

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

Monday, April 27, 2020

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Chambers, Second Floor, Durham County Government Administrative Complex, 200 East Main Street, Durham, North Carolina

Present: Chair Wendy Jacobs, Vice-Chair James Hill and Commissioners Heidi Carter, Brenda Howerton and Ellen Reckhow

Presider: Chair Wendy Jacobs

Opening of Regular Session - Pledge of Allegiance

Agenda Adjustments

Chair Jacobs announced that there were no agenda adjustments.

Announcements

Chair Jacobs read the following announcements:

1. **Help Us Feed Durham** – The Triangle Nonprofit & Volunteer Leadership Center has launched a "one-stop" volunteer portal where you can sign up to help nonprofits that are feeding our community right now. This page will be continuously updated with new opportunities to serve Durham. These organizations need your help getting food to our neighbors. Find a ton of food relief volunteer opportunities at <https://tinyurl.com/feeddarham>
2. **There is Still time for Census 2020** – For the first time ever, the Census can be completed by phone, email, or online. Due to health concerns, the time to complete the Census has been extended to October 31, 2020. Please visit <https://2020census.gov/> to complete the Census today!
3. **Emergency Operations Center, the Heartbeat for COVID-19 in Durham** – Since early March, Durham County Public Health and the Emergency Management Division of the Office of Emergency Services have combined efforts under the activated Durham County Emergency Operations Center (EOC). Their collaborative efforts are focused on response to COVID-19 and the cyber malware attack.

Since the EOC activation, the Board of County Commissioners have issued a Stay-At-Home (SAO) Order and unified the order with the City of Durham on April 3. The EOC is tasked with executing emergency management plans and supporting the SAO. Durham County Department

of Public Health has played a critical role in leading the monitoring and preparedness efforts for Durham.

To stay abreast of the COVID-19 situation in Durham and to learn more about how to help reduce the potential spread of this virus, residents are encouraged to visit <https://www.dcopublichealth.org/> or follow the DCoPH's Facebook, Twitter, and Instagram pages.

4. **Charter Offers Free WiFi for Eligible Students** – Charter will offer free Spectrum broadband and WiFi access for 60 days to households with K-12 and/or college students who do not already have access. To enroll please call 1-844-488-8395.
5. **Daily Dose of Parenting Wisdom for Welcome Baby** – Cooperative Extension's Welcome Baby Early Childhood Program has started a live chat with parenting experts each day in English and Spanish.

Sessions are everyday Monday – Thursday at 11 a.m. in Spanish and 7 p.m. in English. Interested parents can visit <https://www.facebook.com/welcomebabydurham/> for more information.

6. **Durham Pre-K is now accepting ONLINE applications for the 2020-21 School Year** – Please visit <http://www.durhamprek.org> on instructions on how to apply.

7. **Funding Opportunities/Unemployment Assistance (for independent contractors and self-employed)**

- a. **Salesforce Care Small Business Grants**-- Salesforce is partnering with Ureeka to offer eligible small businesses the opportunity to receive a \$10,000 grant to help them through the COVID-19 outbreak. The application period opened today and will close Friday, May 1st at 11:59PM. https://apply.salesforce.ureeka.biz/prog/salesforce_small_business_grants_east/

- b. **Duke Durham Fund Phase 1 - \$1 million for emergency relief - OPEN NOW**
Duke is now providing rapid relief grants up to \$5,000 to community-based organizations that are supporting basic needs in Durham. Eligible organizations may complete the short application online at any time, and organizations that received funding in April may reapply for additional funding during round two in May and round three in June. Applications for emergency relief for the community are available at www.community.duke.edu/give.

- c. **NEW!!!! Pandemic Unemployment Assistance**—NC Independent contractors and self-employed workers out of work because of COVID-19 can apply for federal Pandemic Unemployment Assistance beginning Friday, April 24th. Pandemic Unemployment Assistance is a federal program for people who are unable to work as a result of COVID-19 and not eligible for regular state unemployment benefits, such as self-employed workers and independent contractors (1099 employees). More information to include how to apply can be found <https://des.nc.gov/>.

Chair Jacobs announced the Durham FEAST had Durham restaurants buying local ingredients and their employees making healthy and delicious meals for Durham children and the costs were reimbursed by federal school meals funding. She added Durham Public Schools (DPS) Foundation coordinated fresh produce and shelf-stable food for parents and family members made possible by partnerships and financial contributions from the community.

Chair Jacobs announced the Durham Transit Team was working on a new Durham County Transit Plan. She added to successfully update the current plan, the team wanted feedback to include priorities and concerns of the community through an equitable community engagement process.

Commissioner Howerton wanted the community to know the Board had not forgotten about the investigation dealing with the County Manager and Commissioner Carter. Commissioner Howerton made the following statement:

“The Durham Board of County Commissioner Code of Ethics for Appointed and Elected Officials revised in 2010, Section Three: Standards of Conduct, Part (b) states a County Commissioner Shall Uphold the Integrity and Independence of His or Her Office. County Commissioners shall demonstrate the highest standards of personal integrity, truthfulness honesty and fortitude in all their public activities in order to inspire public confidence and trust in county government. As County Commissioners each of us has the responsibility to uphold our commitment to our Code of Ethics and avoid any appearance of impropriety. In my email communication to the Board last week, I emphasized my continued concern in the need to revisit the handling of the investigation regarding the County Managers serious allegations regarding one of our County Commissioners and the history of disparage treatment of employees. Also, in how we must proceed to ensure fairness and transparency as we follow the rules and polices. To the Durham community, your voice matters. It is your right to be informed, to ask questions and receive answers. It is important to get updates and get them as soon as possible. This Board serves you and it is appropriate to expect transparency from elected officials. I am asking that you please continue to hold us accountable as we work together to make our Durham a place where everyone thrives. This is an important issue. We cannot put it in front of the pandemic. We must keep people alive, home and get people back to work.”

Chair Jacobs stated the Board voted and was implementing the next step forward which included the County Attorney and Clerk interviewing perspective independent council to conduct two investigations. She added one investigation would be on the letter sent by the County Manager. Chair Jacobs continued the second investigation would be into the actions of the County Manager took in the way he sent the letter related to the International City/County Management Association (IMCA) Code of Ethics and one of the North Carolina General Statues related to the conduct of a professional executive and possible violations of interference with elections. Commissioner Howerton stated she was not informed about the two investigations. Chair Jacobs responded a Closed Session could be scheduled at the Monday, May 4, 2020 Work Session meeting for further discussion.

Minutes

Commissioner Carter moved, seconded by Commissioner Reckhow to approve the March 9, 2020 Regular Session and March 9, 2020 Special Session minutes.

The motion carried unanimously.

Ceremonial Items

Resolution – Board of Elections

Chair Jacobs read the following resolution.

RESOLUTION SUPPORTING THE RECOMMENDATIONS OF THE EXECUTIVE DIRECTOR OF THE STATE BOARD OF ELECTIONS RELATED TO VOTING AND COVID-19

- WHEREAS,** Thanks to earlier action taken by the Durham Board of Elections, the Durham County Board of Commissioners are fully aware of concerns regarding voting in the upcoming 2020 General Election in light of the ongoing COVID-19 pandemic; and
- WHEREAS,** our nation, state and local communities have been mostly shutdown in an effort to “flatten the curve” of increasing cases of COVID-19, and without the availability of a vaccine to treat the pandemic in the near term, it is unknown just how citizens will be able to safely participate in the November elections; and
- WHEREAS,** the Board of County Commissioners are aware of mitigation efforts introduced by the Centers for Disease Control (CDC) and the Governor of North Carolina to curb the spread of COVID-19, including, but not limited to social distancing; and
- WHEREAS,** now is the time to create and implement alternative methods of voting to empower participation rather than to discourage voters from exercising their right to vote; and
- WHEREAS,** the Executive Director of the State Board of Elections, in concert with a task force of election officials in the State of North Carolina, has shared substantive legislative recommendations to the General Assembly, the goal of which is to create/and or modify laws to ensure alternative and safe voting options are made available in advance of the 2020 General Election; and
- WHEREAS,** the Durham Board of County Commissioners are supportive of collaborative efforts to mitigate the impact of COVID-19 on the voting process, and will support our Durham Board of Elections as it works to ensure all elections are administered in a safe and secure manner.

NOW, THEREFORE BE IT RESOLVED that the Durham Board of County Commissioners enthusiastically supports the legislative recommendations recently submitted by the Executive Director of the State Board of Elections to the General Assembly. Implementing these changes as a result of the COVID-19 pandemic will be crucial to ensuring that the 2020 Election in North Carolina and Durham County is successful.

BE IT FURTHER RESOLVED THAT we ask the Executive Director of the North Carolina Association of County Commissioners to invite all counties to join this effort by developing similar resolutions and sharing with their General Assembly delegations, and that a copy of this resolution be transmitted to the General Assembly leadership.

This the 27th day of April 2020

Wendy Jacobs, Chair

James Hill, Jr., Vice-Chair

Heidi Carter

Brenda A. Howerton

Ellen W. Reckhow

Derek Bowens, Director of Elections stated on March 26, 2020 the Executive Director of the State Board of Elections sent a letter to the leadership of the General Assembly and the Governor. He added making recommendations to modify the statues related to absentee vote by mail. Mr. Bowens explained the letter also requested expanding options for absentee request, online request portal, reduce or eliminate witness request for absentee vote by mail, mail postage and flexible voting hours for Counties due to COVID-19. He added the changes would increase absentee voting by mail by 40 percent and would be estimated at 9000 by mail ballots for Durham County. Mr. Bowens stated the Coronavirus Aid, Relief, and Economic Security (CARES) Act allocated \$10.9 million to North Carolina for the Election Administration. Philip Lehman, Chairman of the Durham Board of Elections explained the Board of Elections planned to make the request and submittal of absentee vote by mail easy and in-person elections accessible and safe for citizens.

Chair Jacobs expressed the Board was proud to support the resolution and would send the resolution to NCACC, leaders of General Assembly and local delegation. She asked for the Clerk to use electronic signatures for the Board and send the Durham County Board of Elections receive a copy.

Commissioner Reckhow asked for the estimate cost to provide entirely absentee vote by mail and lead time needed. Mr. Bowens responded upward of \$200,000 to \$250,000 and was difficult to implement in the first year and during a general election due to huge operation changes.

Directive: Chair Jacobs asked the Clerk to use electronic signatures for the Board and to send a copy of the resolution to the Durham County Board of Elections.

Consent Agenda

Chair Jacobs asked the Board if they requested to pull or comment on any items on the Consent Agenda.

There were requested to comment on the following items: 20-0149, 20-0152, and 20-0153.

- Item 20-0149 – Commissioner Reckhow asked how many additional eBooks would be purchased with the funds and the lead time. Tammy Baggett, Library Director responded 780 additional eBooks could be purchased with the reallocated funds and a lead time was estimated between one and two weeks.
- Item 20-0152 – Chair Jacobs stated she was unable see any savings from the Libraries being closed. Motiryo Keambiroiro, General Services Director replied the resources had been reallocated to cover COVID-19 cost. Chair Jacobs asked why the County was paying for Duke’s national stockpile. Ms. Keambiroiro responded the County’s Emergency Operations Center stockpile was being stored at the facility on Duke’s property. Chair Jacobs asked if the Courthouse had a screening tent outside like the Health and Human Services Building (HHS). Ms. Keambiroiro replied the Courthouse had serpentine inside for screening and followed the same protocol for screenings.
- Item 20-0153 – Chair Jacobs inquired about the cleaning of the Courthouse and courtrooms. Ms. Keambiroiro responded the Courthouse had reduced the number of cases and had two days porters and four to six cleaners at night. Chair Jacobs asked about the HHS Building cleaning process. Ms. Keambiroiro replied four day porters and 12 cleaners at night.

Hearing no additional comments, Chair Jacobs entertained a motion for approval.

Commissioner Reckhow moved, seconded by Carter to approve the following items on the Consent Agenda.

The motion carried unanimously.

*20-0148 Resolution of Support of the Eno River Water.

20-0149 Request to Approve Expenditure Increase of \$39,000 for the Purchase of eBooks, eAudiobooks, and streaming video from Overdrive for fiscal year 2020.

*20-0151 Amendment Adding Up to \$100,000 to Contract for Urban Ministries of Durham.

20-0152 Contract Amendment for NightHawk Security Services Resultant from the COVID-19.

20-0153 Contract Amendments for Increased Janitorial Services resultant from COVID-19.

Consent Agenda Item #20-0148

RESOLUTION OF SUPPORT FOR RECLASSIFYING A SEGMENT OF THE ENO RIVER FOR WATER SUPPLY IN DURHAM COUNTY, NORTH CAROLINA

WHEREAS, the City of Durham owns Teer Quarry located at 5090 Denfield Road in Durham County, adjacent to the Eno River; and

WHEREAS, Teer Quarry is critical for meeting the City’s emergency water supply needs and will improve the City’s water system reliability; and

WHEREAS, the City of Durham’s water system provides clean, safe drinking water to much of Durham County; and

WHEREAS, improving the City of Durham’s water supply reliability improves water supply reliability for Durham County; and

WHEREAS, use of Teer Quarry as a water supply requires filling it from a new intake in the Eno River; and

WHEREAS, the North Carolina General Statutes require that the segment of the Eno River in which the new intake is located and its watershed, as well as Teer Quarry, be reclassified to protect the quality of the water:

NOW, THEREFORE, BE IT RESOLVED, that we the Durham Board of County Commissioners do hereby resolve to support the reclassification of the lands and waters identified by the North Carolina Department of Environmental Quality as being within the new Eno River intake watershed to WS-IV NSW with a Critical Area (CA) and Protected Area (PA), and Teer Quarry to WSIV NSW CA.

This the 27th day of April, 2020.

Wendy Jacobs, Chair

James Hill, Vice Chair

Heidi Carter, Commissioner

Brenda A. Howerton, Commissioner

Ellen W. Reckhow, Commissioner

Consent Agenda Item #20-0151

**Durham County, North Carolina
2019-2020 Budget Ordinance
Amendment Number 20BCC000056**

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2019-2020 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>			
Other Financial Services	\$35,536,918	\$100,000	\$35,636,918

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$70,539,197	\$100,000	\$70,639,197

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

Approved April 27, 2020

Other Business

20-01588 Discussion on Face Covering Options for High Risk Durham County Residents

Commissioner Howerton explained the Stay-At-Home Order required residents to wear a face covering while in public. She added many of the high-risk residents did not have face coverings. Commissioner Howerton stated she had contacted Isaac Henrion, Coordinator of Covering the Triangle to discuss the community needs and how the Board may be able to support the need for face coverings.

Mr. Henrion explained he started the effort along with Duke physicians and medical students to get face coverings to citizens, workers and high-risk citizens in Durham. He added was interested in the County taking on the effort to get face mask to the high risk and others in the community.

The Board inquired about the locations where the face covering had been distributed. Mr. Henrion replied the Transportation Station, Urban Ministries, Rescue Mission, grocery stores and private organizations. The Board inquired about the cost of the face coverings and what funds in the budget could be used to cover the cost. Commissioner Howerton responded the cost would depend on face covering selected and she had spoken with the Clerk to find funding not spent in the budget. Mr. Henrion added overseas face coverings were much cheaper but did not have the opportunity to order

from overseas due to lack of resources. The Board asked if the need was just for resources to pay for the mask or resources and help with distribution. Larry Greenblatt, Covering the Triangle responded resources and distribution. He added him and Mr. Henrion had jobs as doctors and had given and helped personally and would like for the government to assist.

The Board inquired about the amount of unspent travel money in the budget. Monica Toomer, Clerk to the Board replied would need to get the budget numbers and provide to the Board. Commissioner Howerton recommended the Clerk, County Manager and Budget Director review the budget for available funds to purchase face coverings and provide to the Board. Commissioner Reckhow recommended Commissioner Howerton contact Winston Salem to inquire about their funding for face coverings. Chair Jacobs asked for another Commissioner to help Commissioner Howerton. Commissioner Reckhow volunteered to help Commissioner Howerton with the face coverings. The Board thanked Mr. Henrion and Mr. Greenblatt for providing face coverings and helping the community.

20-0053 Durham County Update on the COVID-19 Crisis

Jim Groves, Fire Marshal and Emergency Management Director explained the Emergency Operation Center (EOC) was focused on finding Personal Protective Equipment (PPE) and had a plan if COVID-19 continued. He thanked Emergency Management, Emergency Medical Services, Department of Social Services, Public Health, County Manager and General Managers for their support and help with the COVID-19 pandemic.

Rodney Jenkins, Public Health Director thanked the Board and County Management for their support and thanked Emergency Management for their partnership in the COVID-19 response.

Mr. Jenkins provided the following updates for Durham County:

- 565 total cases; 30 hospitalized and 16 deaths
- 17 percent of cases were community spread;
- 20 percent of cases were travel related;
- 63 percent of cases were close contact of a confirmed case;
- 1 percent of cases were still under investigation;
- 78 percent of cases were under age 65 and 22 percent were over 65;
- 3 percent were Asian; 33 percent were African American; 12 percent were Caucasian; 6 percent were Other, and 46 percent were Unknown;
- 33 percent were associated with a long-term care facility and 22 percent were healthcare workers or worked a healthcare facility.

Mr. Jenkins provided the following Public Information Updates:

- Published new data dashboard, linked on website and shared on social media;
- Began COVID-19 information campaign on local radio station;
- Added COVID-19 Resources page to website
- Participated in weekly Latinx summary call to better understand Spanish-speaking community communication needs.

Mr. Jenkins provided the following on Testing:

- Duke had the capacity to test around 700 patients per day;
- Walgreens and North Carolina Department of Health and Human Services partnered for drive thru COVID-19 Testing. Testing will be free of charge and will be available to test approximately 160 residents per day at 3798 Guess Road in Durham.

Mr. Jenkins provided the following on Contact Tracing:

- Six Duke Physician Assistant students joined the County today and nine more were coming onboard to help continue to expand capacity. The County had ongoing conversations with Duke on additional staff for support needs;
- The State was working with Community Care of North Carolina (CCNC) to expand the Local Health Department's (LHD) capacity to contact tracing with 500 people to be hired statewide under the leadership of LHD;
- Duke's Population Health Division had a contact tracing platform that included the County.

Leslie O'Conner, Chief Emergency Manager stated this was day 41 of the seven day per week operations of the Emergency Operations Center (EOC) activation related to COVID-19. She added around 200 City, County, non-profits, non-governmental agencies, and volunteers assisted the EOC.

Ms. O'Conner provided an update on the following areas:

- DSS had issued supplemental food and nutrition services totaling \$908,427 between April 22nd and April 26th. Pandemic Supplemental Nutrition Assistance Program (SNAP) benefited all children enrolled in the NC Schools Free/Reduced Lunch program. Online shopping waivers had been issued to allow SNAP clients to use online shopping tools with approved grocery retailers.
- The Homelessness Task Force had housed 98 residents of the Urban Ministries of Durham at the Marriott-RTP hotel. Further work was being done to ensure our Coordinated Entry could get new clients identified as high priority for shelter to the shelter as quickly as possible. The EOC was still working to secure rooms at a second hotel for two-week quarantines of individuals released from the prison and detention system as well as individuals who tested positive for COVID and didn't have a place to go.
- The Food Security Task Force initial plan for the Durham Feast effort was to provide food for up to 6,500 children eligible for free and reduced lunch as well as 5,000 adults in those same households, with a primary focus on serving the children. Approximately 8,300 children were served, a significantly higher number than the target. The number of adults served was still lagging the target, in part due to uncertain funding for adult feeding.
- The Logistics Section reported N95 masks and surgical gowns continued to be an issue to find. The County received 3,810 donated masks from Masks Now, FaceMask Warriors, Cover the Triangle, and TROSA; 1,450 PPE masks from Duke Energy and BAPS Charities; 68 PPE Tyvek suits from Biogen; and 5 gallons of hand sanitizer from Duke Energy.

- The Plans Section was working within the City-County Recovery Plan to convene committees of representative groups to work through lifting the Stay-At-Home orders when the appropriate time arrives.

The Board asked if any additional assistance can be provided to the fragile community. Mr. Jenkins responded he had completed on-site visits at the high case facilities to ensure policies and procedures were being implemented and had reached out to the long-term care ombudsman to provide additional advice. He added the fragile community had become a nationwide issue and the Center for Disease Control and Prevention (CDC) was involved. The Board recommended looking at facilities that did not have any positive cases to see what measures were done and to provide the information to other facilities. Mr. Jenkins state he would report the recommendation to the Long-term Care Response team.

The Board asked if social distancing was being practiced and if there were any inmate cases at the detention center after being informed of a detention officer testing positive for COVID-19. Mr. Jenkins responded no reports of any inmate positive cases at the detention center. Sheriff Clarence Birkhead added the detention center was practicing social distance and employees were following polices and procedure while at work. The Board asked if staff and inmates were being tested for COVID-19. Sheriff Birkhead responded any potentially exposed detention officers and inmates were being tested. The Board asked if enough supplies and cleaning at the courthouse were. Sheriff Birkhead replied had ample hand sanitizer, but General Services had not placed any additional stations in the courthouse. He added approved giving citizens a face covering that entered the building without wearing face covering.

The Board inquired about the number of contact tracers and if there was a goal. Mr. Jenkins responded there was different kind of contact tracers and the County had around 20 tracers for each shift with an upward total of 950 contacts per day. He added there was no goal, although trying to contact as many people as possible. The Board asked if the County had received any complaints about citizens not social distancing on the American Tobacco Trail. Mr. Jenkins replied he had not heard of any complaints and he would contact Parks and Recreation to encourage monitoring.

The Board commended Mr. Groves, Mr. Jenkins, Ms. O’Conner and Sheriff Birkhead and staff for all their efforts and work to help keep Durham safe while dealing with COVID-19.

20-0135 Durham County Cybersecurity Malware Attach Recovery Update

Greg Marrow, Chief Information Officer explained the IS&T staff had communication vehicles back online including email, phones, voicemail, employee portal and MyDCo were restored. He added several business applications used by departments like Register of Deeds, Tax, Public Health, Dess, Budget and Human Resources were back online. Mr. Marrow stated plans were underway to address additional short-term and long-term investments needed to mitigate future attacks.

The Board inquired about providing broadband for the County. Mr. Marrow responded had discussion with a public utility company that wanted to contact an engineering company for an assessment. The Board expressed the need to provide internet for students at home. Mr. Marrow replied most schools were trying to cover digital divide with personal hotspots and school buses parked in public areas with internet. The Board asked if the County had any computers being recycled that could be donated to students. Mr. Marrow responded the County donated outdated computers to the Kramden Institute who donated the computers to community families in need to bridge the digital gap. Chair Jacobs stated she would send the Board an email Mr. Marrow sent her about how to get broadband to areas not covered by any providers. She added the Board may want to discuss matter at Budget Work Session meeting.

Board and Commission Appointments

Lowell Siler, County Attorney announced the voting results and thanked the Board for creating a modified voting process due to virtual meetings.

The Board made the following appointments (incumbents are identified with an (i). Individuals who are recommended by a Board are underlined.) Individuals listed in bold print were appointed.

Durham County Hospital Corporation (DCHC)

Mashaël Al-hegellan (Carter, Hill, Howerton, Jacobs, Reckhow)

Howard Burchette (Howerton)

Denise L. Barnes (Carter, Hill, Jacobs, Reckhow)

Rosemary Jackson (Carter, Hill, Howerton, Jacobs, Reckhow)

(i)Jay H. Kim (Carter, Hill, Howerton, Jacobs, Reckhow)

Shelia Robinson (Howerton)

Whitney Stanley (Carter, Hill, Jacobs, Reckhow)

Adjournment

Commissioner Reckhow moved, seconded by Vice-Chair Hill to adjourn the Regular Session meeting at 9:29 p.m.

The motion carried unanimously.

Respectfully Submitted,



Macio Carlton
Deputy Clerk to the Board