

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

Monday, April 13, 2020

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Chambers, Second Floor, Durham County Government Administrative Complex, 200 East Main Street, Durham, North Carolina

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

Presider: Chair Wendy Jacobs

Opening of Regular Session - Pledge of Allegiance

Agenda Adjustments

Chair Jacobs announced that there were no agenda adjustments.

Announcements

Chair Jacobs read the following announcements:

1. Due to the concerns regarding the community spread of COVID-19, Durham County Government and the City of Durham has combined their Stay-At-Home Orders. To read this order in detail please visit:

<https://durhamnc.gov/DocumentCenter/View/30132/DCO-Second-Amendment-SAH-4-3-20>

For frequently asked questions, please visit:

<https://durhamnc.gov/DocumentCenter/View/30066/Stay-At-Home-Order-One-Pager>

2. Durham County is committed to providing resources for Small Business Support, Employment Opportunities and Temporary Changes in State, Federal and Corporate Policy. Please visit the Economic Development COVID-19 Resource page located at <https://www.dconc.gov/county-departments/departments-a-e/engineering-and-environmental-services/ed-covid-19-resource> for additional information.

Chair Jacobs recommended residents use the time during the Stay-At-Home Order to complete the Census 2020 short questionnaire online, by phone, or by mail. She added to contact the United States Census Bureau call 1-844-330-2020 for English and 1-844-468-2020 for Spanish.

Commissioner Howerton informed the citizens that the Commissioners were working in the background while staying safe of COVID-19 and recovering from a recent cyber malware attack that affected Durham County's technology system.

Minutes

Commissioner Howerton moved, seconded by Commissioner Carter to approve the February 3, 2020 Work Session and February 24, 2020 Regular Session minutes.

The motion carried unanimously.

Citizen Comments

Patrick Neilly, citizen expressed residents would need more services after the remission of the COVID-19 and the County should increase the tax rate to provide support.

Dianne Wilkes, citizen expressed the urgent request to ensure efficient and effective access for people with disabilities and asked for any new parking decks to incorporate disabled friendly measures.

Justin Kretschman, Clinical Social Worker from Carolina Outreach asked how high-risk individuals experiencing homelessness who were not in a shelter could receive access to the Marriott Research Triangle Park hotel. Drew Cummings, Chief of Staff responded citizens could call the Coordinated Entry Intake line at 984-287-8309 to receive services and assistance.

Beth Fields, citizen hoped the County was planning to test, trace and quarantine for COVID-19; also hoped Board of Elections would have vote-by-mail ballots for the November election.

Ceremonial Items

Proclamation – April 2020 as National County Government Month

Commissioner Howerton read the following proclamation.

PROCLAMATION - NATIONAL COUNTY GOVERNMENT MONTH

WHEREAS, the nation’s 3,069 counties serve more than 300 million Americans by delivering essential and necessary services to create healthy, safe and vibrant communities; and

WHEREAS, counties foster economic opportunities, provide health services, administer justice and keep communities safe and much more; and

WHEREAS, Durham County and indeed all counties take pride in our responsibility to protect and enhance the health, wellbeing and safety of our residents in cost-effective and efficient ways; and

WHEREAS, under National Association of Counties President Mary Ann Borgeson’s leadership, NACo is demonstrating how “Counties Matter” especially during this challenging era of the COVID-19 pandemic; and

WHEREAS, each year since 1991 the National Association of Counties has encouraged counties across the country to raise awareness of county responsibilities, services and programs; and

NOW THEREFORE I, Wendy Jacobs, Chair of the Durham Board of County Commissioners, and on behalf of the Durham Board of County Commissioners do hereby proclaim April 2020 as

NATIONAL COUNTY GOVERNMENT MONTH

in Durham County. While there are no typical celebrations this year to highlight the work of the 27 departments, we urge all residents to honor their dedicated local county government employees working for them every day.

This the 13th of April

Wendy Jacobs, Chair
Durham Board of County Commissioners

Deborah Craig-Ray, General Manager thanked the Board for celebrating employees of County Government; adding County employees were busy recovering from a malware attack and dealing with the Covid-19 Virus. Chair Jacobs stated many of the County employees were working on the frontlines as Emergency Medical Services, Sheriff, Public Health and Department of Social Services and thanked them for their service.

Proclamation – Breastfeeding Family Friendly Community

Commissioner Carter read the following proclamation.

PROCLAMATION – BREASTFEEDING FAMILY FRIENDLY COMMUNITY

- WHEREAS,** families are a priority in Durham, and part of helping families to thrive is ensuring that they receive community support to develop and sustain healthy lifestyles; and
- WHEREAS,** according to the American Academy of Pediatrics, American Dietetic Association, American College of Obstetrics and Gynecology, American Academy of Family Physicians, and other leading health organizations, breastfeeding is the optimal food for infants; and
- WHEREAS,** a mother’s decision to breastfeed her baby should be supported by her family and community; and
- WHEREAS,** breastfeeding is associated with lower rates of childhood illness, such as obesity, diabetes, and infectious diseases, as well as reduced risk of maternal breast and ovarian cancers and a faster recovery from childbirth as compared to formula feeding; and
- WHEREAS,** breastfeeding promotes maternal-infant bonding, benefits the entire family, and is associated with lifelong health and development; and
- WHEREAS,** collaborating with healthcare providers and community resources can positively impact breastfeeding success; and
- WHEREAS,** a breastfeeding friendly community encourages families of all races and ethnicities to continue breastfeeding by providing a supportive and welcoming environment.

NOW THEREFORE I, Wendy Jacobs, Chair of the Durham Board of County Commissioners, and on behalf of the Durham Board of County Commissioners do hereby proclaim Durham County as a

BREASTFEEDING FAMILY FRIENDLY COMMUNITY

This the 13th day of April 2020

Wendy Jacobs, Chair
Durham Board of County Commissioners

Love Anderson, Breastfeeding Family Friendly Communities of Durham thanked the Board, healthcare workers and community members for supporting families in the Durham community. Chair Jacobs thanked Ms. Anderson for all the support given to mother's that breastfeed in the community and asked the Clerk to email the proclamation to Ms. Anderson.

Directive: Chair Jacobs asked the Clerk to email the Breastfeeding Family Friendly Community Proclamation to Mr. Anderson.

Consent Agenda

Chair Jacobs asked the Board if they requested to pull or comment on any items on the Consent Agenda.

There were requested to comment on the following items: 20-0129, 20-0130, 20-0131, 20-0137, 20-0138 and 20-0139.

- Item 20-0129 – Commissioner Carter asked were there specific areas Durham planned to concentrate on and requested a copy of the COVID-19 Community Intervention Implantation Plan. Rod Jenkins, Public Health Director responded Durham was focused on surveillance and contact tracing in all areas and a copy of the plan would be provided to the Board.
- Item 20-0130 – Commissioner Howerton asked if the contract was included in the fiscal year FY 17-18 Capital Improvement Budget and inquired about the status of the bid process. Perri Manns, Interim General Manager responded the contract was included in the FY17-18 budget and the project was not ready for the bid process. Chair Jacobs asked if staff were able to work virtually with contractors instead of in-person. Mr. Manns replied most companies were equipped and implementing video meetings.
- Item 20-0131 – Chair Jacobs inquired about the Minority and Women Owned Business Enterprises (MWBE) goal for the County. Mr. Manns responded 25% and the project would exceed the amount. Chair Jacobs asked if disabled parking features would be incorporated into the parking decks. Mr. Manns responded the plan included utilizing an app to help find Americans with Disabilities Act (ADA) parking and open parking spaces; adding staff would research mobile sidewalks and automated storage for attainability.
- Item 20-0137 – Chair Jacobs thanked Jane Korest, Open Space and Real Estate Manager and staff for the implementation of all the conservation easements in Durham County.
- Item 20-0138 – Commissioner Reckhow asked if the two (2) parcels were appraised. Mathew Palmer, Executive Director of School Planning with Durham Public School responded the parcels were under contract for values less than the County's Tax Assessment value; adding appraisals would be done when the contract was signed and official.
- Item 19-0139 – Commissioner Howerton inquired about the Fund Balance and usage. County Manager Wendell Davis responded a savings fund was to be used for critical needs and emergencies and the County was hoping to be reimbursed. Commissioner Carter asked how

much money would be available in the Fund Balance after the COVID-19 pandemic. Susan Tezai, Chief Financial Officer replied the system was down due to the malware attack and once the system was restored, she would be doing a data validation to get updated figures. She added the County would absorb some of the cost due to the Federal Emergency Management Agency (FEMA) reimbursement which was up to 75 percent. Chair Jacobs asked if updated budget information would be available for the April 23, 2020 meeting. County Manager Davis responded the budget would be provided to the Board if available for the April 23, 2020 meeting; adding a lot of manual work needed to be done while dealing with the peak of the pandemic. Chair Jacobs asked would the State cover any of the reimbursement cost. Jim Groves, Fire Marshal/Emergency Management Director replied the State may reimburse from 12.5 percent up to 25 percent and the Federal Government was as high as 90 percent reimbursement. Commissioner Carter asked how the \$305,000 was spent. Ms. Tezai responded the money was spent on cleaning and for Nighthawk Security. Commissioner Carter asked if the County had an adequate supply of Personal Protective Equipment (PPE). Mr. Groves responded the County had enough PPE, but there were major shortages on masks and gowns.

Hearing no additional comments, Chair Jacobs entertained a motion for approval.

Commissioner Howerton moved, seconded by Carter to approve the following items on the Consent Agenda.

Ayes: Carter, Howerton, Jacobs, Reckhow
Nays: Hill

*20-0129 Budget Ordinance Amendment No. 20BOCC000054 to Recognize Funds in the Amount of \$195,954 from the NC Department of Health and Human Services Division of Public Health for COVID-19 Prevention and Response.

20-0130 Execution of the Preconstruction Services Contract with LeChase Construction/Right-Build Inc. for the Structured Parking at 300 E. Main St. Project No. 4730DC138.

*20-0131 Capital Project Amendment No. 20CPA000027 – Appropriating \$500,000 to the Downtown Parking Deck(s) Capital Project No. 4730DC138 with a Funding Source of a Future Financing and Authorize the Execution of a Contract Amendment for the Architectural Design Services with Little Diversified Architectural Consulting Ltd. For the Structured Parking at 300 E. Main St. in the amount of \$239,650 for the design of the Displacement Parking Location at 410 W. Chapel Hill St.

20-0137 Conservation Easement Option with Mike and Tina Garrett for 514 Harris Mill Road

20-0138 Durham Public Schools Seek Approval from the Board of County Commissioners to Purchase Two Parcels of Real Property Near Elementary School C in Southern Durham County.

*20-0139 Budget Ordinance Amendment No. 20BCC000055 Appropriating \$3,837,440 in General Fund Fund Balance and Intergovernmental Revenue for General Fund COVID-19 Related Operating Expenses.

Consent Agenda Item #20-0129

**Durham County, North Carolina
2019-2020 Budget Ordinance**

Amendment Number 20BCC000054

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2019-2020 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$45,267,817	\$195,954	\$45,463,771

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Human Services	\$85,422,540	\$195,954	\$85,618,494

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

Approved April 13, 2020

Consent Agenda Item #20-0131

**DURHAM COUNTY, NORTH CAROLINA
2019-20 Capital Project Ordinance
Amendment Number 20CPA000027**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the FY2019-20 capital project ordinance is hereby amended to reflect budget adjustments for the following projects.

Project	Current Budget	Increase/Decrease	Revised Budget
Downtown Parking Decks Project (4730DC138)	\$2,459,120.00	\$500,000.00	\$2,959,120.00
Total	\$2,459,120.00	\$500,000.00	\$2,959,120.00

Adopted this the 13th day of April 2020.

Consent Agenda Item #20-0139

**Durham County, North Carolina
2019-2020 Budget Ordinance
Amendment Number 20BCC000055**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2019-2020 budget ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$45,463,771	\$158,011	\$45,621,782
Other Financing Sources	\$31,857,489	\$3,679,429	\$35,536,918

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$129,231,190	\$304,751	\$129,535,941
Public Safety	\$67,460,147	\$3,079,050	\$70,539,197
Human Services	\$85,618,494	\$453,639	\$86,072,133

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

Approved April 13, 2020

Other Business

20-0053 Durham County Update on the COVID-19 Crisis

Rodney Jenkins, Public Health Director thanked the Board and County Management for their support and also thanked Emergency Management for their partnership in the COVID-19 response. He stated Public Health supported the Unified Stay-At-Home Order by both the County and City of Durham as an effective, evidence-based mitigation strategy to prevent the spread of COVID-19.

Mr. Jenkins provided the following updates for Durham County:

- 20 percent of cases were community spread;
- 76 percent of cases were travel related or close contact of a confirmed case;
- 3 percent of cases were still under investigation;
- 67 percent of cases had been discharged based upon North Carolina Department of Health and Human Services guidance and were no longer under isolation by Public Health;
- 85 percent of cases were under age 65 and 15 percent were over 65;
- 51 percent were female; 48 percent were male; 1 percent provided no gender data.

He added three long-term care facilities had outbreaks and the County would receive support from the Population Health and Physician Assistant Programs through Duke to enhance their contact tracing efforts.

Mr. Jenkins provided the following Public Information Updates:

- Posted first full social distancing campaign video on YouTube & social media;
- Created new webpage for finding resources such as food, childcare, housing help;
- Issued press release about long-term care facilities' COVID-19 outbreaks;
- Received Stay-At-Home video submissions for first full video;
- Created and shared new graphics for mask guidance and for State Executive Order;
- Filmed and posted the weekly Health Director Update video.

Leslie O'Conner, Chief Emergency Manager stated this was day 27 of the seven day per week operations of the Emergency Operations Center (EOC) activation related to COVID-19. She added Public Health worked COVID-19 since February and the County systems joined forces under the Incident Command System structure on March 18. Ms. O'Conner explained this established a new EOC

in the Human Services Building public meeting spaces to meet the demands of social distancing and to keep the team as healthy as possible. She added the EOC was comprised of approximately 60 individuals from the County, City, National Guard, and non-profit partners; working both in the EOC and virtually.

Ms. O’Conner provided an update on the following areas:

- Operations Section was divided into three branches: Public Health, Public Safety, and Human Services and the Public Safety Branch was comprised of representatives from EMS, County and City Fire Departments, Sheriff’s Office, Police Department, and Durham Emergency Communications Center. She stated the Human Services Branch was subdivided into three task forces including Department of Social Services (DSS), Homelessness, and Food Security.
- DSS had worked tirelessly to move as many of their services virtually and as of April 10, \$1,738,726 in supplemental snap benefits was issued in Durham County due to the COVID-19 pandemic, adding additional food resources were provided to 10,105 households and over 21,000 individuals. DSS shared guidance with the Adult Care Homes to protect those locations from the spread of COVID-19.
- Homelessness Task Force successfully moved all residents from Urban Ministries of Durham to the Marriott-RTP hotel with the assistance of GoTriangle, County General Services, and City General Services. After the move, Coordinated Entry received over 80 calls from citizens seeking assistance. The EOC worked to secure rooms at a second hotel for a two-week period to quarantine individuals released from the prison and detention system, as well as positive tested homeless individuals.
- The Food Security Task Force worked with the Durham Public Schools Foundation to assume the student feeding effort where the new plan would work with non-profits, restaurants and caterers to supply both warm and shelf-stable food with a mix of privately raised, corporate, and County funding. The Task Force also developed a Public Health approved way for farmers markets to continue operation which would help Durham farmers stay in business and help continue the flow of nutritious food to individuals.
- The Logistics Section worked to order and receive personal protective equipment or PPE both on the market and through North Carolina Emergency Management the County received partial shipments of PPE and distributed those upon receipt. The Plans Section was documenting incidents and creating operationalized plans.
- The Finance Section worked to execute contracts and procure goods and services throughout the COVID response. Finance completed an application for public assistance under the Robert T. Stafford Act for federal reimbursement of emergency protective measures.

Jim Groves, Fire Marshal and Emergency Management Director thanked Emergency Management, Emergency Medical Services, Department of Social Services, and Public Health for their support and help with the COVID-19 pandemic.

Joanne Pierce, General Manager stated there were conversations with partners around racial inequities and disproportionality regarding African Americans and COVID cases. She added this was a crucial

discussion with a few takeaways and potential next steps. Ms. Pierce explained with a crisis of this magnitude, disproportionalities and inequities by race and ethnicity were more pronounced and, compounding emergency planning that did not factor in health inequities could create a cascading set of additional problems to solve. She added it was known that anyone could contract the virus and the impacts on communities of color were proving to be more severe; explaining people of color were disproportionately likely to be in low-paying or hourly-wage jobs that made them unable to provide care, interrupt work, likely to have limited access to affordable healthcare, childcare, and transportation. She added it was critically important to have a shared language and understanding of the problem aimed to be solved.

Ms. Pierce stated decisions and solutions without an embedded race analysis, albeit well-intentioned, often produced negative consequences by race. She shared a couple of operational definitions: Racial disparities were simply differences in the presence of disease, health outcomes, or access to health care between population groups; racial inequities were differences in outcomes that were unnecessary and avoidable but unfair and unjust. Ms. Pierce stated if our focus was to address unnecessary, avoidable, unfair and unjust racial inequities, then the problem to solve for was racism. She added everyone was only as safe and healthy as the members of our community who were most at risk as a result of structural and systemic racism.

Ms. Pierce stated there was a question about what could be done now and ongoing. She mentioned an approach that provided accurate information and advanced practices and policies based in science, and that ensured compassionate and comprehensive essential services for those most vulnerable to exposure. Ms. Pierce noted this was a tangible commitment to racial equity, willingness for all to unlearn and learn, and encourage others to make actionable steps to create a more just Durham and to be effective, racial equity work must occur across sectors and especially at the highest levels of our local governments. She was reminded of Neely Fuller's quote, "If you do not understand race, what it is and how it works, then everything you do will only confuse you."

The Board inquired about the status of individuals trying to protect the fragile community. Mr. Jenkins responded Public Health provided literature, onsite education, webinars and made phone calls; while Chris Salter, Environmental Health Director visited a long-term care facility with positive COVID-19 cases. He added some long-term care facilities had great plans of action and policies, but staff were not able to account for all. Ms. O'Conner stated without a lockdown there was a chance of COVID-19 entering long-term care facilities. The Board asked to receive copies of the COVID-19 reports. Wendell Davis, County Manager replied the reports would be sent to the Board. The Board asked for an update on the detention center. Mr. Jenkins responded Sheriff Clarence Birkhead was following the Center for Disease Control and Prevention (CDC) guidelines and had no positive cases of COVID-19.

The Board questioned the number of County employees that were able to work from home and able to complete the majority of their work responsibilities. County Manager Davis responded the policies were changed because of COVID-19 and he would gather the data to provide to the Board. The Board asked if COVID-19 was affecting mostly minorities. Mr. Jenkins replied due to some unknown State data, he would provide the Board with the information when available. The Board inquired about the refugee, immigrant and Latinx vulnerable communities. Ms. Pierce responded the focus was on vulnerable communities who would not achieve a positive outcome and the County strived to improve access and outcome for all. Chair Jacobs asked Ms. Pierce for a copy of her notes she discussed on COVID-19. The Board inquired about community outreach. Mr. Jenkins responded he was working with Ms. O'Conner and Ms. Pierce on ensuring community outreach.

The Board commended Mr. Jenkins, Ms. Pierce, Ms. O’Conner for all their efforts and work to help keep Durham safe while dealing with COVID-19.

Directive: Chair Jacobs asked Joanne Pierce for a copy of her notes she discussed on COVID-19.

20-0135 Durham County Cybersecurity Malware Attach Recovery Update

Greg Marrow, Chief Information Officer shared a presentation titled “Durham County Cybersecurity Malware Attack Recovery Update” which highlighted the following:

- Malware Attack Background
- Sampling of State Local Government Ransomware Stories from 2019
- County Restoration Process Update
- Summary

Mr. Marrow thanked the Information Systems and Technology (IS&T) staff, Emergency Management, County Manager Wendell Davis and the General Managers for assisting and helping the County recover from the malware attack.

The Board thanked Mr. Marrow and the IS&T staff for their quick response and dedication. The Board asked when the County would fully recover from the malware attack. Mr. Marrow responded 60 days or sooner.

Closed Session

Chair Jacobs stated the board was requested to adjourn to Closed Session to discuss matters relating to the location and expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations pursuant to G.S. 143-318.11(a)(4).

Commissioner Reckhow moved, seconded by Commissioner Howerton to adjourn into the Closed Session.

The motion carried unanimously.

Reconvene to Open Session

Chair Jacobs announced the Board met in Closed Session and provided direction to staff.

Adjournment

Vice-Chair Hill moved, seconded by Commissioner Reckhow to adjourn the Regular Session meeting at 10:47 p.m.

The motion carried unanimously.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Macio Carlton". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Macio Carlton
Deputy Clerk to the Board