

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

Monday, February 8, 2010

7:00 P.M. Regular Session

MINUTES

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

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Becky M. Heron, and Brenda A. Howerton

Presider: Chairman Page

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

The Chairman called for any adjustments to the agenda. There were no adjustments to the agenda.

Announcements

Chairman Page made the following announcements:

- “In Touch with Durham County”, the Durham County television show, airs on Cable TV channel 8 at 8:30 a.m. and 12 noon daily; 4:00 p.m. on Mondays, and 6:30 p.m. Tuesday – Sundays. Our County Commissioners’ meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
- The Durham 2010 Local Census Office has officially opened. It is located 201 W. Main Street, Suite 201. The 2010 Census is easy.... just 10 questions that will take 10 minutes to complete. For more information on employment with the Census Office and other updates, call 919-328-1310.

Introduction of Motiryo Keambiroiro, General Services Director

County Manager Ruffin introduced Ms. Motiryo Keambiroiro, newly hired General Services Director, to the Board. He added that she is known here as “Mo.” Mo thanked the Board and Manager for selecting her to come to Durham.

The Chairman congratulated Mo and thanked Don Hasselbach for his services as Interim General Services Director.

Presentation Regarding March 12 & 13 Free Adult Dental Program

The Chairman recognized Gayle Harris, Public Health Director.

Ms. Harris informed the Commissioners about an opportunity that would be coming to the Durham community to provide free adult dental services. She introduced Dr. Alec Parker, Executive Director of the North Carolina Dental Society.

Dr. Parker presented a PowerPoint giving details about the dental services. He stated that the North Carolina Missions of Mercy (NCMOM), an affiliated community outreach program of the NC Dental Society would hold a free dental clinic for adults on March 12-13, 2010 at the National Guard Armory, 801 Stadium Drive. The clinic will use portable dental equipment. Services will be provided by professional and community volunteers. He added that there is an extensive list of community volunteer needs. Professional volunteers will include licensed dentists, hygienists, office clerical staff, and UNC dental students.

The target population to be served will be adult patients whose family income is less than 200% of the Federal Poverty index. Patients will be seen on a “first come, first served” basis. The clinic hours will be 7:30 am – 5:00 pm each day, with triage beginning at 6:00 am. Services provided include cleanings, fillings, and extractions.

Dr. Parker stated that he would need portable restrooms for the clinic.

Chairman Page thanked Dr. Parker for his presentation and for serving our citizens.

Commissioner Heron asked how the citizens in rural areas of Durham would find out about the clinic. Ms. Harris responded that she just received posters and flyers that would be widely distributed throughout the community. The information would also be sent to churches and other community organizations to get the word out.

Ms. Harris added that food, water, and snacks will be needed for volunteer staff. Whatever the County can divert to this initiative would be most appreciated.

Commissioner Bowser suggested that employees might coordinate and assist in this effort.

Minutes

Commissioner Heron moved, seconded by Commissioner Howerton, to approve as submitted the January 4, 2010 Worksession, January 11, 2010 Regular Session, and January 25, 2010 Regular Session Minutes of the Board.

The motion carried with the following vote:

Ayes: Bowser, Heron, Howerton, Page, and Reckhow
Noes: None

Consent Agenda

Vice Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the following Consent Agenda items:

- a. Approve the Department of Social Services' request to amend the contract with One Source in the amount of \$166,759 as we continue the DMI Project initiated in 2005 (RFP #05-016);
- b. Approve Budget Ordinance Amendment No. 10BCC000050—Appropriate Grant Funds for Emergency Management 2008 HMEP Grant to recognize recognition of funds from the 2008 HMEP (Hazardous Materials Emergency Planning) Grant in the amount of \$5,128;
- c. Approve Budget Ordinance Amendment No. 10BCC000049—Social Services to recognize additional revenue in Crisis Intervention Payments (CIP) in the amount of \$286,264;
- d. Approve Budget Ordinance Amendment No. 10BCC000051—Public Health to recognize one-time Family Planning bonus funds in the amount of \$17,856;
- e. Approve Budget Ordinance Amendment No. 10BCC000052—Public Health to recognize one-time Funds from the North Carolina Diabetes Education Recognition Program in the amount of \$750 for the Nutrition Division;
- f. Approve Budget Ordinance Amendment No. 10BCC000053—Public Health to recognize a one-time contribution in the amount of \$500 From Family Health International for the Health Education Division; and
- g. Approve 2009 Annual Report from the Durham County Industrial Facilities and Pollution Control Financing Authority.

The motion carried with the following vote:

Ayes: Bowser, Heron, Howerton, Page, and Reckhow
Noes: None

Document(s) related to these items follow:

Consent Agenda Item (a): Approve the Department of Social Services' request to amend the contract with One Source in the amount of \$166,759 as we continue the DMI Project initiated in 2005 (RFP #05-016).

The Department of Social Services requests approval to amend the One Source Contract as we continue the DMI Project initiated in 2005 (RFP #05-016). The amended Scope of Work will include:

Prep, scan, index and file Food Stamp records	\$ 79,750
Prep, scan, index and file Medicaid records	\$ 87,000
Total	\$166,750

The Document Imaging Project (DMI) is an ongoing project of scanning active and terminated records. DMI must be completed before we move in the Human Services Complex as there is no space for storage. DSS entered into this contract with One Source in 2005. The contract has been amended as the scope of work progresses. The current contract in the amount of \$709,532 is an accumulation of the project costs to date. DSS requests that the contract amount be amended to

\$876,282. Current year funding for the DMI project was approved by the BOCC and appropriated in the original FY2010 budget in the amount of \$270,000. No additional budget amendment is needed.

Consent Agenda Item (b): Approve Budget Ordinance Amendment No. 10BCC000050—Appropriate Grant Funds for Emergency Management 2008 HMEP Grant to recognize recognition of funds from the 2008 HMEP (Hazardous Materials Emergency Planning) Grant in the amount of \$5,128.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000050

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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	\$449,138,478	\$5,128	\$449,143,606

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u> Public Safety	\$45,062,026	\$5,128	\$45,067,154

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

This the 8th day of February, 2010.

Consent Agenda Item (c): Approve Budget Ordinance Amendment No. 10BCC000049—Social Services to recognize additional revenue in Crisis Intervention Payments (CIP) in the amount of \$286,264.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000049

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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	\$449,138,478	\$5,128	\$449,143,606

Expenditures:

<u>Function</u>
<u>GENERAL FUND</u>

Public Safety \$45,062,026 \$5,128 \$45,067,154

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

This the 8th day of February, 2010.

Consent Agenda Item (d): Approve Budget Ordinance Amendment No. 10BCC000051—Public Health to recognize one-time Family Planning bonus funds in the amount of \$17,856.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000051

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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	\$449,143,606	\$17,856	\$449,161,462

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$482,199,559	\$17,856	\$482,217,415

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

This the 8th day of February, 2010.

Consent Agenda Item (e): Approve Budget Ordinance Amendment No. 10BCC000052—Public Health to recognize one-time Funds from the North Carolina Diabetes Education Recognition Program in the amount of \$750 for the Nutrition Division.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000052

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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	\$449,161,462	\$750	\$449,162,212

Expenditures:

Function

GENERAL FUND

Public Safety	\$482,217,415	\$750	\$482,218,165
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 8th day of February, 2010.

Consent Agenda Item (f): Approve Budget Ordinance Amendment No. 10BCC000053—Public Health to recognize a one-time contribution in the amount of \$500 From Family Health International for the Health Education Division.

DURHAM COUNTY, NORTH CAROLINA

FY 2009-10 Budget Ordinance

Amendment No. 10BCC000053

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 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	\$449,162,212	\$500	\$449,162,712

Expenditures:

Function

GENERAL FUND

Public Safety	\$482,218,165	\$500	\$482,218,665
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 8th day of February, 2010.

Public Hearing – Advance Public Comments on FY 2010-2011 Budget

The Chairman recognized Ms. Pam Meyers, Budget Director. Ms. Meyers informed the Board that the FY 2010-2011 budget process began approximately two weeks ago. The hearing tonight is to receive public comment from citizens regarding any issues they would like to see the Board consider during the budget process.

Chairman Page opened the public hearing.

Mr. Donald Hughes, Post Office Box 52598, Durham NC urged the County to consider the model used by the City of Durham when holding community meetings about the budget. According to Mr. Hughes, the City used the previous year's budget and prioritized items. He added that this process was a good way to engage the community. Mr. Hughes also recommended that the County look at opportunities to implement internships or expand the internship process.

Vice Chair Reckhow asked Mr. Hughes to elaborate on the City's process. Mr. Hughes replied that the City hosted a budget workshop at Lyon Park. After the meeting, the City staff put together a report of ideas that came out of the meeting to be shared with the public.

New Courthouse Financing

Mr. George Quick, Finance Director, presented a proposed financing plan for the construction of the New Durham County Courthouse and other projects.

The Financing Plan will include funding for the following projects:

1. Durham County Courthouse	\$103,550,000
2. Jail (refunding)	12,235,000
3. County Storage Building	5,100,000
4. Judicial Building Renovations (Planning only)	2,200,000
5. Fiber Optic Backbone	800,000
6. Administration (loan fees/legal)	<u>965,000</u>
Total	\$124,850,000

He emphasized that the projected costs should be recognized as place holders or a not to exceed amount of \$130,000,000. Items 3, 4, and 5 listed above will be brought back to the Board of County Commissioners for approval of funding amount. On February 22, 2010, the plan will come back before the Commission with specific amounts that should be less than the \$130 million.

Staff has negotiated a financing facility from Wachovia Bank as follows:

Amount:	Not to exceed \$130,000,000
Term:	36 months
Rate:	SIFMA plus .85% (SIFMA was .14% on 2/3/2010)
Unused Fee:	.25% based on average unused funds
Collateral:	Detention Center and New Courthouse
Closing Fee:	.20%

Mr. Quick pointed out that the unused fee of .25% would go to the bank. Vice Chair Reckhow responded that the County should do its best to get the amounts correct so there will not be an unused fee charged.

Mr. Quick reminded the Commissioners that he would have to have a definite number before coming back on February 22. He further added that the \$103,550,000 estimate on the courthouse includes the parking deck.

According to the Finance Director, traditional financing would require borrowing all the money up front. The new financing proposed above would result in a savings for the County.

Vice Chair Reckhow asked how often the interest rate would fluctuate? Mr. Quick responded that it would fluctuate on a weekly basis. He added that this is the same index used for the bond participation project with the schools. The interest rate for that project has remained well below .3 percent.

Mr. Quick presented the following timeline for the transaction:

February 8, 2010	Public Hearing
February 22, 2010	BOCC approval of transaction and documentation
March 2, 2010	Formal approval by LOGC
March 8, 2010	Execute contracts (loan and construction) and give start order to Contractor

Public Hearing on Installment Financing to Finance the New Durham County Courthouse and Parking Deck and Various other Projects and Refinance the Durham County Detention Facility

Attorney Carol Hammett explained the public hearing process. She informed the Commissioners that they would consider the preliminary resolution and then hold a public hearing.

The Chair opened the public hearing for citizen comment.

Mr. Matt Drew, 1310 Copper Creek Drive, signed up to speak. He didn't feel the time was right to buy and he didn't believe the County was ready for this project. He added that the CIP was not enough to cover the current debt service. He felt the County was about to spend a great deal of money without asking citizens how they felt.

Chairman Page thanked Mr. Drew for his comments and closed the public hearing.

Commissioner Heron asked about the 3-year loan rate. Mr. Quick responded that this was not a teaser loan. He explained that the rate is variable, adjusts on a weekly basis. He added that the interest is to finance construction. Once that is complete, he will go to market to secure a 20-year mortgage on the property.

Commissioner Heron was concerned that there was no guarantee that the rate will be the same three years from now. Mr. Quick replied that 1.75% was the average based on fluctuation.

Ms. Heron stated that she hoped the County won't have a tax rate increase. Mr. Ruffin pointed out that the other option would be to borrow \$11 million. According to the Manager, the Local Government Commission said this is reasonable.

Vice Chairman Reckhow moved, seconded by Commissioner Heron, to approve Preliminary Resolution for the financing of the new Durham County Courthouse and parking deck and various other projects.

Vice Chairman Reckhow thanked the Finance Director for using a savvy approach to financing the project.

Commissioner Bowser asked the Finance Director for a scenario that compares to the new financing. Mr. Quick responded that a comparison would be what the County paid when it secured financing for the Health and Human Services complex.

Commissioner Bowser commented that he would support the proposal; however, he is really concerned about the County's debt.

Commissioner Heron requested a report on the parking garage (South deck) and the kind of revenue it receives. Mr. Ruffin will have the report prepared.

The motion carried with the following vote:

Ayes: Bowser, Heron, Howerton, Page, and Reckhow

Noes: None

Approval for the Contract between Durham County, the City of Durham, and the Durham Affordable Housing Coalition for Implementation of the 10-Year Plan to End Homelessness

This item was brought before the Board on January 11, but the item was deferred. In the meantime, a Memorandum of Understanding between the County and DAHC and reporting template has been approved.

Chairman Page asked the Board if they had questions from staff.

Drew Cummings, Assistant County Manager, explained that he met with Commissioners Ellen Reckhow and Anita Oldham. He worked out two additions to the contract. Reports will be submitted in advance of the Joint City/County Committee meetings.

Commissioner Howerton had questions regarding outcomes and deliverables.

Mr. Cummings addressed her concerns. He indicated there were a number of very specific things that serve as concrete outcomes. Consulting contracts make it hard to measure deliverables. They facilitate and host monthly meetings. The real outcome will be invisible in regular reporting. They will report on specific goals in the 10-Year Plan regularly.

Commissioner Howerton expressed concern that this has been going on for 2 ½ years. She did not feel she could vote for something she could not see tangible results that impact the community.

Mr. Cummings expounded on the new template that will show what service providers will do to impact lives of homeless. He added that we are approaching the time of year when we negotiate contracts.

Mr. Ruffin assured Commissioner Howerton that the new reporting template was the result of her concerns as well as Vice Chairman Reckhow.

Chairman Page asked staff to discuss the template at the retreat.

Commissioner Heron stated that she has not seen what has been accomplished in the Plan.

Commissioner Bowser and Chairman Page commented that the name of the Plan is misleading and needs to be renamed.

Vice Chair Reckhow agreed that the name is misleading. However, the name is part of a national movement and all plans across the country have the same name. The wording in the contract cannot be changed since the City has already adopted the Plan. That is why there is a Memorandum of Understanding with the template. She added that the template should give an update on progress.

The Chair recognized Ms. Wagstaff. She asked if anyone did research on what the United Way did when they had the contract. She inquired about the \$67,000 salary. She mentioned that everyone should remember a similar situation with the recent faith-based contract. She ended by stating that she had problems with the contract.

Mr. Cummings addressed Ms. Wagstaff's concerns. He stated that DAHC had been involved as a subcontractor. The only contractual difference is that United Way was taken out of the process last year. The \$67,000 is half of Durham County's 10-year Plan budget.

Commissioner Bowser commented that it was not fair to Rev. Lucas to continue to bring up her case. He asked if everyone would please leave her out of the discussion and focus on the current contract.

Chairman Page asked that the Board allow the DAHC to complete the task and bring more specific guidelines to help the Board understand.

Vice Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the contract and funding for the contract between Durham County, the City of Durham, and the Durham Affordable Housing Coalition for the implementation of Durham's 10-Year Plan to end Homelessness and to authorize the manager to execute the contract.

Ayes: Bowser, Heron, Howerton, Page, Reckhow

Noes: None

Interlocal Agreement with Durham Public Schools

The County Manager informed the Board that the requested changes had been made to the Interlocal Agreement.

Commissioner Bowser inquired about the "Opt Out" clause on page 3. Attorney Carol Hammett read the clause.

The Chairman opened the public hearing. Three speakers signed up to speak. Chairman Page recognized Donald Hughes.

Mr. Hughes posed several questions. He asked whether Durham Public School (DPS) has the staff capacity to carry out the changes in the Agreement. He wanted to be sure that the expected savings are not diminished by hiring additional attorneys. He was concerned that Durham Public Schools has not provided M/WBE data. He asked whether funds would impact the current budget or next year's budget. He asked who would have a say in how the funds are dispersed.

Attorney Hammett responded to Mr. Hughes concerns. She stated that Durham Public Schools already goes through the RFP process. The Agreement would streamline the process so that it's only done one time. Regarding the savings, Ms. Hammett clarified that it is additional revenues and not savings.

Mr. Hugh Osteen, Durham Public Schools stated that the M/WBE report is on their website.

Ms. Jackie Wagstaff made comments related to the earlier meeting. She questioned the additional monies being used to hire teachers. She questioned whether policies would be in place before the Agreement was approved. When the project comes under cost, Ms. Wagstaff asked if it would come back before the Board. She closed by saying she hoped the Agreement would not be approved at this meeting.

The County Manager responded that the policies and procedures are administrative policies. Attorney Hammett added that this is required by the Interlocal Statute.

Dr. Lavonia Allison, Post Office Box 428, Durham NC, had a number of concerns about the document.

Mr. Quick indicated that Durham Public Schools would use the savings at their discretion. Any funds not allocated would come back to the Board with how DPS plans to spend the money.

Chairman Page asked Mr. Quick how the Board had leverage to approve.

Mr. Quick explained the process. The CIP appropriates some bond funds.. When the funds are approved, savings will reduce costs of projects. Funds may be left over. The schools come back to the Board and the Board has to approve the project.

Vice Chair Reckhow commented that the sales tax would be used for supporting education in our community.

Commissioner Bowser clarified that the County would receive the sales tax money and then disperse to the school system.

Mr. Osteen clarified that the sales tax return is only on construction projects. It does not include supplies such as office supplies.

Vice Chairman Reckhow commented that this Agreement is a good move because currently the process is duplicated by the County and Durham Public Schools.

Commissioner Bowser felt that to approve this Agreement would be an effort to circumvent the State Legislature.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the Interlocal Agreement with Durham Public Schools as amended.

The motion carried with the following vote:

Ayes: Heron, Howerton, Page, and Reckhow
Noes: Bowser

Closed Session

The Board is requested to adjourn to Closed Session pursuant to G.S. § 143-318.11(a)(6) to consider the performance of a public officer or employee.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to adjourn to closed session to discuss the performance of a public officer or employee.

The motion carried with the following vote:

Ayes: Bowser, Heron, Howerton, Page, and Reckhow
Noes: None

Reconvene to Open Session

Chairman Page announced that the Board met in closed session and gave directives to staff.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 10:06 p.m.

Respectfully submitted,

Michelle Parker-Evans
Clerk to the Board