

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

Monday, November 1, 2021

9:00 A.M. Virtual Work Session

MINUTES

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

Present: Chair Brenda Howerton, Vice Chair Wendy Jacobs, and Commissioners Nida
Allam, Nimasheena Burns, and Heidi Carter

Presiders: Chair Brenda Howerton

Citizen Comments

Macio Carlton, Deputy Clerk to the Board, read the following Citizen Comment submitted via email:

DeWarren K. Langley

"I am reaching out to again advocate for the creation of a My Brother's Keeper (MBK) Durham Advisory Board to provide the leadership and accountability required for a robust collective impact strategy that can transform the quality of life of boys and young men of color. In addition, I ask commissioners to direct staff to create a revised Boys & Young Men of Color (BYMOC) Local Action Plan for Durham County by a cross section of stakeholders to improve coordination, strengthen collaboration & shared responsibility, and systemic reforms with clear goals, measurable outcomes and timeframe to inform the collective impact strategy.

Last week, I, along with other community-based nonprofit servants, attended MBK University 101: Aligning Cross-Sector Partnerships & Strategic Collaborations: Who Should be at the table with you as you become an MBK Community which provided a clear plan of action to answer the call to become an MBK Community by making a public declaration and confirming the MBK Community Stakeholder Roundtable. In addition, the session provided perspective from Local MBK Communities who have successfully aligned cross-sector partners and strategic collaborations.

While the MBK model offers a comprehensive framework to transform and disrupt oppressive systems in education, criminal justice, social services, economic and workforce development, there has been no strategic contextualization of how they function as a guidepost for Durham's youth serving organizations. Current leadership has amplified stories of good work that is happening, supported organizations with funding from corporate sponsors and facilitated youth development workshops. However, the purpose and value add of MBK Durham is not simply to provide support but to provide strategic coordination of systems and programs that serve BYMOC.

There is currently no strategic plan accessible to the public. There is no set of benchmarked or targeted data to track progress. There is no consistent convening of service providers to

facilitate a network of core partners that can guide the work. Without these in place, how can we coordinate efforts, measure impact and acquire the necessary resources such as American Rescue Plan funds to sustain systems change efforts? Our BYMOC deserve more.

With the presentation and discussion on the newly developed Community Intervention and Support Services Department, I urge Commissioners to ask and obtain answers to four multipronged questions regarding MBK Durham:

Why a local collective impact strategy has not been developed to guide the work of MBK Durham? Is there a plan in place to develop one? Why or why not? If so, when and what will be the process?

What are the strategic goals and priorities of the four MBK Milestone Advocacy teams? Who serves on these teams? How often do they meet? What have they accomplished?

What are the strategic priorities and guidelines for funding allocations to MBK partners? Specifically, how has the \$100,000 from Dominion Energy been allocated? What was the process? How was funding allocation determined?

What has MBK Durham done during the pandemic to support the ecosystem of service providers for BYMOC?

This is not about one person, government agency or nonprofit organization. This is about the health and wellbeing of BYMOC. Making a transformative difference in their lives, will transform us all. We have everything we need to make this happen.

Let's put the leadership and governance structures in place that hold us accountability to that vision and drives outcomes for boys and young men of color in Durham. Let's capitalize on the free learning and development offerings, direct support, community coaches of on-the-ground support, community of practice bi-monthly convenings to exchange feedback and share effective strategies and MBK Equity Framework provided by MBK Alliance of the Obama Foundation to build sustainable systems to transform communities and improve outcomes for boys and young men of color in Durham.

We need action. It is overdue. I welcome your commitment to action!"

Consent Agenda

The Board was requested to review the following Consent Agenda items for the September Regular Sessions.

21-0639 Extension of Contract and Budget Amendment No. 22BCC00045 for Homeless COVID Related Housing at the Carolina Duke Inn (\$990,000)

Regarding the presentation for a strategic, long-term approach to the housing issues in Durham, Drew Cummings, Chief of Staff, discussed the Homeless Services Advisory Committee's (HSAC) task to provide strategic priorities for homeless system infrastructure. The intention was for the priorities to be presented later in the calendar year but noted the Community Development Department expected this to take a little longer than anticipated.

Commissioner Carter discussed the information received from the HSAC regarding the coordinated entry process and evaluation of how it was going. She noted data points showed that having a non-congregate shelter was helping the most vulnerable residents stay in housing longer. She stated she would forward the HSAC document detailing other statistics to the Board.

Directive: Staff to include the funding tracking (COVID expenses that were possibly reimbursable) in this item when adding it to the Monday, November 8th consent agenda for approval.

21-0640 Extension of Contract for COVID Related Homeless Duplex Housing

Directive: Staff to include the funding tracking (COVID expenses that were possibly reimbursable) in this item when adding it to the Monday, November 8th consent agenda for approval.

21-0646 Budget Ordinance Amendment No. 22BCC00035 Public Health to Recognize \$3,627,190 from the NC DHHS Division of Public Health Women’s and Children’s Health Section/Children and Youth Branch

Commissioner Burns recalled discussions about ensuring—as new opportunities, Federal, and/or State funds came in—that staff was offsetting what the Board might have wanted to use with ARPA. She asked whether staff would recalculate the funds that were moving from ARPA to nurses in terms of reallocation. Interim County Manager Claudia Hager answered in the affirmative; staff was monitoring the situation to identify any freed-up funds that could be used for some of the County’s other priorities.

Commissioner Carter suggested adding the hiring of nurses in Durham Public Schools as a topic for the joint meeting with the Board of Education. Chair Howerton would look into adding it to the upcoming meeting in November or the first meeting scheduled for 2022.

Directives:

- **Staff to provide the Board with a status update on the hiring of nurses for the schools.**
- **Rod Jenkins to provide the Board with information regarding the vision for the ongoing COVID-19 testing in schools with the help of the nurses.**

There were no questions regarding the items below:

21-0643 Budget Ordinance Amendment No.22BCC00033 Recognizing a \$1,000 Donation from the Durham Friends Meeting to the Criminal Justice Resource Center

21-0644 Approve Budget Ordinance Amendment No.22BCC00036 Recognizing \$7,000 in Additional Grant Funds from Durham County ABC Board to Durham Drug Treatment Court

21-0647 Approval of Budget Ordinance Amendment No.22BCC00037 Increasing Available Grant Funding for Integrated Reentry Services by \$45,840

21-0649 Façade Restoration at Durham County Agriculture Building (Cooperative Extension)

21-0652 Budget Ordinance Amendment No. 22BCC00034 Social Services to recognize funding in the amount of \$70,340 from The Housing Opportunities for Persons with Aids Coronavirus (HOPWA-CV) as authorized by the Coronavirus Aid Relief and Economic Security Act (CARES Act), Public Law 116-136 from the City of Durham and for the Interim County Manager to Amend the Contract between the City of Durham for the HOPWA-CV Program

21-0653 Approval of Contract Amendment with Insight Global LLC for an IS&T Technical Writer Contractor for \$38,896.00 to be funded through FY 2021-2022 IS&T operational budget

21-0659 Budget Ordinance Amendment No.22BCC00043 to recognize \$196,249 in Grant Funding and Approval of Interlocal Agreement for the 2021 Edward Byrne Memorial Justice Assistance Grant (JAG)

21-0660 Contract Approval with BAS Ecostruxure Technology to Complete Installations and Upgrades at Multiple County Locations

21-0661 Capital Project Amendment No.22CPA00011 - Appropriate \$250K in 2021 LOBS Funding to Leased Convenience Site Upgrades (Northern Convenience Site) Project 4190DC079; and Approve the Execution of the Purchase of Goods Contract with Bakers Waste Equipment Inc. To Purchase Compactors and Pre-Crushers for the Northern Durham Convenience Site

21-0662 Contract Approval for Replacement of Synthetic Turf at Durham County Memorial Stadium

21-0664 Budget Ordinance Amendment No. 22BCC00044 Public Health to recognize an additional \$7,000 in Revenue and to Approve Public Health Fee Schedule Changes

21-0665 Contract Approval for HVAC Equipment Maintenance and Repair Services at Various Durham County Facilities

Discussion Items

21-0681 Bull City United Expansion Update and Community Intervention and Support Services Department Update

Joanne Pierce, Goal 2 General Manager, provided the Board with a presentation regarding the Bull City United expansion and development of Durham County's newly developed Community Intervention and Support Services department (comprised of Bull City United, My Brother's Keeper, and Project BUILD).

On April 12, 2021, the Board approved the Durham City-County Interlocal Agreement to expand the Bull City United (BCU) program into four additional census tracts. Durham County government operated the BCU program through its Department of Public Health since November 2016. The program followed a public health, anti-violence model with the primary goal of stopping the spread of community violence using methods and strategies associated with public health.

Since the program's launch, BCU focused their efforts in two census tracts - census tract 13.01 and census tract 14.00. These two census tracts had the highest incidents of violent crime per 1,000 people when BCU was established. Through the Durham City-County Interlocal Agreement, BCU implemented a multi-phasal expansion into census tracts 11.00, 13.04, 17.09, and 23.00 with the highest incidents of gun-related violent crimes. The goal was to add a full staff complement of one supervisor, five outreach workers, and twelve violence interrupters to the BCU program by the end of FY22.

The City's partnership with Durham County to expand the BCU to four additional census tracts coincided with the development of the newly created Community Intervention and Support Services department that provided an infrastructure to support and capitalize on the collective efforts of BCU, My Brother's Keeper, and Project BUILD.

Ms. Pierce's discussed the duties of the Violence Interrupters and Outreach Workers, metrics monitored, BCU annual expenditures, department organizational chart for the Community Intervention and Support Services department, data trends in violent incidents and mediations, caseload and participant data, and some BCU highlights.

Ms. Pierce emphasized the importance of adhering to the BCU model and noted there were some situations in which the Violence Interrupters worked on cases that did not fall within a designated census tract, such as when a shooting occurred near or at the border of the intended census tract.

Commissioner Burns and Ms. Pierce also discussed how a lack of public transportation access likely contributed to unemployment in the designated census tracts.

With respect to having programming, services, and/or support in schools that BCU could provide to start the violence prevention early, Ms. Pierce noted the Memorandum of Understanding (MOU) between Durham Public Schools (DPS) and the County already included BCU and Project BUILD. She acknowledged the importance of addressing the problems at hand via programs but emphasized how working towards actual systems change would help prevent the cycles from continuing.

Ms. Pierce addressed questions regarding the portion of the model that called for having someone located in the Emergency Room (ER). She described BCU team members' regular meetings with Duke as Duke developed a hospital-based violence intervention model.

In terms of ensuring Outreach Workers remained connected and informed of all the necessary resources such as the Workforce Development Board, childcare resources, Bulls Initiative, Back to Work Initiative, Durham Pre-K, microtransit, etc., Ms. Pierce discussed the operational assessment and how this was one of the questions staff focused on.

Commissioner Carter was interested in seeing what data was being tracked—and any long-term trend data—that might provide evidence of success.

Directive: Staff to provide the Board with an update regarding Project BUILD (Building, Uplifting and Impacting Lives Daily) in Spring 2022.

21-0682 Discussion of MOU Between the County Commissioners and Durham Public Schools Board of Education (BOE)

The Board was requested to review the current MOU and its proposed revisions to provide further feedback. The first MOU was signed in 2003. Discussions regarding a new MOU began in 2016 and a new MOU was signed by both Board Chairs in January 2017. The current draft would be discussed in a future Joint BOCC-BOE meeting.

Vice-Chair Jacobs supported the staff's decision regarding the composite index formula. She suggested adding a reference to the joint commitment to Universal Pre-K as well as being more specific in the sixth item regarding a deadline for the submission of reports.

Commissioner Carter shared her concerns regarding the formula for per-pupil funding.

Chair Howerton and Interim Manager Hager discussed the deadline date and Interim Manager Hager stated staff would have further discussions to ensure a feasible date was chosen.

Directive:

- **Staff to add a reference to the joint commitment to Universal Pre-K in the MOU.**
- **Staff to be more specific in the sixth item regarding a deadline for the submission of reports.**

21-0668 Analyzing Property Tax Appeals for Systemic Bias

In recent years, research surfaced which indicated systemic bias existed in property tax assessments. Nationwide studies showed, generally, that low-income and minority homeowners experienced a higher property tax burden due to inherent systemic racial bias. The Durham County Board of Commissioners denounced any form of racism and declared racism, by resolution, to be a public health crisis on June 8, 2020. Subsequently, Durham County Tax Administration partnered with the UNC School of Government to conduct the first-of-its-kind study using North Carolina data. Appeal data from the two most recent countywide reappraisals (2016 and 2019) were analyzed with US Census data to identify trends and potential areas for systemic improvement, not only in Durham County but statewide.

Staff's exploration of this data in Durham County provided several key opportunities for focus as staff prepared for its next countywide reappraisal. Most notably, staff began working on communication strategies leading into this process rather than upon conclusion of the reappraisal. Community involvement, education, and empowerment were critical to ensuring a positive experience and improved outcomes on all fronts. As Chris McLaughlin, Professor of Public Law and Government, UNC School of Government, stated "regardless of its cause, any potential bias in any government process deserves examination. We can't fix problems we don't know exist."

Mr. McLaughlin noted the purpose of the study was not to find whether individuals in a system were bigots or biased, but rather identify whether there were systems or procedures in place in local government that inherently produced disadvantageous outcomes for the poor and/or minorities. Several national studies focused on assessment gaps/sales assessment ratios—the ratio between tax assessments and actual sale prices—and on determining whether there was a market difference in the ratios for minority or poor neighborhoods compared to white or wealthy neighborhoods. The study he and T. Dwane Brinson, Tax Administrator, worked on focused on the appeals process; specifically, whether taxpayer demographics (race, income, property values) affected appeal rates or appeal results. Mr. McLaughlin described the data, how it was chosen, and how it was organized. The major findings were as follows:

- Appeal rates appeared to vary based on taxpayer race and property value.
 - Taxpayers from majority-minority neighborhoods generally appealed their property tax appeals less often than did taxpayers from whiter neighborhoods
 - Owners of higher-value homes generally appealed their property tax appraisals more often than did owners of lower-value homes
- Appeal results did not vary based on taxpayer race, taxpayer income, or property value.

Mr. Brinson discussed the impact of these results on the reappraisal design. He noted, according to the 2020 US Census, Durham County had a home ownership rate of 54.4 percent and it was important to consider how those results could be connected to gentrification.

Mr. Brinson and Mr. McLaughlin discussed the various methods of public outreach and education that could be used in Durham.

Commissioner Burns inquired as to whether any research was done to understand why Black and Brown residents did not seek reassessments or to study the historical relationship between people of color and the systems in question. She also questioned what the County was willing to change structurally to bring about necessary change. Mr. Brinson addressed her questions and stated staff would follow up.

Vice-Chair Jacobs asked if any other factors were taken into account for the 2019 data considering that there were various technology and process upgrades implemented by the Tax Administration department. Mr. McLaughlin confirmed that they did not take those improvements into account. Mr. Brinson discussed the difficulty in reappraisals and educating people on home market values.

Commissioner Carter discussed the sales tax ratio and tax burden and encouraged staff to consider ways to alleviate any inequities that existed.

Directive: Staff to provide the Board with information to address questions as to why Black and Brown residents did not seek reassessments as well as the historical relationship between people of color and the government tax systems .

21-0686 Resolution to Enact an Ordinance Prohibiting Discrimination in Public Accommodations and Employment

The Board was requested to receive this resolution and enact an ordinance prohibiting discrimination in public accommodations and employment. This ordinance established protections, promoted the equal treatment of all individuals, and provided freedom from discrimination on the basis of race, ethnicity, creed, color, sex, pregnancy, marital or familial status, sexual orientation, gender identity or expression, national origin or ancestry, marital or familial status, pregnancy, military status, religious belief or non-belief, age, or disability in employment and access to all places of public accommodation.

Ms. Pierce confirmed staff would bring the draft policies and procedures back to the Board for discussion once they were ready.

Curtis Massey, Assistant County Attorney, confirmed that C and D under Section 15-5 Definitions (p. 3) were supposed to be identical.

Attorney Massey confirmed this ordinance would be extended to contractors as noted in Section 15-65. Contracting.

“As a condition of submitting a bid or proposal to Durham County, the bidder or proposer shall submit a certification of compliance with this Ordinance. Failure to submit this certification or falsification of this certification shall be grounds for rejection of the bid or termination of the contract without fault to Durham County.”

21-0675 Durham Cultural Advisory Board Request to Support Cultural Master Plan Development

Durham Cultural Advisory Board (DCAB) members E’Vonne Coleman, Angela Lee (Chair), and Laura Ritchie presented to the Board regarding the DCAB’s request that the City and County jointly support development of a new Cultural Master Plan.

In February 2021, DCAB reached a consensus recommendation to request funding to develop a new Cultural Master Plan beginning in FY23. DCAB’s request for support to initiate the planning process for a new Cultural Master Plan aligns with Durham’s New Comprehensive Plan: EngageDurham. EngageDurham developed “Community Goals and Objectives” with input from more than 1,000 residents, presented relevant goals to City Council and County Commissioners in June 2021, including: “Sense of Place: By 2050, the history and culture of Durham will be fully told and celebrated” and “Public Spaces & Recreation Goal: By 2050, Durham residents will be able to enjoy public spaces that are physically accessible and equitably distributed throughout the community.”

DCAB’s 2021 white paper titled “Durham Needs a New Cultural Master Plan” outlined the progress made implementing the 2004 Cultural Master Plan and identified unmet goals. In 2004, the Durham County Board of Commissioners and City Council approved the first Durham Cultural Master Plan. The 2004 Cultural Master Plan development process engaged more than 500 individuals at a total cost of \$225,000. Planning costs were supported by a dedicated Durham County Occupancy Tax, institutional funding from Duke University, and corporate and individual donors solicited by the Durham Arts Council. Following completion of the 2004 Cultural Master Plan, an additional \$300,000 from the Occupancy Tax was allocated to partially support plan implementation over the 15-year plan lifecycle, which expired in 2019. Key Cultural Master Plan recommendations were implemented during that time period, including formation of the DCAB and the Public Art Committee (a DCAB advisory committee), establishment of City and County Public Art Programs, and allocation of recurring annual funding by the City to support cultural festivals and events.

The cultural master planning process proposed by DCAB utilized national and regionally established best practices for designing and implementing cultural master planning processes, including soliciting a professional consulting firm to bolster local resources dedicated to plan development.

Ms. Coleman clarified that the current step was asking the City and County for funds; no steering committee had been formed nor any consultant chosen. The goal of this item was to bring it to

the Board’s attention, staff would return with more details (including a budget plan) at a future meeting.

Commissioner Burns looked forward to being presented specific details (e.g., definitions for “creative component” and “artists”) and a budget.

Regarding previous discussions about possible artist spaces within the old DSS building, Peri Manns, Assistant General Manager/Deputy Director Engineering and Environmental Services, confirmed conversations were being held with multiple stakeholders within the community regarding the potential for the building.

Vice-Chair Jacobs discussed the importance of continuing to foster a thriving art community within Durham and the different channels that could be used to do so. She hoped staff would look into possible funding for this plan through ARPA funding. Vice-Chair Jacobs suggested this as a topic for a future Joint City-County meeting.

Commissioner Carter suggested staff consider using the occupancy tax to fund the request considering that it was used to fund the previous plan’s development and implementation. Ms. Coleman confirmed DCAB and the Durham Arts Council (DAC) regularly collaborated—the DAC was involved in developing the DCAB’s 2021 white paper.

Directives:

- **Staff to provide the Board with specific details (e.g., definitions for “creative component” and “artists”) and a budget.**
- **Staff to look into funding the Cultural Master Plan development through ARPA funds or the occupancy tax.**

21-0637 Commissioner Comments

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

Deborah Craig-Ray, General Manager, spoke on the document provided to the Board with information regarding bills and budgets. She noted the budget solution and redistricting were the legislature’s primary focus at this time.

Commissioner Burns discussed the funding awarded to the Beyu Caffe and the Beyu food project for senior citizens. She reminded everyone of election day and encouraged all to vote. She believed it was appropriate to discuss how to improve the salaries of the DPS School Board members.

Commissioner Allam announced that the Criminal Justice Advisory Council was working on a person-first resolution to use more inclusive language when speaking about people who were justice-involved.

Vice Chair Jacobs described the Town Hall she attended which was hosted by the Community Wellness and Safety Task Force. One topic that came up was the importance of starting with the 911 data. She asked for an update as to whether staff had been able to engage in a conversation

with the Sheriff's Office regarding looking at the 911 data. Commissioner Burns stated this question needed to be routed to the Sheriff's General Counsel.

Directives:

- **Claudia Hager and Jodi Miller to follow up on the 911 data and provide the Board with an update.**
- **Staff to have co-chairs of the Community Wellness and Safety Task Force attend the next Joint City-County meeting to provide updates on the work taking place and any recommendations.**

Commissioner Carter announced that the Homeless Services Advisory Committee would be presenting an advocacy recommendation in the near future. She encouraged the Board to participate in the virtual Tails at Twilight Gala, a fundraiser for the Animal Protection Society.

Commissioner Allam congratulated Monica Toomer, Clerk to the Board, on her recent wedding.

Chair Howerton discussed a Community Fathers event in which Randy Trice, Executive Director of Fatherhood of Durham, spoke and presented certificates to fathers in the community. She expressed her appreciation for Mr. Trice's work in uplifting fathers.

Closed Session

21-0294 Closed Session

The Board was requested to adjourn to Closed Session to

1. Discuss matters relating to the location or 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); and
2. Consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee; pursuant to G.S. 143-318.11(a)(6).

Commissioner Allam moved, seconded by Commissioner Burns, to adjourn to Closed Session.

The motion carried unanimously.

Reconvene from Closed Session

Chair Howerton announced that no action was taken.

Adjournment

Commissioner Carter moved, seconded by Commissioner Allam, to adjourn the meeting.

The motion carried unanimously.

The meeting was adjourned at 2:21 p.m.

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

DRAFT