

REVISED

(Removed Item **7a** and added **10b**)

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

Monday, April 9, 2012

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

AGENDA

"Public Charge"

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

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

7:00 pm. Regular Session

1. **Opening of Regular Session**—Pledge of Allegiance (5 min)
2. **Agenda Adjustments** (5 min)
3. **Announcements** (5 min)
 - “In Touch with Durham County”, the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon on Mondays; and 8:30 a.m., 12 noon and 6:30 pm on Tuesday–Sundays. Our County Commissioners’ meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.
 - Governor Purdue has proclaimed April 14-28, as the 2012 Spring Litter Sweep. Durham County's General Services Department strongly encourages churches, civic organizations, schools, businesses, Adopt-A-Highway volunteers, and concerned citizens to join in a cleanup. For more information, contact Durham County General Services at 919-560-0433.
 - The Friends of the Durham Library will hold its “Book Sale” April 13-15 at the Main library, located at 300 North Roxboro Street. On Friday, April 13 from 4pm to 7pm a Friends members’ event is sponsored... but you may join at the door. On Saturday, April 14, the sale begins at 10am and ends at 4pm. On Sunday, April 15 from 2-5pm, come to the \$7 dollar Bag Sale in the auditorium and garage.

4. **Minutes** (5 min)

March 26, 2012 Regular Session
March 10, 2012 PAC 4 Meeting

5. **Recognition of Human Resources Benefits Staff for Securing \$186,520 in Early Retiree Reimbursement Program Funds (ERRP)** (5 min)

The Board is requested to recognize the Human Resources' Benefits Division staff for securing \$186,520 in Early Retiree Reimbursement Program (ERRP) funds through the federal government's Affordable Care Act.

The Act became effective June 1, 2010 and provided a limited fund of money on a first-come, first-served basis for a temporary program that provides reimbursement to employers who are continuing to provide health benefits for early retirees and their spouses. Employers could receive reimbursement for certain claims between \$15,000 and \$90,000 of early retirees at least 55 up to 65 years of age (and not Medicare-eligible). This Program was enacted to make the provision of these health benefits more affordable for employers. ERRP funding sought to encourage employers to continue providing early retiree health benefits by offering a reimbursement incentive in recognition of the strain high cost claimants can have on employers' budgets. Durham County received an ERRP reimbursement of \$186,520 in January 2012. Obtaining these funds has taken a year's worth of work by Benefits staff and required the completion of a lengthy application, data gathering, multiple claims submissions and reimbursement requests. The federal government's change in the definition of what is defined as an admissible claim last May also caused a large amount of rework and delay in receiving the reimbursement. Staffs' diligence in making the time and effort to complete the application and submission process paid off. The monies will be used to defray the cost of the County's health plan.

Resource Persons: Diane C. Pearson, Benefits Manager; Marqueta Welton, Interim Human Resources Director

County Manager's Recommendation: The County Manager recommends that the Board commend the Benefits staff for taking the initiative to secure these funds.

6. **Proclamation – Let's Move-Durham/Walk-A-Mile With A-Child** (5 min)

Our nation is recognizing the negative impact of obesity in our culture and the resulting chronic diseases that follow. Following the lead of our First Lady, many organizations are working to encourage our young people to embrace physical activity on a regular basis to help improve quality of life.

The Durham Academy of Medicine, Dentistry and Pharmacy, the Institute of Minority Economic Development and other organizations are asking that June 2nd be proclaimed, "Let's Move-Durham" Day in recognition of an effort that will promote exercise, proper nutrition and healthy life style choices. Dr. Sheila Allison will speak briefly about the importance of this event.

Resource Person: Michael D. Page, Chairman

County Manager's Recommendation: The County Manager recommends that the Board approve the proclamation, present to Dr. Sheila Allison and encourage the community to support healthy life style choices.

6a. Proclamation – National Volunteer Week (5 min)

Thousands of Durham County citizens utilize their time and talent to make a real difference in the lives of their fellow citizens. Organizations across the nation are celebrating “National Volunteer Week” during April 15-21.

Chuck Hemric, President of the N. C. Association of Volunteer Administration and Von Brown, Volunteer Coordinator of Durham County’s Welcome Baby program will attend the meeting and make remarks.

Resource Person: Michael D. Page, Chairman

County Manager's Recommendation: The County Manager recommends that the Board approve proclamation and present to Mr. Hemric and Ms. Brown.

7. Consent Agenda (15 min)

- ~~a. Approve the revised legal written description of the six mile Bahama Fire District;~~
- b. Adopt the Resolution in support of the NC Turnpike Authority application to designate the Triangle Expressway as a NC Scenic Byway;
- c. Approve the resolution and establish the Durham County Criminal Justice Advisory Committee;
- d. Approve Budget Ordinance No. 12BCC000066 recognizing additional revenues in the amount of \$60,456 for the Energy Neighbor Fund and Special Children Adoption Fund programs;
- e. Approve Budget Ordinance Amendment 12BCC000067 to amend the budget as indicated to increase the budget for Durham County Cooperative Extension;
- f. Approve Budget Ordinance Amendment 12BCC000068 to amend the budget to increase the budget for Durham County Cooperative Extension Welcome Baby Program;
- g. Authorize the creation of the eleven Deputy Sheriff positions and approve Budget Amendment 12BCC000069 appropriating \$198,820 of fee revenue to support 2.5 months costs for the 11 new positions;

- h. Approve the creation of the Finance Officer position (1.00 FTE) and approve Budget Amendment 12BCC000070 appropriating \$12,914 of fee revenue to support 2.5 months costs for the new position;
- i. Amend Durham County's Minority and Women Business Ordinance to extend the effective date to December 31, 2013.

8. Presentation and Resolution re: Hydraulic Fracturing in Durham County (45 min)

The Board will receive a presentation from Environmental Affairs Board Chair Deborah Luecken regarding so-called, "fracking," or extracting natural gas that involves fracturing underground rock, thousands of feet below the surface with a high pressure cocktail of sand, water and toxic chemicals. The process is viewed as environmentally harmful to Durham County in the form of contaminating of drinking wells, surface waters, air quality and more.

In addition, a resolution has been prepared asking the General Assembly to refrain from passing any permissive legislation on this issue until current EPA studies have been completed and better data is available regarding the consequences of this process on the health, environment and economy of our state.

Resource Person: Ellen W. Reckhow, Vice Chair, Durham County Commissioners

County Manager's Recommendation: The County Manager recommends that the Board receive the report from the Environmental Affairs Board. In addition, the Board is asked to approve the attached resolution and forward a copy to the leadership of the North Carolina General Assembly along with members of the Durham Delegation.

9. RESERVED FOR ITEMS PULLED FROM CONSENT AGENDA (20 min)

10. Closed Session (40 min)

- (a) The Board is requested to adjourn to Closed Session pursuant to G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry.
- (b) The Board is requested to adjourn to closed session pursuant to G.S. 143.318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege, and to discuss the lawsuit regarding Geraldine Robinson vs. Joe W. Bowser and Durham County Board of Commissioners, et al. which was filed in Durham County Superior Court Case No 12CVS002044.

County Manager's Recommendation: The County Manager recommends that the Board adjourn into Closed Session, and instruct staff accordingly.