

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

Wednesday, August 9, 2000

12:15 Special Session

MINUTES

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

Present: Chairman MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners William V. Bell, Joe W. Bowser, and Becky M. Heron

Absent: None

Presider: Chairman Black

Chairman Black called the meeting to order.

Chairman Black opened the meeting by briefly reviewing the public hearing that was held on Monday, August 7, 2000 in the Commissioners' Room on the proposed charter for City/County merger. Speakers at the public hearing spoke for or against the charter proposal. The majority of Charter Commission members spoke in favor of going to referendum in November.

Chairman Black said this meeting is being held for the Board to make a decision regarding the Charter Commission's proposal. Each Commissioner will be given an opportunity to speak.

Chairman Black called on Commissioner Bell for comments.

Commissioner Bell said that City Council has already taken action. Any unilateral action by the County Commissioners is futile. My issue to this point has not been with the details of the charter, but with the fact that a required general statute must be enacted. My position was that the Charter Commission continue in existence to allow the general statute to become enacted. Then, if there were a product for the Board to offer as a referendum, I would have supported that. Since City Council has voted against the referendum, I don't think we have any other choice but to call it quits on this matter. I thank the Charter Commission for the work it has done. I don't know of another decision the Board can make.

Commissioner Bowser thanked Charter Commission members for their hard work. I think enough has already been said about this process. I was hoping, when this process

was started, that on this day the Commissioners would be here in a collective mode, a positive one, all of us. And that we would be able to vote to send this process to the voters. This is not going to be the case. The City Council has already turned the proposal down and basically, it was killed at that point. I was also hoping that the Charter Commission would have followed the state guidelines. I think that if we had gone forward with this charter process and taken it to the voters, and the voters had accepted it, the state would have rejected it. If this charter had gone forward, it would have caused a lot of confusion in the communities that Durham County borders. This process does not need to be revisited at this time. We have other pressing issues that must be dealt with. Let's put merger on the back burner and deal with it later.

Commissioner Heron said when the meetings were held last February, she had several questions. One was, who benefits and how much was it going to cost? My second question was, what is the rush? I knew the details this commission must address in bringing forth a charter to govern this county and city for many years to come. It was impossible to get that done and to do a good job in the time that was established for the Charter Commission. That was one of the big flaws in this whole process. It was rushed. The Charter Commission was rushed. They were unable to do the job that I had hoped they were going to do. There are three versions of the charter that I have read. The County and City cannot live with this proposed charter. I had real problems with the representation of the Charter Commission. Durham County was not represented. Many issues could have been addressed had there been good input from rural Durham County. There was a big area of the county that had no representation. As far as the vote in November, citizens need to know who they are voting for and what they are voting for. Citizens did not know what was in this charter for them to vote on in November. With that, I could not support taking the charter to referendum. I agree with Commissioner Bowser that we have a lot of items on our plate now. We need to get back to the County's business and address this at some other time.

Vice-Chairman Reckhow thanked the members of the Charter Commission for their service over the past 4½ months. She stated that it is important to note that this has been a multi-stage process. The governing bodies appointed a citizen task force composed of over 100 citizens. They worked six months starting last summer and ending in December 1999. The citizen task force report called for merger using the current state statute. That framework guided the cost benefit analysis which was done by the consulting firm. As a result, the cost benefit analysis does not necessarily reflect the cost and benefits that would be realized under the proposed charter because the framework is different. This is an important point to remember. The 45 members of the Charter Commission developed this new form of government.

Vice-Chairman Reckhow outlined areas of concern that were conveyed to the Charter Commission. These same points were covered at the public hearing on Monday night. The areas of concern follow:

1. Not consistent with the current state statute;
2. Extension of city limits to the county line
 - a. Road costs higher than projected revenues
 - b. Perceived takeover by the City
3. Not clear whether the nine-member board would be representative of our geographic and ethnic diversity (a number of people called for an 11-member Board with six districts during the public hearing)

Vice-Chairman Reckhow said she has supported merger and will continue to support the merger concept for this community. Many benefits could be realized. Merger must be done fairly; it must protect the interests of various groups and areas in the community. The proposed plan did not do that. That was a real problem.

Vice-Chairman Reckhow commented she is not sure how to move forward at this point. We should continue to talk and think about merger and possibly try to structure an approach that would work in the community. I do not have a suggestion at this point and do not know the appropriate route to take. I would be receptive to suggestions on what people think is the route to take. There should be a lot more community discussion if we proceed.

Chairman Black said she struggled long and hard with this issue. She came to the process thinking that merger is a good thing for this community. She believes the citizens of Durham have elected her as County Commissioner to represent their interests, using her knowledge, insight, and judgment, to make the best decisions for the county. Therefore, she feels it is her responsibility to ensure that decisions put before the voters contain the best opportunities to improve and preserve the community. She supported the concept of merging City and County governments. However, she does not believe the plan presented to the Board of County Commissioners and City Council is in the best interest of the community. Moreover, it does not preserve and protect the interests of all citizens residing in Durham County. If the current plan of merger were to be placed on the November ballot, citizens would be asked to vote on a form of government which does not currently exist under the laws of the State of North Carolina. Because new statewide (not local) legislation would have to be introduced into the General Assembly next year, it is not predictable what form of government would actually be approved by the legislature. She could not, in good conscience, ask the citizens of Durham County to vote on a form of government which has yet to be defined and determined by the legislature.

The costs of a city/county merger under the proposed charter have not yet been clearly set forth. Although Chairman Black did not view cost savings as the primary goal of merger, she feels a responsibility to the citizens to ascertain whether her vote would result in higher taxes. There remain unanswered questions in the current proposal as to how this plan will affect county taxes. The possibility of increased costs for road maintenance and the imposition of new stormwater fees in the county are just two of those uncertainties.

The merger cost analysis conducted by a consulting firm earlier this spring was based upon the form of city/county merger currently allowed under North Carolina law, not the form of government currently proposed in the merger plan. Chairman Black is very proud to be a part of a community which possesses such rich diversity and heritage. Therefore, she believes it is important for all citizens to be represented equitably and fairly in any newly formed government. She believes the current proposed plan for representation on the new merged government does not allow for diverse representation. At a time when the number of people moving into the county is growing, she is concerned that this plan places too much power in the hands of too few people.

She believes Durham County residents deserve the opportunity to choose whether to live in a rural, suburban, or urban environment. A merger plan under the current North Carolina Statute allows for that choice. However, she is extremely reluctant to support any plan which has the appearance of limiting the choice for citizens by limiting Durham County residents to city living. It is important that the county has a presence in our future, and it is important that the residents have the right to choose to live in a variety of settings, which Durham County currently offers.

Chairman Black expressed concerns that EMS, Social Services, the Health Department, and Health Services were not addressed. Also, the concern about the governing role of the Police Department and Sheriff's Department was not finalized. Such a vital issue deserves the time needed to work through these basic issues. It is important at this juncture that the majority of citizens can support a plan that allows residents to be fully informed of the choices before them and what those choices mean to them, their families, and their future.

Commissioner Bell moved that the record reflect that this Board did not authorize a referendum on the proposed plan of merger as presented by the Charter Commission. Send letters of accommodation to the members of the Charter Commission expressing our gratitude and thanks for their hard efforts.

Commissioner Heron seconded the motion.

The motion carried with the following vote:

Ayes: Bell, Black, Bowser, Heron, and Reckhow
Noes: None
Absent: None

Commissioner Bell said that staff must work with the Charter Commission to finalize the work of the commission.

Announcement

Chairman Black announced that the Charter Commission would meet tonight a 7:00 p.m. in the Commissioners' Chambers located at 200 E. Main Street.

Chairman Black told Interim County Manager Carolyn Titus to meet with the cochairs of the Charter Commission and do whatever must be done to finalize the work of the commission.

Commissioner Bowser said to the community that the Board of County Commissioners represents 100 percent of the population in Durham County.

Chairman Black thanked the Charter Commission for the work it did and said that the decision of the Board is not a reflection on the Charter Commission members but a reflection on how the charter was established.

Adjournment

Chairman Black adjourned the meeting at 12:45 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board