

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

Monday, April 5, 2021

9:00 A.M. Virtual Work Session

MINUTES

Place: Commissioners' Chambers, second floor, Durham County Government
Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chair Brenda Howerton, Vice Chair Wendy Jacobs, and Commissioners Nida
Allam, Nimasheena Burns, and Heidi Carter

Presiders: Chair Brenda Howerton

Citizen Comments

Monica Toomer, Clerk to the Board, read the following Citizen Comments submitted via email:

Larry M. Crane

“For the official record, I write to support the continued employment of Wendell Davis by Durham County.

He has a proven record of competence and fairness showing he represents all citizens of Durham and not a small political faction. His professional leadership and management has been instrumental in Durham's development. If his contract is not renewed, it will send a message to businesses that either want to locate or expand here that our County is not fiscally stable. Business relies on stability for forward strategic thinking.

It is Davis's very fiscal conservatism that has allowed Durham to move forward on major projects benefitting the community. The reason that Durham is one of the top-rated Counties in NC for Management and Fiscal responsibility, reflected in our AAA Bond rating, is solely due to the continuum of institutional knowledge in County Management. If the County budget was not well managed, we would not be able to sell bonds at ultra-low rates. For example we had the foresight to borrow money when rates were low 10 years ago, allowing the County to put together a deal to build hundreds of affordable apartments on East Main Street – a project with which some Commissioners may be familiar. For those of us who support similar projects, this is essential for the entire community. We need this to establish housing and jobs for Durham.

The People's Alliance, in support of three commissioners, has publicized a position that the County should hire a manager that aligns with their 'progressive' views. I am a progressive and view that statement as highly unethical and undemocratic. What if leaders with a different political point were elected in the future? Would the Board consider the election of a conservative or racist justify the patronage firing of whoever held the chief administrative position of the county or city? This logical reversal shows the paucity of the PA position logic.

In fact, if Mr. Davis did not practice fiscal conservancy and advise the elected commissioners about his position on their policies, he would not be doing his job and representing all citizens

of the county. That is part of his job. The review of any national description of the job would underline the necessary tension between professional administrators who have been highly trained for the position and the elected amateurs who provide oversight and direction. The County Manager is the professional trained to manage, communicate, and budget. The Commissioners are amateurs elected to provide oversight and suggest direction. They are to work in tandem, combining their skills sets.

The issue of race has been interjected into the decision making. The Commissioners need to understand racial and ethnic views can cloud proper thinking. The majority of the black community that I'm friends with deplores the firing of a competent black man due to racial misunderstandings and due to the normal tension expected with the County manager job. Not renewing his contract will stain the current Commissioners and the People's Alliance that supports them in future elections.

I urge the Commissioners to renew his contract.”

Antonio Jones, Chairman, Durham Committee on the Affairs of Black People

“Dear Durham County Commissioners:

On March 8, 2021, during the Board of County Commissioners meeting, Durham residents once again observed the dysfunction plaguing this governing body, as mentioned in the August 2020 Coleman Report. The blatant disrespect shown to the county attorney, and a potential county consultant during that meeting was disheartening, embarrassing and a poor reflection of Durham. Moreover, the community witnessed first-hand how certain County Commissioners treat Black county staff and a Black consultant seeking to provide much needed, individualized services to the members of the Board of County Commissioners. This treatment is eerily similar to the examples listed in the aforementioned Coleman Report which details how County staff members attribute such behavior to racial bias.

We stand in solidarity with the Durham County employees that have voiced concerns over mistreatment by certain Commissioners. It is our fundamental belief that no employee should be subjected to a toxic work environment. Furthermore, it is time to stop disrespecting, scapegoating, and gaslighting Black County employees for political appeasement. The continued normalization of consistent behavior displayed by members of this governing body is a threat to the functioning of our community and impedes progress as we collectively seek to tackle issues related to racial injustice, crime, homelessness, poverty, and the rapid displacement of Durham residents via poorly constructed policies.

A key function of government is to recognize the benefit of compromising for the greater good of the community. That compromise, however, should not be associated with one's willingness to acquiesce or submit to a particular political ideology. Instead, it should be based on recognizing the value of all voices and the willingness to work together for the public good. We cannot celebrate diversity in representation while simultaneously devaluing diversity in thought. Again, we emphasize certain Commissioners insulting the intellectual capacity and integrity of Black professionals during your March 8th board meeting was disturbing and unacceptable.

It is our goal, as a community to assist this board in determining a pathway forward. This must be a pathway that embraces antiracist values, accountability, integrity, and community cohesion. To facilitate this work our organization has developed the following asks for this governing body:

1. We ask again that Commissioner Heidi Carter is recused from any discussion pertaining to the renegotiation of County Manager Wendell Davis' contract. The initial complaint levied against Commissioner Carter in early 2020 has yet to be resolved and Commissioner Carter has failed to take the necessary steps to regain the community's trust. As such, her participation in any contract renegotiations presents a clear conflict of interest and is a great liability to the taxpayers and this board.
2. We request a public verbal and written apology from Commissioners Jacobs, Carter, and Allam to members of the Robert Bobb staff. These Commissioners were instrumental in leading a derogatory campaign against this consultant agency by making harmful allegations in absence of the appropriate context regarding the previous performance or endeavors of this company. Further, it is inappropriate to allow a consultant to share proprietary information publicly only to then request the submission of additional proposals; a request that should have been made in a more timely manner. This results in a clear inequity in any further review and selection process.
3. Finally, we request that Commissioners refrain from utilizing obstructionist tactics to further prevent this board from receiving training by a qualified third party. The board cannot survive in this state of fragility and must immediately prioritize individualized diversity, equity, and inclusion board training. It is clear that the current state of dysfunction cannot be addressed by the board in an autonomous fashion.

We hope that you will find a way to work together harmoniously for the good of all Durham County residents while remaining respectful of County staff who support your work. The community is watching. We are watching. Again, we stand in solidarity with the Durham County employees.

Thank you for your service to Durham County residents.”

Consent Agenda

The Board was requested to review the following Consent Agenda items for the September Regular Sessions.

21-0180 Intergovernmental Agreement with the United States Marshals Service and the Durham County Sheriff's Office

Butch Hinton, Durham County Sheriff's Office Finance Manager, and Clarence Birkhead, Durham County Sheriff, provided clarification on daily costs to house federal detainees and confirmed the Biden Administration's decision to not work with private contractors would not impact Durham County. Sheriff Birkhead also noted that any extraordinary medical expenses were fully reimbursable by the United States Marshals Service and that if the number of detainees rose past 60, the contract would be renegotiated.

Commissioner Burns acknowledged Sheriff Birkhead and staff for finding a fiscally responsible way to keep detainees close to their families during the holidays and pandemic (which was the reason for keeping many of the detainees in Durham).

Directive: Sheriff Birkhead to provide the Board with an overview of actual expenditures and revenues at the end of the fiscal year.

21-0191 Capital Project Amendment No. 21CPA000029 Appropriating \$1,008,885 in Debt Service Fund Fund Balance and Transferring the Funding to PAYGO Fund to fund the first two years of the Durham County Sheriff's Office Body-Worn Camera Project; Budget Amendment No. 21BCC0000101 Appropriating \$124,460 of General Fund Fund Balance in FY 2020-21 to Durham County Sheriff's Office IT fund center to offset Body-Worn Camera Project operating expenses and contractual costs incurred this fiscal year; and Approval of associated contracts for the Body-Worn Camera Project

Sheriff Birkhead discussed how body-worn cameras would be shared and rotated among the officers. He also discussed the policies regarding the storage of and public access to the captured audio and visual data. He confirmed the data would be subject to the Public Information Act.

Vincent Ritter, Durham County Sheriff's Office IT Director, stated that the length of storage depended on why an incident was recorded and the type of offense captured.

Commissioner Burns discussed the cost of storing and maintaining digital information, some of which would need to exist forever.

21-0206 Budget Ordinance Amendment No. 21BCC000102 Recognizing \$55,174.36 in Grant Funding from Alliance Health to the Durham County Sheriff's Office for Medication Assisted Treatment

Major Elijah Bazemore, Major of Detention Service, Durham County Sheriff's Office, confirmed Alliance provided the County with the agreed upon \$268,000 for the Detention Center pilot.

The Board thanked the Sheriff's Office for their work and the groundbreaking Medically Assisted Treatment (MAT) program.

21-0209 Capital Project Amendment No. 21CPA000030 Creating a Sheriff IT Life Cycle Replacement Capital Project (4310DC093) for the Durham County Sheriff's Office to Provide \$3,393,221 for Four Fiscal Years Utilizing Future Issuance of Bank Financing

Keith Lane, Budget and Management Services Director, confirmed this process was normal and followed the way the County typically did short term loans.

21-0225 Approve Budget Ordinance Amendment No. 21BCC000100 Appropriating \$260,000 Risk Management Fund Fund Balance to cover unplanned COVID-19 and Workers Compensation related expenses

General Manager Hager stated that staff would vet all COVID-19 related expenses to determine whether they could be reimbursed by the Federal Emergency Management Agency (FEMA) or American Rescue Plan Act of 2021 (ARPA).

In response to the Board's inquiry, David Ades, Budget and Management Services Assistant Director, stated that there appeared to be a \$9.1 million fund balance in the risk management fund.

21-0233 Approval of Interlocal Agreement with The City of Durham to Expand Bull City United

General Manager Joanne Pierce clarified which census tracks the City would be focusing on due to data showing increased gun violence.

Directive: General Manager Joanne Pierce to provide the Board with a map showing which census tracts the City would be focusing on as well as the quarterly reports for census tracks mentioned in the Interlocal Agreement.

There were no questions regarding the items below:

21-0207 Capital Project No. 21CPA0000028 transferring \$100,000 of 2016 General Obligation Bond Funding from DPS DSA Boiler Replacement Project (SH286) to DPS Security Vestibule Project (SH268) to complete the project

21-0212 Contract Amendment - Recovery Innovations for Tele Mental Health Services at Detention Center

21-0214 Request Refund of Payment of Excise Tax Wyatt, Early, Harris, Wheeler

21-0217 Utilities Division Collection System Scheduled and Emergency Repair Contract Amendment with Carolina Civilworks, Inc.

21-0218 Request Refund of Payment of Excise Tax

21-0220 Award Contract for the Detention Center Cooler Freezer Restoration to Hobart Service

21-0223 Laboratory Services Contract Amendment with Meritech, Inc.

21-0231 Durham County Library: No Charge for Printing and Copying in the Remainder of FY 2020-21

Discussion Items

21-0168 Building Up Local Life Sciences (BULLS) Update

The Board was presented an update on the Building Up Local Life Sciences (BULLS) Initiative. Andrew Miracle, Economic Development Officer, introduced the mission of the BULLS Initiative which was: to address the growing labor needs of the local life sciences industry by connecting residents to a rewarding career pathway by 1) Developing an aligned pipeline that increased industry awareness, removed barriers, and provided support for Durham residents and 2) Increasing the ability of Durham's training infrastructure and resources to meet the needs of life science companies.

This presentation served as an update to two presentations which occurred at the June 2020 Work Session. The first presentation was regarding Durham Biotechnology Career Pathways involving a number of community partners including Merck, Durham Public Schools Career and Technical Education, Durham Technical Community College, NC Biotechnology Center, and the DCHC MPO. The second presentation was provided by Made in Durham and was one of the first presentations on behalf of the BULLS Initiative. Both presentations were included as attachments to the agenda item.

Casey Steinbacher, Made in Durham Executive Director; Laura Rowley, NC Biotech, Director of Life Science Economic Development; and Kara Battle, Durham Tech, Dean of Engineering, Science and Math; detailed the efforts that had occurred since June in terms of Awareness and Engagement, Training and Infrastructure, and Equitable Economic Development. Increasing

Industry Awareness was one of the top BULLS priorities and one of the most accessible. BULLS partners tackled this priority through a number of outreach and promotion efforts—staff saw an increase in biotechnology course enrollment at Durham Tech that was, in part, tied to these strategies. Additionally, the presentation also outlined short-term and long-term resource needs to fully scale up local biotech training programs with the structures in place necessary to engage and support residents as they prepared to enter the life sciences industry. While BULLS was not making a funding request at this time, staff was identifying a plan and resources needed to make the plan happen. Some of the needs could be partially requested through the County’s budget process but staff was committed to BULLS being a public-private partnership with a mix of funding sources at every level.

Rick Lawless, KBI Biopharma Manufacturing Training and Development Manager, discussed the KBI Manufacturing Apprenticeship Program.

JB Buxton, Durham Technical Community College President, discussed the resource needs.

Ms. Steinbacher noted her discussions with Mr. Miracle regarding whether it was time to have a dedicated staff person for this project. She stated that they hoped to return to the Board in the future for more discussion on this topic. Dr. Kara Battle, Durham Technical Community College Science, Engineering & Math Dean, confirmed that the courses, and therefore the BULLS cohort, were not limited to Durham Public Schools students—the requirement for enrollment was a high school diploma—and Durham Tech saw enrollment from students from out-of-state and even out-of-country due to the flexibility of the virtual environment.

Mr. Buxton confirmed that a significant percentage of students graduating from DPS had to take remedial courses before being able to begin earning an associate degree. Ms. Steinbacher discussed the resources it would require to be able to scale up the program and emphasized the need for mentors.

Vice Chair Jacobs expressed her support of the ask and believed it should be a priority in the upcoming budget.

Mr. Buxton confirmed the Durham College Promise funding could be used to fund tuition costs for this project.

Commissioner Carter expressed her support and believed this should be included in the CIP considerations.

Directives:

- **Staff to research and determine whether the American Rescue Plan Act of 2021 (ARPA) funding could be used to support the BULLS ask.**
- **Andy Miracle to confirm whether this project was put forth as part of the community projects that Representative Price asked the County to submit for funding.**
- **When the County incentivizes corporations and businesses to come to Durham and bring jobs, this means there will be an increase in tax revenue. Staff to research and determine whether it was possible to carve out some of those increased collections**

and use it for projects like this that would benefit the corporation as well as the community in the long run.

21-0222 Update from Durham Joins Together Taskforce (DJT) on Opioid Use Disorders in Durham County

The Board received an update from the Durham Joins Together Taskforce (DJT) on Opioid Use Disorders in Durham County. In 2017, the North Carolina Association of County Commissioners (NCACC) charged all 100 counties to create a forum to address the opioid epidemic. The purpose of the County Leadership Forum on Opioid Abuse was to engage local elected leaders in an informed discussion about the opioid epidemic and develop collaborative strategies that enhanced prevention, education, and treatment.

As a result of that charge, Durham developed a steering committee with community partners to plan their County-wide event. The Durham Joins Together Taskforce partnered with the Durham County Post-Overdose Response Team: Durham County Emergency Medical Services Community Paramedics, Durham County Department of Public Health (DCoDPH), Alliance Health, Together for Resilient Youth (TRY), Durham Recovery Response Center (DRRC), Duke Health, Durham County Sheriff's Office, and the Criminal Justice Resource Center (CJRC).

Cindy Haynes, Chair of the Mental Health and Treatment Subcommittee; Dr. Wanda Boone, Founder of Together For Resilient Youth and Co-Chair of the Durham Joins Together to Save Lives Task Force; Major Bazemore; Carlyle Johnson, Alliance Health Provider Network Strategic Initiatives Director; Rod Jenkins, Public Health Director; and Sheriff Birkhead discussed substance abuse, root causes and equity, the effects of the opioid epidemic on the Black community, and the Medication Assisted Reclamation and Treatment program.

Dr. Wanda Boone and Ms. Haynes discussed the funds from the two recent settlements reached by the Attorney General and how the Commissioners could help from a prevention standpoint.

21-0230 COVID-19 Workforce Operations

The Board was requested to receive information on the following documents: COVID-19 Workforce Operations, Guidance for Safe Workforce Operations, and Safe Operating Strategies for Departments.

The purpose of these documents was to assist Departments with their workforce operational strategies during the COVID-19 pandemic. The documents focused on enhancing safety and well-being in an environment that maintained its commitment to public service and a healthy work environment. The guidelines provided the framework in which the County would safely and carefully manage the workforce while continuing to provide County services and programs.

Dara Richardson, Human Resources Manager, reviewed the COVID-19 Workforce Operations as well as hot topics which included when the County considered re-opening, business travel, fitness center access, and travel guidance and high-risk activities.

Manager Davis and Shawn Swiatocha, General Services Assistant Director of Operations, discussed when the Board could possibly expect to return to in-person meetings and the current renovations taking place in the offices adjacent to the Commissioners' Chambers.

Tammy Baggett, Library Director, and Terry B. Hill, Library Deputy Director, discussed the plans and timeline for the opening of the Main Library which would take a phased approach. Ms. Baggett noted that a virtual Grand Opening was currently being planned and more information would be provided at a later time.

Ms. Richardson and Mr. Swiatocha addressed questions regarding the use of outdoor spaces for employees (specifically during times in which face masks would be removed, like lunchtime) as well as the upgrades done to air filtration systems. General Services adjusted the way air flowed through the buildings to maximize the amount of air brought from outside of the buildings and minimized the amount of air that was recirculated within the buildings.

21-0226 Review of Commissioner Directives

The Board was requested to review staff follow-up regarding previously issued directives.

No questions were raised.

21-0228 Commissioner Comments

The Board was requested to allow each Commissioner six minutes to report on conferences or make comments regarding issues that may be of interest or concern to the Board.

Commissioner Allam uplifted the work of the workers and organizers of the Duke Press Union. She stated she stood with them and urged Duke University and Duke University Press Management to recognize their Union and enter a collective bargaining process. She also highlighted House Bill 354 - Hate Crimes Prevention Act which was striving to increase the scope of current hate crime protections to include gender, gender identity, gender expression, ethnicity, disability, and sexual orientation while creating new felony charges for assaults that were hate crimes.

Commissioner Burns encouraged the Board to look into the work of the NC Biotechnology Center regarding workforce development. She spoke on the importance of working on one's own biases and responses to being called out—denying what people said you did or behaving as if a call-out was an attack preventing you from learning and growing. She congratulated Jason Williams and the WAR4LIFE initiative with the Facts not Fear media toolkit.

Vice Chair Jacobs encouraged the Board and public to visit the Grow with Google website (<https://grow.google>) because they were encouraging nonprofits and other partners to partner with them for certification and job programs. She noted the Guided Career Pathways recently launched by Durham Technical Community College.

Manager Davis, General Manager Deborah Craig-Ray, and Chief of Staff Drew Cummings discussed the community projects that were submitted to Representative Price.

Vice Chair Jacobs noted that the need for a micro-transit solution to get folks to Treyburn was still present and she hoped staff would bring something forward to address it soon. She also brought up the ARA funding and the importance of having the Board weigh in on the plan—particularly as it related to the budget priorities discussed during the Budget Retreat.

Commissioner Carter announced that the Animal Welfare Advisory Committee would soon bring an item regarding feral cats to the Board.

Discussion was held regarding the origin of this agenda item and the Board was encouraged to use it to highlight different things going on in the community.

Discussion was held regarding the RFP policy and what else could be done in terms of searching for a consultant for the Board's trainings. Senior Assistant County Attorney Willie Darby was suggested to reach out to each Commissioner individually to request specific topics they wanted to see addressed in the trainings, create the RFP scope of work using the feedback as a guide, and have the RFP process proceed as normal.

Directives:

- **Drew Cummings to provide the Board with a list the community projects that were submitted to Representative Price.**
- **The Board was to submit specific topics they wanted to see addressed in the trainings to Attorney Darby by Friday, April 9th at 5 p.m.**

Closed Session

21-0227 Closed Session

The Board was requested to adjourn to Closed Session for the following:

- To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations; pursuant to G.S. 143-318.11(a)(4);
- To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract; pursuant to G.S. 143-318.11(a)(5);
- To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee; pursuant to G. S. 143-318.11(a)(6);
- To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged to G.S. 143-318.11(a)(3).

Commissioner Carter moved, seconded by Commissioner Allam, to adjourn to Closed Session.

The motion carried unanimously.

Reconvene from Closed Session

Chair Howerton announced that direction was given to the Attorney and staff and.

Adjournment

Commissioner Carter moved, seconded by Vice Chair Jacobs, to adjourn the meeting.

The motion carried unanimously.

The meeting was adjourned at 4:49 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Tania De Los Santos", is written over a light gray rectangular background.

Tania De Los Santos
Administrative Assistant