

REVISED

(See Date & Time;
Deleted—Items 2, 4, 8, 9, &10)

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

Monday, February 8, 2010

12:30 P.M. Worksession

AGENDA

1. **Citizen Comments**

5 min.

Ms. Linda Huff has requested time to address the Board of County Commissioners regarding the replacement of the Bridge 151 on SR 1614. She would like to request a letter of support from the Board in an effort to appeal to Governor Perdue regarding the replacement of said bridge.

2. **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 County Manager recommends that the Board receive the NCMOM presentation and provide direction to staff regarding support that may come from the County.~~

3. **Public Health Requests Approval to Issue an RFP for the Sale of the Home Health License held by Durham County Health Department**

30 min.

The Health Department and the Board of Health are seeking BOCC approval to prepare and issue a request for proposals to sell the department's Home Health license in an effort to reduce services and to generate revenue to support public health programs and staffing required in the new building.

The Home Health/Adult Health Program is charged with the primary responsibility of providing in-home care and skilled services to medically homebound patients who reside in Durham County and who have a plan of care signed by a physician. To a much

lesser degree, the program is also charged with providing assessments for needed services for adults in Durham County. It is a licensed agency. Unlike most other Health Department programs, Home Health agencies can be managed by health departments, non-profit companies, or for-profit companies.

The Board of Health has approved this proposal. Please note that this proposal requires no county funds.

Resource Person(s): Gayle B. Harris, RN. MHP, Health Director

County Manager's Recommendation: The County Manager recommends that the Board receive the proposal for the sale of the Durham County Health Department Home Health License and place the item on the February 8, 2010 Consent Agenda for approval.

4. ~~**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 suspend their rules and 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.~~

5. **Interlocal Agreement with Durham Public Schools**

30 min.

On October 9, 2006, the Board approved an Interlocal Agreement with the Durham Public Schools to construct three school buildings due to the inability of the school system to recover sales taxes paid by the system. Since then, the parties have amended the Agreement three times to include 17 additional school projects. Pursuant to the Interlocal Agreement, school properties are deeded to the County; DPS handles the bidding and recommends for approval the design and construction contracts, and acts as construction manager for the County. As owner of the school properties, the County is also responsible for all real property matters such as permit applications, easements, and ROW agreements. The County, in turn, obtains the sales tax reimbursement for the schools' needs. The current Interlocal Agreement and its process are complicated and time consuming to both the County and DPS. There are other ways to obtain the same result that are less complicated and shifts the majority of the burden to DPS instead of the County.

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. A detailed summary of the current process compared to the proposed process is attached for further information.

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. The proposed Interlocal Agreement addresses reporting, the use of County form contracts, County M/WBE policies and indemnification of the County among other matters. The proposed new Interlocal Agreement is attached for your consideration as well as the Master Lease Agreement. 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.

This is the same item that was presented at the January 4, 2010 Worksession. No changes have been requested or made to the previously proposed Agreement.

Resource Person(s): Michael M. Ruffin, County Manager; Carol Hammett, Assistant County Attorney.

County Manager's Recommendation: The County Manager recommends the Board review the request, make changes as it deems appropriate, and move the item to the February 8 Consent Agenda for approval.

6. **DSS Update on Child Care Subsidy Funds**

20 min.

In September of 2009, the Board of County Commissioners discussed the existence of a waitlist for child care subsidies at the Department of Social Services. The Board requested information from staff regarding the waitlist, which was subsequently furnished in a memo several weeks later.

Staff grasped the opportunity to further analyze the issues surrounding the child care waitlist and will provide the Board with an update on the Child Care Subsidy Program and future actions to address waitlist issues.

Resource Person(s): Gerri Robinson, Director, Durham County Department of Social Services

County Manager's Recommendation: The County Manager recommends that the Board receive the presentation and provide any feedback and/or direction desired.

7. **New Courthouse Financing**

20 min.

The Finance Director would like an opportunity to present the proposed financing plan for the construction of the New Durham County Courthouse and other projects. The project is estimated to be in an amount not to exceed \$140,000,000 and take approximately 30 months.

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

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

8. **Follow-up Discussion with Board of Commissioners on the County's M/WBE Program**

20 min.

~~At the January 4, 2010 Worksession, staff presented the status report on the County's M/WBE program. During the course of that discussion, a concern was raised about the good faith effort and Vice Chairman Reckhow requested some additional comparative data. This is an opportunity to revisit those concerns.~~

~~Resource Person(s): Wendell M. Davis, Deputy County Manager; Jacqueline Boyce, Purchasing Director; Pamela Gales, Assistant Purchasing Manager and MWBE Coordinator; Glen Whisler, County Engineer; Drew Cummings, Assistant County Manager; Laura Jensen, Assistant to the County Manager; Katrina English, Duke Law Intern; Karla Smith, NCCU MPA Intern.~~

~~County Manager's Recommendation: The County Manager recommends that the Board receive the follow up report from staff and provide further direction for the M/WBE Program.~~

9. ~~**Update for The Durham Center**~~

~~20 min.~~

~~The Durham Center (TDC) Area Director's presentation to the Durham Board of County Commissioners shall consist of a summary of TDC Annual Report for the Fiscal Year 2008-2009 and the Second Quarter Report for FY 2009-2010. The report is divided into three related but distinct sections: a description of TDC strategic planning process for enhancing the existing System of Care; a review of TDC's main indicators for effectiveness; and a status report on the operations of TDC Divisions.~~

~~Resource Person(s): Ellen Holliman, Area Director~~

~~County Manager's Recommendation: The County Manager recommends that the Board receive this report as information.~~

10. ~~**Discussion of Board and Commission Appointment Survey**~~

~~15 min.~~

~~At the December 7, 2009 Worksession, the Board of County Commissioners asked for staff to survey boards and commissions for their suggestions on improving board and commission appointment practices. Four boards or commissions responded, and the Board of County Commissioners received the results of the survey on January 20, 2010 via email. This discussion is a follow-up to determine if any of the suggestions mentioned in the survey results should be incorporated into the board and commission appointment practices.~~

~~Resource Person(s): Mike Ruffin, County Manager; and Laura Jensen, Assistant to the County Manager~~

~~County Manager's Recommendation: The County Manager recommends that the Board review the survey for board and commission appointment practices and advise staff if any additional changes to the board and commission appointment practices are desired.~~

11. **Review of January BOCC Directives**

10 min.

It was requested that at each month's Worksession, the Board of County Commissioners have the opportunity to review the previous month's directives for staff and make comments as necessary.

Resource Person(s): Mike Ruffin, County Manager; Laura Jensen, Assistant to the County Manager

County Manager's Recommendation: The County Manager recommends that the Board review the January BOCC directives and make comments to staff as necessary.

12. **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).

~~5 hrs. 5 min.~~
2 hrs. 40 min.