

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

Monday, November 7, 2011

9:00 A.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, Brenda A. Howerton, and Pam Karriker

Absent: None

Presider: Chairman Page

Adjustment

Chairman Page recognized ToWanda Witherspoon, The Durham Center, to open the Worksession with the National Anthem.

Citizen Comments

The Board of County Commissioners provided a 30-minute comment period at the beginning of the Worksession to allow any citizen of Durham County the opportunity to speak.

Ralph McKinney addressed the Commissioners regarding various issues.

Recognition of Softball Challenge Participants

The Board recognized staff of The Durham Center and the Durham County Sheriff's Office for participating in the first annual Durham County Government Softball Challenge.

Ellen S. Holliman, Area Director, The Durham Center, introduced this item. She stated that after a game was postponed by rain during the Employee Appreciation Event in September the Sheriff's Office accepted a challenge from The Durham Center to a game on October 26. Both teams and their supporters displayed exemplary good sportsmanship, camaraderie and team spirit at the game and in the weeks of preparation leading up to it. She expressed gratitude to staff in Human Resources for their support. She recognized the cheerleaders and the coaches.

The Board thanked the team on their team spirits.

Update on Pending Merger of Durham and Wake LMEs and Request for Board Consideration and Approval

Ellen S. Holliman, Area Director, The Durham Center, presented this item stating that The Durham Center and the Wake County LME, with input from other representatives of their respective County governments, have conducted informal discussions over the past several months investigating the potential for some form of operational collaboration between the two organizations.

Ms. Holliman conveyed that there has been a mutual recognition of the benefits for citizens, consumers, providers and taxpayers of both counties of merging the two LMEs to operate the MCO, particularly, since the Durham Center was chosen by the NC Department of Health and Human Services to operate as a Managed Care Organization (MCO) for behavioral health and disability services under Medicaid 1915 (b)/(c) waivers beginning January 1, 2013,.

A Merger Proposal has been developed for consideration by the Boards of County Commissioners of Durham and Wake counties and it is submitted along with this document. The Area Board of The Durham Center voiced its support for the Proposal in special session on October 31 and will vote to formally approve it at its regular meeting on November 3.

Ms. Holliman also updated the Commissioners on the rationale of and terms for the merger and will request that the Proposal be placed on the Agenda for consideration and approval at the Board's next Regular Session.

County Manager Ruffin requested that the Board postpone action on the item at this time due to complications to governance as well as conflicts of interest and unanswered questions.

Ms. Holliman replied to concerns and questions regarding the agreement.

County Attorney Siler made comments regarding the future of mental health in the area.

Directives

1. Present a business plan to the Board before approval.
2. Review the revenue generated that allows the County to be reimbursed.
3. Place on the November 14 Regular Session.

Durham Convention and Visitors Bureau Facility

County Manager Ruffin introduced this item. He explained that in 1994, the County purchased, and leased to the Durham Convention and Visitors Bureau (DCVB) the property located at 101 E. Morgan Street for the operation of a visitors information center and business facility. The lease is set to expire on June 30, 2014. A more detailed background is provided in the attached memo from Jane Korest, dated September 29, 2011.

The DCVB has requested that the County terminate the lease early and convey the property to the DCVB.

The DCVB is deemed a Public Authority under SL 2002-36, thus pursuant to N.C.G.S. §160A-274, the County may sell to the DCVB any interest in real property with or without consideration.

Shelly Green, President, Durham Convention and Visitors Bureau, answered questions posed by the Board.

Directives

Place on the November 14 consent agenda.

Informational Item – Landmark Designation – Golden Belt Manufacturing Complex II (LD1100001)

Lisa Miller, Senior Planner, introduced this item. She stated that the Board requested to receive information on the proposed landmark designation – Golden Belt Manufacturing Complex II (LD1100001). She informed the Board that the item would be placed on the City Council's agenda November 21.

Ms. Miller entertained questions on the proposed landmark designation.

The Board thanked Ms. Miller for her presentation.

DSS Investigation

County Attorney Lowell Siler spoke with the Board regarding the status of the DSS investigation. He discussed the process of finding a retired judge outside of Durham County to conduct the investigation. He informed the Board that many retired judges also serve as emergency judges; therefore, by conducting this type of investigation, it would pose issues or run a file of the judicial rules. He highlighted the advantages and disadvantages of having a retired judge or lawyer perform the investigation. He recommended that the Board consider reducing the number of questions to limit any financial exposure.

The Board made several comments pertaining to County Attorney Siler's request. The Commissioners also held a discussion in regards to the integrity of the process.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser to suspend the rules.

The motion carried unanimously.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow to authorize the County Attorney to proceed with the DSS investigation as recommended and ask the attorney to investigate question numbers one, two, and three.

The motion carried unanimously.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow to authorize the Internal Auditor to review and/or respond to questions four thru 24 and bring a report back to the Board.

The motion carried unanimously.

County Attorney Siler alerted that Board that a notice of a complaint had been filed by the former DSS Director.

Kathy Everett-Perry, Assistant County Attorney, discussed further developments regarding the matter.

Directives

1. Include additional issues in the investigation that concerns money as it relates to the former director and former chair of the DSS Board.
2. Bring the cost back to the Board; consider a cap on how much is expected to be spent; consider a not-to-exceed.
3. Refine question number 24.
4. Ensure that the Internal Auditor has assistance if needed.

Strategic Plan Update

Michael Davis, Assistant to the County Manager, introduced this item. He stated that the Board requested to hear an update of the County's Strategic Planning Process. The County Manager's Office continues to seek the input of the BOCC in helping craft a meaningful Strategic Plan. Since your last update on October 3, the County Manager's Office has continued working on the plan development phase of the Strategic Planning Process. He highlighted the following key developments:

- Commissioner briefings with County Manager and Dr. Tyrone Baines.
- In mid-October, the Direction Setting Team (DST) and the Plan Development Team (PDT) met to discuss Strategic Plan goals and other components of the plan. The PDT also met to begin drafting objectives, outcome and intermediate measures, and data.
- Spanish-language survey analysis completed.
- Staff publicized four November Town Hall Forums throughout community.

Consultants Lou O'Boyle and Kathy Keeley discussed the Town Hall Forums, which would take place November 7, 10, and 21. They conveyed that also in November, the PDT and the Measures Team (a subset of the PDT) would meet again to discuss objectives, measures and data sets that would fall under plan goals. In addition, staff and consultants also are conducting several youth focus groups in November.

Ms. O'Boyle and Ms. Keeley responded to questions asked by the Board.

The Commissioners expressed gratitude to Ms. O'Boyle and Ms. Keeley on their efforts with the Strategic Plan.

Board and Commission Appointment - JCPC

Michelle Parker-Evans, Clerk to the Board, distributed ballots to the Board. The following appointment was made:

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow to suspend the rules to appoint a member to the Juvenile Crime Prevention Council.

The motion carried unanimously.

The following appointment was made:

Juvenile Crime Prevention Council
Tiketha Collins

Review of October BOCC Directives

County Manager Ruffin introduced this item stating that it was requested that at each month's Worksession, the Board of County Commissioners have the opportunity to review the previous month's directives for staff and make comments as necessary.

The Board thanked County Manager Ruffin for the directives.

Closed Session

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton to adjourn to Closed Session to discuss matters relating to the location or expansion of a business or industry pursuant to G. S. 143-318.11(a)(4) and to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, pursuant to G.S. § 143-318.11(a)(6).

The motion carried 4 to 0.

Reconvene from Closed Session

Chairman Page announced that the Board met in closed session, direction was given to staff regarding matters relating to the location or expansion of a business or industry.

Commissioner Howerton moved, seconded by Commissioner Howerton to suspend the rules.

The motion carried 4 to 0.

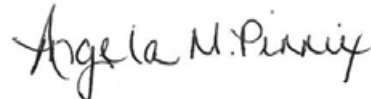
Vice-Chairman Reckhow moved, seconded by Commissioner Karriker to increase the County Manager's salary by 10% for a total of \$197,000 based on the past three-year performance.

The motion carried 4 to 0.

Adjourned

There being no further business, Chairman Page adjourned the meeting at 2:13 p.m.

Respectfully Submitted,



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