

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

Monday, February 8, 2010

12:30 P.M. Worksession

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

Citizen Comments

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

“Thank you for letting me speak to you this afternoon. I’ve come to ask for a letter of support for replacing the bridge over the Flat River on State Forest Rd. 1614, a bridge that was washed out in 2008.

You should have a copy of a letter to NCDOT from Dean Robert Brown of the college of Natural Resources at NCSU as well as letters from Jack Gibson, President of the Rougemont Ruritan, and Wayne Beyer, President of the Bahama Ruritan. I have provided a simple map of the area.

There has been resistance from the North Carolina Department of Transportation to replacing the bridge because of the low volume of traffic that crosses it. Indeed it is not even in their five-year plan. What I want to show you this afternoon is why not replacing this bridge endangers our community.

Here is the location of the bridge. In September 2008, rainfall from Tropical Storm Hannah caused the Flat River to flood. High water and debris additional to that clogging the area under the bridge caused it to fail. It most probably would not have failed had it been properly maintained by those whose duty it was to maintain it—namely the DOT, and the DOT has admitted that the bridge was not properly maintained. They have admitted that if they had removed the debris stuck under the bridge before the flood, as proper maintenance requires, the bridge would probably not have failed. Indeed, this bridge survived the much bigger waters of Hurricane Fran in 1996. The bridge at the time of the washout was not considered structurally deficient or obsolete according to the North Carolina DOT.

Surrounding the Flat River is the 2500-acre Hill forest, which is managed by North Carolina State University. The University uses this forest to educate students, to conduct research of various kinds, and to serve as a demonstration model of good lumbering practices and so forth. Work goes on in the forest year round. In the summer, there are 40 to 60 students actually living in dormitories on the site (Slocum Camp), accompanied by five teaching assistants and three instructors.

In addition, North Carolina State has generously allowed recreational use of the forest, and it is enjoyed by hikers, equestrians, bicyclists, dog-walkers, kayakers, hunters, and others year round.

The area traversed by the bridge very nearly divides the forest in half—three-fifths of the forest is one side and two-fifths on the other.

As Dean Brown points out in the letter [to the DOT—which you have] loss of the bridge not only creates hazards for University staff and for logging operations by forcing people to transport themselves and slow-moving equipment over more highly trafficked roads, loss of the bridge threatens the health and safety of all forest users by lengthening the time of a response to a crisis.

As Dean Brown points out with the bridge out, the Bahama Volunteer Department now must make a critical decision in responding to any emergency call in the forest—whether to go down Quail Roost Road or Wilkins/Bahama Road.

Making the wrong choice would result in a potentially fatal delay of 15 minutes or more. This could be a life or death situation for a heart attack victim or a victim of another kind of accident. To give an example from Bahama Fire Chief Len Needham, if a student who has been on campus in the forest a few days spots a fire or is injured, he is unlikely to be able to tell the response team which roads they need to come down to best reach the emergency. If the response team guesses wrong they must traverse the perimeter to find the emergency.

This delay is what endangers us. It severely compromises the ability to control wildfires, a critical concern, especially in times of drought such as we have experienced in recent years. According to WRAL, in 2007-2008, we experienced the worst drought in the State's recorded history. In August and September 2009, we returned to a drought condition in Durham County. Given the tree cover in Northern Durham County, both in the forest and on private land as well as heavy concentrations of pine and pine litter the opportunity for California style wild fires is great. The bulldozer N.C. State has available to fight fires is located on the west side of the river. Dean Brown points out if a fire breaks out on one side of the river and the bulldozer needed to control the fire is on the other side, the potential for disaster is enormous. That this piece of equipment is unavailable to those areas east of the Flat River creates a serious hazard for people living on Hampton and Wilkins Roads. Notice the residences around the perimeter of the forest.

The Bahama Fire Chief related another anecdote: People in the community call in fires they spot in Hill Forest without knowing exactly where the fires are. They might see smoke as they are riding down Red Mountain Road or Hampton Road. It is often hard to tell from a great distance when a caller only sees telltale signs of fire. With no bridge, if you guess wrong, again you have to travel the perimeter to make a correction losing precious time. Losing at least the 15 minutes we have been talking about.

The part of the forest near the river is under one mile from the nearest private property. If a wildfire moves at seven miles per hour in Hill Forest, it will reach private property in nine minutes or so, depending on where the fire started. Depending on the wind, condition of fuel and weather, speeds can be much greater than seven miles per hour. According to a University of California source, the forward rate of speed for the most recent California wildfires was between 15 mph and 100 mph.

With a delay of 15 minutes, it is not hard to predict that the consequences could be devastating. Further, as Dean Brown notes, without the bridge, the time required for regular daily patrols is doubled. So, the opportunities for detecting fires and other emergency situations are hugely compromised.

The cost to replace this bridge is estimated to be \$250,000. This seems to me small in terms of the insurance it provides us against the human and material catastrophe which could occur because of the absence of this bridge”.

Vice-Chairman Reckhow thanked Ms. Huff for bringing the issue before the Board. However, she wished that the issue was brought forth when a decision was made on how stimulus funds would be spent.

Commissioner Heron spoke about the hazard for residents as well as the forest. She stated that it is essential to inform the citizens of any funds to be allocated for the bridge.

Mike Smith, EMS Director, spoke in support of Ms. Huff’s request. He expressed his concerns on behalf of emergency services.

The Board held a discussion regarding the loss of the letter of support.

Directives

1. County Manager to hold discussions with State Department of Transportation officials and Mark Arhendson regarding the possibility of reverting stimulus funds depending on the bids that are received for projects; place the issue as a high priority item.
2. County Manager to determine if there are any stimulus funds available that would assist with the bridge.
3. Send a letter of support regarding the matter; forward a copy to the Board of County Commissioners, Mark Ahrendson, Ms. Huff, NCDOT District Engineer, Joey Hopkins, Joe Cox, and Governor Beverly Perdue.

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

Gayle B. Harris, RN. MHP, Health Director, introduced this item, stating that 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.

Ms. Harris informed the Board that the Board of Health has approved this proposal and noted that the proposal requires no County funds.

Ms. Harris gave the following presentation:

Durham County Government G.S. 131E-176 (12)

- Home Health Services” means a private organization or public agency, whether owned or operated by one or more persons or legal entities, which furnishes or offers to furnish home health services.
- “Home Health Services” means items and services furnished to an individual by a home health agency, or by others under arrangements with such others made by the agency, on a visiting basis...in a place of temporary or permanent residence used as the individual's home...
- Services covered:
 - Part-time or intermittent nursing care provided by or under the supervision of a registered nurse;
 - Physical, occupational, or speech therapy;
 - Medical social services, home health aide services, and other therapeutic services;
 - Medical supplies, other than drugs and biological and the use of medical appliances...

Durham County Government Certificate of Need

- The North Carolina Certificate of Need (CON) law prohibits health care providers from acquiring, replacing, or adding to their facilities and equipment, except in specified circumstances, without the prior approval of the Department of Health and Human Services. (Program implemented in 1978)

Durham County Government History

- Rendered services in Durham since 1963 prior to authorization of Medicare in The Social Security Act of 1965.

- DBA Visiting Nurse Service of Durham
- Licensed agency, grandfathered in under Certificate of Need Process

Durham County FY 09-10 Budget

- Expenditures = \$724,177
 - Salary and benefits = \$584,481
 - Operating Expenses = \$139,696
- Revenue = \$210,000
 - Medicare = \$30,000
 - Medicaid = \$180,000

Durham County Government Current Status

Program is very fragile due to:

- Low staffing
 - Nurses = down to 2.8 FTE's (1.9 FTE's providing direct services; 0.9 FTE providing supervision and compliance activities; hard to fill vacancies)
 - Community Health Assistants = 4 FTE's (plus one vacancy)
 - Physical Therapist/Team Leader = 1.0 FTE (direct services, supervision, other duties)
 - Processing Assistant = 1.0 FTE
 - On-call requirement (24/7);
 - Patients who tend to have chronic illness that will not resolve easily;
 - Complex documentation requirements; and
 - Changing funding in both Medicaid and Medicare.
 - Declining patient count
 - Stopped taking new patients approximately one year ago.
 - Unduplicated patient count decreased 90 to 60

Durham County Government Realities

- Program cannot continue as it is currently operating.
- Most health departments no longer provide home health services.
- Operations in the new building will require additional staff.
- Health department infrastructure needs to be strengthened.
- New costs to County can be delayed if Non-County funds become available.
- Two unsolicited vendors have interests in purchasing license.

Durham County Government Proposal

- Board of County Commissioners approves BOH plan to issue RFP to sale agency license.
- Proceeds from sale are designated to support needed Health Department functions (i.e., additional support staff in clinics and intake/check-out, deputy director position, compliance/surveillance programs, etc.) over a period of years.

Durham County Government Proposal

- Existing Home Health staff is offered opportunities to fill some of the new functions.

Vice-Chairman Reckhow raised questions about new positions that the County did not have and stated her support for the assistant Public Health director position.

Chairman Page asked that Ms. Harris reiterate her comments about how complaints would be handled and about County agencies continuing to provide oversight with the effort. He expressed concerns about how citizens would receive access to the appropriate type of services.

Carol Hammett, Assistant County Attorney, addressed the Board's concerns as it relates to General Statutes. She spoke about issuing RFPs, publishing specifications, and taking proposals to come back to the Board for responses.

The following questions were posed by the Board:

- How would the home service agency services be evaluated?
- How would complaints be handled?
- Would there be offices in Durham?
- How could clients access home health services if they were not eligible for Medicare or Medicaid?
- Is the State reviewing the program?
- What about infrastructure needs?
- Have there been any discussions between the administrators and the Public Health Board?
- How many service providers are there in Durham County?
- How many positions were eliminated in 2009?
- What would happen if an individual's mental health status changes?
- Will the interest of current clients be protected

Directives

1. County Manager Ruffin to review proceeds to determine how they should be utilized.
2. Survey all major departments regarding additional support.
3. Ms. Hammett to work with the County Manager and address questions that were raised by the Board.
4. Ms. Harris to develop a process to help the community understand consumer rights and how they could be heard.
5. Work with the County Manager and address the questions that were made and bring back to the Board.
6. Place on the February 22 Regular Session depending on the notice.

Interlocal Agreement with Durham Public Schools

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 would continue to own the properties, the County would instead lease the properties, and the schools would 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 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. If the Board agrees to the new Interlocal, all of the school properties would 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. All of these real property instruments would be recorded in the Register of Deeds Office.

It was noted that this item was presented at the January 4, 2010 Worksession. No changes were requested or made to the previously proposed Agreement.

Commissioner Bowser recalled a discussion that was held regarding financial concerns.

County Attorney Lowell Siler and George Quick, Finance Director, expressed how their offices would be affected by the existing Interlocal.

Commissioner Heron asked about sales tax on completed projects and would the County receive the sales tax under the current agreement.

George Quick, Finance Director, discussed how to recoup sales tax.

Mr. Malone discussed efficiencies between the County and Durham Public Schools staffs. He continued to discuss the current draft of the Interlocal.

Commissioner Howerton moved, seconded by Vice-Chairman Reckhow, to suspend the rules to allow a citizen to give comments.

The motion carried unanimously.

Dr. E. Lavonia Allison made comments about the Interlocal.

Rod Malone expressed concerns regarding the disparity study.

County Manager Ruffin provided clarification of the contract regarding the quarterly meeting.

Directive

Place on the February 8 Consent Agenda.

DSS Update on Child Care Subsidy Funds

In September of 2009, the Board of County Commissioners discussed the existence of a childcare subsidies waitlist 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 childcare waitlist and provided the Board with an update on the Child Care Subsidy Program and future actions to address waitlist issues.

Sharon Hirsch, Assistant Director, DSS, gave the following presentation:

Report on Actions since September

- Families on waiting list notified to come for eligibility determination. 48% Response Rate
- 601 vouchers have been issued since October. Will be reflected in the February and March spending reports.
- Expedited process for child care providers to enroll children and return vouchers to DACCA for enrollment/payment
- Announced availability of subsidy to all families in a press release and flyers distributed on 1/13/2010

All actions are geared toward spending our total allocation.

Spending is Consistent with Counties in the Area (chart)

Goals of N.C.'s Child Care Subsidy Program

- Enable parents to maintain or seek employment in order to support their family and achieve economic independence
- Provide child care to children receiving protective services
- Enable parents to participate in job training or educational programs that will lead to their employment
- Provide child care to children in need of early intervention to enhance their development
- Facilitate the reunification of families, aid families in crisis and prevent foster care.

Child Care Choices for Families

- Regulated Care in Homes and Centers
- Faith-based child care
- Unregulated Family, Friend, and Neighbor care
- Unregulated “Nanny” or private hire in-home care giving

“Federal regulations of child care funds require that parents be allowed to choose a childcare arrangement from a variety of providers, including licensed and non-licensed home arrangements.” – North Carolina Subsidized Child Care Services Manual, Chapter 9

Regulated Child Care & Family, Friends, and Neighbor (FFN) Care

Regulated Care Facts:

- Regulated care has increased the training and education of professionals caring for children
- Quality has increased in regulated care due to higher standards and financial incentives
- Quality of care is measured in regulated care

FFN Care Facts:

- Keeping close ties to family and neighborhoods strengthens children and families
- FFN Care is not the most common form of non-parental care in the U.S.
- Quality of care is not measured in FFN Care

Why Families Choose Unregulated Care

- Low caregiver=/**child ratio**
- No waiting lists (particularly for infant care)
- Familiarity with and trust of caregiver
- Love and care of family members
- Lower cost/inability to pay for more expensive center-based care
- Convenience and flexibility (nontraditional hours, location, transportation)
- Cultural reasons

Gap between Need and Availability of Licensed Care and Subsidies

- Child care needs in the County—Children under age 6—15,986
- Child care need in the County—Children 6-17—28,291
- Number of children receiving subsidized child care—3,290
- Percentage of eligible children receiving subsidy—28.8%
- Licensed Child care providers under contract with DACCA—385
- Licensed Child Care Slots available in the County—17,164

Demand vs. Access to Regulated Care (graph)

- *Children in Regulated Care per Kids County; Child Care needs per US Census counts of number of children in households where all parents are in the workforce.
- If 28.8% of children who are eligible for subsidy receive it, who is caring for the 71.2% of children who are not in regulated care?

Affordability Gap: Cost of Care Leaves Too Many Low Income Families Behind

- Minimum Wage--\$7.25/hour

- Durham City/County Living wage-- \$11.40/ hour; Low income (Less than twice the FPL family of four)--\$21,200
- Average childcare rate for licensed centers and homes 0-52 weeks--\$795.82/mo. (\$9,549.84/yr)
- Average childcare rate for licensed centers and home 1 year olds--\$781.65/mo. (9,379.80/yr)
- Average childcare rate for licensed centers and homes 2 year olds—752.41/mo. (\$9,028.92/yr)
- Averaged childcare rate for licensed centers and homes 3 year olds--\$756.18/mo. (9,074.16/yr)
- Average childcare rate for licensed centers and homes 4 year olds--\$718.27/mo. (\$8,619.24/yr)

What is the community's role in supporting families who rely on FFN Care?

Non-Licensed Care Safety & Health Requirements to Received Subsidy

- First Aid/CPR & TB test documentation required if children are not blood related to the provider
- Application for Enrollment Package
- Provider can care for no more than two non-related children as a non-licensed provider and still be considered a legal arrangement
- Vendor application/bidder profile
- Copy of SS Card or Federal Tax ID#
- Criminal History Check
- Finger Print Cards
- Health Questionnaire

Paradigm Shift: Strengthening Support for Children in Unregulated Care

- Children in unregulated care need to be as ready to succeed in school as those in regulated care
- A network of Family, Friends, and Neighbors is a strength, the cornerstone of family support and the backbone of our society
- Informal care situations are typically nurturing and safe, but they do not often provide activities, materials, and guidance to prepare children for success in kindergarten and that are critical to early childhood brain development.
- Need to equip informal caregivers with children's books, manipulative, writing materials, etc. that are needed to stimulate a child.
- Need training for informal caregivers to learn how to use these and other simple household items to engage children and develop their learning abilities.

How can we strengthen and support FFN care?

Staff clarified unregulated care per Chairman Page's request.

Ms. Robinson made comments in support of regulated care.

Vice-Chairman Reckhow raised concerns about an approach that defies guidelines and meeting certain benchmarks regarding high quality care.

Ms. Robinson asked the Board what could be done as a society and a community to bring quality and support to families who are in need.

Commissioner Howerton commended Ms. Robinson on her passion for children. She concurred with Vice-Chairman Reckhow regarding quality care. She asked about the trial program and what additional responsibilities would be given to staff.

Commissioner Heron commented about collaborating with Marsha Basloe, Executive Director of Durham's Partnership for Children.

Chairman Page expressed concerns about all childcare providers being on the same page. He appreciated the comments made about involving families at the table.

Commissioner Bowser stated that he felt it was a good idea to integrate various caregivers in the process to allow the parents to choose.

Staff responded to questions asked by the Board.

Directives

1. Allow the Department of Social Services to hear presentations based on the efforts of low-income children to high quality.
2. Allow all of the partners involved to have an opportunity to weigh in.
3. Ms. Robinson to connect Sue Russell, Executive Director, Child Care Services Association, and Joan Burton, Executive Director of Operation Breakthrough.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 3:30 p.m.

Respectfully submitted,

Angela M. Pinnix
Administrative Assistant
Clerk to the Board's office