

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

Monday, April 12, 2010

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 Becky M. Heron, Brenda A. Howerton, and Joe Bowser

Absent: None

Presider: Chairman Page

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

Per Commissioner Howerton's request, Chairman Page amended the agenda to discuss potential dates for the Strategic Plan discussion.

Vice-Chairman Reckhow requested to be excused from the April 26 Regular Session, May 3 Worksession, and the April 28 Legislative Breakfast.

Commissioner Heron moved, seconded by Commissioner Bowser, to excuse Vice-Chairman Reckhow from the April 26 Regular Session, May 3 Worksession, and the April 28 Legislative Breakfast.

The motion carried unanimously.

Announcements

Chairman Page announced that *In Touch with Durham County*, the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon daily; 4:00 p.m. on Mondays; and 6:30 p.m. Tuesday – Sundays. Durham County Commissioners' meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.

Chairman Page reminded citizens to complete and mail in their 2010 Census forms by April 15.

Minutes

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to approve as submitted the March 16, 2010 Special Session, March 23, 2010 Special Session, March 30, 2010 Special Session, and March 22, 2010 Regular Session Minutes of the Board.

The motion carried unanimously.

Child Abuse Prevention Proclamation

Child Abuse Prevention month is celebrated annually across the nation in April. The celebration provides the opportunity to raise awareness and educate the community about the many ways to support families and prevent abuse and neglect.

Chairman Page read the following proclamation into the record:

PROCLAMATION

WHEREAS, preventing child abuse and neglect is a community problem affecting both the current and future quality of life of a community, and finding solutions depends on involvement among people throughout the community; and

WHEREAS, child maltreatment occurs when parents, surrogate parents, and caregivers find themselves in stressful situations without community resources and unable to cope; and

WHEREAS, over 152,235 children were protected from abuse and neglect in North Carolina in FY 2009; and

WHEREAS, the Durham County Department of Social Services conducted safety and risk assessments for 3,968 Durham County youth in FY 2009, creating protection plans for 1,432 children and took 61 children into custody; and

WHEREAS, the majority of child abuse and neglect cases stem from situations and conditions that are preventable with the help of an engaged and supportive community; and

WHEREAS, child abuse and neglect can be prevented by making sure every family and caregiver have the support they need to raise their children in a healthy environment; and

WHEREAS, child maltreatment not only causes physical and emotional trauma to children, but also increases the likelihood of criminal behavior, substance abuse, health problems such as heart disease and obesity, and risk behavior such as smoking; and

WHEREAS, all citizens should be involved in supporting families to raise their children in a safe, nurturing environment, in order to afford all children the opportunity to grow up to be caring, contributing members of the community; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among social services agencies, schools, faith-based communities, civic organizations, law enforcement agencies, and the business community:

NOW, THEREFORE, BE IT RESOLVED that I, Michael D. Page, Chairman of the Durham County Board of Commissioners, do hereby proclaim April 2010, as

CHILD ABUSE PREVENTION MONTH.

I commend this observance to our citizens and urge all citizens, community agencies, faith-based groups, medical facilities, and businesses to join with the Department of Social Services to increase its participation in our efforts to prevent child maltreatment and strengthen the communities in which we live.

This the 12th day of April, 2010.

/s/ Michael D. Page, Chairman

Gerri Robinson, Department of Social Services (DSS) Director, introduced the new Assistant DSS Director of Child and Family Services, John Holtkamp. Ms. Robinson proceeded to thank the Commissioners for issuing the proclamation and invited them to the child welfare summit on April 13, *Sharing Our Success Stories: Improving Results for Children At-risk of Abuse and Neglect in Durham*, at St. Joseph's AME Church.

Mr. Holtkamp remarked on wearing blue ribbons to support families and children and asked the audience to applaud Tammy Casto-Yelton, Social Work Supervisor, for her outstanding work.

Resolution for Duke University Men's Basketball Team

A resolution was prepared to recognize the Duke University Men's Basketball Team, the 2010 NCAA Basketball Champions. The Duke Blue Devils defeated the Butler Bulldogs 61-59 to win the national men's basketball title in Indianapolis on Monday, April 5, 2010. It was the team's 4th national title.

Chairman Page read the following resolution:

RESOLUTION

WHEREAS, the Duke University Men's Basketball Team became the National Collegiate Athletic Association's (NCAA) championship team, posting a nail-biting 61-59 win over the Butler Bulldogs on April 5, 2010; and

WHEREAS, this national title is the fourth for legendary head coach Mike Krzyzewski and the top-ranked Blue Devils; and

WHEREAS, with this win, Duke is now the fifth school to win at least four NCAA titles; and

WHEREAS, stellar Blue Devil players Kyle Singler, Nolan Smith, and Jon Scheyer were among the scoring leaders in this championship season, which culminated in the title win and an impressive record of 35-5; and

WHEREAS, Duke University continues to demonstrate the ability to simultaneously excel in athletic prowess and academic excellence; and

WHEREAS, the success of this incredible team has again brought tremendous pride and recognition to the entire Durham community:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby salute Coach Mike Krzyzewski, his coaching staff, and members of the

2010 DUKE UNIVERSITY BASKETBALL TEAM

for winning the NCAA National Championship. We call upon all citizens in Durham County to join in saluting these outstanding athletes and the Duke University athletic staff for a job well done.

This, the 12th day of April, 2010.

/s/ All Five Commissioners

The resolution would be presented at a celebratory event on Thursday, April 15, 2010.

NCACC Outstanding County Program Award

The North Carolina Association of County Commissioners (NCACC) Outstanding County Program Awards was initiated in 1991 as a way to recognize innovative programs that other counties might want to emulate. The intent of the Outstanding County Program Awards is to recognize and share information with other counties about programs that involve a uniquely innovative process, solution, or idea to address a county or multi-jurisdictional issue and/or to prevent a future problem from developing. Entries are judged for Innovation, Success, Effort/Difficulty, and Collaboration.

County Manager Ruffin reported that the Human Resources Dependent Eligibility Audit was being recognized as a winning entry for this year's NCACC Outstanding County Program Award. He introduced Lisa Nolen, Outreach Coordinator, NCACC, to comment on the award.

Ms. Nolen presented the award to Diane Pearson, Human Resources Manager, as she nominated the program.

County Manager Ruffin and Marqueta Welton, Human Resources Director, mentioned the savings achieved from the Dependent Eligibility Audit and that the State is considering modeling after the Audit program.

Ms. Pearson and Ms. Welton recognized the Human Resources Benefits' staff for their hard work.

Consent Agenda

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

- a. Approve the storm water agreement for the new Durham County Courthouse and authorize the County Manager to execute the contract;
- b. Receive the 2009 Design District Review Team Annual Report;
- c. Receive the 2009 Annual Report for the Durham City-County Appearance Commission;
- d. Receive the 2009 Annual Certified Local Government Report of the Historic Preservation Commission;
- *g. Approve Budget Ordinance Amendment No. 10BCC000067 – Cooperative Extension recognition of grant funding in the amount of \$24,845 for Strengthening Families 10-14 Program from a State of North Carolina Grant Award administered by Durham County Health Department to support the Strengthening Families Program: For Parents and Youth Age 10-14 (SFP 10-14);
- *h. Approve Budget Ordinance Amendment No. 10BCC000068 Public Health: Recognize One-Time Family Planning bonus funds in the amount of \$15,880 for the Family Planning Program;
- *i. Approve Budget Ordinance Amendment No. 10BCC000069 for the Department of Social Services to recognize grant funds from Triangle United Way in the amount of \$39,228 for Direct Medical; and
- j. Approve the Off-site Property Access Consent form and authorize the County Manager to sign the consent form for property located at 721 Foster Street.

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. g. Approve Budget Ordinance Amendment No. 10BCC000067— Cooperative Extension recognition of grant funding in the amount of \$24,845 for Strengthening Families 10-14 Program from a State of North Carolina Grant Award administered by Durham

County Health Department to support the Strengthening Families Program: For Parents and Youth Age 10-14 (SFP 10-14).

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000067

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	\$449,702,471	\$24,845	\$449,727,316

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic & Physical Development	\$5,768,653	\$24,845	\$5,793,498

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

This the 12th day of April, 2010.

Consent Agenda Item No. h. Approve Budget Ordinance Amendment No. 10BCC000068 Public Health—Recognize One-Time Family Planning bonus funds in the amount of \$15,880 for the Family Planning Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000068

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	\$449,727,316	\$15,880	\$449,743,196

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$482,713,626	\$15,880	\$482,729,506

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

This the 12th day of April, 2010.

Consent Agenda Item No. i. Approve Budget Ordinance Amendment No. 10BCC000069 for the Department of Social Services to recognize grant funds from Triangle United Way in the amount of \$39,228 for Direct Medical.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Budget Ordinance
Amendment No. 10BCC000069

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>			
Contributions & Donations	\$1,137,257	\$39,228	\$1,176,485

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$482,729,506	\$39,228	\$482,768,734

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

This the 12th day of April, 2010.

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. e. Approve Capital Project Amendment No. 10CPA000013—Durham Public Schools (DPS) General Obligation Bond Project Budget Adjustments moving \$430,000 of available 2007 GO Bond funds from the Easley Elementary School Project to the Jordan High School Project, making its total budget \$1,388,333.

Commissioner Howerton questioned whether transferring the funds would be best used towards the proposed projects.

Commissioner Bowser inquired about the location of the new access road on the Jordan High School campus and high-cost bids for DPS.

Tim Carr, Program Director, Construction & Capital Planning, Durham Public Schools (DPS), responded to the Commissioners' questions.

Vice-Chairman Reckhow inquired about the usage of leftover Bond funds.

County Manager Ruffin and Assistant County Attorney Carol Hammett replied to Vice-Chairman Reckhow's inquiry.

Chairman Page called signed speaker Dr. E. Lavonia Allison, representing Durham Committee on the Affairs of Black People, PO Box 428, Durham 27702, forward for comments.

Dr. Allison inquired about usage of the funds and MWBE participation.

County Manager Ruffin addressed Dr. Allison's comments.

Mr. Carr continued to answer questions posed by the Board regarding project fund usage.

County Manager Ruffin agreed to follow up with Hugh Osteen, Assistant Superintendent Operational Services, and Mr. Carr about the function of Hillside High School's new cafeteria given the school's large population. He added that he would further communicate with Dr. Allison about her questions and concerns.

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

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Capital Project Ordinance
Amendment No. 10CPA000013

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects:

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
Easley Elem. School Project (SH 139)	\$1,842,955	(\$430,000)	\$1,412,955
Jordan High School Project (SH 125)	\$958,333	\$430,000	\$1,388,333

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

This the 12th of April, 2010.

Consent Agenda Item No. f. Approve Capital Project Amendment No. 10CPA000014—Durham Public Schools General Obligation Bond Project Budget Adjustments moving \$100,000

of the available 2003 GO Bond funds from the Club Boulevard Elementary School Project to the Fuller Building project making its total budget \$458,000.

Chairman Page pulled this item to allow signed speaker Dr. E. Lavonia Allison, representing Durham Committee on the Affairs of Black People, PO Box 428, Durham 27702, to comment.

Dr. Allison inquired about MWBE criteria and renovation needs to the Shepard Middle School auditorium.

Tim Carr, Program Director, Construction & Capital Planning, Durham Public Schools (DPS) responded to the following questions and concerns raised by the Board:

- If the requests for transfers had been submitted to the DPS Board of Education
- Process to notify the community of school projects
- MWBE participation and input from the community
- Timeframe for completing the remaining 2003 GO Bond projects
- Amount unspent in Bond funds
- Did the bids for the remaining 2003 GO Bond projects come in lower than expected?
- Plans for renovating the Shepard Middle School auditorium using 2003 GO Bond funds
- Lakeview gymnasium

Mr. Carr consented to providing County Manager Ruffin with the MWBE participation data.

County Manager Ruffin stated that he would share the MWBE information with Dr. Allison when he receives it.

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

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2009-10 Capital Project Ordinance
Amendment No. 10CPA000014

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2009-10 Capital Project Ordinance is hereby amended to reflect budget adjustments for the following projects:

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
Club Blvd. Elem. School Project (SH 115)	\$2,645,200	(\$100,000)	\$2,545,200
Fuller Building Project (SH 116)	\$358,600	\$100,000	\$458,600

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

This the 12th of April, 2010.

Discussion of Issues for 2010 NC Legislative Agenda

The North Carolina General Assembly scheduled to convene the Short Session at Noon on May 12, 2010 in Raleigh. According to the 2009 adjournment resolution, Budget Bills must be submitted no later than 4:00 p.m. on Friday, May 14, to bill drafting and filed in the House or Senate by May 25. Local Bills must be submitted to bill drafting by 4:00 p.m. on Wednesday, May 19, and filed in the House or Senate by May 26.

At the March 22 meeting, staff was directed to make updates to the legislative package and present a final version for approval at this meeting.

County Manager Ruffin gave introductory remarks on this item, stating that the controversial bills would not be considered during the Short Session.

Deborah Craig-Ray, Assistant County Manager, announced that the Legislative Breakfast with the Durham Delegation would be held on April 28 at 8:30 a.m. in the Commissioners' Chambers.

Ms. Craig-Ray presented the Proposed 2010 Durham County Legislative Goals as follows:

Durham County Board of Commissioners
Proposed 2010 Durham County Legislative Goals
April 12, 2010

Priority Goals:

The following items are from our current legislative agenda and eligible for action during the short session.

1. Support Legislation to allow public schools systems to regain access to sales tax refunds. (NCACC adopted goal) Senate Bill 312 *House Bill 386* Many bills were introduced but because it would have negatively impacted the state's budget situation none were adopted. Senate Bill 312 and House Bill 386 introduced by Senators Atwater and McKissick and Rep. Wilkins

Rationale: Legislation would restore public schools' access to sales tax refunds in the same manner as for private schools. Durham County, like many other counties currently acts as project manager for Durham Public Schools construction projects to reduce the costs to DPS.

The County Attorney's Office staff attorney routinely spends an average of 10hrs per project providing contract management for DPS school projects. Estimates are that approximately 180 hours of services have been provided in the last year. This is cumbersome and expensive and takes funding away from students. In addition substantial

time is added to the completion time of each project due to this practice of counties acting as project managers.

2. Burden of Proof in Tax Appeals

Rationale: In a recent case, *In Re IBM*, the Supreme Court affirmed the decision of the Court of Appeals which adopted a new standard for the burden of proof for the appeal of tax assessments. The law had been that a tax assessment was presumed to be correct, and the person who disputed the assessment had the burden of proof to show that the assessment was incorrect. The Court of Appeals adopted a new scheme, similar to employment cases, where the burden of proof shifts from the appellant to the County once some evidence (even if that evidence is not credible) that the value is incorrect is admitted. Not only did this case upset the system which has been used for years, it puts an unnecessary burden on the counties to prepare a full appraisal in all property tax appeals.

Action sought: The County requested that the statute (G.S. § 105-290) be amended to restore the law to its pre-IBM state.

Not on our original list, but issues we followed closely in last session.

3. H 524 (Annexation-Omnibus Changes). Bill passed the House but did not get to the Senate. This is supported by NCACC as it has many of the changes they lobbied for. Bill increases the density standards for urbanizing areas, requires the provision of water/sewer services in the area within 3 years, establishes June 30 following the adoption of an annexation ordinance as an effective date, required the development of joint utility services plans, and sets a process for a referendum it at least 15 percent of the total of the registered voters of the municipality and proposed area sign the petition. Bill passed 3rd reading in the house, but remains in the House because it has not been received by the Senate. Because it affects appropriations, it remains eligible for short session consideration.
4. Study Raising Compulsory Attendance Age. HB 188 sponsors: Rep. Bryant, our Durham Rep. Paul Luebke and others. Several bills on the issue were introduced last year but this one directs Board of Governors of UNC, DPI and others to authorize a study relative to increasing age from 16 to 17 or 18. This has been a long standing priority with the BOCC. Passed the House and was sent to Senate.

New local proposals for consideration.

1. Inmate Medical Care Fees

Support legislation that would authorize medical care providers to charge counties no more than the rates set in the Workers' Compensation schedule of charges for county inmate medical care.

Background

In 2005, Durham County spearheaded an effort to tie the cost of inmate health care in hospitals to the workers comp schedule approved by the Industrial Commission. This is a higher rate than Medicare or Medicaid and is the same rate that we pay for employees

who are injured on the job. We felt it was a reasonable compromise. Despite having the support of counties across the state and hearing from state officials that it could have been a good solution to the issues they face for the state prison system, the bill went nowhere. A solution is still needed for both the state and counties. We are in communication with NCACC and there is interest on their behalf in making another attempt at this issue.

2. Protest Petition technical correction legislation

Rationale: A technical correction is requested to align Durham County's Zoning Ordinance Protest Petition with that of the City of Durham.

Proposed language: The petition must meet the substantive requirements of GS 160A-385(2), and in particular must be signed by owners of either:

- a. 20% or more of the area included in the proposed change or
- b. 5% of the area of the 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezone. In evaluating the sufficiency of a protest under this provision:
 1. A discrete or separate area shall be calculated for any contiguous part of an area proposed for zoning map change that is physically separated from other areas proposed for change by property (not including the right of way) that is not part of the requested zoning map change ;
 2. A street right of way shall not be considered in computing the 100 foot buffer area as long as the street right of way is 100 feet wide or less.
 3. When less than an entire parcel of land is being rezoned, the 100 foot buffer shall be measured from the property line of the entire parcel.

3. Levy 1% Payroll tax on non Durham residents.

Rationale: Durham County is a regional employment center. Estimates indicate over 80,000 workers come into Durham County, primarily the RTP, earn salary, use infrastructure and never contribute personal or real estate taxes. Durham County legislation would levy a payroll tax to add to Durham County's revenue stream.

4. Seek legislation to reduce the level of tax relief provided by the Historic Properties Tax Credit.

Rationale: Currently historic properties tax credits represent an erosion of our county tax base. In recent months, the city and the county concluded that the increasing number of requests for tax breaks for owners of "historic" properties is escalating and representing a substantial hit to revenues. A legislative proposal would seek a reduction of the credit or perhaps a sunset.

5. Seek legislation to provide revenue sharing between Durham and Wake County regarding the Raleigh Durham International Airport.

Durham County proposes legislation that will allow Durham County to receive a portion of revenues generated by the shared airport.

Background: About 5 years ago, officials discussed a proposed Interlocal agreement between Raleigh Wake Durham and Durham County relative to revenue sharing of proceeds of Raleigh-Durham International Airport without resolution. The issue came up again late last summer with Durham Delegation members signaling their possible support

of the issue. A proposed split would be based on the county's status as a part owner of the airport along with Durham, Wake County and the city of Raleigh. Before any action could take place, the governmental units would have to meet and develop an Interlocal agreement spelling out the terms.

6. Support delayed implementation of HB1779 (Combined Motor Vehicle Registration/Property Taxes) as recommended by NCACC.

The bill combines the collection of property taxes on motor vehicles with the license plate renewal and was originally set for a 2011 implementation. At a recent meeting between representatives of the Association and representatives from the Department of Revenue (DOR), the Department of Transportation (DOT), the Division of Motor Vehicles (DMV), the N.C. League of Municipalities and Rep. Dale Folwell, it was decided that the implementation of H1779 – the combined motor vehicle registration/property tax system – needs to be delayed. DOT Secretary Gene Conti and DOR Secretary Kenneth Lay met and decided it was prudent to halt the ongoing work and seek a two-year extension – to July 1, 2013 – of the implementation deadline.

Background: H1779 passed the House and Senate unanimously in 2005. The bill combines the collection of property taxes on motor vehicles with the license plate renewal. It's called Mototax. In other words, no taxes, no tags. North Carolina is the only state that collects motor vehicle property taxes in arrears, which results in a very low collection rate for many counties. In 2007-08, the statewide property tax collection rate for motor vehicles was 87.2 percent. When implemented, this combined system should help counties, cities and fire districts improve their motor vehicle property tax collections and could result in as much as \$80 million in additional property tax collections per year.

7. Enhancing the protection of victims and witnesses. (From recent Crime Cabinet meeting). Legislation has been drafted seeking to enhance the protection of victims and witnesses. A Bill to be entitled "An Act to Create Enhance Protections for Victims and Witnesses" is ready to be introduced. The bill makes it a felony to intimidate or interfere with witnesses. In addition, the City of Durham has also been requested to include this item on its agenda.

Oppose: this item was opposed on our current legislative agenda

1. Continue to oppose H 1476 "Governmental Immunity/Adequacy of Remedies". Bill does away with sovereign immunity for local government, school boards, state agencies. Introduced by and left in Senate J-1 Committee.

Rationale: The County learned that a study committee is looking at recommending a local government tort claims act. Such an act would deprive the County and its citizens of a right to a jury trial, and the right to be heard before an elected judge. Instead, all cases would be heard by an appointed bureaucrat. Without a jury to balance the biases of the decision maker, the citizens or the County would not necessarily get a fair hearing on the merits of the case. Additionally, most counties in North Carolina either have insurance or a system of paying claims which protects the citizens who are injured by the negligence of county employees.

Action sought: The County requests that the Delegation oppose any bills which would establish a tort claims act for counties.

2. HB 1434 “Repeal Combined MV Registration/Tax System”. This bill was introduced in the session to repeal HB 1779. As noted above, this is already on track for a two year delay.

Staff entertained questions throughout Ms. Craig-Ray’s presentation.

Chairman Page called the following signed speakers forward for comments:

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

John White, representing Durham Chamber of Commerce, 300 West Morgan Street, 14th Floor, Durham 27701

Board Directives

1. Ms. Craig-Ray to discuss “Inmate Medical Care Fees” as a possible Statewide approach with Anthony Allen, Policy Advocate, and Kevin Leonard, Director of Government Relations, NCACC; subsequent to the discussion, present the approach to the Durham Delegation at the April 28 Legislative Breakfast.
2. Further compile data for non-Durham residents who work in Durham County; place “Levy 1% Payroll tax on non Durham residents” on next year’s Long Session.
3. Remove “Seek legislation to reduce the level of tax relief provided by the Historic Properties Tax Credit” from the Legislative Agenda.
4. Ms. Craig-Ray to provide the City’s Legislative Agenda items to the Board.
5. Chairman Page to convey to the Durham Delegation at the Legislative Breakfast citizen comments during “Conversations with Commissioners” regarding State budget cuts for the Schools.
6. County Attorney Lowell Siler to investigate Ms. Peterson’s claims in regards to State Correctional Enterprise monies and Courthouse revenues gained from criminal cases being distributed outside of Durham County.

Commissioner Howerton moved, seconded by Commissioner Bowser, to approve the updated Legislative Agenda.

The motion carried unanimously.

Reconsider Appointment(s) to the Durham City-County Planning Commission

Commissioner Bowser requested that the Board reconsider the appointment(s) made to the Planning Commission at its April 5, 2010 Worksession.

County Attorney Lowell Siler explained the actions required of the Board in terms of hearing the item and reconsidering any appointments.

The Board held a discussion regarding its April 5 appointment of Mr. Darius Little to the Planning Commission.

Chairman Page called the following signed speakers forward for comments:

Jackie Wagstaff, Durham 27703

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

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

Chairman Page moved, seconded by Commissioner Heron, to reconsider the appointment to the Durham Planning Commission in the Oak Grove position, namely Darius Little who was appointed on April 5, 2010.

The motion carried unanimously.

County Manager Mike Ruffin suggested that the Board place the reappointment on the May 10 Regular Session agenda when a full Board would be present.

County Manager Mike Ruffin instructed Clerk to the Board V. Michelle Parker-Evans to administer oaths to the two April 5 appointees when they report to her to be sworn in.

Date Consideration for Strategic Plan Discussion

Commissioner Howerton requested that the Board hold a meeting to discuss implementing a strategic plan for the County, including, but not limited to, education, economic development, human services, and community revitalization.

The Board reached a consensus to meet on Monday, May 10, at 4:00 p.m. prior to its Regular Session.

Chairman Page requested that County departments forward their strategic plans to the Board.

Closed Session

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to adjourn to closed session to discuss *Kendrick Estates Investment Corporation, et al. v. Durham County*, 09 CVS 07684, and *Appeal of: IBM Credit Corporation*, No. COA08-1514 (NC Property Tax Commission No. 01 PTC 544), to preserve the attorney-client privilege pursuant to G.S. § 143-318.11(a)(3).

The motion carried unanimously.

Reconvene to Open Session

Chairman Page announced that the Board met in closed session; directives were given to staff; no action was taken.

Adjournment

There being no further business, Vice-Chairman Reckhow adjourned the meeting at 10:25 p.m.

Respectfully Submitted,

Yvonne R. Jones
Deputy Clerk to the Board