallmadge discussed risk mitigation strategies and the cost-sharing agreement.

Commissioner Carter, Commissioner Reckhow, Chair Jacobs and Mr. Tallmadge discussed the factors that were used to guide the cost-sharing agreement (they were ridership, mileage, and stations), the possibility of allotted funding for bus service being transferred to the D-O LRT as a mitigation strategy, and why a Duke Regional Park-and-Ride lot was deemed not viable.

Chair Jacobs hoped that another Regional Transit Vision diagram, located on slide three (3) of the PowerPoint, would be made with more detail, listing all the D-O LRT stations as well as the bus service and how it would link into the D-O LRT stations. She felt that there should be an emphasis on the connection between Orange County and the Durham-Wake Commuter Rail—Orange County would be connected by bus service and, consequently, benefitting from a system they were not required to fund. Chair Jacobs wanted to ensure that the GoTriangle 2016 Onboard Passenger Survey was published on the website and accessible to the public—the data she wanted highlighted was that customer satisfaction levels were very high, most passengers used the bus service for education and employment purposes, most passengers did not own cars and were of low socioeconomic backgrounds, and that transit services would help mitigate traffic congestion.

Vice Chair Hill recommended that GoTriangle look into the Metropolitan Atlanta Rapid Transit Authority's (MARTA), located in Atlanta, GA, ridership patterns.

Directives:

- **GoTriangle to update wording on page 17 of the Transit Plan regarding the cost-sharing assumptions be amended to explicitly state the causes to ensure that the public understood what was going on and why.**
- **GoTriangle to provide the Board with a yearly work plan that must be approved by the Board of County Commissioners; the work plan would be created and submitted each spring for the impending fiscal year.**
- **GoTriangle to provide the Board with an annual report that included highlights of the generated revenues, expenditures, and accomplishments in summary form—the length of the report could be around five (5) pages or so.**
- **GoTriangle to provide the Board with more detailed Regional Transit Vision diagram (based off of the one on the 3rd slide of the PowerPoint). It should list all the D-O LRT stations as well as the bus service and how it linked into the D-O LRT stations. There should be an emphasis on the connection between Orange County and the Durham-Wake Commuter Rail—Orange County would be connected by bus service.**
- **Publish the GoTriangle 2016 Onboard Passenger Survey on the website—the data to be highlighted: customer satisfaction levels, numbers showing that bus service was mostly used for education and employment transportation, numbers showing**

that most passengers did not own cars and were of low socioeconomic backgrounds, and that transit services would help mitigate traffic congestion.

17-0159 Resolution to Support Healthy Durham 20/20 Movement

The Board was requested to review and revise a draft resolution prepared by members of the Healthy Durham Convening Group that would articulate the Board's support for improving health outcomes in Durham County. The Convening Group was currently comprised of Farad Ali, Rukmini Balu, MaryAnn Black, Spencer Bradford, Deborah Craig-Ray, Wendell Davis, Geoff Durham, Gayle Harris, Bert L'Homme, Michelle Lyn, Kimberly Monroe, Lori O'Keefe, Rev. Dr. James Owens, Ivan Parra, Constance Stancil, Doug Stokke, Beverly Thompson, Gina Upchurch, Paul Vick, and Dr. Eugene Washington. The Healthy Durham 20/20's mission was to ensure sustained improvement in the health and equity of life of the entire Durham Community. Its vision was to establish Durham as one of the healthiest counties in the nation. To realize this vision, Healthy Durham 20/20 would:

- Maintain a multi-sector coalition representing the stakeholders necessary to address the major social determinants of health;
- Identify the set of interventions that measurably improve health across the community;
- Harness the capacity of public and private participating entities to implement multi-sector programs that reduce health disparities and improve health; and
- Create a movement that empowered every community member in Durham to be proactive and holistic in enhancing the quality of life for themselves, their loved ones and the entire community.

Healthy Durham 20/20 would document improvements in health status for all of Durham by using recognized national health rankings metrics. Members of the Convening Group drafted resolutions to present to the: Board of Education, City Council, and Board of County Commissioners for their review and revisions to the parts of the resolution that detailed their contributions to making Durham a healthier county. The Board of Education adopted a similar resolution in February 2017. Other sector-members would also approach their membership with similar documents/statements that would memorialize their commitment to this undertaking.

Commissioner Reckhow suggested including the issue of adverse childhood experiences and working towards adding supports that increased resiliency in affected youth.

Commissioner Howerton was in support of the resolution and concurred with Commissioner Reckhow's suggestion.

Commissioner Carter believed that reading the resolution at a Regular Session in order to have it televised would be beneficial. She also asked that staff relook at the structure of the resolution—the first two (2) measures were more active and the other measures were more nouns. Commissioner Carter and Commissioner Reckhow suggested disaggregating data for the number of third graders that were reading at grade level and graduation rates according to race and class.

For the sake of time, Chair Jacobs encouraged the Board to send any further comments and suggestions via email to Gayle Harris, General Manager of Public Health and Community Well-Being.

Vice Chair Hill felt that some language regarding obesity should be added.

Ms. Harris announced that the Durham Health Summit would take place on June 9th from 10AM – 2PM. The Board noted that it was on the same day as a scheduled Budget Worksession and asked that the Clerk conduct a poll to change it.

Directives:

- **Clerk to poll the Board to change the Budget Worksession on June 9, 2017.**

17-0096 Bond Rating Criteria

Douglas Carter, President & Managing Director of DEC Associates, Inc., presented an update to the Board on the criteria used by the Rating Agencies (Standard & Poor's and Moody's). Staff provided recommendations for changes to the County's Financial Fund Balance Policy concerning the County's goal of fund balance available as a percentage of expenditures, the unassigned fund balance level, the committed for reappraisal reserve in the County's General Fund and some other technical changes.

Commissioner Carter, Mr. Carter, and George K. Quick, Chief Financial Officer, discussed why the fund balance needed to be raised to the suggested level. Chair Jacobs requested that Mr. Carter provide a benchmark for unassigned balances in peer counties.

Directives:

- **Douglas Carter, President & Managing Director of DEC Associates, Inc., to provide the Board with a benchmark for unassigned balances in peer counties.**

17-0154 Presentation - Counties for the Elimination of Discrimination against Women

The Board was requested to receive a presentation from the North Carolina Coalition for Counties for the Elimination of Discrimination against Women (CEDAW). Beth Dehghan, Founder of the NC Coalition for CEDAW, read some statistics regarding the status of women and women's issues in the United States. She also described the observed effects of adopting CEDAW ordinances/resolutions in other cities and counties. NC Fellows Zoe Willingham, senior at Duke University, and Lauren Fray, senior at North Carolina State University, shared their research on the status of women in Durham and offered some possible solutions. Ms. Willingham presented a PowerPoint that focused on the gender wage gap. Ms. Fray presented a PowerPoint that focused on intimate partner violence. NC Fellow Cristy Villalobos, senior at Meredith College, was absent, but had prepared a presentation on her research of reproductive rights for incarcerated girls and women. Factsheets on all three research topics were presented to the Board.

Commissioner Reckhow stated that since North Carolina was not a home rule state, the County Attorney would need to look over the CEDAW resolution or ordinance and determine whether the Board was able to pass such an ordinance. Commissioner Howerton hoped that the County, specifically the Women's Commission, would be able to participate in CEDAW and the collaboration that it was producing across the state. Chair Jacobs suggested doing outreach with

the presented information at Durham Public Schools. She recommended that CEDAW work with and have the Women's Commission bring the resolution forward.

17-0155 Discussion of Triangle J Council of Governments' request for Resolution of Support in forming an Economic Development District through the United States Economic Development Administration

The Board of Commissioners was requested to discuss the attached Resolution supporting Triangle J Council of Governments (TJCOG) forming an Economic Development District (EDD) through the United States Economic Development Administration (US EDA). If the Board agreed with the proposed request, the item would be placed on the April 11, 2017 Regular Session meeting agenda for formal action in favor of the request.

Lee Worsley, Executive Director of TJCOG, stated that the US EDA worked with regions across the United States, primarily through EDDs. In North Carolina, EDDs had been formed in every region in North Carolina, except for the Triangle J region and the Isothermal Region in the western part of North Carolina—Isothermal was currently forming their own EDD, meaning the Triangle region would be alone in not having an EDD in a short period of time.

The formation of an EDD allowed the region to have a more direct connection to US EDA and would allow TJCOG to assist member governments as they interacted with EDA on grant projects and other initiatives. Formation of an EDD would not duplicate existing economic development efforts by local economic developers and was not meant as an economic development recruitment service. Rather, an EDD would allow TJCOG to provide enhanced services to its member governments in economic development coordination, capacity building and other needs as the member governments determined.

There was no financial commitment needed from Durham County for this effort, only a Resolution of support. The formation of the EDD would allow TJCOG to receive funding from EDA to staff an individual to work on the region's Comprehensive Economic Development Strategy (CEDS), which was last adopted by the TJCOG Board of Delegates in 2012 and was due for a 2017 update. A current CEDS document was a critical component for any local government to be competitive for US EDA funds, so it was imperative that TJCOG build staff capacity so that the CEDS could be updated on behalf of the region and its member governments.

This effort would also allow TJCOG to enhance its successful Foreign Trade Zone (FTZ) Program and provide other economic development support services to our member governments through enhanced staff capacity. The Triangle J Council of Governments' Board of Delegates unanimously supported pursuit of the Economic Development District. In addition, the Board of Delegates consistently identified economic development as a top priority in the region and expressed their expectation that TJCOG staff develop capacity to assist member governments in this area. The formation of the EDD was directly related to the Board of Delegates' direction to TJCOG staff on this item. Resolutions of support were required from the counties in the region to move forward with an application to EDA. Further, the concept was also presented to local economic developers at a recent Research Triangle Regional Partnership Economic Developers meeting and it was received with support.

17-0157 Update on Homeless Day Service Center at Nehemiah Christian Center

The Board was requested to receive an update on the homeless day service center being run by the Nehemiah Christian Center. When the Main Library branch closed for renovations in January 2017, Durham County entered into a service contract with Nehemiah Christian Center to provide a safe space during weekdays where community members had access to a warm and secure space with restrooms and public computers. Rafael Baptista, Strategic Initiatives Analyst Staff, provided an update on attendance at the current day center and discussed possible opportunities for fiscal year 2017-18.

Attorney Siler inquired as to how many homeless people were projected to show up per day at Nehemiah Christian Center before they began the day center. Drew Cummings, Chief of Staff, stated that the Library estimated their attendance to be around 20-50 people, but the daily number depended on many factors and they were not able to make any solid conclusions.

Commissioner Reckhow and Mr. Cummings discussed why the Urban Ministries of Durham (UMD) was not providing the services that the Nehemiah Christian Center was—the area in question was where lunch was served. Mr. Baptista added that UMD stated that they were using the area for daytime programming for residential programs and they lacked the space and staff capacity.

Chair Jacobs requested that the Board receive a copy of the contract that the County had with UMD. She also requested information on the people who were showing up—specifically where they were coming from and what programs or services they were seeking—and how the arrangement was affecting the Criminal Justice Resource Center’s programming.

Commissioner Howerton was concerned with disrupting the community members’ lives and preferred to leave the arrangement as it was. She inquired as to how much the County was spending per month on the contract with Nehemiah Christian Center. Mr. Cummings informed her that it was costing the County \$6,000 per month.

The Board concurred to extend the current contract with Nehemiah Christian Center for four (4) months to allow staff to work on creating and executing the request for proposal (RFP) process to determine if there was.

Directives:

- **Staff to provide the Board a copy of the County’s contract with Urban Ministries of Durham.**
- **Staff to provide the Board with information on the people who were showing up to the Nehemiah Christian Center, specifically where they were coming from and what programs or services they were seeking, and how the arrangement was affecting the Criminal Justice Resource Center’s programming.**

17-0152 Discussion - Rules of Procedures (Remote Participation)

This item was pulled from the agenda.

17-0153 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 Reckhow requested a copy of the contract that the Sheriff's Office had with the video visitation provider. She wanted to ensure that, as observed in most other instances, the contract did not require the waning or cessation of in-person visitation.

Commissioner Howerton also wanted to see the contract. She wondered what exactly the Board's abilities and responsibilities were under NCGS 153A-104. Attorney Siler was certain that the agreement was not presented to the Board; he agreed to have staff look into the statute and whether the term "agent of the county" included elected officials.

Commissioner Carter suggested creating a platform that would allow input from citizens to the Sheriff's Office. Commissioner Reckhow concurred with Commissioner Carter's point and wondered if the County could create a Citizen's Advisory Board with the Sheriff's Office.

Chair Jacobs suggested that the County request for the Sheriff give a report on: the use of checkpoints; the secure communities program; and the video visitation/in-person visitation policy. The Board discussed the kind of meeting that could be held in which the public would be able to speak with the Sheriff, but not implant the Board in the center of it. Chair Jacobs stated that she would be in contact with the Sheriff to discuss the citizen comments, the report, and a possible public meeting.

Directives:

- **Staff to provide the Board with a copy of the contract that the Sheriff's Office had with the video visitation provider.**

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