

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

Monday, April 3, 2006

9:00 A.M. Worksession

MINUTES

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

Present: Chairman Ellen W. Reckhow, Vice-Chairman Becky M. Heron, and Commissioners Lewis A. Cheek, Philip R. Cousin Jr. (arrived at 9:15 a.m.) and Michael D. Page

Absent: None

Presider: Chairman Reckhow

Citizens Comments

Chairman Reckhow called on Ms. Irma G. Price who requested time on the agenda to speak to the Commissioners about proposing a youth program for ages 14 to 16.

Ms. Price proposed that the Board create funding for summer employment for youth 14 to 16 years of age through partnership with small businesses in Durham. She noted the contributing factors in youth delinquency are lack of job skills and unstable employment history. She stated that the lack of opportunities for the proposed age range would hinder the goal to make Durham citizens safe.

Ms. Price concluded by suggesting that more summer programs be implemented to focus on youth and younger teens offering a first look at the work environment as well as how to succeed.

Chairman Reckhow thanked Ms. Price for her comments.

Presentation of Court Performance Measures

Kathy Shuart, Trial Court Administrator, stated that the 14th Judicial District Management Council announced in the spring of 2005 that it is committed to standards of public accountability and the development of a court performance measurement system. The Court is modeling its system on *CourTools*, a nationally acclaimed management tool, released in early 2005 by the National Center for State Courts. *CourTools* offers court managers several practical core measures and provides a balanced perspective on court operations. The District and Superior Courts of Durham County and the Superior Court in Maricopa County, Arizona are the first in the nation to implement the system.

Ms. Shuart discussed three *CourTools* Measures as follows:

- Clearance Rates
- Time to Disposition
- Age of Active Pending Caseload

Ms. Shuart stated that adopting a performance measurement system and committing to use the information on an ongoing basis to improve the operation of the court and its delivery of services are major, long-term undertakings for any court system. Some information is readily available through the North Carolina Administrative Office of the Court's statistical management system.

Chairman Reckhow and Vice-Chairman Heron expressed concerns about strategies to address Superior Criminal Misdemeanor Appeals.

Vice-Chairman Heron also questioned the usage of courtrooms and whether the court system is lobbying the legislature for an additional judge.

Ms. Shuart stated that short-term measures have been put into place to address the issue of overcrowding in the courtrooms. She informed the Board that a memo would be posted throughout the Courthouse inviting citizens to attend a meeting on April 12 to discuss District Criminal Court. She stated that citizens may offer suggestions on overcrowding, court procedures, scheduling, etc.

District Attorney Michael Nifong stated that court officials are lobbying the Legislature for additional court personnel; however, at a recent regional meeting of district attorneys, the NC delegation failed to appear to discuss this need.

Resolution of Support for "Land for Tomorrow" Initiative

Wib Gulley, General Counsel of TTA, introduced this item stating that "Land for Tomorrow" is a major initiative to provide significant funding to protect rivers, wetlands, floodplains, coastal waters, working farms, legacy forests, and more. The goal of this state program is to provide support for passage of a statewide bond issue that will provide funding in support of our existing conservation and preservation trust funds and spark economic development and job creation from these efforts.

Dr. Tom Krakauer discussed elements of the bond issue. He asked that the draft resolution be approved and forwarded to local legislators for consideration during the upcoming General Assembly Session.

Dr. Denise Barnes stated that the "Land for Tomorrow" efforts would offer a chance for new development in Durham City and County and create jobs for individuals.

Commissioner Cheek expressed his concerns about the diversion of funds. He stated that this provides another excuse for the Legislature to divert funds from necessary programs in Durham County.

Directives

1. Staff to make recommended changes to the resolution supporting the North Carolina “Land for Tomorrow” initiative; include the resolution in the State Legislative Priorities.
2. Add an additional point regarding non-supplant of funds.

Presentation by Downtown Durham Inc.

Mr. Bill Kalkhof, President, Downtown Durham Inc., presented a report chronicling Downtown Durham Inc.’s progress since its formation in 1993. He discussed increases in the property tax base, implementation of the downtown signage program, and improved safety in the downtown area.

Chairman Reckhow thanked Mr. Kalkhof for his presentation.

Consolidated Transportation Study—Presentation of Draft Report

Mr. Sanford Cross, Public Transportation Coordinator, Triangle J Council of Governments, introduced this item stating that in the spring of 2005, after meeting with officials from the North Carolina Department of Transportation's Public Transportation Division, Triangle area County Board Chairs expressed interest in preparing a Regional Transportation Development Plan (RTDP) for Durham, Orange, and Wake Counties. Mr. Cross stated that the objective of the RTDP is to identify the feasibility of consolidating and/or coordinating the services and functions of the community transportation services in the three counties.

Jim McLaughlin, Project Manager, Urbitran Associates, provided a brief overview of the Triangle Regional Transportation Development Plan.

Commissioner Page questioned Orange and Wake County’s support of the transportation study. He also inquired about Durham County’s comparative study regarding the transportation system and TTA.

In response to Commissioner Page’s concerns about Orange and Wake County’s support, Chairman Reckhow stated that Durham, Orange, and Wake Counties would not move forward with the Transportation Study unless the three counties could better understand the implementation and operation. She also stated that the assessment would address service enhancement with transportation consolidation.

Vice-Chairman Heron and Commissioner Cheek agreed that it would be helpful to move forward with Phase II of the transportation study.

Directives

1. Get an assessment of how much Durham County pays for human services and general public transportation.
2. Place this item on April 10 consent agenda.

Fiscal Year 2006-07 Tax Base

Kenneth Joyner, Tax Administrator, presented the Board with the tax base for the upcoming 2006-2007 budget year. His presentation included:

- Defining The Tax Base
- Developing the Estimate
- How the Projection Compare with our Historical Growth
- Other Tax Base Categories
 - Personal Property
 - Public Service Companies
 - Registered Motor Vehicles

Chairman Reckhow thanked Mr. Joyner for his report.

4th Quarter Compensation Recommendations for FY 2005-2006

County Manager Mike Ruffin introduced this item by stating that the Board approved a \$500,000 appropriation in its FY 2006 Budget for compensation recommendations for the last quarter of the current fiscal year. A benchmark study prepared by the Human Resources Department in March found that minimum salaries for the benchmark positions lagged behind the market by an average of 11.6%. The County Manager stated that the disparity supports immediate action and recommended a 3% across-the-board adjustment for all County positions (excluding elected officials, the county manager, county attorney, clerk to the board, tax administrator, and all county department heads), effective with the pay period beginning April 10, 2006 for payroll checks distributed on May 5, 2006. The cost for the increase to the General Fund is estimated at \$460,500.

Perry Dixon, Information Technology Director; Mike Turner, General Services Director; and Brian Letourneau, Health Director, discussed retention and recruitment issues in their departments.

County Manager stated that he does not plan to recommend many new positions in the upcoming year. He stated that the priority in the budget must be the existing workforce and current compensation issues.

Commissioner Page expressed appreciation to the County Manager for bringing the compensation issues before the Board. He stated that the focus must be on County staff.

Commissioner Cousin concurred with Commissioner Page, stating that Durham County must be more competitive in the job market.

Vice-Chairman Heron questioned the total amount to be appropriated in next year's budget for salary increases. She stated that she would support the three percent increase; however, Durham citizens are suffering with Durham County's current tax rate. She would not vote for a significant tax increase.

In response to Vice-Chairman Heron's concerns, County Manager Ruffin stated that approximately \$7 million would be appropriated in next year's budget, including the health benefits package.

Chairman Reckhow expressed frustration with Fox Lawson and Associates about the delay with the Compensation Study. She stated that the five-month delay is unprofessional.

Commissioner Cheek stated that an excellent workforce is essential. He also stated the importance of establishing a competitive system.

Directives

1. Follow up with Fox Lawson and Associates on the compensation study.
2. Staff to consider implementing provisions in future contracts to allow penalties when delayed.
3. Place on the April 10 consent agenda.

Closed Session

Commissioner Page moved, seconded by Commissioner Cheek, to adjourn to closed session to discuss *Brown v. Durham County*, I.C. #394930, and to preserve the attorney-client privilege, pursuant to G.S. § 143-318.11 (a)(3).

The motion carried unanimously.

Reconvene to Open Session

Chairman Reckhow announced that the Board gave direction to staff in closed session; no action was taken.

Discussion of Issues for State Legislative Agenda

Deborah Craig-Ray, Assistant County Manager, stated that staff prepared a listing of legislative priorities to reflect several legislative issues considered in the 2005 Session, as well as other priorities that have emerged since adjournment. Staff has contacted members of the Durham Delegation to schedule a meeting so that the approved items can be presented prior to the start of May's "Short Session".

Ms. Craig-Ray and County Attorney Chuck Kitchen gave a brief overview of Durham County's Legislative priorities including:

- Court System Legislative Request
- NCACC Priority Items
 - Medicaid Relief (Number 1 priority)
 - Menu of Revenue Options
 - E911 Fees
 - Eminent Domain
- Additional Statewide issues:

- Department of Social Services Appeals
- Mental Health
- Transportation
- School Funding Needs
- Indigent and Uninsured Health Care Delivery Costs
- Franchising Authority
- Tax Assessment Authority

County Attorney Chuck Kitchen expressed concerns with proposed modifications to the eminent domain laws. He suggested that the Board oppose three major elements of the proposed legislation. He asked that the Board make a suggestion to compose a public policy applicable to condemnation.

Directives

1. Staff to make recommended changes to the proposed legislative priorities.
2. Check with District Attorney Michael Nifong to determine if he is requesting two ADAs.
3. Support Senate Bill 61 and ask for replacement funding.
4. Place on the April 10 consent agenda.

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 1:50 p.m.

Respectfully submitted,

Vonda C. Sessoms
Clerk to the Board