

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

Monday, September 28, 2009

7:00 P.M. Regular 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, Becky M. Heron, and Brenda A. Howerton

Absent: None

Presider: Chairman Page

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

County Manager Ruffin noted that the "Resolution to Recognize the Durham Bulls Baseball Team for winning the 2009 Triple-A National Championship" and a closed session were added to the agenda; revised agendas were placed at each Commissioner's station.

Announcements

Chairman Page welcomed Dr. Cassandra Atkinson, Director of Community Research and Technical Assistance Initiatives, and her students from North Carolina Central University's Public Administration to the meeting. The students were in a Senior Seminar and studying Building Capacity with Constituents and in Communities. He asked the students to stand and be recognized.

Chairman Page announced that Project Homeless Connect would be held Thursday, October 8, from 10:00 a.m. to 4:00 p.m. at the Durham Bulls Athletic Park, 409 Blackwell Street. The free event is a one-day, one-stop shop designed to provide support and interventions to prevent and reduce homelessness in Durham. For additional information, Chairman Page asked citizens to contact Lanea Foster at 919 683-1185 ext. 29.

Chairman Page also announced that a public informational meeting on Durham's new middle school would be held Tuesday, October 13, at 7:30 p.m. at the Northern High School auditorium.

Commissioner Heron briefly recapped Durham's fourth annual Recovery Celebration Block Party, which occurred on Friday, September 25, 2009, from 4:00 to 7:00 p.m. at The Pavilion at Durham Central Park. She praised the event and stated that it was a pleasure to represent the Board. Commissioner Heron remarked that she relayed to the participants that the Durham

County Board of Commissioners issued a proclamation in honor of Alcohol and Drug Addiction Recovery Month at its August 24 Regular Session.

Chairman Page stated his appreciation for Commissioner Heron representing the Board at the Recovery Celebration Block Party.

Vice-Chairman Reckhow mentioned that she attended the Durham Public Schools (DPS) Board of Education meeting on Thursday, September 24. She stated that the State of the System Performance report was presented during the meeting and that a copy of the report was placed at each Commissioner's station. The report is to help DPS attain and maintain excellence in all key management and operational areas. It comprises a number of district instructional and stakeholder satisfaction indicators selected by the Board of Education. Areas that showed improvement but did not meet district goals were the high school End-of-Course test composite scores, the four-year graduation cohort rate, and Advanced Placement course participation. Instructional areas that showed decreases and did not meet goals were the district's attendance rate and average SAT performance ratio compared to the national average. Vice-Chairman Reckhow communicated that the County Manager is in the process of scheduling a joint meeting with the Board of Commissioners and the Board of Education. She requested that either the Report be placed on the joint meeting agenda or invite Dr. Carl Harris, DPS Superintendent, to a future Board of County Commissioners' worksession to present it.

Chairman Page thanked Vice-Chairman Reckhow for attending the Board of Education meeting.

Commissioner Heron articulated that the Board of County Commissioners (BOCC) has a Memorandum of Agreement (MOA) with the DPS Board of Education to meet periodically. She asked the County Manager to reinforce the Agreement.

County Manager Mike Ruffin clarified that the MOA with DPS had expired; DPS expressed no interest in renewing it. He noted that he recently emailed Dr. Harris to schedule a joint BOCC-DPS meeting for October 26, prior to the BOCC's Regular Session; however, he had not received a response. County Manager Ruffin stated that he would call Dr. Harris the next morning and then follow up with the Board via email.

Commissioner Heron emphasized the need for a joint meeting with DPS.

Commissioner Howerton mentioned that she arrived to the Board of Education meeting; however, she was unable to access the building.

Chairman Page inquired about the next leadership meeting and if the Report could be addressed during that meeting.

County Manager Ruffin replied that the upcoming leadership meeting is scheduled for early October.

Commissioner Bowser referred to an editorial he read in The Durham News Saturday paper, titled "How to fix what ails us". He encouraged citizens to obtain a copy and read the article.

Minutes

Commissioner Heron moved, seconded by Commissioner Howerton, to approve as submitted the August 24, 2009 Regular Session and September 8, 2009 Worksession Minutes of the Board.

The motion carried unanimously.

Introduction of New DSS Director—Ms. Geraldine “Gerri” Robinson

Gladys Dunston, DSS Board Chairman, introduced Ms. Geraldine “Gerri” Robinson, Durham County’s new Director of the Department of Social Services, to the Board. Ms. Dunston reported that Ms. Robinson brings 27 years of experience as a Social Services professional. Ms. Robinson joins Durham County from Davidson County, Tennessee where she served as Department of Social Services Director for Metro Nashville/Davidson County. She led that agency to achieve accreditation by the Council on Accreditation, which is the international accrediting agency for public and private providers of human services. Ms. Robinson has held various human services positions including a stint with the Maryland Department of Human Resources as a Social Services administrator and as Deputy Director with the Baltimore City Department of Social Services. She assumed her duties as DSS Director on September 14, 2009.

Ms. Robinson thanked the Commissioners and the community for welcoming her as the new Social Services Director. She expressed enthusiasm to work for Durham County.

Commissioner Bowser stated that he looked forward to working with Ms. Robinson and the great things to occur in Durham County under her leadership.

Chairman Page extended a welcome to Ms. Robinson.

Presentation of the Commissioners Community Circle Award

Chairman Page stated that the Commissioners Community Circle Award is designed as a way to recognize County departments and community organizations and programs for the extraordinary services they provide to Durham’s citizens. He announced that the Alliance of AIDS Services – Carolina is the recipient of the September 2009 Commissioners Community Circle Award. The Alliance was created to serve people living with HIV/AIDS, their loved ones, caregivers, and communities at large through compassionate and non-judgmental care, prevention, education, and advocacy.

Chairman Page remarked that the award was presented to this group for their continuous efforts to partner with community agencies to provide a full continuum of care to individuals living with HIV/AIDS. These services include pastoral care and counseling, substance abuse treatment, mental health counselors, nutritional counseling with a registered dietician, medical and non-medical case management, and family care homes. A few of the Alliance’s partner agencies

include Lincoln Community Health Center, Durham Health Department EI Clinic, and the Duke University Hospital ID Clinic.

John Paul Womble, Interim Executive Director for the Alliance of AIDS Services – Carolina, enlightened the public on the Alliance and its services. He acknowledged organizations that partner with the Alliance—Lincoln Community Health Center, El Centro, AIDS Community Residence Association, Duke University, and the Durham County Health Department.

The Board congratulated the Alliance of AIDS Services – Carolina for their efforts and presented the award to Mr. Womble.

Recognition of Employees who received the Local Government Federal Credit Union Employee Productivity Award at annual NCACC Conference

Each year, the North Carolina Association of County Commissioners (NCACC) offers the Employee Productivity Award as an opportunity to celebrate and reward county innovation. Formerly the Ralph Ketner Award, this year, the Local Government Federal Credit Union assumed financial sponsorship. Durham County was one of 10 winning entries to receive \$1,000.

Chairman Page recognized Durham County Tax Administrator Kimberly Simpson, Robie McLamb, Teresa Williamson, Joyce Logan, and Don Bogumil (former IT Department staff member), Tax Department, who were honored for creating a Remote Tax Payment Kiosk. The Remote Tax Payment Kiosk, the first of its kind in the state, allows Durham County taxpayers to pay their real estate and automobile taxes without having to visit the downtown tax office, all at the touch of a button.

The individuals were officially recognized on August 28 at the NCACC Annual Conference in Hickory. The awards were presented in recognition of the best productivity enhancements implemented in county government between January 1 and December 31, 2008. To date, the productivity awards program has generated over \$100 million in savings or cost avoidance in the 1,350 applications submitted.

Ms. Simpson announced that staff had planned a gala to celebrate the Tax Department's success. She thanked the Board for its support.

The Board congratulated and presented the award to the honorees.

Resolution to Recognize the Durham Bulls Baseball Team for winning the 2009 Triple-A National Championship

On September 22, 2009, the Durham Bulls Baseball Team won their first Triple-A National Championship. After a wild pitch made by Oneli Perez of the Memphis Redbirds, Rashad Eldridge scored a winning run allowing the Durham Bulls to defeat the Memphis Redbirds 5-4.

The Durham Bulls' 2009 Triple-A Baseball Championship win makes the team the first International League team to win the National Championship. Prior to the Triple-A Championship, the Durham Bulls won the 2009 Governors' Cup Finals.

The Durham Bulls have helped to bring a sense of vibrancy to downtown Durham as they play in the Durham Bulls Athletic Park, drawing nearly 400,000 fans to the downtown area.

Chairman Page read the following resolution into the record:

RESOLUTION

WHEREAS, on September 17, 2009, the Durham Bulls Minor League Baseball Team, the International League affiliate of the Tampa Bay Rays, secured the 2009 Governors' Cup Finals win for the third time in eight years; and

WHEREAS, the win was the first Governors' Cup title in six years for the Bulls; and

WHEREAS, winning the Governors' Cup qualified the Bulls for the 2009 Triple-A Championship played in Oklahoma City, Oklahoma on September 22, 2009; and

WHEREAS, the Triple-A Baseball National Championship Game is a single championship held between the International League and Pacific Coast League; and

WHEREAS, the Durham Bulls Baseball Team won the 2009 Triple-A Baseball Championship, becoming the first International League team to win the National Championship; and

WHEREAS, the winning run, scored by Rashad Eldridge, allowed the Bulls to defeat the Memphis Redbirds 5-4; and

WHEREAS, the Bulls won their first International League championship in 2002; and

WHEREAS, the Durham Bulls, originally known as the Durham Tobacconists, have played in Durham since 1902; and

WHEREAS, in December 1912, the team re-formed as the Durham Bulls in the North Carolina State League; and

WHEREAS, the Durham Bulls have helped to bring a sense of vibrancy and hometown camaraderie to downtown Durham as they play in the Durham Bulls Athletic Park, drawing nearly 400,000 fans to the downtown area:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby congratulate the

DURHAM BULLS BASEBALL TEAM

for winning the '09 Triple-A Championship and being three-time winners of the Governors' Cup.

This the 28th day of September 2009.

/s/ All Five Commissioners

George Habel, Vice President, Durham Bulls, commended the resolution and gave introductory remarks.

Mike Birling, General Manager, Durham Bulls, commented on the success of the Durham Bulls. He thanked the fans for their support and the Board for the recognition.

Chairman Page presented the trophy to Mr. Habel and Mr. Birling.

Mr. Birling distributed Durham Bulls t-shirts to the Commissioners.

Proclamation declaring October 2009 as Big Sweep Month in Durham County

Chairman Page recognized Commissioner Heron to read the following resolution to declare October 2009 as Big Sweep Month in Durham County:

PROCLAMATION

WHEREAS, Durham County is rich in natural resources and beauty; and

WHEREAS, water is a basic and essential need for all life; and,

WHEREAS, trash fouls our waterways as well as our landscapes; and

WHEREAS, the great natural beauty of our state and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and

WHEREAS, every citizen should contribute to keeping our environment clean and healthy by working together to preserve clean water and the natural beauty of our surroundings; and

WHEREAS, the North Carolina Big Sweep Organization organizes an annual fall statewide waterways and landscape cleanup to ensure clean and beautiful watersheds in North Carolina; and

WHEREAS, the Big Sweep cleanup will be a part of educating the children of this great state regarding the importance of a clean environment to the quality of life in North Carolina; and

WHEREAS, North Carolina Big Sweep is a statewide and global community effort to retrieve trash from North Carolina's waterways and landscapes:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby declare October as

DURHAM COUNTY 2009 BIG SWEEP MONTH

I hereby urge every citizen to do his or her part to restore the beauty and function of our lakes, streams, and landscapes by volunteering to participate in the Big Sweep event.

This the 28th day of September, 2009.

/s/ Michael D. Page, Chairman

Commissioner Heron stated that it was a pleasure to read the proclamation.

Jennifer Brooks, Watershed Conservationist, thanked the Board for issuing the proclamation. She reported that the NC Big Sweep cleanup event is coordinated each year by the Durham Soil and Water Conservation District, in partnership with Keep Durham Beautiful Inc. and the City of Durham's Stormwater Services Division. Further support is supplied by Durham County General Services and the City of Durham's Solid Waste. During the 2008 Big Sweep, 372 volunteers cleaned up over 10,000 lbs. of trash from Durham County. October 3, 2009 is the official Big Sweep day across the world, but cleanups in Durham County are organized throughout the month of October. Ms. Brooks encouraged citizens to do their part to restore the beauty and function of Durham's lakes, streams, and landscapes by volunteering to participate in the 2009 Big Sweep event.

Commissioner Howerton briefly greeted Ms. Brooks.

Ms. Brooks received the proclamation from the Board.

Proclamation for "Domestic Violence Awareness Month"

Chairman Page announced that the Durham Crisis Response Center (DCRC) would sponsor a "Kick Off" event October 1, from 5:30 p.m. – 6:30 p.m., at its office on 206 N. Dillard Street. The local theme of the observance was "Healing Through the Arts".

Commissioner Howerton asked why the City of Durham and Durham County observe Domestic Violence Awareness during two separate weeks.

Aurelia Sands Belle, Executive Director of DCRC, explained that Domestic Violence Awareness Month is observed nationally. The local event that occurred last week was sponsored by the Mayor's Task Force, which involved representatives from both the City and County.

Chairman Page read the following proclamation to designate October as "Domestic Violence Awareness Month":

PROCLAMATION

WHEREAS, Violence against women is a critical public health problem that has devastating physical and emotional consequences for women, children, and families; and

WHEREAS, domestic violence, a pattern of coercion and control in an intimate relationship, includes not only physical abuse but also financial abuse, mental abuse, emotional abuse, isolation, and sexual violence; and

WHEREAS, this issue impacts people regardless of age, race, socioeconomics, education, religion, and gender across our community, state, and nation and affects lives of the victims and children who live within the boundaries of abusive relationships; and

WHEREAS, approximately 95% of the victims of domestic violence are women; and

WHEREAS, Durham's Crisis Response Center addresses the rights, needs, and concerns of victims of domestic and sexual violence through advocacy, support, education, and prevention; and

WHEREAS, during 2008-09, Durham Crisis Response Center provided emergency shelter to 252 women and children fleeing domestic violence and court advocacy services to 264 victims and provided over 12, 500 hours of 24 Hour Crisis Line assistance; and

WHEREAS, more public awareness and education about domestic violence are required on the part of government, health professionals, law enforcement, faith-based groups, educators, and community associations to address domestic violence through prevention, intervention, and treatment for victims and perpetrators:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim the month of October 2009 as:

“DOMESTIC VIOLENCE AWARENESS MONTH”

in Durham County. I further call upon all citizens to take part in various educational activities that help to support prevention and elimination of this major societal dysfunction.

This the 28th day of September, 2009.

/s/ Michael D. Page, Chairman

Ms. Belle expressed gratitude to the Board for its support in placing domestic violence awareness as a top priority and for making it possible for the Durham Crisis Response Center to perform its work. She made comments about the importance of the observance and outlined the events for the month. Ms. Belle invited citizens to attend the "How to Spot a Dangerous Man Before You Get Involved" workshop on Tuesday, October 27, 9:30 a.m. – 4:00 p.m., at Durham

Regional Hospital Auditorium, 3643 N. Roxboro Street in Durham. For registration information, she directed citizens to contact the main office at (919) 403-9425 or online at <http://durhamcrisisresponse.org>.

Chairman Page commended Ms. Belle and the DCRC for their dedicated work. He stressed the importance of educating men on their roles in preventing domestic violence.

Ms. Belle informed Chairman Page of DCRC's "White Ribbon Campaign" where men are asked to come forward to speak against domestic violence.

Chairman Page presented the proclamation to Ms. Belle.

Consent Agenda

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to approve the following consent agenda items:

- *a. Property Tax Releases and Refunds for Fiscal Year 2009-2010 (accept the property tax release and refund report for August 2009 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- *b. Budget Ordinance Amendment No. 10BCC000016—Appropriating Prior Year Property Tax for Turner Business Appraisers Contract Amendment (amend the contract with Turner Business Appraisers for property value discoveries and approve Budget Ordinance Amendment No.10BCC000016 in the amount of \$125,000);
- *c. Budget Ordinance Amendment No. 10BCC000017—Appropriating Prior Year Property Tax For County Tax Service Inc. Contract Amendment (amend the contract with County Tax Service Inc. for property value discoveries and approve Budget Ordinance Amendment No.10BCC000017 in the amount of \$175,000);
- *e. Approve Budget Ordinance Amendment No. 10BCC000019 Public Health to recognize grant funds from the NC Department of Health and Human Services in the Amount of \$100,000 for the Local Public Health Preparedness Program;
- *g. Resolution for Public Auction Sale and Entering into a Contract with Jerry L. Harris, Auctioneer (approve the Resolution authorizing a Public Auction Sale and authorize the County Manager to enter into a contract with Jerry L. Harris, Auctioneer, to act as Auctioneer for the County of Durham);
- h. Service Contract with Just A Clean House Inc. for Management of Second House, a short-term transitional living facility (authorize the manager to enter into a contract with

- Just A Clean House Inc. for Transitional Living Facility provider in the amount of \$72,054.00 for FY 2010);
- k. Encroachment Agreement with NC DOT at Creekside Elementary School (approve the Right-of-Way Encroachment Agreement with NC DOT related to the Creekside Elementary School addition and authorize the Manager to execute the agreement);
 - *l. Approve the recommended appointments to the Criminal Justice Partnership Act Advisory Board;
 - *m. Approve the recommended appointments to the Juvenile Crime Prevention Council; and
 - *n. Approval of the Amended Documents related to the 2009B Variable Rate COPS (adopt the resolution and authorize the execution of the required documents upon approval by the Local Government Commission).

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2009-2010 (accept the property tax release and refund report for August 2009 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report).

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 September 2009.

Releases & Refunds for 2008 Taxes:

Real Estate	\$399,519.53
Personal	\$ 486,825.46
Motor Vehicles	\$ 34,948.85
Vehicle Fees	\$ 740.00
Solid Waste	<u>\$ 450.00</u>
Total for 2008 Taxes and Fees	\$922,483.84

Prior years' (2002-2008) releases and refunds for September 2009 are in the amount of \$51,501.17. The total current year and prior years' releases and refunds amount to \$973,985.01.

(Recorded in Appendix A in the Permanent Supplement of the September 28, 2009 Regular Session Minutes of the Board.)

Consent Agenda Item No. b. Budget Ordinance Amendment No. 10BCC000016—Appropriating Prior Year Property Tax for Turner Business Appraisers Contract Amendment

(amend the contract with Turner Business Appraisers for property value discoveries and approve Budget Ordinance Amendment No.10BCC000016 in the amount of \$125,000).

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000016

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Taxes	\$237,381,950	\$125,000	\$237,506,950

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$61,970,805	\$125,000	\$62,095,805

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 28th day of September, 2009.

Consent Agenda Item No. c. Budget Ordinance Amendment No. 10BCC000017—appropriating Prior Year Property Tax For County Tax Service Inc. Contract Amendment (amend the contract with County Tax Service Inc. for property value discoveries and approve Budget Ordinance Amendment No.10BCC000017 in the amount of \$175,000).

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000017

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Taxes	\$237,506,950	\$175,000	\$237,681,950

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$62,095,805	\$175,000	\$62,270,805

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 28th day of September, 2009.

Consent Agenda Item No. e. Approve Budget Ordinance Amendment No. 10BCC000019 Public Health to recognize grant funds from the NC Department of Health and Human Services in the Amount of \$100,000 for the Local Public Health Preparedness Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000019

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u> Intergovernmental	\$445,079,302	\$100,000	\$445,179,302

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u> Human Services	\$480,967,882	\$100,000	\$481,067,882

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 28th day of September, 2009.

Consent Agenda Item No. g. Resolution for Public Auction Sale and Entering into a Contract with Jerry L. Harris, Auctioneer (approve the Resolution authorizing a Public Auction Sale and authorize the County Manager to enter into a contract with Jerry L. Harris, Auctioneer, to act as Auctioneer for the County of Durham).

RESOLUTION AUTHORIZING PUBLIC AUCTION SALE

WHEREAS, The County of Durham accumulated surplus personal property consisting of miscellaneous automobiles, office furniture and equipment, and other items no longer needed for County operational purposes, and

WHEREAS, The County of Durham desires to dispose of these items by sale at public auction as provided by North Carolina General Statute 160A-270, and

NOW THEREFORE, BE IT RESOLVED by the Durham County Board of Commissioners that the sale at public auction at the time, place and conditions set out herein is authorized and directed:

1. The public auction for vehicles, office furniture, equipment, and other items is to take place on Saturday, October 17, 2009 from 9:00am-4:00pm at the Carmichael Building located at 300 North Duke Street, Durham North Carolina.
2. The terms of the sale will be cash, check, or credit card. Items(s) purchased must be paid for on the day of the sale.
3. The County Manager or his designee(s) shall be authorized as the County official in charge of the disposal of the surplus personal property.
4. Vehicles purchased by check will remain with the County until three (3) business days following the sale in order to verify the check.
5. If necessary, item(s) purchased at the Public Auction may remain on the County property up to ten (10) business days following the auction; however, it will be at the risk of the purchaser.
6. Successful bidder(s) on any item(s) requiring labor, tools or materials for dismantling and removal of the items(s) purchased shall furnish all such tools, materials, and labor and shall hold Durham County free of any claims for any personal injuries, damages, or liabilities incurred for removal of the item(s).
7. All items will be sold on an “as is” and “where is” basis. The County will make no guarantees and assumes no responsibility for any of the items.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be published in the Durham Herald-Sun Newspaper once at least 10 days prior to the date of the sale.

“BY ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DURHAM THIS 28th DAY OF September 2009”.

Consent Agenda Item No. l. Approve the recommended appointments to the Criminal Justice Partnership Act Advisory Board.

- Carolyn Titus—County Manager or Designee
- Gayle B. Harris—Public Health

Consent Agenda Item No. m. Approve the recommended appointments to the Juvenile Crime Prevention Council.

- William Marsh— Chief District Court Judge or Designee
 - Nancy Kent— Director, AMH/DD/SA or Designee
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Consent Agenda Item No. n. Approval of the Amended Documents related to the 2009B Variable Rate COPS (adopt the resolution and authorize the execution of the required documents upon approval by the Local Government Commission).

RESOLUTION APPROVING CHANGES RELATING TO VARIABLE RATE
CERTIFICATES OF PARTICIPATION (2009B DURHAM COUNTY); APPROVING
CERTAIN DOCUMENTS AND ACTIONS RELATING THERETO AND AUTHORIZING
CERTAIN ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the Board of Commissioners (the “Board”) for the County of Durham, North Carolina (the “County”) has, by a resolution adopted March 12, 2009, approved various documents relating to the delivery by the Durham Capital Financing Corporation (the “Corporation”) of \$55,985,000 Variable Rate Certificates of Participation (2009B Durham County) (the “Certificates”) pursuant to a Trust Agreement, dated as of April 1, 2009 (the “Trust Agreement”), between the Corporation and First-Citizens Bank & Trust Company, as Trustee (the “Trustee”); and

WHEREAS, the County is obligated to pay interest and principal with respect to the Certificates and such interest is currently accruing at a variable rate; and

WHEREAS, the County’s obligation to pay interest and principal with respect to the Certificates in certain circumstances is supported by a Standby Certificate Purchase Agreement, dated as of April 1, 2009 (the “Standby Agreement”), among the County, the Trustee and SunTrust Bank (the “Liquidity Provider”); and

WHEREAS, in order to lower the interest rate on the Certificates, it has been proposed that the Liquidity Provider provide a confirming letter of credit or liquidity facility (the “Confirmation”) relating to the Certificates that is to be issued to it by the Federal Home Loan Bank of Atlanta; and

WHEREAS, the Board of Commissioners for the County (the "Board") has determined that it is in the best interests of the County that the County and the Corporation make certain changes to existing documents relating to the delivery of the Certificates and take other actions in order to effectuate the delivery of the Confirmation; and

WHEREAS, there have been presented at this meeting copies of the following documents:

- (a) a draft of the Confirmation;
- (b) a draft of an Amended and Restated Trust Agreement, dated as of October 7, 2009 (the "Amended and Restated Trust Agreement"), between the Corporation and the Trustee that constitutes the Trust Agreement as amended to provide for the delivery of the Confirmation and make certain other changes; and
- (c) a draft of an Irrevocable Direct Pay Letter of Credit, dated as of October 7, 2009 (the "Letter of Credit"), pursuant to a Letter of Credit Agreement, dated as of October 7, 2009 (the "Letter of Credit Agreement"), among the County, the Trustee and the Liquidity Provider that constitutes a substitute for the Standby Agreement in connection with the delivery of the Confirmation;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. The Board hereby approves the form, terms and provisions of the Letter of Credit Agreement and, insofar as they are applicable to the County, the terms and provisions of the Amended and Restated Trust Agreement, the Confirmation and the Letter of Credit. The Chairman of the Board, the Vice-Chairman of the Board, the County Manager, the Finance Director of the County, the Clerk to the Board and the County Attorney are hereby authorized and directed to execute and deliver the Letter of Credit Agreement in substantially the form

presented, together with such additions, changes, modifications and deletions as they, with the advice of counsel, may deem necessary or appropriate, and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Board and the County.

Section 2. The Board hereby approves, ratifies and confirms the actions of the County Manager, the Finance Director of the County and the County Attorney in connection with this matter.

Section 3. The officers and employees of the County are authorized and directed (without limitation except as may be expressly set forth herein) to take such other actions and to execute and deliver any other documents, certificates, undertakings, agreements or instruments as they, with the advice of counsel, may deem necessary or appropriate to effectuate the transactions contemplated by the documents approved hereby, including, without limitation, approving any required notices to owners of the Certificates and a remarketing circular relating to the Certificates.

Section 4. The resolution entitled: “RESOLUTION APPROVING CHANGES RELATING TO VARIABLE RATE CERTIFICATES OF PARTICIPATION (2009B DURHAM COUNTY); APPROVING CERTAIN DOCUMENTS AND ACTIONS RELATING THERETO AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH” that was passed by the Board on June 22, 2009 is hereby repealed.

Section 5. This resolution shall take effect immediately upon its passage.

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. d. Approve Budget Ordinance Amendment 10BCC000018 requested by Bahama Volunteer Fire Department to appropriate \$320,000 in fund balance from the Bahama Volunteer Fire Department Special Revenue Fund in order to purchase two new tanker trucks.

Commissioner Howerton requested to pull this item to question how the purchase of two new tanker trucks would save taxpayers \$11,000.

Jeff Batten, Durham County Fire Marshal, explained that the trucks would replace older Bahama VFD trucks. He stated that purchasing the trucks prior to the implementation of new standards on January 1, 2010 would save money for the taxpayers.

Commissioner Bowser inquired about remaining funds in the Bahama VFD fund balance.

Mr. Batten replied that the remaining balance would be approximately \$30,000, subsequent to the purchase.

County Manager Ruffin informed Commissioner Bowser that a fund balance designated for a specific fire department must only be used for that fire department.

Mr. Batten responded to a request by Commissioner Heron regarding dry hydrant locations.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve Consent Agenda Item No. d.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000018

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>SPECIAL REVENUE FUND</u>			
Other Financing Sources	\$200,016	\$320,000	\$520,016

Expenditures:

<u>Function</u>			
<u>SPECIAL REVENUE FUND</u>			
Public Safety	\$4,001,990	\$320,000	\$4,321,990

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 28th day of September, 2009.

Consent Agenda Item No. f. Recognize the Homelessness Prevention and Rapid Re-Housing Program Grant award (S-09-37-0006) in the amount of \$789,101, approve Budget Ordinance Amendment No. 10BCC000020 in the amount of \$374,915 for FY10, approve the Subrecipient

Agreement, and authorize the Manager to execute said Agreement and approve a provisional social worker position.

Commissioner Bowser asked for staff to elaborate on the funding source.

Sharon Hirsch, Assistant Director/Communications, Development and Customer Information Division, Department of Social Services, responded that the funds were awarded to the County by the City of Durham Community Development Department as part of the economic stimulus funds for homelessness prevention and rapid re-housing. She noted that no matching grants were required.

Commissioner Bowser inquired about the origination of the grant and why funds are granted to the City.

Chairman Page requested clarification of the types of housing to benefit from the grant.

Commissioner Howerton inquired about the target population.

Chairman Page recognized the following signed speakers for comments:

Dr. E. Lavonia Allison, representing Durham Committee on the Affairs of Black People, PO Box 428, Durham 27702, suggested that DSS collaborate with other organizations in the community that can help prevent homelessness.

Chairman Page informed Dr. Allison that he serves on the 10-Year Plan to End Homeless Committee and would request that invitations to upcoming Committee meetings be extended to the public. He stated that the meetings are normally held the first Wednesday of the month at 1:00 p.m.

Commissioner Bowser requested to be notified of future 10-Year Plan to End Homeless Committee meetings.

Ms. Hirsch communicated that the Committee meetings are usually held at the Nehemiah Christian Center.

Staff mentioned that an advisory committee would be created as part of the Homelessness Prevention and Rapid Re-Housing (HPRP) initiative; Durham Technical Community College would be one of the participants.

Commissioner Howerton requested that the 10-Year Plan to End Homeless Committee provide a progress report to the Board.

County Manager Ruffin agreed to contact Anita Oldham, Executive Director, Durham Affordable Housing Coalition, to arrange for a progress report presentation at a future Board worksession.

Commissioner Bowser expressed concern that not all Commissioners were apprised of the Homelessness Prevention and Rapid Re-Housing Program Grant and how the funds would be used.

Chairman Page revealed that he had not attended a Committee meeting since the beginning of the summer due to schedule conflicts. He reiterated that the Committee would be requested to present a report to the Board at a future date.

Donald Hughes, PO Box 52598, Durham 27717, echoed Dr. Allison's comments and asked for additional information on the plan that would be implemented with the grant funds.

Ms. Hirsch addressed the following questions and concerns raised by Commissioner Bowser:

- How the funds would help individuals at risk of losing housing
- The maximum amount to be granted to an individual
- Case Worker and Social Worker positions to be filled
 - Durham County residents?
 - Funding amount allocated for staffing
- Funding allocations

Chairman Page reminded the Board of the meeting calendar that Acting Clerk to the Board Yvonne Jones emails weekly. He stated that the meetings are open to the public.

Commissioner Bowser requested that in the future, a breakdown of the funding distribution be provided for grant award agenda items.

County Manager Ruffin asked Commissioner Bowser for clarification of the data breakdown he desired.

Commissioner Bowser explicated that he was interested in the amount specifically allocated to pay for homes.

Staff responded that approximately \$500,000 would be used for direct payments to families for rent and utilities.

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve Consent Agenda Item No. f.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000020

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Budget Ordinance is hereby amended to reflect budget adjustments.

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$445,179,302	\$374,915	\$445,554,217

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$481,067,882	\$374,915	\$481,442,797

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 28th day of September, 2009.

Consent Agenda Item No. i. Durham Public School Construction Project at Neal Middle School (approve the owner/contractor agreement with Riggs-Harrod Builders, Inc. for the Renovation Project at Neal Middle School in the amount of \$6,850,203 and authorize the Manager to execute the agreement pursuant to the terms of the Interlocal Agreement with Durham Public Schools).

Dr. E. Lavonia Allison, representing Durham Committee on the Affairs of Black People, PO Box 428, Durham 27702, requested to comment on Consent Agenda Item Nos. i and j simultaneously as her comments were related to both Durham Public Schools (DPS) construction projects—Neal Middle School and Carrington Middle School. She expressed concern with the M/WBE participation.

Commissioner Bowser asked if DPS would meet the following goals set by Durham County:

Ethnicity/Race/Gender Industry	African American	Asian American	Hispanic American	Native American	Women-Owned
Construction	2.61%	N/A	N/A	N/A	3.98%
Construction Subcontracting	14.67%	N/A	2.14%	N/A	10.76%
Goods/Supplies	N/A	N/A	N/A	N/A	12.05%

Tim Carr, Program Director for DPS, explained that DPS are following the goals and asks contractors bidding on construction jobs to meet the goals.

Mr. Carr addressed the following questions and concerns raised by the Board:

- Contractors failure to meet Durham County M/WBE goals
- Potential joint Durham County-DPS office to monitor and make good-faith efforts to increase M/WBE participation
 - Joint venture with the City of Durham
 - Staffing costs
 - What will happen to the County's M/WBE office
- Number of employees in the County and City M/WBE offices

- Neal and Carrington Middle Schools construction costs
- Usage of remaining project funds

Commissioner Bowser spoke in support of contracting with Durham companies.

The Commissioners held a discussion pertaining to M/WBE participation and Commissioner Bowser's recommendation in relation to implementing a joint Durham County-DPS M/WBE office.

County Manager Ruffin stated his goal to present a report on creating a joint M/WBE office at either the Board's November or January Worksession.

Vice-Chairman Reckhow suggested that future agenda items relevant to DPS construction 1) include the amount of money available for the project that was approved in the bond and 2) monies expended to date on architectural projects. She directed the County Manager to withhold agenda items that do not include the report.

Mr. Carr referred the public to the construction and capital planning component of DPS' website to view bond quarterly reports.

Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham 27702, expressed concern with the M/WBE participation.

Chairman Page relayed a concern from a citizen that outside contractors were being hired for the Human Services Complex.

Vice-Chairman Reckhow requested a report on the M/WBE participation in regards to the Human Services Complex construction.

Commissioner Bowser moved (with reservations), seconded by Vice-Chairman Reckhow, to approve Consent Agenda Item No. i.

The motion carried unanimously.

Consent Agenda Item No. j. Durham Public School Construction Project at Carrington Middle School (approve the owner/contractor agreement with AAR of North Carolina Inc. for the Roof Replacement Project at Carrington Middle School in the amount of \$875,900 and authorize the Manager to execute the agreement pursuant to the terms of the Interlocal Agreement with Durham Public Schools).

Commissioner Bowser moved, seconded by Vice-Chairman Reckhow, to approve Consent Agenda Item No. j.

The motion carried unanimously.

County Manager Ruffin stated that he would contact County Engineer Glen Whisler the following morning regarding the issues raised about the Human Services Complex project.

Public Hearing on Refunding Bond Order

George K. Quick, Finance Director, requested that the Board of Commissioners hold a public hearing on the Order Authorizing \$70,000,000 Refunding Bonds. The initial order was adopted by the Board at its September 14, 2009 meeting. The proposed bond order along with the notice of the public hearing was duly advertised in accordance with law.

Commissioner Heron and Commissioner Bowser commended Mr. Quick for considering the citizens by saving the County money.

Chairman Page opened the public hearing and called the following signed speakers forward for comments:

Dr. E. Lavonia Allison, representing Durham Committee on the Affairs of Black People, PO Box 428, Durham 27702

Victoria Peterson, representing Triangle Citizens Rebuilding Communities, PO Box 101, Durham 27702

Per Dr. Allison's request, Mr. Quick elaborated on the order authorizing refunding bonds. He also addressed questions raised by Ms. Peterson about utilizing Durham banks.

Chairman Page closed the public hearing and referred the matter back to the Board.

Commissioner Bowser moved, seconded by Commissioner Heron, to adopt the final Bond Order and approve the Resolution providing for the issuance of General Obligation Refunding Bonds, Series 2009.

The motion carried unanimously.

**RESOLUTION PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION
REFUNDING BONDS, SERIES 2009**

BE IT RESOLVED by the Board of Commissioners for the County of Durham, North Carolina:

Section 1. Said Board of Commissioners (the "Board of Commissioners") has determined and does hereby find and declare:

(a) That an order authorizing not exceeding \$70,000,000 Refunding Bonds was adopted by the Board of Commissioners on September 28, 2009, which order has taken effect.

(b) That none of said Refunding Bonds have been issued; that no notes have been issued in anticipation of the receipt of the proceeds of the sale of said Refunding Bonds; and that it is necessary to issue at this time said Refunding Bonds in accordance with the provisions of Section 2 of this resolution.

(c) That the shortest period of time in which the debt of said County to be refunded by the issuance of said Refunding Bonds can be finally paid without making it unduly burdensome on the taxpayers of said County, as determined by the Local Government Commission of North Carolina (the "Local Government Commission"), is a period which expires on April 1, 2022.

Section 2. Pursuant to said order, there shall be issued bonds of the County of Durham, North Carolina (the "Issuer"), designated "General Obligation Refunding Bonds, Series 2009" and dated the date of delivery thereof (the "Bonds"). The Bonds shall be in such aggregate principal sum not exceeding \$70,000,000, shall be stated to mature in such principal amounts on April 1 of such years not exceeding April 1, 2022, shall bear interest at such rates, which interest shall be payable on April 1, 2010 and semiannually thereafter on April 1 and October 1 of each year until payment of such principal sum, and shall have such other terms and provisions as shall be determined by the County Manager or the Finance Director of the Issuer, subject to the limitations contained in this resolution. The County Manager or the Finance Director of the Issuer shall execute one or more certificates to evidence the making of such determinations, and each such certificate shall be conclusive evidence of the determinations of

the County Manager or the Finance Director of the County, as applicable, as to the matters stated therein.

Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated unless it is (a) authenticated upon an interest payment date in which event it shall bear interest from such interest payment date or (b) authenticated prior to the first interest payment date in which event it shall bear interest from its date; provided, however, that if at the time of authentication interest is in default, such Bond shall bear interest from the date to which interest has been paid.

The principal of and the interest on the Bonds shall be payable in any coin or currency of the United States of America which is legal tender for the payment of public and private debts on the respective dates of payment thereof.

The Bonds will be issued by means of a book-entry system with no physical distribution of Bond certificates to be made except as hereinafter provided. One fully-registered Bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of Cede & Co., a nominee of The Depository Trust Company, New York, New York ("DTC"), will be issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof, with transfers of beneficial ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. The principal of each Bond shall be payable to Cede & Co. or any other person appearing on the registration books of the Issuer hereinafter provided for as the registered owner of such Bond or his registered assigns or legal representative at such office of the Bond Registrar mentioned

hereinafter or such other place as the Issuer may determine upon the presentation and surrender thereof as the same shall become due and payable. Payment of the interest on each Bond shall be made by the Bond Registrar on each interest payment date to the registered owner of such Bond (or the previous Bond or Bonds evidencing the same debt as that evidenced by such Bond) at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on such registration books. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal and interest payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. The Issuer will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing records maintained by DTC, its participants or persons acting through such participants.

In the event that (a) DTC determines not to continue to act as securities depository for the Bonds or (b) the Finance Director of the Issuer determines not to continue to use the book-entry system of evidence and transfer of ownership of the Bonds through DTC in accordance with DTC's rules, the Issuer will discontinue the book-entry system with DTC. If the Issuer identifies another qualified securities depository to replace DTC, the Issuer will make arrangements with DTC and such other depository to effect such replacement and deliver replacement Bonds registered in the name of such other depository or its nominee in exchange for the outstanding Bonds, and the references to DTC or Cede & Co. in this resolution shall thereupon be deemed to mean such other depository or its nominee. If the Issuer fails to identify another qualified securities depository to replace DTC, the Issuer will deliver replacement Bonds in the form of

fully registered certificates in the denomination of \$5,000 or any multiple thereof (“Certificated Bonds”) in exchange for the outstanding Bonds as required by DTC and others. The Issuer may also deliver one or more Certificated Bonds to any participant of DTC in exchange for Bonds credited to its account with DTC in accordance with DTC’s rules.

Unless indicated otherwise, the provisions of this resolution that follow shall apply to all Bonds issued or issuable hereunder, whether initially or in replacement thereof.

Section 3. The Bonds shall bear the manual or facsimile signatures of the Chairman of the Board of Commissioners for the Issuer and the Clerk to said Board and the corporate seal or a facsimile of the corporate seal of the Issuer shall be impressed or imprinted, as the case may be, on the Bonds.

The certificate of the Local Government Commission to be endorsed on all Bonds shall bear the manual or facsimile signature of the Secretary of the Local Government Commission and the certificate of authentication of the Bond Registrar to be endorsed on all Bonds shall be executed as provided hereinafter.

In case any officer of the Issuer or the Local Government Commission whose manual or facsimile signature shall appear on any Bonds shall cease to be such officer before the delivery of such Bonds, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery, and any Bond may bear the manual or facsimile signatures of such persons as at the actual time of the execution of such Bond shall be the proper officers to sign such Bond although at the date of such Bond such persons may not have been such officers.

No Bond shall be valid or become obligatory for any purpose or be entitled to any benefit or security under this resolution until it shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed thereon.

The Bonds to be registered in the name of Cede & Co. and the endorsements thereon shall be in substantially the following forms:

Unless this certificate is presented by an authorized representative of The Depository Trust Company, a New York corporation ("DTC"), to issuer or its agent for registration of transfer, exchange, or payment and any certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity as is requested by an authorized representative of DTC), ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

No. R- \$.....

United States of America
State of North Carolina

COUNTY OF DURHAM

GENERAL OBLIGATION REFUNDING BOND, SERIES 2009

<u>Maturity</u>	<u>Interest Rate</u>	<u>Cusip</u>
.....

The County of Durham, in the State of North Carolina, is justly indebted and for value received hereby promises to pay to

CEDE & CO.

or registered assigns or legal representative on the date specified above, upon the presentation and surrender hereof, at the office of the Finance Director of said County (the "Bond Registrar"), the principal sum of

..... DOLLARS

and to pay interest on such principal sum from the date hereof or from the April 1 or October 1 next preceding the date of authentication to which interest shall have been paid, unless such date

of authentication is a April 1 or October 1 to which interest shall have been paid, in which case from such date, such interest to the maturity hereof being payable on April 1, 2010 and semiannually thereafter on April 1 and October 1 in each year, at the rate per annum specified above, until payment of such principal sum. The interest so payable on any such interest payment date will be paid to the person in whose name this bond (or the previous bond or bonds evidencing the same debt as that evidenced by this bond) is registered at the close of business on the record date for such interest, which shall be the 15th day (whether or not a business day) of the calendar month next preceding such interest payment date, by check mailed to such person at his address as it appears on the bond registration books of said County. Both the principal of and the interest on this bond shall be paid in any coin or currency of the United States of America that is legal tender for the payment of public and private debts on the respective dates of payment thereof. For the prompt payment hereof, both principal and interest as the same shall become due, the faith and credit of said County of Durham are hereby irrevocably pledged.

This bond is one of an issue of bonds designated "General Obligation Refunding Bonds, Series 2009" (the "Bonds") and issued by said County for the purpose of providing funds, with any other available funds, for refunding certain outstanding bonds of said County, including paying expenses related thereto, as provided in a resolution duly passed by the Board of Commissioners for said County on September 28, 2009 (the "Resolution"), and this bond is issued under and pursuant to The Local Government Bond Act, as amended, Article 7, as amended, of Chapter 159 of the General Statutes of North Carolina, an order adopted by said Board of Commissioners, which has taken effect, and the Resolution.

The Bonds are being issued by means of a book-entry system with no physical distribution of bond certificates to be made except as provided in the Resolution. One fully-

registered Bond certificate with respect to each date on which the Bonds are stated to mature, in the aggregate principal amount of the Bonds stated to mature on such date and registered in the name of Cede & Co., a nominee of DTC, is being issued and required to be deposited with DTC and immobilized in its custody. The book-entry system will evidence beneficial ownership of the Bonds in the principal amount of \$5,000 or any multiple thereof, with transfers of ownership effected on the records of DTC and its participants pursuant to rules and procedures established by DTC and its participants. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC, and transfer of principal and interest payments to beneficial owners of the Bonds by participants of DTC will be the responsibility of such participants and other nominees of such beneficial owners. Said County will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, its participants or persons acting through such participants.

In certain events, said County will be authorized to deliver replacement Bonds in the form of fully-registered certificates in the denomination of \$5,000 or any multiple thereof in exchange for the outstanding Bonds as provided in the Resolution.

At the office of the Bond Registrar, in the manner and subject to the conditions provided in the Resolution, Bonds may be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of authorized denominations and bearing interest at the same rate.

The Bond Registrar shall keep at his or her office the books of said County for the registration of transfer of Bonds. The transfer of this bond may be registered only upon such books and as otherwise provided in the Resolution upon the surrender hereof to the Bond Registrar together with an assignment duly executed by the registered owner hereof or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon

any such registration of transfer, the Bond Registrar shall deliver in exchange for this bond a new Bond or Bonds, registered in the name of the transferee, of authorized denominations, in an aggregate principal amount equal to the unredeemed principal amount of this bond, of the same maturity and bearing interest at the same rate.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of North Carolina to happen, exist and be performed precedent to and in the issuance of this bond have happened, exist and have been performed in regular and due form and time as so required; that provision has been made for the levy and collection of a direct annual tax upon all taxable property within said County sufficient to pay the principal of and the interest on this bond as the same shall become due; and that the total indebtedness of said County, including this bond, does not exceed any constitutional or statutory limitation thereon.

This bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Resolution until this bond shall have been authenticated by the execution by the Bond Registrar of the certificate of authentication endorsed hereon.

IN WITNESS WHEREOF, said County of Durham, by resolution duly passed by its Board of Commissioners, has caused this bond [to be manually signed by] [to bear the facsimile signatures of] the Chairman of said Board and the [Acting] Clerk to said Board and [a facsimile of] its corporate seal to be [printed] [impressed] hereon, all as of the date of this bond set forth above.

/s/ Michael D. Page
Chairman of the Board of Commissioners

/s/ Yvonne R. Jones
[Acting] Clerk to the Board of Commissioners

CERTIFICATE OF LOCAL GOVERNMENT COMMISSION

The issuance of the within bond has been approved under the provisions of The Local Government Bond Act of North Carolina.

Secretary, Local Government Commission

CERTIFICATE OF AUTHENTICATION

This bond is one of the Bonds of the series designated herein and issued under the provisions of the within-mentioned Resolution.

Finance Director of the County of Durham, North
Carolina, as Bond Registrar

By: _____
Authorized Signatory

Date of authentication: _____

ASSIGNMENT

FOR VALUE RECEIVED the undersigned registered owner thereof hereby sells, assigns and transfers unto

the within bond and all rights thereunder and hereby irrevocably constitutes and appoints

attorney to register the transfer of said bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: _____

Signature Guaranteed:

NOTICE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

Certificated Bonds issuable hereunder shall be in substantially the form of the Bonds registered in the name of Cede & Co. with such changes as are necessary to reflect the provisions of this resolution that are applicable to Certificated Bonds.

Section 4. The Bonds will not be subject to redemption prior to maturity.

Section 5. Bonds, upon surrender thereof at the office of the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar, may, at the option of the registered owner thereof, be exchanged for an equal aggregate principal amount of Bonds of the same maturity, of any denomination or denominations authorized by this resolution and bearing interest at the same rate.

The transfer of any Bond may be registered only upon the registration books of the Issuer upon the surrender thereof to the Bond Registrar together with an assignment duly executed by the registered owner or his attorney or legal representative in such form as shall be satisfactory to the Bond Registrar. Upon any such registration of transfer, the Bond Registrar shall authenticate and deliver in exchange for such Bond a new Bond or Bonds, registered in the name of the transferee, of any denomination or denominations authorized by this resolution, in an aggregate

principal amount equal to the principal amount of such Bond so surrendered, of the same maturity and bearing interest at the same rate.

In all cases in which Bonds shall be exchanged or the transfer of Bonds shall be registered hereunder, the Bond Registrar shall authenticate and deliver at the earliest practicable time Bonds in accordance with the provisions of this resolution. All Bonds surrendered in any such exchange or registration of transfer shall forthwith be cancelled by the Bond Registrar. The Issuer or the Bond Registrar may make a charge for shipping and out-of-pocket costs for every such exchange or registration of transfer of Bonds sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or registration of transfer, but no other charge shall be made by the Issuer or the Bond Registrar for exchanging or registering the transfer of Bonds under this resolution.

As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes, and payment of or on account of the principal of any such Bond and the interest on any such Bond shall be made only to or upon the order of the registered owner thereof or his legal representative. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond and interest thereon, to the extent of the sum or sums so paid.

The Issuer shall appoint such registrars, transfer agents, depositories or other agents as may be necessary for the registration, registration of transfer and exchange of Bonds within a reasonable time according to then current commercial standards and for the timely payment of principal and interest with respect to the Bonds. The Finance Director of the Issuer is hereby appointed the registrar, transfer agent and paying agent for the Bonds (collectively the "Bond Registrar"), subject to the right of the governing body of the Issuer to appoint another Bond

Registrar, and as such shall keep at his or her office the books of the Issuer for the registration, registration of transfer, exchange and payment of the Bonds as provided in this resolution.

Section 6. The Issuer covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended, as are applicable to the Bonds, except to the extent that the Issuer obtains an opinion of bond counsel to the effect that noncompliance would not result in interest on the Bonds being includable in the gross income of the owners of the Bonds for purposes of federal income taxation.

Section 7. The Issuer hereby undertakes, for the benefit of the beneficial owners of the Bonds, to provide:

(a) by not later than seven months from the end of each fiscal year of the Issuer, to the Municipal Securities Rulemaking Board (the "MSRB"), audited financial statements of the Issuer for such fiscal year, if available, prepared in accordance with Section 159-34 of the General Statutes of North Carolina, as it may be amended from time to time, or any successor statute, or, if such audited financial statements of the Issuer are not available by seven months from the end of such fiscal year, unaudited financial statements of the Issuer for such fiscal year to be replaced subsequently by audited financial statements of the Issuer to be delivered within 15 days after such audited financial statements become available for distribution;

(b) by not later than seven months from the end of each fiscal year of the Issuer, to the MSRB, (i) the financial and statistical data as of a date not earlier than the end of the preceding fiscal year for the type of information included under heading "The County - Debt Information and - Tax Information" in the Official Statement relating to

the Bonds (excluding any information on overlapping or underlying units) and (ii) the combined budget of the Issuer for the current fiscal year, to the extent such items are not included in the audited financial statements referred to in (a) above;

(c) in a timely manner, to the MSRB, notice of any of the following events with respect to the Bonds, if material:

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions or events affecting the tax-exempt status of the Bonds;
- (7) modification to the rights of the beneficial owners of the Bonds;
- (8) call of any of the Bonds for redemption;
- (9) defeasance of any of the Bonds;
- (10) release, substitution or sale of property securing repayment of the Bonds; and
- (11) rating changes; and

(d) in a timely manner, to the MSRB, notice of a failure of the Issuer to provide required annual financial information described in (a) or (b) above on or before the date specified.

The Issuer shall provide the documents referred to above to the MSRB in an electronic format as prescribed by the MSRB and accompanied by identifying information as prescribed by the MSRB.

The Issuer may discharge its undertaking described above by providing such information in a manner that the United States Securities and Exchange Commission subsequently authorizes in lieu of the manner described above.

If the Issuer fails to comply with the undertaking described above, any beneficial owner of the Bonds then outstanding may take action to protect and enforce the rights of all beneficial owners with respect to such undertaking, including an action for specific performance; provided, however, that failure to comply with such undertaking shall not be an event of default and shall not result in any acceleration of payment of the Bonds. All actions shall be instituted, had and maintained in the manner provided in this paragraph for the benefit of all beneficial owners of the Bonds.

The Issuer reserves the right to modify from time to time the information to be provided to the extent necessary or appropriate in the judgment of the Issuer, provided that:

(a) any such modification may only be made in connection with a change in circumstances that arises from a change in legal requirements, change in law, or change in the identity, nature, or status of the Issuer;

(b) the information to be provided, as modified, would have complied with the requirements of Rule 15c2-12 issued under the Securities Exchange Act of 1934 ("Rule 15c2-12") as of the date of the Official Statement relating to the Bonds, after taking into account any amendments or interpretations of Rule 15c2-12, as well as any changes in circumstances; and

(c) any such modification does not materially impair the interests of the beneficial owners, as determined either by parties unaffiliated with the Issuer (such as bond counsel), or by the approving vote of the registered owners of a majority in

principal amount of the Bonds then outstanding pursuant to the terms of this resolution, as it may be amended from time to time, at the time of the amendment.

The Issuer agrees that the annual financial information containing modified operating data or financial information will explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

The provisions of this Section shall terminate upon payment, or provision having been made for payment in a manner consistent with Rule 15c2-12, in full of the principal of and interest on all of the Bonds.

Section 8. The actions of the County Manager, the Finance Director and the County Attorney of the Issuer in applying to the Local Government Commission to sell the Bonds are hereby approved and ratified. The Local Government Commission is hereby requested to sell the Bonds at private sale without advertisement to any purchaser or purchasers thereof, at such prices as the Local Government Commission determines to be in the best interest of the Issuer, subject to the approval of the County Manager or the Finance Director of the Issuer; provided that the Bonds are sold at a purchase price of not less than ninety-eight percent (98%) of the face value of the Bonds plus one hundred percent (100%) of any interest accrued thereon from the date thereof to the date of delivery and payment therefor and, further, that the true interest cost of the Bonds does not exceed four percent (4%) per annum.

Section 9. The Preliminary Official Statement relating to the offering of the Bonds substantially in the form presented to the Board of Commissioners is hereby approved and the distribution of such Preliminary Official Statement in connection with the offering of the Bonds is hereby authorized. The County Manager or the Finance Director of the Issuer are each hereby authorized to approve a final Official Statement for and on behalf of the Issuer and the

distribution of such final Official Statement in connection with the sale of the Bonds is hereby authorized.

Section 10. The Bond Purchase Agreement relating to the sale of the Bonds between the Local Government Commission and the purchasers of the Bonds, substantially in the form presented to the Board of Commissioners and subject to the provisions of Section 8 of this resolution, is hereby approved. The County Manager or the Finance Director of the Issuer are each hereby also authorized to approve the purchase price of the Bonds in connection with the private sale of the Bonds. The County Manager or the Finance Director of the Issuer are each hereby further authorized to approve such changes to such Bond Purchase Agreement as either may deem necessary or appropriate and to execute and deliver such Bond Purchase Agreement for and on behalf of the Board of Commissioners and the Issuer.

Section 11. First Citizens Bank & Trust Company, in the City of Raleigh, North Carolina, is hereby confirmed as escrow agent in connection with the refunding of the bonds to be refunded by the issuance of the Bonds (the "Escrow Agent"), subject to the right of the governing body of the Issuer to appoint another Escrow Agent as provided in the Escrow Deposit Agreement hereinafter mentioned, and as such shall perform its responsibilities as provided in such Escrow Deposit Agreement. Such Escrow Deposit Agreement, substantially in the form of the draft thereof presented to the Board of Commissioners, and the creation of the Escrow Fund and the other arrangements described therein to accomplish such refunding are hereby approved, and the Chairman of the Board of Commissioners of the Issuer and the Clerk to said Board are each hereby authorized to approve such changes in such Escrow Deposit Agreement as are necessary and to execute such Escrow Deposit Agreement for and on behalf of the Issuer.

Section 12. The Arbitrage Group, in the City of Tuscaloosa, Alabama, is hereby appointed to verify the accuracy of certain mathematical computations in connection with the issuance of the Bonds, as described in the Official Statement mentioned above.

Section 13. The County Manager, the Finance Director and the County Attorney of the Issuer and their designees are hereby authorized and directed to take such other actions and to execute and deliver such other documents, certificates, undertakings, agreements or other instruments as may be necessary or appropriate to effectuate the issuance of the Bonds or the refunding of the bonds to be refunded in connection with the issuance of the Bonds. Such actions include determining on behalf of the Issuer whether or not to proceed with such refunding in whole or in part depending upon the cost savings available on the sale date of the Bonds and, if a determination is made to proceed with such refunding, giving or causing to be given notices of redemption of such bonds to be refunded as required by the resolutions providing for their issuance passed by the Board of Commissioners and such related documents as may be applicable.

Section 14. This resolution shall take effect upon its passage.

Board and Commission Appointments

Yvonne Jones, Acting Clerk to the Board, distributed ballots to the Board to make appointments to boards and commissions.

Chairman Page thanked the NCCU students for attending the meeting.

The following appointments were made (incumbents are underlined):

Adult Care Home Community Advisory Committee
Gwendolyn D. Price

Area Mental Health Board
Betsy MacMichael (Recommended by AMHB)

Board of Adjustment

Deanna Crossman (Recommended by JCCPC)

Criminal Justice Partnership Act Advisory Board
DeWarren K. Langley (At-large)

EMS Council
Derek K. Morton (First Responder—Lebanon VFD)

Historic Preservation Commission
Daniel Ellison (At-large)
James L. Leis (At-large)

Open Space & Trails Commission
Kristine Remlinger (Recommended by JCCPC)

Raleigh-Durham Noise Abatement Committee
Tom C. Kerns

Triangle J Water Resources Committee
Norberto A. Quezada

Closed Session

Commissioner Heron 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).

The motion carried unanimously.

Reconvene to Open Session

Chairman Page announced that the Board met in closed session; direction was provided to staff.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 9:55 p.m.

Respectfully submitted,

Yvonne R. Jones
Acting Clerk to the Board