

REVISED

Addition?Item No. 1a

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

Tuesday, September 6, 2005

1:30 P.M. Worksession

AGENDA

1. Citizen Comments?Marvin Jones

10 min.

Mr. Marvin Jones has requested time on the agenda to speak to the Commissioners about gang prevention. County Commissioner Cousin will also speak on the issue.

Resource Person(s): County Commissioner Philip R. Cousin Jr.

County Manager?s Recommendation: The County Manager recommends that the Board receive the comments.

1a. Durham County Assistance to Jackson County, Mississippi

20 min.

Durham County notified the North Carolina Emergency Management Agency (NCEM) on Friday, September 2, 2005 of its interest in assisting a Gulf coast county from the effects of Hurricane Katrina. NCEM subsequently designated Jackson County, Mississippi. Jackson County has a current population of 140,000, is 727 square miles in size, and has 29 incorporated cities and towns. The County was decimated by Hurricane Katrina and Jackson County officials were told on Sunday by FEMA and MEMA (Mississippi Emergency Management Agency) officials that it could be two more weeks before substantially more aid arrives. Durham County Government employees were notified this morning of a County government effort to collect and truck needed supplies to Jackson County this weekend. Locations will be designated in all County facilities where employees can deposit their donations. Other options are also being considered; however, staff desires for the Board to review these options and determine if other assistance is appropriate at this time.

Resource Person(s): Mike Ruffin, County Manager; Jeff Batten, Emergency Management Director

COUNTY MANAGER?S RECOMMENDATION: THE MANAGER RECOMMENDS THAT THE BOARD RECEIVE THE PRESENTATION AND ADVISE IF ANY FURTHER ACTION IS DESIRED.

2. Application for Ambulance Franchise?Tri-Star Medical Transport, Inc.

15 min.

At its regularly scheduled meeting on June 27, 2005, the Board considered a request for a non-emergency ambulance franchise from Tri-Star Medical Transport Inc. The information considered included a report from the EMS Director that provided the actual application and information from a background review completed by the EMS Director. The report also indicated that the Durham County EMS Council had considered the application at its regularly scheduled meeting on May 19, 2005 but provided no recommendation. After hearing comments from Tri-Star, AAA Transport, Johnston Ambulance Service, and the EMS Director, the Board directed staff to provide additional information from the current non-emergency providers to include personnel, vehicle, and response time data.

Staff compiled the requested data. In addition, an informal satisfaction survey was conducted of the larger nursing facility user group. Results of the survey indicate users are currently satisfied with the service level of the existing non-emergency ambulance providers. This information was presented to the Durham County EMS Council at a special called meeting on July 7, 2005. After lengthy discussion and review of the additional information, the EMS Council unanimously decided that public convenience and necessity were currently being satisfactorily met and recommended that the Tri-Star application for a non-emergency ambulance franchise be denied.

This matter was placed on the Board?s August 1, 2005 Worksession for consideration. The applicant, Tri-Star Medical Transport, Inc., asked the Board to consider additional new information. The matter was rescheduled for the September Worksession to allow time for the staff to receive and review the new information. No new information was submitted; however, on August 18, 2005 a letter was received from Tri-Star Medical requesting to delay its application stating a need to collect

more data. Staff has advised that a delay could not be granted, and the application would be presented as is since no additional information had been submitted.

Resource Person(s): Carolyn P. Titus, Deputy County Manager; Chuck Kitchen, County Attorney; Jeff Batten, Chairman, Durham County EMS Advisory Council; and Michael Smith, Director Durham County EMS Services

County Manager's Recommendation: The Manager recommends that the Board receive the requested data from staff, and the July 7, 2005 recommendation from the EMS Advisory Council. If there are no other outstanding questions, place the item on the September 12, 2005 consent agenda for denial of the Tri-Star Medical Transport, Inc. request for a non-emergency ambulance franchise.

3. Classification and Compensation Study

60 min.

On April 11, 2005, the Board approved a service contract with Fox Lawson & Associates, LLC for a comprehensive study and revision of the County's current classification and compensation system. Dr. James C. Fox, Chairman of Fox Lawson and the lead consultant for the study, will be present to initiate the market analysis phase of the Classification and Compensation Study. Dr. Fox will provide an overview of the project and discuss factors regarding a Pay Philosophy for Durham County.

Resource Person(s): Tony Noel, Interim Human Resources Director, and Dr. James C. Fox, Fox Lawson & Associates, LLC

County Manager's Recommendation: The Manager recommends that the Board receive the presentation from the consultant and provide direction for the issues outlined by the Manager in his August 30, 2005 memorandum with regard to the market analysis phase of the study.

4. Presentation on Restructuring the County's Audit Function

30 min.

On the heels of the 2004 Human Resources Audit, an Audit Assessment Task Team was assembled from across the state for the purpose of evaluating the audit process and to make recommendations on completing the benefits audit. In addition, recommendations were made by the Audit Assessment Task Team for restructuring the County's Audit Function. The two principal recommendations that came from the Audit Assessment Task Team were as follows:

1. A benchmarking survey should be performed to assess the appropriate size and structure of the Internal Audit Department.
2. Internal Audit should report to the highest level within the County organization (i.e. the County Manager **and** the Board of County Commissioners) with consideration given to establishing an Audit Review Committee that can serve as a third party in receiving/reviewing audit reports and addressing unresolved issues related to the audit process. It was also recommended that if the County was to establish an Audit Review Committee that the structures and recommended practices be utilized from the Institute of Internal Auditors (IIA) and the Government Financial Officers Association (GFOA).

The staff work was completed for each of these recommendations made by the Audit Assessment Task Team and presented to the BOCC for consideration at the June 6, 2005 Worksession. The BOCC, during its June Worksession, instructed staff to make several changes to the Audit Policy and the Audit Charter. Those changes have been made are highlighted in ***bold italics*** in each document. The following documents are included for the Board's consideration:

- Resolution Authorizing the Establishment of the Audit Oversight Committee for Durham County Government
- A new Audit policy
- A new Audit Charter
- Code of Ethics
- Audit Oversight Committee By-Laws

In addition, a copy of the minutes from the June 6, 2005 meeting is included noting the changes that were directed by the Board.

Resource Person(s): Wendell M. Davis, Deputy County Manager

County Manager's Recommendation: The Manager's recommendation is that the Board receive the presentation noting the changes that were instructed by the Board at the June 6 Worksession. After the presentation, the Manager further recommends that the Board place the item on the September 12, 2005 consent agenda for approval.

5. Personnel Ordinance Amendment

20 min.

When the Durham County Personnel Ordinance was adopted, the intent of the ordinance was that no property rights would be conferred by the adoption of the Ordinance. However, the term "permanent employee" was used throughout. This term was the common term generally used at that time in typical personnel ordinances. Since the adoption of the ordinance, the courts have generally held that the adoption of a personnel ordinance grants property rights. This is especially true when terms such as "permanent employee" are used.

The proposed amendments would change the terminology used in the ordinance from "permanent employee" to "regular employee", and would specifically delineate that property rights are not being created by the ordinance. This change would bring Durham County into line with other local government jurisdictions, including the City of Durham.

This proposed change would not affect the employees covered by Chapter 126 of the General Statutes, e.g. Mental Health, DSS, Public Health, and Emergency Management. It also would not affect the departments that have elected department heads or employees of the Board of Elections.

Resource Person(s): Chuck Kitchen, County Attorney, and Tony Noel, Interim Personnel Director

County Manager's Recommendation: The Manager recommends that the Board consider the proposed changes to the Personnel Ordinance and direct that the amendments be placed on the consent agenda for the meeting on September 12, 2005 for adoption.

2 hrs. 35 min.