

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

Monday, May 3, 2004

9:00 A. M. Worksession

Minutes

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

Present: Chairman Ellen W. Reckhow, Vice-Chairman Joe W. Bowser, and Commissioners Philip R. Cousin Jr. and Mary D. Jacobs

Absent: Commissioner Becky M. Heron

Presider: Chairman Ellen W. Reckhow

Motion to Excuse Commissioner Heron from the Worksession

Commissioner Jacobs moved, seconded by Commissioner Bowser, to excuse Commissioner Heron from the worksession since she is out of town.

The motion carried unanimously.

Citizen Comments

Mr. Jack Steer, 729 Quite Woods Place, Durham, NC, requested time on the agenda to address Durham County's FY 2004-05 Budget. He perceived the county budget to have five broad areas of management. He discussed the five areas.

Mr. Steer's conclusion is that given the rather rigid situations in three of these five broad assessments, decisions need to be made in the welfare and education areas. I urge you to provide great deliberation, sympathy, and understanding to provide a strong push in education rather than increasing and /or broadening benefits to welfare funding.

Mrs. Carolina James Rivera II, 6 Kaplan Court, Durham, NC, requested to speak to the Commissioners. She was requesting a full investigation of conspiracy to slave trading, temp of murder or what reason for the abuse, and neglect to my family in Durham County Juvenile Court or even many families in Durham County. Mrs. Rivera said the investigation should include the Adult Durham Center for tampering with her medical records.

Chairman Reckhow said that the complaint will be referred to the Department of Social Services.

Reverend Rona Tankard said she is appearing before the County Commissioners to discuss the property tax valuation and the amount of taxes she has to pay on the church facility located at 1802 Angier Avenue and 1709 Vale Street. The Power in the Word Ministry church facility is located on these two parcels of land. Reverend Tankard purpose is to get the tax records changed so the church will not have to pay property taxes. The property is listed in Reverend Tankard's name.

Chairman Reckhow suggested that Ms. Simpson of the Tax Administration office and Reverend Tankard discuss the tax matter in the hall to see if there is any recourse to the problem.

Truancy Intervention

The Honorable Craig Brown and the Honorable Ann McKown have requested time on the agenda to update the Commissioners on the approved Governor's Crime Commission Pre-Application for the Truancy Intervention Project and discuss sources and options for the required 25% cash match.

Nationwide, truancy is recognized as a gateway to school failure, gang involvement, and criminal activity. In 2003, the Durham Crime Cabinet identified truancy as a priority problem, with Durham Public Schools' attendance ranking 110 of 117 school districts. The creation of school-based truancy courts in all DPS middle schools shows great promise but lacks the ability to ensure follow-through. The ten existing truancy courts also lack the ability to coordinate cases needing to be addressed in District Court.

The grant from the Governor's Crime Commission will provide the resources to create a truancy intervention strategy in Durham by connecting the community, schools, and the judicial system in a comprehensive and integrated approach. The strategy will be piloted in two middle schools, aiming to improve timeliness and effectiveness of managing truancy cases at the school level, while providing support for students and their families to improve the students' attendance.

RESOURCE PERSON(S): The Honorable Craig Brown, District Court Judge; The Honorable Ann McKown, District Court Judge; and Dr. Amy Elliott, Program Manager, Criminal Justice Resource Center

COUNTY MANAGER'S RECOMMENDATION: The Manager's recommendation was that the Board receive the report.

Chairman Reckhow recognized The Honorable Craig Brown, District Court Judge, and The Honorable Ann McKown, District Court Judge, to make a presentation about the Truancy Intervention project.

Judge Brown told the County Commissioners we are pleased to report this morning the Criminal Justice Resource Center has just received a grant from the Governor's Crime Commission in the principal amount of \$138,666 per year for the next two years for the school-based truancy course and reducing truancy problems in the ten Durham middle schools. Over the last six months as a result of the Truancy and Gang Prevention Committee, co-chaired by Chairman Reckhow and Judge Brown, focused on the issue of truancy and the development of a school-based truancy court for the remainder of the middle schools. The Governor's Crime Commission reduced the grant by 50 percent. We have reconfigured the grant such that it focuses on Chewing and Neal Middle Schools. These two middle schools have the greatest truancy problem. The grant also included a third position for a truancy coordinator that will work with the ten middle schools that have the school-based truancy court. We ask the Commissioners to support the Governor's Crime Commission grant. The local match is 25 percent or \$34,666.

The Honorable Craig Brown, District Court Judge, introduced The Honorable Ann McKown, District Court Judge, to make remarks about the school-based truancy court, since she was the pioneer of the program in Durham County.

Judge McKown described the program to the Commissioners. The program is an intervention program. There are several ways to deal with truancy in the court system. What has been going on in Durham is team work between the schools and the district court judges. This program is work in progress. The program involves the district court judges going to the middle schools and meeting with students, teachers, and parents weekly in order to encourage and monitor attendance. Intervention is vastly superior to anything we can do in the court system on this particular issue. Nationwide, intervention on this issue is the best approach.

Judge Ann McKown said we are here to answer any questions the Commissioners might have.

Chairman Reckhow asked the Commissioners if there were any questions. Several questions were asked by the Commissioners in reference to the grant.

Chairman Reckhow thanked the program participants for the presentation.

Chairman Reckhow instructed County Manager Ruffin to see if he can provide for the 25-percent grant match of \$34,666 in the upcoming FY04-05 Budget.

Chairman Reckhow requested a yearly report on this grant in order to see how effective the program is. The yearly report will be due June 1.

Acceptance of DOT Contingency Funds to Pave Subdivision Streets

State Senator Wib Gulley was instrumental in securing an additional \$270,000 in DOT funds for Durham County before his resignation from the Senate. The DOT has

recommended that the funds be used to complete the unpaved subdivision street list. Five streets, totaling 1.39 miles, remain to be paved.

RESOURCE PERSON(S): Wib Gulley, former State Senator

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Board suspend its rules and vote to accept the funds to pave Kennebee Drive, Lakeside Drive, Mount Level Road, Horseshoe Road, and Dandy Drive.

Chairman Reckhow recognized Wib Gulley, former State Senator, and Jon Nance, N. C. Department of Transportation, for the presentation.

State Senator Wib Gulley secured an additional \$270,000 in state funds for Durham County before his resignation from the Senate to move forward on paving our unpaved streets.

Jon Nance, Division Engineer, is the one that decides how the money will be used based on the Secondary Road Improvement program that Durham County adopts. If there are any questions about the use of the funds the Board can ask Mr. Nance those questions.

Wib Gulley said the County Commissioners should work with the Durham Delegation to secure the discretionary road funds on a yearly basis. Durham County should get its fair share of the road funds as time goes on.

Chairman Reckhow said that the County Manager is recommending that the Commissioners suspend the rules and vote to accept the funds to pave Kennebee Drive, Lakeside Drive, Mount Level Road, Horseshoe Drive, and Dandy Drive.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to suspend the rules.

The motion carried unanimously.

Commissioner Cousin moved, seconded by Commissioner Jacobs, to accept the \$270,000 to pave the five streets, totaling 1.39 miles.

The motion carried unanimously.

Request for Court-Ordered Care Funding by the Durham Directors for the "System of Care" Initiative

While Durham has many things to be proud of, our community struggles to adequately meet the needs of children and their families with complex health, mental health, and socioeconomic challenges. Resources to help address these needs are often insufficient

and frequently not coordinated. Durham's County's human services agencies, Durham Public Schools, and representatives from the judicial system have adopted a progressive solution to address these issues. These agencies comprise the Durham Directors.

In 2002, the Durham Directors developed a Memorandum of Agreement that builds on a history of coordination and lays the groundwork for a *system of care* which is a comprehensive, integrated community network of services and resources supported by collaboration among families, professionals, and the community. Durham's system of care links education, juvenile justice, health, mental health, child welfare, and other agencies to families, further supporting their work to ensure that children and their families have access to the services and supports they need to succeed.

These efforts have resulted in an increased number of Durham's children being served in their own community. This is demonstrated by the significant decrease of court-ordered, county-financed, out-of-county care. Listed below is the history of expenditures for the court-ordered care budget over the past five years:

COURT-ORDERED CARE BUDGET

<u>Year</u>	<u>Budgeted Amount</u>	<u>Expended</u>
2000	\$1,892,153	\$762,302
2001	\$2,576,284	\$407,551
2002	\$1,819,726	\$133,073
2003	\$ 750,000	\$ 41,250
2004	\$ 508,590	\$ 7,125

District Court judges have the authority to order the county to pay for treatment services for children when they determine the services are needed and funding is not available. This option was rarely used until the mid 1990s when it was used frequently for both DSS child custody cases and delinquency cases. By 1999, the County had orders that required spending over \$2 million to fund services for 90 children, half of whom were in DSS custody and the other half were adjudicated delinquent.

A task force was established by then County Manager David Thompson and chaired by Deputy County Manager Carolyn Titus. The task force met for a year and included representatives from DSS, The Durham Center, the courts, and Durham Public Schools. Through the plans and protocols that were developed and implemented, the need for court-ordered placements has been almost totally eliminated. In addition, the same protocols are being used today to review plans for all residential treatment services.

In 1999, DSS had 45 children placed in residential facilities out of the county. Today, that number is 11. At the time the final report of this committee was presented to the Board of County Commissioners in November 1999, the plan was to reinvest court-ordered care funds to develop a continuum of care in Durham County. The reinvestment never occurred because of a budget shortfall in FY 00-01.

The community is making progress, and our efforts are gaining widespread recognition. However, we are acutely aware of key problems and gaps in our system of services and supports. In order to fully implement this integrated system of services and resources, we must provide training; support coordination between providers, agency staff, and families; develop new protocols for integrated policies and procedures; and provide education and support to families and temporary staff to facilitate this transition period. Thus, the Durham Directors are requesting the following resources:

Resource	Need	Amount (annualized)	Comments
A. Staff Support	Half-time (0.5 FTE) includes benefits	\$ 25,000	Temporary staff to support interagency implementation work group
B. Facilitators	Contracted	\$ 25,000	To support child-specific interagency planning and service delivery
C. Paraprofessional Support	2 FTEs	\$ 76,000	To provide logistical support to child-specific interagency planning and service delivery
D. Family –Peer Support	1 FTE	\$ 60,000	To provide family-to-family education and support
E. Transportation	Cab and bus fares	\$ 14,000	To help children and families better access services and supports
F. Community meeting space	Fees for use	\$ 10,000	To help bring services and supports to where children and families need them
Total		\$210,000	

RESOURCE PERSON(S): Adele Spitz-Roth and Martha Kaufman, Durham Family Initiative Center for Child and Family Policy, Duke University; Wendell M. Davis, Deputy County Manager; Brian Letourneau, Health Director; and Ellen Holliman, Director, The Durham Center

COUNTY MANAGER’S RECOMMENDATION: The Manager’s recommendation was that the Board receive the presentation and put forward questions related to the item. Given that this request was to reduce the court-ordered care budget, the Manager further recommended this matter be considered by the Board during 2004-05 budget deliberations.

Chairman Reckhow recognized Deputy County Manager Wendell M. Davis for a presentation on this agenda item. His presentation was taken from the agenda action form.

Deputy County Manager Davis recognized Interim Social Services Director Chuck Harris to provide some brief comments.

Chuck Harris recognized Mrs. Hall, a foster parent, and Mrs. Woods, a grandmother, to say a few words to the Board of County Commissioners how working as a team has made a difference with a child they have worked with.

Chairman Reckhow thanked Mrs. Hall and Mrs. Woods for coming to the meeting to give their testimony about their experience with special needs children.

Chairman Reckhow asked the County Manager to consider funding this program in the FY04-05 budget preparation.

The Manager responded he is already considering the request and it will be in the Manager's Budget recommendation on May 24, 2004.

Chairman Reckhow thanked everyone for coming to the worksession.

Annual Report of the Durham Planning Commission

The Durham Board of County Commissioners and the Durham City Council established the Durham Planning Commission through an Interlocal Agreement. The Annual Report for 2003 was provided in conformance with the requirements of that Interlocal Agreement. The Annual Report outlined the Commission's activities for the past year in accomplishing its mission.

RESOURCE PERSON(S): Jackie Brown, Chairperson of the Durham City-County Planning Commission

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommended that the Board receive the Annual Report for 2003.

Mrs. Jackie Brown, Chairperson of the Durham City-County Planning Commission, was not present to give the annual report.

Chairman Reckhow said the Board of County Commissioners will receive the annual report of the Durham Planning Commission for the record.

Amendment of the Durham County Animal Control Ordinance

Chapter 4 of the Durham County Code of Ordinances regulates the keeping of animals within the county and establishes the general administration of Durham County Animal Control. The ordinance was last amended in 2001. This year, significant changes are proposed to increase fees and penalties, to prohibit certain dangerous animals from being kept in the county, and to clarify or reflect the current manner in which the County administers the Animal Control program. A subcommittee of the Animal Control Advisory Committee met over the past 18 months reviewing and revising the ordinance. The proposed changes were submitted to the Advisory Committee, which in turn

approved the changes and recommends them to the Board of County Commissioners for approval.

Although not required by law, the Board may choose to set a public hearing to be held at the next regular session (May 10, 2004).

RESOURCE PERSON(S): Mike Turner, General Services Director; Cindy Bailey, Animal Control Administrator; and Carol W. Hammett, Assistant County Attorney

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Board consider the proposed amendment to Chapter 4 of the Durham County Code of Ordinances and suspend the rules to set a public hearing to be held on May 10, 2004 regarding the proposed amendments to the Durham County Animal Ordinance.

Chairman Reckhow recognized Mike Turner, General Services Director; Cindy Bailey, Animal Control Administrator, and Carol W. Hammett, Assistant County Attorney.

Mike Turner made the presentation for the Board of County Commissioners. Most of his remarks were on the agenda action form.

The Commissioners took official action to suspend the rules to set a public hearing to be held on May 10, 2004 regarding the proposed amendments to the Durham County Animal Ordinance.

Commissioner Cousin moved, seconded by Commissioner Jacobs, to suspend the rules to vote on the public hearing.

The motion carried unanimously.

Commissioner Jacobs moved, seconded by Commissioner Cousin, to set a public hearing to be held at the next regular Session (May 10, 2004).

The motion carried unanimously.

Chairman Reckhow had a question. Staff responded to the question.

Facility Options for Welcome Baby Program

The Board was requested to consider options for providing facilities for the Welcome Baby Resource Center. This is in response to a request that staff review other alternative facility options for Welcome Baby as noted on the March 22, 2004 Board of County Commissioner Meeting Agenda. The Welcome Baby Resource Center provides parent education classes, mentoring, volunteer training, child safety-seat training, support services, and hospital visits for parents of children birth through 5 years of age. The staff

proposes two options for housing the program currently occupying 3,500 square feet in the Shoppe's of Lakewood.

Option A: Continue the lease with the Shoppe's at Lakewood as provided by staff on March 22, 2004. Authorize staff to enter into a new lease.

Option B: Reallocate space as needed in the County Agricultural Building to accommodate the facility needs of Welcome Baby and the space needs of the agencies currently housed in the facility. This option will require that the renovations on the Agricultural building be adjusted to accommodate the changes in space use.

RESOURCE PERSON(S): Wendell M. Davis, Deputy County Manager, and Cheryl Lloyd, County Extension Director

COUNTY MANAGER'S RECOMMENDATION: The Manager's recommendation was that staff be provided direction about the future leasing of space for the Welcome Baby Program.

Chairman Reckhow recognized Wendell M. Davis, Deputy County Manager, and Cheryl Lloyd, County Extension Director, for their presentation.

The Commissioners had a lengthy discussion on this agenda item.

Chairman Reckhow said the Board of County Commissioners should go on record that we want to have the Farm Services Bureau located in Durham. The Farm Services Bureau will have nice renovated upgraded space in the County Agricultural Building. The relocation of the Farm Services Center to Hillsborough has nothing to do with the renovation. The Commissioners input at the federal level will be helpful in keeping that agency in Durham.

Chairman Reckhow instructed the staff to move forward and put the facility for the Welcome Baby program on Monday night's consent agenda for final approval.

Chairman Reckhow said the lease at Lakewood Shopping Center should be followed through with a two month lease.

Staff said they would follow through with the lease.

Triangle Township Vote

Commissioner Jacobs asked if you have to live in the township you are appointed to represent.

Chairman Reckhow said she will ask the County Attorney to research the question Commissioner Jacobs raised.

Synthetic Fixed-Rate Refinancing

The Finance Department has been entertaining a proposal from Rice Financial Products for the County to enter into a Synthetic Fixed-Rate Refinancing Agreement. This agreement is projected to save the County almost \$10,000,000 over a ten-year period in debt service. Durham County engaged Public Financial Management, a recognized expert in the area of synthetic fixed-rate refinancing, to analyze the proposal and make a recommendation to the Board.

As such, it is requested that about 60 minutes be set aside for Rice Financial Products to present its proposal and Public Financial Management to analyze the proposal for the Board and entertain questions.

RESOURCE PERSON(S): George K. Quick, Finance Director

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommended that the BOCC receive the presentations. (The County Manager and Finance Director will be seeking input from the Local Government Commission and the County's financial advisors before making a recommendation to the Board. Those recommendations have not yet been received.)

Chairman Reckhow recognized George K. Quick, Finance Director, to make his presentation. The highlights of his presentation are on the agenda action form.

After the presentation, the County Manager and Finance Director will review all the information and a recommendation will be brought before the Board of County Commissioners for their consideration.

George Quick introduced Donald Rice, President and CEO, of Rice Financial Products for his presentation.

Donald Rice introduced his staff members.

The Commissioners asked several questions during the presentation.

George Quick introduced Jeff Pearsall, of Public Financial Management, for his presentation.

At the end of his presentation, Jeff Pearsall said Public Financial Management believes the RFPC swap is suitable for Durham County based on the swap's expected savings relative to its risk and the County's ability to withstand any potential volatility in swap cash flow given its financial resources, and recommends its implementation.

Chairman Reckhow said it is proposed that we take half of our debt and put it in the program. Is that appropriate?

Jeff Pearsall responded that would be appropriate.

Chairman Reckhow asked George Quick what are the next steps in the process to get the program implemented.

George Quick reviewed for the Board of County Commissioners the remaining steps that are required to get the program implemented, or rejected.

County Manager Mike Ruffin said that every effort will be made this week to get Commissioner Heron fully briefed on the transaction. A conference telephone call will be set up to brief Commissioner Heron and to give all of the Commissioners an opportunity to ask questions and to discuss the transaction. The staff will come back to the Board of County Commissioners either May 10, 2004 or May 24, 2004 for your consideration and final decision.

George Quick responded to Chairman Reckhow about going to the Local Government Commission. He said the County Commissioners will have to approve the program before it goes to the Local Government Commission for approval. We will need to get on their calendar in order to get final approval.

County Manager Mike Ruffin said we will have to ascertain how comfortable the Local Government Commission is with the application. I don't think they will have a problem with the application. That inquiry will be made.

George Quick said a date has not been established for the implementation of the program.

Chairman Reckhow said that we will be looking forward to getting the recommendation within the next few weeks.

Closed Session

Commissioner Cousin moved, seconded by Commissioner Jacobs, to adjourn to closed session to prevent the disclosure of information that is privileged or confidential pursuant to G. S. 143-318.10(e) pursuant to G. S. 143-318.11(a)(1).

The motion carried unanimously.

Open Session

The Board of County Commissioners gave directions to staff regarding the review of minutes as to which ones should remain confidential, and which ones can be released. The minutes released will be placed on the next agenda for approval.

Adjournment

Chairman Reckhow adjourned the worksession at 12:05 p. m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board