

REVISED
(Additions—Item Nos. 9 and 10)

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

Monday, February 8, 2010

County Commissioners' Chambers
200 East Main Street, Durham, North Carolina

AGENDA

“Public Charge”

The Board of Commissioners asks its members and citizens to conduct themselves in a respectful, courteous manner, both with the Board and fellow citizens. At any time, should any member of the Board or any citizen fail to observe this public charge, the Chairman will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chairman will recess the meeting until such time that a genuine commitment to the public charge is observed.

As a courtesy to others, please turn off cell phones during the meeting.

4:00 P.M.

**JOINT MEETING WITH PERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

(Agenda will be sent under separate cover)

7:00 P.M. Regular Session

1. **Opening of Regular Session**—Pledge of Allegiance 5 min.
2. **Agenda Adjustments** 5 min.
3. **Announcements** 5 min.

“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.

3a. **Introduction of Motiryo Keambiroiro, General Services Director**

5 min.

Motiryo Keambiroiro officially began her duties as General Services Director on January 25, 2010. Ms. Keambiroiro, a Maryland native, has an undergraduate degree in Architecture from Kansas State University in 1975 and a Master Degree in Architecture from the University of New Mexico in 1977. She has broad experience as a city manager and in other capacities in municipal services and facilities management. She comes to Durham County from the Village of Richton Park, Illinois, where she served as village manager.

Resource Person(s): Mike Ruffin, County Manager; Motiryo Keambiroiro, General Services Director

County Manager's Recommendation: The Manager recommends that the Board extend its formal welcome to Ms. Keambiroiro

3b. **Presentation Regarding March 12 & 13 Free Adult Dental Program**

10 min.

The Board is requested to receive a presentation regarding NC Missions of Mercy (NCMOM), an outreach program of the NC Dental Society that will provide free dental services to adults in Durham on March 12 & 13 from 7:30 am to 5:00 pm at the National Guard Armory on Stadium Drive. NCMOM would like to serve 1,000 individuals during the two days of service. Community volunteers and donations are needed to assure the success of this effort. Dr. Parker will provide options of ways that Durham County Government can participate and support this initiative.

Resource Person(s): Gayle Harris, Public Health Director; and M. Alec Parker, DMD, Executive Director, NC Dental Society

County Manager's Recommendation: The Manager recommends that the Board receive the NCMOM presentation and provide direction to staff regarding support that may come from the County.

4. **Minutes**

5 min.

January 4, 2010 Worksession Minutes
January 11, 2010 Regular Session Minutes
January 25, 2010 Regular Session Minutes

5. **Consent Agenda**

15 min.

- 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. 10BCC—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.

6. **Public Hearing—Advance Public Comments on FY 2010-2011 Budget**

20 min.

The Board is requested to hold an Advance Public Comment session to receive public comments for the FY2010-2011 Budget. As county staff begins the preparation of the fiscal year 2010-2011 budget, public input is being solicited on issues which may need to be addressed during the budget process.

The County Manager's Recommended FY2011 Budget will be presented to the Board of Commissioners on May 24, 2010, with individual budget work sessions with the Board to be scheduled for the period May 27-June 16, 2010. Final adoption of the FY2010-11 Budget Ordinance is scheduled for Monday, June 28, 2010.

Additionally, comments can also be e-mailed to commissioners@durhamcountync.gov.

Resource Person(s): Pam Meyer, Director of Budget and Management Services

County Manager's Recommendation: The County Manager recommends that the Board hold the Advance Public Comment session on the Fiscal Year 2010-2011 Budget.

7. **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**

10 min.

The Board of Commissioners is requested to consider passing a resolution, the "Preliminary Resolution," that makes certain determinations and provides for certain matters concerning a proposed installment financing agreement and certain related documents pursuant to G.S. §160A-20, as amended, for the purpose of providing funds in an amount not to exceed \$130,000,000, with other available funds, for the construction and other accomplishment of the new Durham County Courthouse and parking deck and various other projects and the refinancing of a portion of the cost of the Durham County Detention Facility. The County would secure the repayment of the proposed financing and refinancing by granting a security interest in the Courthouse and Detention Facility property. Following consideration of the Preliminary Resolution, the Board is requested to hold a public hearing on the proposed financing and refinancing and to consider approving, on a preliminary basis, a proposal from a lender to provide funds for such purposes.

The notice of the public hearing was duly advertised in accordance with law. A copy of the suggested proceedings of the Board is attached as well as the proposal from the lender.

Resource Person(s): George K. Quick, Finance Director

County Manager's Recommendation: The Manager recommends, if appropriate, that the Board pass the Preliminary Resolution and, after holding the public hearing, approve on a preliminary basis the proposal from the lender to provide funds for the financing of the new Durham County Courthouse and parking deck and various other projects and the refinancing of the Durham County Detention Facility in an amount not to exceed \$130,000,000.

8. **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**

20 min.

This item was brought to the Board of County Commissioners on January 11th but deferred. In the meantime, a Memorandum of Understanding between the County and DAHC and reporting template have been approved. They are attached to this agenda item.

On June 12, 2006 Durham County became one among 200 cities and counties across the country to adopt a 10 Year Plan to End Homelessness. For the first three years of the Ten Year Plan (TYP) in Durham, the City and County contracted with the United Way of the Greater Triangle, which in turn sub-contracted with the Durham Affordable Housing Coalition (DAHC) for implementation of the plan. For FY 2009-2010, it was decided to take United Way out of the middle of that contract.

TYP staff housed at DAHC have been carrying out the duties outlined in the attached contract through the first part of this current fiscal year. This contract would normally be brought to the BOCC for approval in early fall and we apologize for its lateness. County staff continue to work with TYP staff, the TYP Executive Team, and service providers throughout the community to make sure we are doing all that resources permit to reduce homelessness in our community and limit the effects of chronic homelessness

The proposed contract as well as the Scope of Work is attached. Funding for this contract (\$67,602) was approved as part of the FY09-10 budget. The City Council approved the contract and an equal funding stream earlier in the fall.

Resource Person(s): Drew Cummings, Assistant County Manager

County Manager's Recommendation: The County Manager recommends that the Board 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.

9. Interlocal Agreement with Durham Public Schools

30 min.

On February 8, 2010, the Board received a presentation from staff and representatives of the Durham Public Schools regarding a new Interlocal Agreement for the reimbursement of sales tax for school construction and renovation projects.

The proposal for the Board's consideration is to allow the schools to retain ownership of the schools, lease the property to the County and delegate the authority to enter into and manage the contracts on behalf of the County, subject to the terms of a new interlocal agreement. The key differences in this proposal is that the Schools will continue to own the properties, the County will instead lease the properties, and the schools will act as the agent of the County for construction, having the powers and duties of the Board for purposes of bidding, award and general management of the contracts. This proposal is similar to how Wake County is handling their multiple school construction projects, is less cumbersome and time consuming for County and DPS staff, eliminates the property ownership issues for the County and reduces the County's participation in the process of construction, including processing and handling claims.

The County Attorney's Office has worked with DPS to draft a new Interlocal Agreement and Master Lease to address the concerns of both parties. If the Board agrees to the new interlocal, all of the school properties will be deeded to DPS and immediately leased back to the County. New schools maybe added through a simple lease addition and may also be removed from the Lease through a lease removal form; both forms are included as an attachment to the Lease. All of these

real property instruments will be recorded in the Register of Deeds Office. County and DPS staff are available for any questions you may have.

The concerns addressed at the February 8, 2010 work session have been made to section 1.g and 9 in the revised Interlocal Agreement before you tonight.

Resource Person(s): Carol Hammett, Assistant County Attorney

County Manager's Recommendation: The Manager recommends the Board approve the proposed Sales Tax Interlocal Agreement between the County and the Durham Public Schools and authorize the Manager to execute the agreements as well as the real property interest instruments.

10. Closed Session

45 min.

The Board of Commissioners is requested to adjourn to closed session to 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, pursuant to G.S. § 143-318.11(a)(6).

~~1 hr. 40 min.~~
2 hrs. 55 min.