

May 4, 1998

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

Monday, May 4, 1998

9:00 A.M. Worksession

MINUTES

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

Present: Commissioners William V. Bell, Joe W. Bowser (arrived late), Becky M.
Heron, and Ellen W. Reckhow

Absent: Chairman MaryAnn E. Black (excused)

Presider: Vice-Chairman Reckhow

Citizen Comment—Ralph McKinney

Mr. Ralph McKinney requested time on the agenda to make comments to the
Commissioners.

Mr. McKinney, 500 Fairfield Road, spoke to the Commissioners about welfare reform and
racism.

No official action was taken on this agenda item.

Durham Public Schools FY 1998-1999 Budget Presentation

The County Commissioners previously requested that a meeting be scheduled for Durham
Public Schools officials to present issues related to their FY 1998-1999 requested budget.
A Durham Public Schools budget request had not been received as of the date of agenda
preparation. However, Commissioner Bell, Budget Director Steve Walters, and County
Manager David F. Thompson met with school officials recently to discuss their request.
School officials were prepared to address recent discussions concerning their financial
situation, as well as their budget request.

The Durham Public Schools FY 1998-99 budget presentation comprised the following:

Part I Statement from Ann Denlinger on Fiscal Management Practices of Durham
Public Schools, April 9, 1998

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Part II FY 1997-98 Expenditures

Part III Explanations of Requested Local Budget Increase for 1998-99

County Manager Thompson said the budget document is not the official budget request. The document is an overall view of the expansion budget and items of significance resulting from a meeting between County Manager Thompson, Commissioner Bell, Board of Education Chairman Meyers, Schools Superintendent Denlinger, and Finance representatives.

Ms. Meyers began the budget presentation by introducing Durham Public Schools Board of Education members. We are now in a position to move forward to correct findings in the Finance Department. New staff in the Finance Department will improve the financial management of the school system. Five building blocks developed by the board are important to sustaining the progress of the system. This budget is in progress and has the unanimous support of the Board of Education.

Dr. Denlinger began her presentation by reviewing comments of the press conference held April 9, 1998 relative to fiscal management issues.

Calvin Dobbins, Assistant Superintendent for Administrative Services, led discussions relative to Part II, FY 1997-98 Expenditures. The categories of discussion follow:

- Executive Summary
- Elementary Literacy Initiative
- Academically/Intellectually Gifted
- Communities in Schools Academy
- Magnet Programs
- Dropout Prevention

Instructional administrators showed how the current expense funds are connected and channeled to the four major initiatives and the dropout prevention effort.

Discussion of Part III, Explanation of Requested Local Budget Increase for 1998-99 was also led by Mr. Dobbins. The areas of discussion follow:

- Executive Summary
- Elementary Literacy Initiative
- Academically/Intellectually Gifted
- Communities in Schools Academy
- Magnet Programs
- Dropout Prevention
- Capital Outlay

The administrators were asked details about the requested increase in the local budget.

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Throughout the presentation, the Commissioners asked questions. School staff responded to the questions and comments.

School administration was asked to bring answers to the following questions and comments to the Commissioners when the budget is officially presented:

Commissioner Bell: Page 3, next to last paragraph--How to interpret paragraph? Announcement that you're spending \$19 instead of \$17 million? The information I didn't have when we met was that it came to my attention later that back in August, you knew you were spending \$18.6 million, almost \$19 million, on exceptional children. I'm trying to understand what is different today compared to August. When I first heard in the media you were spending \$19 million instead on the exceptional children's program, I thought that was new news; it was new news to me. But since then, since I last met with you (Dave and I met with you), I was informed that back in August when Dr. Denlinger almost first came on staff, that she was going to try to reduce exceptional children's spending by 1 percent. At that time you were spending \$18.6, almost \$19 million, so what's the new news, what the difference since she first came on board and was trying to reduce spending by 1 percent? At that time, you were spending almost \$19 million. So what's the new news in this information? What's happened since then?

When reported in the media, did that take into account all the dollars you knew were going to the exceptional children's program?

There is a big difference in \$19 million and \$19.5 million. How much are we spending? This document says you're spending \$19 million.

We need the exact number. What are the correct numbers?

Commissioner Bowser: What percentage of school budgets traditionally around North Carolina go toward personnel? Eight-five percent looks high to me.

Since you have found mistakes, oversights, in your financial Department this year, how do you know you are not going to find further problems or occurrences that would indicate you would need the budget you are requesting? A million dollars is a hefty amount. Have you finished looking at your finances in the system now?

Out of curiosity, does the accounting system in the school system come under finance? You do have one, I hope?

Do you have an internal auditor? What is a school auditor--one specific school?

Commissioner Heron: Why are we continually increasing the budget when we are one of the highest-funded school systems in the state?

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Ratio of administrators to classroom teachers (not supervisors)?

Are you evaluating your programs to get rid of those that are not working?

Is personnel that are not working still being moved to the central office?

Can you continue the reading program, especially at Oak Grove? Parents seem to feel that program is working.

Commissioner Bell: Do you have programs that are not working that you find you can eliminate? If so, what are they? What programs have you evaluated and discovered aren't working? As such, are you going to redirect the money? What is the cost of those programs in the base budget? That is what is missing here as far as I'm concerned.

Commissioner Heron: The funding from the exceptional children's program, is it a percentage based according to student population? Is it still 12 or 14 percent? School board members should request the legislators change their formula. The burden is on the local government.

Commissioner Bowser: When can you come to the Board and say this is the best we can do with the resources we have? Two years, three years, when?

Vice-Chairman Reckhow: Commissioners should be informed of news conferences regarding major financial matters instead of being "blind-sided."

Commissioner Bell: In developing the budget and making projects in terms of salaries, do you use actual teachers' salaries or projected salaries?

What is the difference in a certified pre-kindergarten teacher and a reading recovery teacher in terms of salary?

Page 11, terms of salaries, for example, you show reading recovery \$1.2 million, 26½ teachers. If I divide that by 26½ teachers, I get \$46,000 per teacher. Explanation?

Is the same true for pre-kindergarten. Are they actual teachers' salaries? Are all salaries under Title I? Which ones are actual and which ones projected? Are all Title I funds actual dollars?

Page 15, what are the supplements? Is \$263,000 for two teachers, one teacher's assistant, and supplement?

Magnet programs--local funds--actual dollars or what?

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Commissioner Bowser: What is a low-end estimate?

Commissioner Bell: Why did you include the CIS academy in the total amount? It looks like it got counted twice. On page 6, Executive Summary, under local column.

Am I to assume with the expanded budget you have here, you are assuming these are new positions that you are requesting for these programs? You are adding to it?

What impact on the budget will the number of teachers leaving the system have (teachers you may not need to replace) versus adding additional teachers? A turnover of 200 teachers? Based on the programs we have, is it necessary to replace the 200 teachers and in addition add these other teachers? Can there be some savings by not replacing all 200 teachers?

Commissioner Bowser: How did you set salaries for the people you plan to hire? Are the salaries high? Page 9, three reading recovery teachers you are talking about (II), \$283,000, did I miss something on that?

Under Title I money, field trips at \$20,000? What age group are we using this money on? Is that adequate?

What is being planned for the vocational education program? Is enough emphasis placed on this program?

Commissioner Heron: Are you going to bring us your transportation costs at another time?

Vice-Chairman Reckhow: See specifics on initiatives in terms of number of students served, number of teachers involved, what are your goals and objectives, and how are you measuring success and performance. Pages 10 and 11—Title I funds—which ones are working better than others? How do we know we are spending our money well? EVALUATE!

How many students at the elementary level need this kind of service?

CIS academy, 200 students, \$10,000 per student. Double of what is spent on other students at other schools. Are we reaping the dividends we need to reap to justify that type of expenditure?

Dropout prevention--\$12 million on dropout prevention. Again, evaluation--what's working? If something is not working, delete it.

Expanding vocational education?

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Advancement center—not putting it in context, not telling us how many students you are serving or any of the parameters or performance.

Commissioner Bowser: Will magnet program budget on page 17 change again?

Commissioner Bell: In 97-98, everything in terms of strategies or programs you implemented, the way you got the dollars was doing away with local literacy initiative and used those dollars to fund the items above? What happens in 1999 when you do away with the 11 local literacy positions and the 11 local read positions to fund those items in 98-99, you don't have those dollars in 1999-2000, then you have the dollars showing up again in 1998—I'm a little confused.

It's a summary of those two columns?

Vice-Chairman Reckhow: Confusing on the chart, too--Column 98-99 has these various strategies with numbers, and you add them all up and your subtotal is \$2.5 million, then down below you have the redirected funds which I understand, then you have the previous year's initiative. . . but you had costs in 1997-98 that I assumed would be recurring, how can you apply that to the subtotal in the 98-99 column?

If you go to reading recovery teacher leaders, your strategy number 5. . .

You would be spending less for reading recovery teacher leaders in 98-99 than you spent in 97-98? So you are going to spend less in 98-99 than in 97-98? So you broke it out down below? So you did the same thing in new classroom supplies and equipment, it looks like you broke it out differently?

Commissioner Bell: Will you be hiring 32 new reading recovery teachers and 20 resource teachers? These are people who are not in the system? Is that why you are using this low salary? So actually you aren't bringing in 32, you are bringing in 11, is that the way to look at it? Ten? So new people to the system would be. . . ?

When you come back to the Board with your base budget, will you identify how many teachers that are retiring and are presently being paid with local funds of the 200 teachers you have?

The retraining for the 11 people now in the local literacy positions, I assumed they have to be retrained, is that correct?

Are you using the actual salaries for people already in the system? What about the 11 local literacy positions? Is it a coincidence that all 11 are making the same amount of money? Why don't you have the actual number the teachers are being paid? What positions are being paid for with local County dollars?

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Why would you ask the Board for more money for local teachers instead of using everything the state has given you to help fund some of those local positions?

What are the number of teachers paid by local dollars and the number of teachers paid for by federal dollars?

Commissioner Bowser: Page 25, statement about 95 percent of our students reading on grade level by the Year 2000. It has taken two years to get the program up and going. By the Year 2000, will we have that many students reading on grade level? Was that our goal?

Curriculum resource teachers--why do you state you will hire and train these people? What kind of background will these people have when you hire them?

Commissioner Heron: Dropout prevention program--we are spending \$11 million, closer to \$12. What you plan to do differently since the dropout rate is so high?

What is the total budget this year?

What is the student enrollment?

Magnet schools—when the grants came along, I thought there were some assurances that there would be effort to get additional grant funding instead of coming back to local government. Why are we having to put so much money in the magnet schools? They should be fully equipped, and we have had our four-year start up. I know you will add some grades at the Durham magnet. It seems that should be some costs that are already taken care of.

Vice-Chairman Reckhow: CIS academy with the increase in expenditure and expansion of vocational programs—how many students are you planning to have there next year? How this vocational education initiative relates to everything else in the system? What are we doing in terms of job readiness at all the other high schools? We need an overview of the vocational education program.

Dropout prevention—you speak to 4½ positions, we have 5 high schools plus the magnet center, how does that divide? Are we spending the \$12 million well on school dropout? Should we just target 2 schools and leave out three schools?

Capital outlay—justification for category 2 projects is student growth. What is the growth going to be? What is the projected impact of charter schools on Durham Public Schools?

Proposed Revisions to the Durham County Animal Control Ordinance

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Michael Turner, General Services Director; Kimberly Willis, Animal Control Advisory Chair; and Simone Alston, Assistant County Attorney presented to the BOCC a report on proposed revisions to the Durham County Animal Control Ordinance. This report was for informational purposes only; no action was required.

On July 31, 1997, an Ordinance Review Committee (ORC) was appointed by the County Manager and charged with identifying all outstanding issues with the existing Animal Control Ordinance, the need for additions or deletions, and the drafting of a proposed revision to the ordinance for the BOCC's review and consideration. The ORC comprised representatives from Animal Control, Animal Control Advisory Committee (ACAC), Animal Protection Society, Animal Shelter, County Attorney's Office, District Attorney's Office, and the Department of General Services. Since the first meeting on August 12, 1997, the committee has worked very diligently incorporating all issues and concerns into the proposed revised ordinance.

At a special called meeting on March 11, 1998, ACAC received and reviewed the ORC's draft of the proposed revision of the ordinance. The ACAC approved the ordinance on April 20, 1998.

Proposed revisions to the Animal Control Ordinance follow:

PROPOSED REVISIONS TO THE
DURHAM COUNTY ANIMAL CONTROL ORDINANCE

SUMMARY OF CHANGES

A. Format and Semantic Changes To The Ordinance

- All references to the animal control department have been changed to "animal control division" and all references to the animal control director have been changed to "animal control administrator".
- Impoundment of Animals and Trapping of Dogs and Cats have been moved to Articles IX and X, respectively. Wild or Exotic Animals and Poisonous Reptiles has been moved to Article XI.

B. Substantive Changes To The Ordinance

• ARTICLE I

Sec. 4-1 Subsection (10) adds the reference to state law giving counties authority to appoint county cruelty investigators. Subsection (11) adds the reference to state law giving authority to the county health director to appoint certified rabies vaccinators.

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Sec. 4-3 The first paragraph clarifies that sworn animal control officers have rights, powers and immunities in addition to those of non-sworn animal control officers. This is not a change from the current ordinance only a clarification. Subsection (4) reflects that animal control is responsible for monitoring compliance with the contract between animal control and the shelter, but animal control does not monitor or manage the operations of the animal shelter. Subsection (7) clarifies that animal control has authority to seize an animal pursuant to court order. Subsection (8) adds that animal control may canvass public and private institutions within the county to ensure compliance, i.e. college campuses. This is in response to requests from Duke University police to assist them with continuing at-large problems. Subsection (9) adds authority for officers to issue citations should any animal control officers become sworn law enforcement officers.

Sec. 4-5 Subsection (1) adds authority for officers to store firearms at the animal control administrative offices or in departmental vehicles. Also adds provision for the storage of approved drugs and chemicals at the animal control offices. Currently, the ordinance only permits storage of firearms and chemicals at the animal shelter.

Sec. 4-7. Currently, this section authorizes the tax collector to collect animal license fees. However, this is not Currently, the practice and animal control will continue to be responsible for collection of license fees. Therefore, this section has been repealed.

Sec. 4-8. This section is Currently, entitled “Animal Control Advisory Committee”. The Ordinance Revision Committee (ORC) recommends that it be titled “Other Officers, Committees and Boards”. The ORC proposes to add two subsections to this section. Subsection (1) sets forth the powers and duties of county-appointed animal cruelty investigators while subsection (3) creates the Animal Control Review Board. The ORC proposes a board separate from the Advisory Committee to hear all appeals due to conflicts of interest and scheduling difficulties. The Animal Control Advisory Committee approves this recommendation. The only proposed change to subsection (2) would add that former Advisory Committee members may resume membership on the committee after a hiatus of at least one term.

Sec. 4-10. This section is Currently, Entitled “Civil Penalties”. The ORC recommends that it be titled Sanctions and Penalties. The ORC proposes to have all sanctions and civil penalties grouped together in this section rather than scattered throughout the ordinance as is presently the case. Subsection (2)(e) creates a civil penalty of \$150.00 for habitual violation of the chapter. The second paragraph of subsection (2) adds a statement that all civil penalties are due upon assessment and must be paid within five working days or animal control may initiate legal proceedings. Subsection (3) provides that an animal may be seized in addition to any other civil or criminal penalty authorized.

Sec. 4-13 This section is Currently, entitled “Provisions subject to appeal” and, along with Sections 4-14 and 4-15, set forth the procedures to appeal a sanction or

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penalty imposed pursuant to this chapter. The ORC recommends grouping all appeal procedures in section 4-13 to be titled "Appeal Procedures". This is more efficient and more convenient for both citizens and animal control personnel. Subsection (1) sets forth the actions that may be appealed. The second paragraph of that subsection provides that no appeal shall be heard where citizen does not dispute the facts and the penalty is mandated by state law. The ORC recommends this language to address those situations where the citizen does not dispute the facts of the incident and seeks a lesser penalty, but the penalty is mandated by state law and is not subject to reduction or modification. Subsection (2) sets forth the procedure for requesting an appeal and provides that requests shall be mailed to the Office of the County Attorney. Subsection (3) creates an appeal bond of 10% of redemption fees which is fully refundable if the citizen prevails in the appeal. In no event may an appeal bond be less than \$25.00 or more than \$250.00.

Sec. 4-14 All definitions are now found in this section. The following are new definitions:

- (1) Abandon
- (13) Exposed to rabies
- (15) Flood-prone area
- (16) Habitual Violation/habitual violator
- (33) Working days

Subsection (28), the definition of restraint, has been revised to clarify that a secure enclosure must be located on the owner's property. Subsection (29), the definition of secure enclosure, has also been revised for clarification and to provide that minimum height and space requirements for individual animals are available from the animal control administrator.

• ARTICLE II

Sec. 4-36 Subsection (1)(c) provides that anyone owning five or more animals of the same species may apply for a kennel license. Subsection (1)(f) clarifies that before an impounded animal can be redeemed, all outstanding license fees must be paid. Subsection (2) clarifies that a license is not transferable to another animal or to another owner. Subsection (3) creates the requirement that anyone bringing an animal into the county for more than 30 days must register animal with animal control so a license can be obtained. The ORC reasoned that this would assist animal control in identifying animals that have moved into the county, but are current on their rabies vaccinations and therefore, would not be tracked until their next vaccination was due.

Sec. 4-37 This is a newly proposed section creating categories for kennel licenses for persons owning five or more animals of same species. The ORC recommends this new structure as a way to reward responsible, multiple pet owners with reduced license fees. The county will benefit by having a record of the animals' whereabouts and whether they are rabies vaccinated. Currently,, many multiple pet owners simply do not obtain licenses for their animals as it is too costly. Applicants would have to comply with

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all state and local laws concerning animal control and submit to random inspections by animal control.

Sec. 4-38 Subsection (1)(e) adds an exemption for animals in public service (i.e. law enforcement, assisting handicapped persons, etc.)

Sec. 4-39 Subsection (1) gives animal control the authority to seize an animal if owner fails to comply with a Notice to Vaccinate issued pursuant to state law. Currently,, state law (G.S. §130A-184 et seq.) does not address what to do if an owner fails to comply with a Notice to Vaccinate. Subsection (2) provides that, in lieu of seizure, an owner may consent to vaccination by animal control. Animal control officers may be certified as rabies vaccinators by the county health director. The owner would be responsible for costs of vaccination. The ORC recommends subsection (2) to address the increasing rabies problem while helping to alleviate some of the burden on shelter capacity that might be created by seizing an animal in this situation.

Sec. 4-40 Subsection (1) provides that an owner must comply with the reporting requirements of state law for animal bites. Subsection (2) clarifies the holding period for animals confined at shelter for a bite. Specifically, this subsection provides that an animal must be redeemed within 24 hours of the end of the confinement period or animal becomes the property of the county. Subsection (3) requires that animal control give notice to owners whose animals are seized for bite quarantine including the ending date of confinement and that the animal must be redeemed with 24 hours of the ending date of confinement. The ORC recommends this subsection to address the problem of animal owners leaving their pets at the shelter indefinitely following a bite quarantine. Subsection (4) clarifies that owners are responsible for costs of confinement for a bite quarantine.

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- ARTICLE III.

Sec. 4-62 The ORC recommends deleting the phrase “lawful activities for sport” so that hunters would not be exempt from the cruelty provisions.

Sec. 4-63 Subsection (1)(c) adds the following to the list of examples of inadequate shelter:

- vi. Inside temporary animal carriers or crates.
- vii. Shelters located in flood-prone areas.
- viii. Shelters surrounded by debris, obstructions, or impediments that may endanger an animal.

The ORC recommends adding subsection (3)(b) to prohibit using a choke collar or pinch collar as a primary collar when an animal is unsupervised. The ORC also recommends adding subsection (4) which prohibits chaining or tethering an animal under conditions that animal control deems harmful or potentially harmful. This subsection also provides examples of improper chaining or tethering as a guideline. Subsection (6) has been revised to also prohibit carrying animal in the open area of truck unless restrained. Subsection (8) has been revised to include auctioning and raffling animals as prizes to the list of prohibited activities.

Sec. 4-64 Subsection (1) states animal control’s authority to obtain a magistrate’s order for custody. Subsection (4) authorizes animal control to issue a civil penalty for animal cruelty.

- ARTICLE V

Currently, this article addresses regulations concerning cats. The ORC reasoned that cats did not require a separate article and that the same requirements could be addressed in existing provisions of the ordinance. Consequently, the ORC recommends that all provisions of this article be repealed.

- ARTICLE VI

Sec. 4-136 The ORC recommends that this exemption be repealed future codification as the proposed revision also repeals Article V.

Sec. 4-137 The ORC recommends revising this section to require a written, signed complaint and also requiring the animal control officer to conduct an investigation and submit a report of findings.

Sec. 4-138 The ORC recommends revising subsection (3)(b) to provide that the owner shall be responsible for the costs of caring for an animal during the pendency of proceedings to award final custody of a nuisance animal to animal control.

Sec. 4-139 Subsection (2) has been revised to clarify that an owner may also be subject to penalties for habitual violation of the ordinance in accordance with Sec. 4-190.

- **ARTICLE VII**

Currently, this article is entitled “Stray animals”. The ORC recommends that it be titled “Stray and Abandoned Animals”. Subsection (1) adds a requirement that citizens notify the animal shelter of abandoned animals within 24 hours. The ORC recommends adding subsection (2) requiring each person who notifies the animal shelter to complete a lost/found report giving specific information. The ORC also recommends adding subsection (3) which provides that all stray or abandoned animals must be held at shelter prior to adoption.

Sec. 4-166 This subsection has been revised to reflect that citizens must surrender a stray animal upon demand of animal control.

Sec. 4-168 The ORC recommends adding this new section to address animals that are abandoned and subsequently impounded by animal control. Currently, the ordinance does not address abandoned animals. Subsection (1) makes it is unlawful to abandon any animal and animal control may seize abandoned animals. Subsection (2) provides that notice of the seizure shall posted on the premises from which the animal was seized. Subsection (3) provides that an abandoned animal shall become the property of the county if not redeemed within ten working days of impoundment.

- **ARTICLE IX**

Sec. 4-221 The first paragraph has been revised to clarify that the animal control administrator is authorized to collect the actual costs of boarding an animal at the shelter or other facility. The ORC recommends adding a second paragraph to this section to clarify that boarding fees do not include transportation, veterinary care and other costs.

Sec. 4-243 This section has been revised to clarify that anyone attempting to redeem an animal must appear at the animal shelter in person within five working days of the animal being impounded.

Sec. 4-244 The ORC recommends adding subsection (2) which provides that anyone attempting to redeem an animal must pay costs for transportation and veterinary care in addition to boarding and redemption fees and civil penalties.

Sec. 4-261 Subsection (2) has been revised to clarify that once an animal becomes the property of the county, the animal control administrator automatically cedes ownership, custody and control to the animal shelter, unless otherwise specified in writing.

Sec. 4-265 The ORC recommends adding this section to address proper disposal of dead animals.

- **ARTICLE X**

Sec. 4-281 This section has been revised to provide that citizens must have a permit to set traps.

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Sec. 4-282 The ORC recommends adding subsection (2) to address releasing animals into the community as strays. Subsection (2) provides that it is unlawful for any person or organization to release any animal within the county such that it is likely to violate any provision of this chapter.

Sec. 4-283 The ORC recommends adding a sanctions and penalties section to Article X. Subsection (1) provides that animal control may seize any unpermitted trap and issue a civil penalty in accordance with Sec. 4-10. Subsection (2) provides for a criminal penalty for violating these provisions of the ordinance.

Vice-Chairman Reckhow and Commissioner Bowser asked questions to which Ms. Alston responded.

County Manager David F. Thompson suggested this item be put on the consent agenda for May 11, 1998 to set the public hearing for May 26, 1998.

The Commissioners accepted the report.

Contract for Audit Services

The Board was requested to authorize the County Manager to enter into a contract with Cherry, Bekaert & Holland, L.L.P. (CB&H) in an amount not to exceed \$125,000 for the scope of audit services identified in RFP #98-029. The initial term of the contract shall be from May 1, 1998 through April 30, 1999 with the option to renew by the County for two additional one-year periods under the same terms and conditions. The Local Government Commission provides a standard contract for audit services which must also be approved and executed.

Request for Proposal #98-029 was publicly advertised on March 26, 1998 and sent to 15 firms. Proposals were received on April 27, 1998 from Cherry, Bekaert & Holland, L.L.P. and Dixon Odom P.L.L.C.

The evaluation team (Michael Palmer, Patricia Gravinese, Susan Fox-Kirk, Sandra Phillips, and Bahaa Jizi) reviewed these responses and concluded that CB&H offered the best technical response to the County. Some of the differentiating merits offered by CB&H are:

- CB&H's proposed audit team comprises seven positions whereas Dixon Odom's team comprises five positions. CB&H also offers more extensive experience in governmental auditing (approximately 146 years versus 80 years);
- CB&H's team includes a Single Audit Resource Manager;
- CB&H's technical approach offered in the proposal was more thorough and detailed;
- CB&H has more internal expertise in arbitrage rate calculations;

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- CB&H is the audit firm for the City of Durham; this relationship should ease the transferring of necessary files and/or work papers as well as ease the reconciliations of the intergovernmental agreements between the two governmental units.

In response to the MWBE requirements, both firms indicated that it is extremely difficult to locate any firms which meet these requirements that would be able to perform as necessary in the Durham County audit. The primary reason is that they would have difficulty staffing an audit of this size. The minority firm of Garrett and Davenport which could perform the task and has done so for Durham County since 1987 has now merged with CB&H. Dixon Odom has contacted several audit firms which meet the MWBE qualifications but do not qualify for an audit of this size. However, Dixon Odom has stated that, if chosen, it would make a good faith effort to acquire the services of a minority firm.

Once the technical evaluation was completed, the price proposals were compared. CB&H's price proposal was \$125,000 while Dixon Odom's was \$96,500. The major differences in the pricing are the number of positions proposed for the audit engagement team, and CB&H's proposal includes the estimated hours for implementing Statement of Accounting Standards (SAS) 82 whereas Dixon Odom's does not.

County Manager's Recommendation: I concur with the review team that Cherry, Bekaert & Holland, L.L.P. is the most qualified firm for our 1997/98 audit. The proposed contract is less than our previous audit contract. The Board needs to be aware that the final expenditure will be dependent on the scope of work required for the entire audit.

Ms. Gravinese spoke to the Commissioners. The audit was put out for bid due to increased audit fees. No firm was willing to submit a fixed-price bid. Our audit is considered a challenge due mainly to the size and scope of the work to be performed. Moving from a very large international accounting firm to the largest regional firm should be in our favor.

Commissioner Heron expressed concern about the bid price being left open and the price increasing beyond \$125,000.

County Manager Thompson responded to Commissioner Heron's concern. He could not go on record to say that we would not exceed \$125,000 because it depends on the scope of work and how we expand that scope of work as we get into the audit.

Commissioner Bowser asked Ms. Gravinese questions about the bid price difference.

Vice-Chairman Reckhow requested this agenda item be placed on the consent agenda for May 11, 1998.

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Board of County Commissioners' Upcoming Meeting and Worksession Schedule

The regularly scheduled meeting for Monday, May 25, 1998, falls on a holiday. Normally, the Board carries this meeting over to the next night. The Board needs to make a decision on the rescheduling of this meeting.

Efforts have been made to accelerate the presentation of the County Manager's recommended FY 1998-1999 Budget and staff sought guidance as to possible worksession dates in May and June so the Commissioners can set their individual calendars.

The Commissioners concurred to move the Monday, May 25, 1998 Regular Session to May 26, 1998 due to the Memorial Day holiday. The meeting will begin at 5:00 p.m. to receive the County Manager's recommended budget.

Commissioner Bell said he could not attend the meeting; he would be out of town.

Steve Walters, Budget Officer, reviewed the proposed FY 1998-99 Budget Calendar for the Commissioners.

County Manager Thompson said on Monday, May 18, 1998 the Commissioners will receive the departmental work plans, summary budget materials, and the proposed budget calendar. Budget staff will publish notice of the public hearing.

The Board of County Commissioners agreed to have the nonprofit agencies budget request presentation on June 1, 1998 at 9:00 a.m. Therefore, nonprofit agencies would not participate in the budget public hearing.

Vice-Chairman Reckhow asked the Commissioners to submit, within two days, preferred dates during the weeks of May 25, June 1, June 8, and June 15 for morning worksessions. The Manager and Budget Director would finalize the budget worksession schedule.

Vice-Chairman Reckhow said the FY 1998-99 Budget Public Hearing would be held on Tuesday, June 9, 1998 at 7:00 p.m.

Mr. Walters explained the contents of the two nonprofit binders. There are 15 new applications for funding this year for a total of 38 requests. The total nonprofit request is \$1,855,959, an increase of approximately \$1,155,000.

Community Defibrillation Program

In May 1997, the NC Medical Board deregulated the use of automated external defibrillators. These automated external defibrillators (AEDs) are used to resuscitate a person who is in cardiac arrest. A program was proposed to facilitate the use of AEDs by

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coordinating the purchase and training of people in the use of the devices through the Durham County EMS unit. This program was designed to be a model program for North Carolina through a cooperative agreement with the American Red Cross and defibrillator manufacturers. The County Attorney and Mickey Tezai, head of EMS, were present to present the details of the program and answer questions.

County Attorney Chuck Kitchen explained the program. The Office of the Sheriff is planning to purchase defibrillators for the court facility and jail; the Public Health Department is planning to purchase two units for its clinics; one unit will be purchased for the Durham County Government Administrative Complex.

Attorney Kitchen introduced Kevin Wilson, Training Officer for Durham County Emergency Medical Service Council, who demonstrated the external defibrillators.

Mr. Kitchen said the cost of the machine is \$2,950. Most installations have a charging rack for storing the machine. The rack costs \$210. Efforts are underway to have the defibrillators placed in industry locations, where large crowds assemble, and in office locations throughout Durham County.

The Commissioners agreed to move this agenda item to the May 11, 1998 Regular Session for final consideration and approval.

Discussion of Durham County Legislative Agenda for Upcoming Short Session

Staff requested that the Board conduct a discussion of items for the upcoming legislative session as the General Assembly convenes at noon on Monday, May 11 in short session. The Board was asked to approve any appropriate resolutions which would be forwarded to members of the Durham Delegation this week. Proposed legislative items would be summarized and packaged for delivery to the Board prior to the session.

Resource persons for this item were Deborah Craig-Ray, Leslie Moxley, David F. Thompson, and Chuck Kitchen.

County Manager's Recommendation: Discuss and direct staff to formalize items for the Short Session Legislative Package.

Deborah Craig-Ray, Governmental Affairs Manager, gave the Commissioners an overview of the proposed County legislative agenda. Two new legislative items were (1) a resolution of support for a special request for "Bio Quest Outdoor Science Center" for the North Carolina Museum of Life and Science; and (2) a resolution in support of drug court.

County Manager Thompson, departmental managers, and staff participated in the explanation of the resolutions. The resolutions dealt with the following: appropriation of an additional \$38,500,000 for current non-Medicaid consumers, welfare reform (Work

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First program—daycare allocation of \$2,000,000), funding child welfare services, restore \$440,000 facilities and officers fees, funding bikeways and trails, levy an additional optional one-cent sales tax, exemption from sales taxes (local government and schools), personnel records (Senate Bill 799), prepared food tax, appointment of Social Services Board members, payment of stormwater improvement over time, and environmental court.

The Commissioners discussed the legislative agenda items in detail throughout the presentation. Instructions were given to staff relative to changes in the resolutions before submitting them to the Durham Legislative Delegation.

Ms. Craig-Ray announced she is planning a dinner meeting with the delegation and the County Commissioners on June 3, 1998 after the Legislative Goals Conference.

Commissioner Heron and Vice-Chairman Reckhow suggested a breakfast be arranged in Durham in lieu of dinner.

Commissioner Heron asked Ms. Craig-Ray to check the Internet for any bills concerning animal welfare that the Commissioners should support.

Adjournment

Vice-Chairman Reckhow adjourned the meeting at 1:45 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

GEU:VCS