

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

Monday, September 12, 2011

4:30 P.M. Special Session

**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 and Brenda A. Howerton

Absent: None

Presider: Chairman Page

Chairman Page announced that Commissioner Bowser would be delayed and the Special Session would begin at 5:00 pm.

Chairman Page called the meeting to order at 5:00 pm. The special session was held for further consideration of the appointment of a commissioner to fill the seat vacated by Commissioner Heron, effective August 1.

Commissioner Howerton requested guidance from the Attorney on the process. Chairman Page asked Attorney Siler how many votes it would take for the candidate to win. Attorney Siler responded that the Board could use the majority vote or use the person with the most votes.

Commissioner Howerton stated that to be consistent with the usual voting pattern, it should be three votes. After further discussion, the Board supported the three vote minimum option.

Commissioner Bowser moved, seconded by Vice Chair Reckhow that the majority vote of the Board (3 votes) be required for the appointment of the candidate to the vacant seat.

The motion passed unanimously.

Chairman Page read a letter from the Durham Democratic Party, dated August 17, 2011. The Democratic Party recommended Hampton Dellinger as the appointee for the vacant Board seat. The Chair also referenced an email from the County Manager which contained the following quote from Archie Smith, Clerk of Court.

"I do hope the county commissioners know that I do not have to go by the list that they have, and I do not have to be a tie-breaker."

The Clerk distributed ballots containing the names of the eight candidates. After the vote, the Attorney announced that there was a tie:

Wendy Jacobs (Reckhow/Bowser)  
Pamela Karriker (Page/Howerton)

Commissioners Bowser and Reckhow suggested moving forward with sending the process to the Clerk of Court. Commissioner Howerton expressed opposition. She was concerned that sending the process forward would infer “the Board is not capable of making decisions.”

Vice Chair Reckhow moved, seconded by Commissioner Bowser to move the process forward to the Clerk of Court.

AYES: Reckhow, Bowser  
NOES: Howerton, Page

The item will come back for another vote at the September 26, 2011 Regular Session.

Commissioner Howerton moved, seconded by Vice Chair Reckhow to adjourn to Closed Session 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 unanimously.

Respectfully Submitted,



V. Michelle Parker-Evans  
Clerk to the Board