



Durham County

200 E. Main Street
Durham, NC 27701
(919) 560-0025

Meeting Agenda Board of County Commissioners

Monday, June 27, 2022

7:00 PM

Commissioners' Chambers

Regular Session

"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 Chair will ask the offending person to leave the meeting until that individual regains personal control. Should decorum fail to be restored, the Chair 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)

22-0407 Announcements (5mins)

Agenda Text:

1. **DCo Public Health COVID-19 Vaccination Clinic Hours** - The COVID19 vaccination clinic at the Durham County Department of Public Health, 414 E. Main St., has the following hours to get your free vaccination: Monday, Wednesday, Thursday & Friday - 9 a.m. to 4 p.m., and Tuesdays - 9 a.m. to 5:30 p.m. Appointments and walk-ins are welcome, and all doses are available. Please note, clinics are closed between 11:30 a.m. - 1 p.m. daily and will be closed on Monday, July 4 in recognition of Independence Day. For more information, please visit www.dcopublichealth.org/COVIDVaccines or call 919-560-9217
2. **43rd Annual Eno Fest** - The Eno River Association presents the 43rd annual Festival for the Eno on Saturday, July 2 and Monday, July 4. The event returns with an immersive in-person experience with live music, craft

show, food and fun on the Eno River! Get more information and buy tickets at www.enofest.org <<http://www.enofest.org>>

3. Find No Cost Meals for DCo Children - Parents and caregivers can find no cost meals from various community partners this summer.

- No Kid Hungry: Text FOOD or COMIDA to 304-304 to receive a text with 3 drive-thru or pick-up sites with meals for kids closest to them.
- Food Resources in Durham Locator Map: From D.I.N.E., the Durham County Cooperative Extension, Durham City-County GIS and End Huger Durham, the Food Resources in Durham Locator Map helps you find food resources using your address. Visit <https://durham-area-food-resources-durhamnc.hub.arcgis.com/>
- DCo Library Distribution: Three Durham County Library locations will be hosting summer meal distributions this summer (excluding the July 4th holiday):
 - Main Library - Monday-Friday, June 13 to August 12, from 12-1 p.m.
 - North Regional - Monday-Thursday, June 13 to July 28, from 11 a.m.-12 p.m.
 - South Regional - Monday-Friday, June 13 to July 29, from 11 a.m.-12 p.m.

4. 2022-2023 Durham County Agricultural Economic Development Grant Program: Grant Writing Information Sessions - Durham County has a successful economic development plan that offers cash incentives to businesses that create jobs in the community. This grant program mimics the same outcome but is directed to support farms, new and beginning entrepreneurs, nonprofits that support agriculture in the county and to support agriculture education in schools.

To learn more about the two grants being offered please join one of the following hybrid sessions:

- Thursday, June 30th 8-9am - Durham Farm Bureau Office, 1901 Hillandale Rd.
- Tuesday, July 12th 6-7pm - North Regional County Library, 221 Milton Rd.

To register, please contact Sherry Scully at 919-560-0558 or by email at sscully@dcconc.gov <<mailto:sscully@dcconc.gov>>

5. Durham County Call for Artists - Durham County Government invites artists or artist teams to submit qualifications for the design and installation of

public artwork inside, on, or around sever Durham County Buildings. This is a rolling call for multiple projects at various locations, and multiple artists and artis teams will be commissioned. Deadline is August 31st! Apply through CaFÉ, the national online Calls for Entries portal at

https://artist.callforentry.org/festivals_unique_info.php?ID=9345

- 6. Durham County Government to Observe Independence Day - Most**
Durham County Government offices will be closed on Monday, July 4, 2022, in observance of the Independence Day holiday. All offices will re-open with normal business hours on Tuesday, July 5. Find out how this will impact services by visiting www.dconc.gov <<http://www.dconc.gov>>.
- 7. Become a Durham County Precinct Official -** Are you interested in seeing democracy in action? Durham County voters are served by paid Precinct Officials who staff early voting sites and serve Election Day polling places. To begin the application process with the Durham County Board of Elections, complete an Interest Form in VolunteerHub by visiting here: www.dcovotes.com/public-information/election-workers.

For detailed instructions on creating your VolunteerHub account and completing the Interest Form, see their New Applicant User Guide here: www.dcovotes.com/home/showpublisheddocument/35343/637794157559970000

4. Ceremonial Items (10min)

22-0282

Durham County Erosion Control Program Receives Local Program Award (10min)

Agenda Text:

Durham County's Erosion Control Program was awarded the Local Program Award for excellence in erosion and sedimentation control by the North Carolina Sedimentation Control Commission at the annual Local Program Workshop in April 2022. The Sedimentation Control Commission annually recognizes a Large (more than 3 FTEs) and Small (fewer than 3 FTEs) Erosion and Sedimentation Control Program with their Local Program Award. Durham County, with 3.5 FTEs dedicated to Erosion Control, is the recipient of the Large Local Program Award for 2022. In presenting the award to Durham County, the Sedimentation Control Commission highlighted the County's response to work conditions created by COVID-19 through implementing electronic systems for plan submittal and review and fee payment, as well as its status as a leader in erosion control across the state.

Alignment with Strategic Plan: This agenda item supports Strategic Plan Goal 4: Environmental Stewardship and Community Prosperity and Goal 5: Accountable,

Efficient, and Visionary Government.

Resource Persons: Julie Coco, PE, State Sedimentation Specialist, North Carolina Department of Environmental Quality; Ryan D. Eaves, PE, Stormwater and Erosion Control Division Manager; Jay Gibson, P.E., General Manager; Peri Manns, ASLA, Asst. General Manager

County Manager's Recommendation: The County Manager recommends that the Board recognize members of the Stormwater and Erosion Control Division for this achievement.

5. Consent Agenda (15 min)

22-0346

Execution of a Contract Amendment for the Construction Materials Testing and Special Inspections for the Durham County 300 E. Main St. Structured Parking Deck with Falcon Engineering, Inc.

Agenda Text:

The Board is hereby requested to authorize the County Manager to execute a contract amendment with Falcon Engineering, Inc. (FEI) to provide additional construction materials testing and special inspections for the Durham County 300 E. Main St. Structured Parking Deck located at 318 Liberty St. in the amount of \$38,200 thus increasing the overall contract amount from \$455,000 to \$493,200 (See Attachment 1, Page 1-2)

On December 14, 2020, the BOCC approved the contract with Falcon Engineering, Inc. for the construction materials and testing/Special Inspections for the 300 E. Main St. Structured Parking Deck. FEI is providing observation and testing services on the construction materials during the project including but not limited to soils and earthwork, footing and foundations, concrete and steel reinforcing, post-tensioning, mortar, and asphalt. The additional costs incurred are a result of the sequencing of the concrete podium, retaining wall and barrier cables necessary to support the affordable housing and Childcare/Pre-K spaces.

In addition to the construction materials and testing services this project will require special inspections. On September 11, 2006 the North Carolina Building Code Council adopted revisions to the 2006 NC Building Code, Section 1704, "Special Inspections". The special inspections revisions became effective on March 1, 2007. The building height exceeds 45 feet or three stories which qualifies it for the previously adopted "Special Inspections" testing. The 300 Main Street Parking Garage (Project) is being designed as a 7 story +/- 753 space parking garage located on the 300 block of East Main Street in downtown Durham, NC. The garage will serve the residential wrapper co-located on the site, ground level retail, and provide parking for various departments for Durham County. The garage is a post-tensioned poured in place concrete structure with shallow spread footings. The exterior of the deck along Queen Street will be brick with CMU back up and light weight metal panel screening. A wood framed residential wrapper is being designed that enclose the other 3 sides. The construction of the 300 E. Main St. Deck is ongoing targeting completion in August/September 2022.

Falcon Engineering, Inc. is recognized as a Certified WBE firm and will be utilizing their

own workforce providing 100% WBE participation for this service (See attachment 2 - MWBE Compliance form). Funding for this service is available in the 300 E. Main St. Capital Project account.

Alignment with Strategic Plan: The Project is in accordance with Strategic Plan Goal 4 - Environmental Stewardship and Community Prosperity particularly Strategy 4.2.C - Regional Planning: Participate in smart growth practices and support regional planning partnerships to promote a high quality of life for all.

Resource Persons: Peri D. Manns, ASLA, LEED GA, Deputy Director of Engineering and Environmental Services, James Faress, P.E., Senior Project Manager, Jay Gibson, P.E. - General Manager - Goal 4: Chris Norville, P.E., Falcon Engineering and Justin Gerner, Project Engineer, Falcon Engineering

County Manager's Recommendation: The County Manager recommends that the Board authorize the execution of the contract amendment with Falcon Engineering, Inc. in the amount of \$38,200 thus increasing the overall total contract to a not-to-exceed amount from \$455,000 to \$493,200 for the Construction Materials Testing and Special Inspections for the 300 E. Main St. Parking Garage in order to comply with industry standards and the 2006 NC Building Code "Special Inspections" section 1704 noted above.

Attachments:

[AAF - Supplemental Document Form - 300 E. Main St. Structured Parking Deck](#)

[T21002.00 300 Block PG Amendment 1](#)

[MWBE Compliance Review Form-AAF for CMT-SI 300 E Main St Structured Pa](#)

22-0368

Settlement Authority-Blue TEC II Class Action

Agenda Text:

The Board is requested to authorize the County Manager to execute the necessary documents to submit a claim on behalf of the County as part of the Blue TEC II class action lawsuit.

The County's interest concerns 20 diesel vehicles (19 ambulances and the Bookmobile) purchased from Mercedes Benz USA which were sold as having an improved emissions technology which significantly reduced NOx emissions. The technology did not perform as advertised and a class action lawsuit was filed against Mercedes Benz USA and Robert Bosch, LLC. To settle that lawsuit, they are providing modifications to the emissions system, an extended warranty on the emissions system, and a cash payment for each vehicle owned. The terms of the settlement have been approved by the Federal Judge hearing the case.

Alignment with Strategic Plan: Accountable, Efficient, and Visionary Government

Resource Persons: Curtis Massey, Senior Assistant County Attorney

County Manager's Recommendation: The County Manager recommends that the Board approve the resolution.

Attachments: [Mmo-to BOCC 6-8-22](#)
 [Resolution-Blue TEC](#)

22-0378 **Approval of Memorandum of Agreement with Triangle J Council of Governments (TJCOG) to Provide Planning and Technical Assistance for the Triangle Region Solid Waste Consortium**

Agenda Text: The Board is requested to approve the Memorandum of Agreement with Triangle J Council of Governments (TJCOG) and to authorize the County Manager to sign the agreement. Per the agreement, TJCOG will provide planning and technical assistance for the Triangle Region Solid Waste Consortium. The Consortium was formed to facilitate collaboration and coordination between local government jurisdictions in solid waste and recycling. The dues for the Solid Waste Division to participate in the Consortium will be \$1,880.89 and will be funded through the Solid Waste Division's FY 2022-23 operating budget.

Alignment with Strategic Plan: Durham County Government is responsible for providing solid waste services to unincorporated residents in Durham County. Participation in the Triangle Region Solid Waste Consortium aligns with Strategic Plan Goal 4 - Environmental Stewardship and Goal 5 - Accountable, Efficient and Visionary Government.

Resource Persons: Motiryo Keambiroiro, General Services Director and Chrissie Koroivui, Solid Waste Program Manager.

County Manager's Recommendation: The County Manager recommends that the Board approve the Memorandum of Agreement with Triangle J Council of Governments (TJCOG) to provide planning and technical assistance for the Triangle Region Solid Waste Consortium and to authorize the County Manager to sign the agreement.

Attachments: [AAF Supplemental Document - TJCOG FY23](#)
 [Memorandum of Agreement FY23 Durham County](#)

22-0382 **Property Tax Releases and Refunds for May 2022**

Agenda Text: The Board is requested to approve the Releases & Refunds for the month of May 2022, which includes adjustments to the current year levy as well as prior years' levies. Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc. the attached report details releases and refunds for the month of May 2022.

Releases and refunds for tax year 2022 total \$ 2,908.99 and for tax year 2021 the total is \$ 15,532.79. Prior tax years' (2016-2020) releases and refunds are in the amount of \$7,464.31. May 2022 releases and refunds total \$25,906.09.

Alignment with Strategic Plan: Goal 5, Accountable, Efficient, Visionary

Government. To ensure the county complies with North Carolina General Statutes ensures we are accountable to our citizens. The Board of E&R ensures that we are accountable and efficient as tax revenues are impacted by the actions of this Board. The actions of the tax department and this Board impact all strategic goals due to the revenues needed.

Resource Persons: T. Dwane Brinson, Tax Administrator

County Manager's Recommendation: The County Manager recommends that the Board accept the property tax release and refund report for May 2022 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report.

Attachments: [Releases and Refunds Backup Detail-May 2022-June 27, 2022](#)
[Backup-Tax Release and Refunds-May 2022-June 27, 2022](#)
[NCVTS April Refunds](#)

22-0387 **Approval of Non-Congregate Homeless Housing Contract with Urban Ministries of Durham**

Agenda Text: The Board is requested to review and authorize the County Manager to execute a service contract with Urban Ministries of Durham for Non-Congregate Homeless Housing in the amount of \$1,025,000 for FY 2022-23.

With Durham's primary, publicly-supported homeless shelters still operating at reduced capacity due to ongoing social distancing recommendations from the CDC, there is an ongoing need for additional, publicly-supported shelter space in order to maintain the same overall homeless system capacity. It continues to be the assessment of both our homeless continuum of care and of our local, state, and national public health officials that *non-congregate homeless housing* is the safest way to continue providing safe housing and effective case management for our more medically vulnerable homeless population during the COVID pandemic.

With operations at the Carolina Duke Inn winding down for a number of reasons, County staff issued RFP 22-032 in April 2022. As noted in the June 8th memo to the board (attached), three contracts are resulting from that RFP. There are two smaller contracts (for a COVID+ duplex and overflow COVID+ hotel capacity) that are within the County Manager's signing authority and will be executed before July 1, 2022. This much larger contract, however, is being brought to the County Commissioners for approval.

While the County is covering room costs for this and the other two contracts, the City will be paying for non-profit service providers to provide support services to the individuals being served at all three locations. All of the services covered are responsive to the request for ongoing COVID-related homeless housing assistance requested by the HSAC in early March (attached).

Alignment with Strategic Plan: Providing safe, decent housing to our homeless population, especially the medically vulnerable among them, is strongly aligned with Goal 2 of our Durham County Strategic Plan.

Resource Persons: Drew Cummings, Chief of Staff

County Manager's Recommendation: The County Manager recommends that the Board review and authorize the County Manager to execute a service contract with Urban Ministries of Durham for Non-Congregate Homeless Housing in the amount of \$1,025,000 for FY 2022-23.

Attachments:

[UMD Ext Stay FY22-23 Contract 6-13-22](#)

[UMD - PADC Signed Non Congregate MOU](#)

[UMD RFP Response - Attachment 2](#)

22-0389

Approval of FY22-23 Annual Service Contract with Urban Ministries of Durham

Agenda Text:

The Board is requested to review and authorize the County Manager to execute an annual service contract with Urban Ministries of Durham in the amount of \$380,356 for FY 2022-23.

Durham County played an important role in the founding (in 1984) of what has become Urban Ministries of Durham (UMD) and has continued to offer substantial, annual operating support to the institution and its residents. UMD is the primary, publicly supported homeless shelter in Durham. The County owns the shelter side of the facility and leases it to UMD for \$1 per year while also retaining responsibility for major building systems. As part of those responsibilities, for example, the County added sprinklers to the shelter side in 2015. St. Philip's Episcopal Church owns the café side of the shelter as well as the rest of the block that the shelter sits on. St. Philip's and UMD have been working together on concepts for the parking lot on the southeast corner of the block which may create some opportunities for offering new and expanded services to the homeless while also reimagining the structures that currently comprise Urban Ministries.

UMD's ability to offer a wide array of day services has been a frequent topic of discussion between the County and UMD, with a combination of space and staff funding / support often put forward as partial obstacles to achieving the desired results. The COVID19 pandemic obviously interrupted many in-person services at many locations, but staff have re-opened these conversations with UMD leadership and also recognizes the relevance of the non-profit service provision spaces in the 300 E. Main redevelopment to this issue.

Durham County operational support for Urban Ministries is in the approved FY22-23 budget at \$380,356, an increase of \$28,174. Operational changes necessitated by COVID and a resulting decrease in volunteers have particularly affected operational

costs at UMD.

Alignment with Strategic Plan: Safe housing and support services for our homeless population is strongly aligned with Goals 1, 2, and 3 of our Durham County Strategic Plan.

Resource Persons: Drew Cummings, Chief of Staff

County Manager's Recommendation: The Board is requested to review and authorize the County Manager to execute an annual service contract with Urban Ministries of Durham in the amount of \$380,356 for FY 2022-23.

Attachments:

[UMD Service Contract FY22-23](#)

[ATTACHMENT 1 - UMD FY22-23 Scope of Work](#)

[FY 22 - 23 Funding Request](#)

[UMD Durham County Q1 FY21-22](#)

[UMD Durham County Q2 FY21-22](#)

[UMD Durham County Q3 FY21-22](#)

22-0398

Service Contract with Velasquez Digital Media Communications, LLC

Agenda Text:

The Board is requested to authorize the County Manager to execute the attached contract with Velasquez Digital Media Communications, LLC in an amount not to exceed \$82,680.00. Funding is included in the FY 22-23 Budget.

Velasquez Digital Media Communications, LLC has provided reliable and innovative broadcast services to Durham County Government by working during the pandemic shutdown and as the organization resumed in person meetings. The company still provides a virtual option to produce and edit the County's monthly In Touch with Durham County TV show and will resume in person work once studio improvements are completed. Velasquez provides broadcasts of all regular County Commissioners meetings, along with any other special video projects that are requested to assist Durham County's overall communications to the public.

Alignment with Strategic Plan: This request aligns with Goal 5: Accountable, Efficient and Visionary Government.

Resource Persons: Deborah Craig-Ray, General Manager for Strategic Planning and Innovation.

County Manager's Recommendation: The County Manager recommends that the Board authorize the County Manager to execute a contract with Velasquez Digital Media Communication, LLC in an amount not to exceed \$82,680.00.

Attachments:

[Velasquez Digital Media Communications, LLC COI FY23](#)

[Velasquez Digital Media Communications, LLC Service Contract FY23](#)

[Velasquez Digital Media Communications, LLC Scope of Services FY23](#)

22-0399**Capital Project Amendment No. 23CPA00001 - FY 2022-23 Appropriation of Approved County Contribution (PAYGO) Funds (\$6,593,095) for Multiple Capital Projects****Agenda Text:**

The Board is requested to consider and approve Capital Project Amendment No. 23CPA00001, a FY 2022-23 appropriation of approved County Contribution (PAYGO) funds (\$6,593,095) for multiple capital projects. This capital project amendment is a standard annual procedure that occurs at the beginning of each fiscal year. These funds were approved as part of the FY 2022-23 annual budget. Additional projects that were in the annual budget will be brought forward as the fiscal year progresses and they are ready to begin.

The projects are as follows:

Durham County Capital Projects	Current Budget	Increase/Decrease	
Updated Budget			
Ongoing HVAC Replacement (4190DC076)	\$3,407,055	\$622,660	\$4,029,715
Ongoing Roof Replacement (4190DC073)	\$3,637,426	\$121,992	\$3,759,418
Ongoing Building Envelope (4190DC078)	\$2,374,415	\$1,138,297	\$3,512,712
Ongoing Security Improvements (4190DC081)	\$2,088,963	\$99,765	\$2,188,728
Ongoing Parking Lot Replacement (4190DC074)	\$1,995,052	\$350,050	
	\$2,345,102		
County Stadium Upgrades (4190DC083)	\$3,095,588	\$219,350	\$3,314,938
Detention Center Windows (4190DC084)	\$1,696,141	\$1,364,162	\$3,060,303
IT Security Program Support (NEW) (42001910DC142)		\$0	\$876,360
DTCC HVAC Systems Retrofit (NEW) (59205300CC017)		\$0	\$1,100,000
	\$1,100,000		
IT Sheriff Body and Car Cameras/Body Worn Camera Project (4310DC092)			
	\$1,008,885	\$200,459	\$1,209,344
Open Space Land Acquisition (4730DC083)	\$13,457,020	\$500,000	\$13,957,020
TOTALS	\$32,760,545	\$6,593,095	\$39,353,640

For more detailed information about each project, please see the CPA supplement attached.

Alignment with Strategic Plan: Consistent funding support for ongoing capital projects meets the Strategic Plan Goal 5 “Accountable, Efficient, and Visionary Government” by enabling the County to provide the timely upgrades and capital purchases necessary to most efficiently meet infrastructure demands.

Resource Persons: Keith Lane, Director, Budget & Management Services and David Ades, Assistant Director, Budget & Management Services.

County Manager’s Recommendation: The County Manager recommends approval of Capital Project Amendment No. 23CPA00001, a FY 2022-23 appropriation of approved County Contribution (PAYGO) funds (\$6,593,095) for multiple capital projects. This capital project amendment is a standard annual procedure that occurs at the beginning of each fiscal year. These funds were approved as part of the FY 2022-23 annual budget.

Attachments: [CPA-01 Project Description supplement.docx](#)
[CPA-01 LEGAL FORM FY2022-23 County Contribution to Capital Projects \(\\$6.1](#)

22-0400 **Capital Project Amendment No. 23CPA00002 - Appropriate \$750,000 of Collection System Rehabilitation Fund Fund Balance and Transfer Funding to the Collection System Rehabilitation Capital Project (SE051), as well as Transfer \$6,422.86 from the Aeration System Improvements TWWTP Capital Project (7100SE055) to the Collection System Rehabilitation Capital Project (SE051), for a New Total Project SE051 Budget of \$5,148,592.13**

Agenda Text: The Board is requested to approve Capital Project Amendment No. 23CPA00002 appropriating \$750,000 from the Collection System Rehabilitation Fund (6006690000) fund balance and transferring the funding to the Collection System Rehabilitation Capital Project (SE051), as well as transferring \$6,422.86 from the Aeration System Improvements TWWTP Capital Project (7100SE055) to the Collection System Rehabilitation Capital Project (SE051) for a new total SE051 project budget of \$5,148,592.13.

The Collection System Rehabilitation Project is used primarily for critical collection system projects that reduce the risk of sanitary sewer overflows and decrease ongoing maintenance costs for the Utilities Division. These projects include raising manholes to be above the 100-year flood plain, repairing or replacing damaged sewer pipes due to age, annual manhole labeling and inspections, and for the repair of existing pump stations as required to maintain reliability. Contractor costs associated with emergency responses to sewer spills also comes from this project. Durham County's wastewater collection system consist of thirteen (13) pump stations and one hundred and fifteen (115) miles of piping.

The \$6,422.86 transfer will reduce the Aeration System Improvements TWWTP Capital Project (7100SE055) to \$0 (resulting in a final project budget and expense of \$2,096,777.14), and the Board will be requested to officially close the project next fiscal year. County-owned projects cannot be closed until there are no expenditures in the project for at least a full fiscal year.

Collection System Rehabilitation Capital Project Budget

Current Budget: \$4,392,169.27
Project Amendment: \$750,000.00
Transfer from SE055 \$6,422.86
Revised Budget: \$5,148,592.13

Alignment with Strategic Plan: This action is in accordance with Durham County Strategic Plan Goal 4: "Environmental Stewardship and Community Prosperity". These funds ensure rehabilitation projects can be completed which reduce sanitary sewer overflows, inflow and infiltration, pipe failure, etc.

Resource Persons: Jay Gibson, PE, General Manager; Peri Manns, ASLA, Assistant General Manager; Stephanie Brixey, Deputy Director; Jonathan Yeomans, Budget & Management Analyst; and David Ades, Assistant Director of Budget & Management.

County Manager's Recommendation: The County Manager recommends that the Board approve Capital Project Amendment No. 23CPA00002 appropriating \$750,000 from the Collection System Rehabilitation Fund (6006690000) fund balance and transferring the funding to the Collection System Rehabilitation Capital Project (SE051), as well as transferring \$6,422.86 from the Aeration System Improvements TWWTP Capital Project (7100SE055) to the Collection System Rehabilitation Capital Project (SE051) for a new total SE051 project budget of \$5,148,592.13

Attachments: [CPA-02 LEGAL FORM Appropriating Fund Balance to Project SE051\(\\$750.000](#)

22-0401 Capital Project Amendment No. 22CPA00027 - Reducing Multiple Completed Capital Projects to \$0

Agenda Text: The Board is requested to approve Capital Project Amendment No. 22CPA00027 reducing multiple completed capital project budgets to \$0.

The following projects are complete and are ready to have their remaining balances reduced to \$0. Further Board action will be requested in the future to officially close these projects listed below. All remaining funding will revert to the PAYGO fund.

Project Name and Number	Current Budget	Increase / Decrease	Updated Budget
Bragtown Branch Library	\$20,000.00	(\$55.20)	\$19,944.80
16 Sheriff Technology Upgrade Project	\$599,400.00	(\$3.52)	\$599,396.48

Alignment with Strategic Plan: This request relates to the following elements of the Durham County Strategic Plan: the effort aligns with Goal #5 (Accountable, Efficient, and Visionary Government).

Resource Persons: Keith Lane, Budget Director; David Ades, Assistant Budget Director

County Manager's Recommendation: The County Manager recommends approval of Capital Project Amendment No. 22CPA00027 reducing multiple completed capital project budgets to \$0.

Attachments: [CPA-27 LEGAL FORM Closing, Reducing to Zero and Budg Amend multiple ca](#)

22-0403 Local Erosion Control Program Memorandum of Agreement

Agenda Text: The Board is requested to enter into a Memorandum of Agreement with the North Carolina Sedimentation Control Commission updating the County's status as a Locally Delegated Erosion Control Program.

The NC Sedimentation Control Commission may delegate authority to implement the

Sedimentation Pollution Control Act (SPCA) to cities and counties that adopt a local qualifying erosion and sediment control ordinance in compliance with North Carolina state requirements. The staff of the delegated Local Programs perform plan reviews and enforce compliance of the SPCA within their jurisdictions. Durham County has had an established Local Program for over forty (40) years. The North Carolina Division of Energy, Mineral, and Land Resources, on behalf of the Sedimentation Control Commission, is seeking to update their Memoranda of Agreements with Local Programs and has requested Durham County enter into a new MOA (attached).

Alignment with Strategic Plan: This agenda item supports Strategic Plan Goal 4: Environmental Stewardship and Community Prosperity. More specifically it supports the objective of improving water quality.

Resource Persons: Ryan D. Eaves, PE, Stormwater and Erosion Control Division Manager; Jonathan McNeill, CFM, Erosion Control Supervisor; Jay Gibson, PE, General Manager

County Manager's Recommendation: The County Manager recommends that the Board authorize the Chair to sign the Memorandum of Agreement with the North Carolina Sedimentation Control Commission

Attachments: [Proposed Durham County MOA 2022](#)

22-0408

Bull City Financial Services (BCFS) Contract Amendment

Agenda Text:

The Board is requested to approve a second contract amendment with BCFS to increase the contract amount by an additional \$35,000.00, taking the original contract amount of \$39,900.00 to \$200,000. BCFS is the Office of Emergency Services - EMS Division's third-party collections company for delinquent payments.

The County entered into the initial contract with BCFS January 1, 2021 in the amount of \$39,900.00. The contract was first amended on July 1, 2021 to extend the contract period to June 30, 2022. A second amendment was approved January 10, 2022 to increase the contract amount to \$165,000. This third contract amendment adds an additional \$35,000.00 to the existing contract for a total amount not to exceed \$200,000.00. The lower original contract amount can be attributed to the lack of experience with the Contractor and their ability to collect delinquent payments on our behalf of the OES - EMS Division. As we continue to gain more experience working with the Contractor to date, it has become apparent that an increase in the contract amount is warranted. Collection fees are based on collection activity and the Contractor has continued to increase collection activities resulting in subsequent fees. The supplemental AAF provides more detail on how the amended contract amount was developed.

The funding required for this contract amendment is available in the Office of Emergency Services approved FY 21-22 budget.

Alignment with Strategic Plan: County's Strategic Goal 3: Safe and Secure Community and Goal 5: Accountable, Efficient, and Visionary Government.

Resource Persons: Jim Groves, OES Director and Michael Rafidi, OES Business Services Supervisor

County Manager's Recommendation: The County Manager recommends that the BOCC review the contract amendment and authorize the County Manager to sign and execute the contract amendment with BCFS for an amount not to exceed \$200,000.00

Attachments: [BCFS AAF Supplemental Document FY22 - 2](#)

[Bull City Financial Solutions- Contract Amendment June 2022](#)

22-0409

EMS Management & Consultants (EMS|MC) Contract Amendment #3

Agenda Text:

The Board is requested to approve contract amendment with EMS Management & Consultants (EMS|MC) to increase the contract amount by an additional \$132,924.30, taking the originally amended contract amount of \$492,270.96 to \$625,195.26 because of the modified collection rate for NC Medicaid services. EMS|MC is the Office of Emergency Services - EMS Division's third-party billing company for claims.

The County entered a contract with EMS|MC on July 1, 2019 in the amount of \$420,000. The original contract automatically renews every year through June 30, 2024. The contract amendment was approved August 9, 2021 via 21-0462 adding \$72,270.96 for ESO Solution services as well as to allow the County to pay EMS|MC 11.50 per claim (the 'NC-MCC Rate') as a result of North Carolina Medicaid Managed Care reimbursement changes this change to the existing EMS|MC contract for a total amount not to exceed \$492,270.96.

Claim recovery rates via NC-MCC are based on recovery activity and the Contractor has continued to increase recovery activities resulting in subsequent fees. The supplemental AAF provides more detail on how the amended contract amount was developed.

The funding required for this contract amendment is available in the Office of Emergency Services approved FY 21-22 budget.

Alignment with Strategic Plan: County's Strategic Goal 3: Safe and Secure Community and Goal 5: Accountable, Efficient, and Visionary Government.

Resource Persons: Jim Groves, OES Director and Michael Rafidi, OES Business Services Supervisor

County Manager's Recommendation: The County Manager recommends that the

BOCC approve contract amendment No. 3 and authorize the County Manager to execute Contract Amendment #3 in the amount of \$132,924.30 for a total contract amount not to exceed \$625,195.26.

Attachments: [FR 22-271 EMS Management & Consultants, Inc.- Amendment No.1 - Executed](#)
[EMS MC AAF Supplemental Document FY22 - June22](#)

22-0412 **Approve the Revised Agreement with Alliance Behavioral Healthcare (“Alliance”) for Fiscal Year (FY) 2022 and Approve the Agreement with Alliance for FY 2023**

Agenda Text: The Board is requested to approve the revised agreement with the Alliance for FY2022 and approve the agreement with Alliance for FY2023.

Attached is the revised agreement for FY2022 and the agreement for FY2023 with Alliance for the provision of high quality, cost-effective mental health, intellectual/developmental disabilities, and substance abuse (“MH/I-DD/SA”) for and on behalf of the County.

In the past, included in the terms of this agreement was that any unspent funds at fiscal yearend that were provided by Durham County were to be retained by Alliance and reported in a restricted fund balance for the purchase of services for Durham County residents in future years, unless otherwise agreed to in writing by the County Manager. In conversations between County staff and Alliance, it appears that there will be a significant amount of Durham County funds left unspent at the end of FY 2022. County staff recommend that as of FY 2022 and going forward that any unspent funds should be returned to the County rather than being restricted in Alliance’s restricted fund balance for future use. As such, County staff are recommending that the Board approve amending the existing agreement for FY 2022 and the proposed agreement for FY2023 and that going forward, Alliance should not be retaining any unspent Durham County funds at fiscal year end.

Alignment with Strategic Plan: Goal 2: Health and Well-Being for All, Goal 5: Accountable, Efficient and Visionary Government

Resource Persons: Joanne Pierce, General Manager; Claudia Hager, General Manager; Susan Tezai, Chief Financial Officer

County Manager’s Recommendation: The County Manager recommends that the Board approve the revised agreement with Alliance for FY 2022 and approve the agreement with Alliance for FY2023.

Attachments: [FY 2021-22 Alliance Health - Revised Contract1](#)
[FY22-23 Funding Agreement - Alliance1](#)

6. Other Business (50min)

22-0402 2022 General Obligation Bond Referendum - Process Update (20 minutes)**Agenda Text:**

The Board is requested to receive update on the 2022 General Obligation Bond Referendum. Staff will give update on next steps with the bond referendum process including public awareness efforts. There are several steps involved to move forward with a Bond Referendum. The first step required the Board to approve a resolution directing the publication of a “Notice of Intention to Apply to the Local Government Commission for approval of general obligation bonds”. Concurrently, a resolution to “Make certain findings of fact regarding the proposed general obligation bonds” and the resolution to “Authorize application to the Local Government Commission” occurred during the June 13, 2022 meeting.

On June 19th, a public notice occurred in the Herald Sun noting Durham County Government was applying to the Local Government Commission to hold a 2022 bond referendum in November. Any citizen or taxpayer of the County of Durham, North Carolina objecting to the issuance of any or all of the bonds had seven (7) days after the date of the publication of the notice to file with the Local Government Commission.

During the June 27th meeting, staff will update the Board on next steps with informing the community on the potential referendum. A special meeting may be required after June 29th for the Board to introduce the Bond Orders and adopt the Resolution setting a public hearing on the Bond Orders.

The 2022 General Obligation Bond Referendum will include bond questions that total to \$550,240,000 for Durham Public Schools (\$423.5 Million), Durham Technical Community College (\$112.7 Million) and for the Museum of Life and Science (\$13.9 Million).

Alignment with Strategic Plan: This item aligns with Strategic Goal 5: Accountable, Efficient and Visionary Government

Resource Persons: Claudia Odom Hager, General Manager; Deborah Craig-Ray, General Manager

County Manager’s Recommendation: The County Manager recommends that the Board receive the update on the 2022 Education Bond Referendum.

Attachments:

[CIP Update - 6-27-2022](#)

[Supplemental Form - Bond Referendum Update](#)

22-0377 ARPA Funding Update and Approve Grant Ordinance Appropriating ARPA Funds (30 Minutes)**Agenda Text:**

The Board is requested to approve the attached Grant Ordinance for a multi-year grant budget for the appropriation of the ARPA funding the County has been allocated. This is allowed for local governments by G.S. 159-13.2, which can be

established for a grant that covers both capital and operating funding. The budget spans the life of the grant rather than a given fiscal year. Budget must be in place before the funds are obligated.

County Finance is accounting for these ARPA funds as recommended by the Local Government Commission and the State and Local Government Finance Division of the State Treasurer's Office. Their recommended process avoids any possibility that the ARPA funds appear to be used to build reserves or pay debt service, which is not allowed.

In March 2021, President Biden signed the American Rescue Plan Act (ARPA). Of the \$1.9 trillion package, Durham County will receive \$62,445,275 which will be split into two equal payments of \$31,222,637.50. The County has received the 1st distribution and is currently waiting for the receipt of the 2nd distribution. Funds must be incurred and obligated by December 31, 2024. In addition, all funds must be expended to cover obligations and all work must be completed by December 31, 2026. ARPA funding will be a transformative investment to the Durham community, with the goal of leveraging resources from other local, state, and federal dollars to optimize the potential overall community impact.

The recommended Grant Ordinance is based on the current proposed ARPA Plan Draft Allocation which is included as an attachment. However, should amendments to the proposed Grant Ordinance be needed for whatever reason, County staff will present those to the Board for amendment approval.

Grant Ordinance:

General Government	\$19,845,275
Public Safety	3,000,000
Environmental Protection	4,000,000
Economic and Physical Development	5,500,000
Human Services	22,100,000
Education	<u>8,000,000</u>
Total	<u>\$62,445,275</u>

Alignment with Strategic Plan: Goal 5: Efficient, Accountable and Visionary Government

Resource Persons: Claudia Hager, General Manager; Susan Tezai, Chief Financial Officer.

County Manager's Recommendation: The County Manager recommends that the Board approve the Grant Ordinance for a multi-year grant budget for the appropriation of the ARPA funding the County has been allocated.

Attachments: [ARPA Allocation Framework - May 2022](#)
 [ARPA Grant Ordinance County of Durham](#)
 [ARPA Presentation - June 27, 2022](#)

7. Board and Commission Appointments (10 min)

[22-0391](#) **Board and Commission Appointments (10min)**

Agenda Text: Monica Wallace, Clerk to the Board, will distribute ballots to the Board to make appointments to the following boards:

- Animal Welfare Advisory Committee
- Bicycle and Pedestrian Advisory Commission
- Citizens Advisory Committee
- Criminal Justice Advisory Committee
- Durham County Hospital Corporation Board of Trustees
- Durham County Women's Commission
- Durham Cultural Advisory Board
- Durham Planning Commission
- Durham Sports Commission
- Environmental Affairs Board
- Historic Preservation Commission
- Juvenile Crime Prevention Council

The Board of Commissioners recognizes the need to have a representative sample of the citizens of Durham County serve on boards, commissions, committees, and authorities. No citizen may serve more than four consecutive terms for 2-year term boards; three consecutive terms for 3-year term boards; two consecutive terms for 4-year term boards; and one consecutive term for 5 and 6-year term boards in any one position, unless otherwise stated by statute; or there are no other applicants who meet the eligibility requirements. The Equalization and Review Board shall be exempt from these term limits.

Alignment with Strategic Plan: This item aligns with Goal 5 Accountable, Efficient and Visionary Government. When citizens are engaged and partners on our Boards and Commissions, the vision of our Strategic Plan is achieved - a thriving, vibrant diverse community with abundant opportunity for all residents to live, work, learn, play and grow.

Resource Persons: Monica Wallace, Clerk to the Board

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners vote to appoint members to the aforementioned Boards and Commissions.

Attachments: [Legistar Attmt - 6.27.2022](#)

8. Items Pulled from the Consent Agenda (20 min)**9. Closed Session****22-0411****Closed Session****Agenda Text:**

The Board is requested to adjourn into Closed Session for the following:

- To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations; pursuant to G.S. 143-318.11(a)(4)
- 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; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee; pursuant to G. S. 143-318.11(a)(6)
- To consult with an attorney employed by Durham County to preserve the attorney-client privilege between the attorney and the public body in the matter of Antoni Dabrowski v. Durham County, Durham County EMS, Angel Garrish, Aubrey Reinhard, and several other defendants; pursuant to G. S. 143-318.11(a)(3)

Alignment with Strategic Plan: This item aligns with Strategic Goals 3, 4 and 5

Resource Persons: Andy Miracle, Economic Development Officer; Kathy Everett-Perry, Chief Human Resources Officer; Curtis Massey, Sr. Assistant County Attorney and Willie Darby, Acting County Attorney

County Manager's Recommendation: The County Manager recommends that the Board meet in Closed Session and provide direction to staff.

10. Adjournment