

**February 23, 2001**

**THE BOARD OF COUNTY COMMISSIONERS  
AND  
THE DURHAM LEGISLATIVE DELEGATION  
JOINT MEETING**

**DURHAM, NORTH CAROLINA**

Friday, February 23, 2001

8:20 A.M.

**Minutes**

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

Present: Chairman MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioner Becky M. Heron

Durham Legislative Delegation members: Representatives Paul Miller, H. M. Michaux, and Paul Luebke

Absent: Commissioners Joe W. Bowser and Philip R. Cousin Jr.; Senators Wilbur Gulley and Jeanne Lucas; and Representatives Russell Capps and Jennifer Weiss

Staff Present: County Manager Mike Ruffin, County Attorney Chuck Kitchen, Governmental Affairs Director Deborah Craig-Ray, and Clerk to the Board Garry E. Umstead

Presider: Chairman Black

Chairman MaryAnn E. Black called the meeting order.

Chairman Black asked Mike Ruffin, County Manager, to make comments about the impact of state cuts in Durham County. Mr. Ruffin distributed a "pie chart" showing the Durham County expenditure trends as of February 21, 2001. The chart showed the current budget of \$394,682,046, total expenditures of \$227,080,863, and 57.5 percent spent year to date. The school system is not required to return funds to county government by statute. Durham County has about \$58.1 million in unspent funds to manage against the \$3.2 million shortfall. Since Durham County is going into the bond market, we had to send the right message to the bond rating bureaus about managing the money today and not delaying it.

The Commissioners will be sending Governor Easley a letter pleading with him to be merciful on the County in regards to his actions. We want him to know how the shortfall is affecting Durham County.

Mr. Ruffin said the bond rating bureaus responded very favorably to our Certificate of Participation bond rating. We got an AA+ rating which is the highest in the area.

Representative Luebke suggested that the Commissioners attend the Finance Committee meeting on Tuesday morning in Raleigh to speak on how the Governor's cuts affect the various counties differently. A representative from the Local Government Commission will be speaking on that subject.

Mr. Ruffin said next year's cut of \$6.4 million, when we are looking at huge expenditures, will be quite a hit for Durham County.

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Representative Michaux said a billion dollars in shortfall would have to be carried over into the next fiscal year. The Senate is going to prepare next year's budget using the zero-base budget concept. The counties will start without any dollars.

Representative Luebke said that one of the most important things that Governor Easley said in his speech on Monday night was that we are going to examine loopholes. The loopholes will have to benefit businesses and the working families of this state.

Ms. Craig-Ray and Mr. Kitchen lead the discussion of issues in the 2001 agenda package.

### Durham County Board of Commissioners 2001 Legislative Agenda

#### Priority Items:

1. Legislation seeking four-year terms of office for Durham Board of County Commissioners.
2. Seek legislation to allow counties to enact several revenue options, subject to local referendum, of those revenue sources that have already been authorized for counties in other parts of the state, to include land transfer taxes, impact taxes for school facilities and other infrastructure, prepared meals taxes, and occupancy taxes. (NCACC adopted goal)
3. Legislation enacting an Impact Tax or Impact Fee in Durham County.
4. Legislation to provide for an additional local option sales tax, subject to a local referendum. The new local option sales tax would not be on food, and the existing local 2-cent sales tax on food would be repealed.

County proceeds will be used for school construction or retirement of school construction debt. If it is determined that school construction debt service needs have been met, proceeds could be used to meet other capital infrastructure needs. (NCACC adopted goal)

#### Seek Items:

5. Legislation to make the reckless discharge of a firearm into occupied property a crime.
6. Legislation clarifying that the Office of Juvenile Justice, and not the Director of Social Services, shall investigate allegations of abuse, neglect, and dependency alleged by juveniles while incarcerated in the Youth Home.
7. Legislation authorizing the Legislative Research Commission to create a study committee to study privatization of liquor sales in North Carolina.
8. Legislation to make miscellaneous changes in Durham County's Zoning Authority.
9. Legislation to decriminalize needle exchange programs to reduce the incidence of HIV transmission caused by the sharing of contaminated needles.
10. Legislation to prohibit the taking of deer with dogs in Durham County.
11. Authorization for Inclusionary Housing Program in Durham County.

#### Support Items:

12. Legislation amending GS 7AA-311(a)(1) to increase the fees for service of process to \$25. (NCACC adopted goal)

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13. Legislation to decriminalize the placement of an infant less than 15 days old with a law enforcement officer, a Department of Social Services worker, a Health Care provider at a hospital, or a Public Health Department.
14. Legislation to change NC Juvenile Code to require the state, not the county, to pay for unreimbursed court-ordered mental health, developmental disabilities, and/or substance abuse care for children.

Support Budget Items:

15. Legislation to appropriate state funds to add school health personnel in all counties so that over a 3-year period the state reaches a nurse/student ratio of 1:750. (NCACC adopted goal, Public Health Department)
16. Legislation to provide additional funding to support state-funded Intensive Home Visiting Projects.
17. Legislation to have the Division of Medical Assistance reimburse 80% of UCR amounts to dentists statewide who are treating Medicaid eligible children.
18. Legislation to provide state appropriation to finance health care delivery for immigrant residents who are not sponsored, and/or who are not insured regardless of nationality and citizenship.
19. Legislation providing additional income for low-income working parents as an incentive to work and to reduce the number of families who are working and are still living below the poverty level.
20. Legislation providing funding adequate to assure that all children in North Carolina who apply and are eligible for NC Health Choice will be served. Adequate federal and/or state funds should be sought to provide full funding for all eligible children.
21. Legislation establishing full special assistance benefits eligibility to disabled adults living at home or independently, equal to the benefits eligibility for disabled adults living in a licensed facility.

The County Commissioners and the legislators had a lengthy discussion on the 2001 legislative agenda items.

The legislators told the Commissioners that Friday morning is the best time to meet with them.

Representative Luebke said the restaurant operators do not like the Prepared Meal Tax or the Luxury Meal Tax that he proposed. The operators think the Commissioners are singling out the restaurants to buy a whole lot of goodies.

The Commissioners and the legislators discussed the meal tax proposal in detail.

Representative Luebke stated that if the City Council does not provide us with the additional data, the meal tax item would be put on the "back burner."

Commissioner Reckhow said the Commissioners' priority is school funding.

No official action or vote was taken at this joint meeting.

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**Adjournment**

Chairman Black adjourned the meeting at 9:20 a.m.

Respectfully submitted,

Garry E. Umstead, CMC  
Clerk to the Board