

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

Monday, February 23, 2004

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 Ellen W. Reckhow, Vice-Chairman Joe W. Bowser, and Commissioners Philip R. Cousin Jr., Becky M. Heron, and Mary D. Jacobs

Absent: None

Presider: Chairman Reckhow

Chairman Reckhow announced that a joint meeting had been held between the Board of County Commissioners and Durham Public Schools Board of Education at 4:00 p.m.

Chairman Reckhow led everyone in the Pledge of Allegiance.

Chairman Reckhow recognized media representatives from Russia who are participating in the Open World exchange program. This afternoon, Chairman Reckhow, Commissioner Cousin, and the County Manager met with the delegation and explained the mechanisms of Durham County Government, followed by a question and answer exchange about Russian and American policies. She asked Dr. Boris Kukso if he would comment on the exchange program.

Dr. Kukso made brief remarks about the Open World exchange program, the goal of which is to provide emerging Russian leaders with significant exposure to the operations of American civic and cultural institutions.

Chairman Reckhow thanked Dr. Kukso for the information, stating that the Commissioners are honored to have the Russian delegation in Durham County.

Agenda Adjustments

Commissioner Heron asked that the Board revisit the Commissioners' 2004 Meeting Schedule.

Chairman Reckhow asked Commissioner Heron to convey her concern(s) regarding the schedule to staff, requesting that the item be placed on a future agenda.

Minutes

Commissioner Cousin moved, seconded by Commissioner Heron, to approve as submitted the February 9, 2004 Regular Session Minutes of the Board.

The motion carried unanimously.

Presentation of Outstanding County Program Awards from the North Carolina Association of County Commissioners

Durham County was recognized with three Outstanding County Program Awards from the North Carolina Association of County Commissioners.

The winning programs include:

- Durham Dental Van—Public Health, Duke University, Durham Public Schools
- Durham City-County Neighborhood College—Public Information and City of Durham
- Color Me Healthy—Cooperative Extension and Public Health

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Board congratulate all participating staff members for receiving recognitions for these successful Durham County programs.

Chairman Reckhow credited County staff and community partners for the receipt of an unprecedented number of awards.

Todd McGee, Director of Communications, NCACC, made the presentation, stating that the intent of the program 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. Twelve programs were selected from nearly 70 entries. Durham was the only county in the state to win as many as three awards.

Mr. McGee called program representatives forward and presented the plaques.

The representatives made brief comments about their programs.

Chairman Reckhow praised the programs, thanking everyone involved and stating that winning these awards makes Durham County proud.

Commissioner Heron expressed delight that these projects are getting well-deserved recognition.

Proclamation for National Athletic Training Month

In 1974, the North Carolina Athletic Trainers' Association (NCATA) was launched to support athletic trainers and to advance the profession of athletic trainers in the state. Ken Brown, Head Athletic Trainer at Northern High School, represents District 3 of the NCATA, Durham County athletic trainers working with Durham Public Schools, North Carolina Central University, Duke University, and other sports related agencies. Mr. Brown has requested that March be proclaimed "National Athletic Training Month".

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Board approve the proclamation and present it to Mr. Brown.

The proclamation follows:

WHEREAS, Certified Athletic Trainers (ATCs) have a long history of providing quality care for athletes and those engaged in physical activity based on specific tasks, knowledge, and skills acquired through their nationally-regulated educational processes; and

WHEREAS, quality health care is vital for individuals who participate in physical activity; and

WHEREAS, Certified Athletic Trainers provide prevention of injuries; recognition, evaluation, and aggressive treatment; rehabilitation; health care administration; along with education and guidance; and

WHEREAS, athletic training was recognized by the American Medical Association in 1990 as an allied health care profession; and

WHEREAS, the National Athletics Trainers' Association represents more than 30,000 Certified Athletic Trainers nationwide who are employed in professional sports; colleges and universities; high schools; clinics and hospitals; military branches; as well as in corporate and industrial settings; and

WHEREAS, leading organizations concerned with athletic training and health care have joined together in a common effort to raise public awareness of the importance of the athletic training profession and to emphasize the importance of quality health care for athletes and those engaged in physical activity; and

WHEREAS, the theme of this year's observance is "Injury Treatment: Early Care Speeds Recovery":

NOW, THEREFORE, I, Ellen W. Reckhow, Chairman of the Durham County Board of Commissioners, do hereby proclaim March 2004 as

NATIONAL ATHLETIC TRAINING MONTH

in Durham County. I urge all people in Durham County to learn more about the importance of athletic training.

This the 23rd day of February, 2004.

/s/ Ellen W. Reckhow, Chairman

Mr. Brown received the proclamation, extending gratitude on behalf of Certified Athletic Trainers within the City of Medicine and Durham County. He distributed to each Commissioner a packet of brochures that are being circulated to students in northern Durham County.

Installation of Deputy Clerk to the Board of County Commissioners

Commissioner Cousin moved, seconded by Commissioner Heron, to designate Vonda C. Sessoms as Deputy Clerk to the Board of County Commissioners.

The motion carried unanimously.

Garry E. Umstead, Clerk to the Board, administered the Oath of Office to Ms. Sessoms.

Chairman Reckhow thanked Clerk's office staff for the enormous amount of work they generate.

Consent Agenda

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the following consent agenda items:

- * (a) Property Tax Releases and Refunds for Fiscal Year 2003-04 (accept the property tax release and refund report for January 2004 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report);
- * (b) Budget Ordinance Amendment No. 04BCC000046—Public Health—\$425,000 for Jail Health Medical Expenses (approve the budget ordinance amendment to increase appropriation of \$425,000 in the Jail Health

- Medical Expense Program; funding source—additional property tax revenues to be realized this fiscal year);
- * (c) Budget Ordinance Amendment No. 04BCC000047—Public Health—Community Health Division—\$5,000 for the Lead Prevention Program (recognize \$5,000 from the City of Durham for lead prevention);
 - * (d) Budget Ordinance Amendment No. 04BCC000048—Public Health—Community Health Division—\$1,921 for Prenatal Care (recognize \$1,921 from the March of Dimes for prenatal care);
 - * (f) Budget Ordinance Amendment No. 04BCC000050—Public Health—Health Education Division—\$22,000 for the Syphilis Elimination Program (recognize \$22,000 from the Department of Health and Human Services);
 - * (g) Budget Ordinance Amendment No. 04BCC000051—Public Health—Division of Health Education—\$1,000 for HIV/STD Peer Education Program (recognize \$1,000 from Crepe Myrtle Festival Incorporated for the Division of Health Education);
 - * (i) Budget Ordinance Amendment No. 04BCC000054—Cooperative Extension—Juvenile Crime Prevention Council (appropriate \$36,238 of Interlocal revenues for Juvenile Crime Prevention Council programming);
 - * (j) Budget Ordinance Amendment No. 04BCC000055—Cooperative Extension (appropriate \$6,120 of Interlocal revenues for Million Solar Roof Initiatives);
 - (k) Cooperative Extension: Contract Approval (authorization to enter into a contract with Matchbox Health Services for \$58,500 for Juvenile Emergency Shelter Services);
 - (l) Cooperative Extension: Contract Amendment (approval to amend the contract with Matchbox Health Services for Juvenile Emergency Shelter Services to increase the contract amount by \$49,000 resulting in a contract that will not exceed \$107,500);
 - (m) Appointment of Substitute Trustee (authorize the County Manager to sign the Substitute of Trustee documents to enable the foreclosure process to continue on Barbara J. Namkoong loan # 0600155505; the loan has a current payoff balance of \$7,940, with a last payment on March 1, 2003); and
 - (n) Set a Public Hearing on the Acquisition of the YMCA Early Learning Center (set the public hearing on the

proposed financing for the March 8, 2004 Regular Session of the Board).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda Item No. a. Property Tax Releases and Refunds for Fiscal Year 2003-04 (accept the property tax release and refund report for January 2004 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the attached report details releases and refunds for the month of January 2004.

Releases & Refunds for 2003 Taxes:

Real	\$	21,015.48
Personal	\$	3,252.10
Registered Vehicles	\$	24,237.30
Vehicle Fees	\$	360.00
Solid Waste	\$	<u>65.00</u>
Total for 2003 Taxes and Fees	\$	48,929.88

Prior years' (1999-2002) releases and refunds for January 2004 are in the amount of \$14,339.75.

The total current year and prior years' releases and refunds amount to \$63,269.63.

(Recorded in Appendix A in the Permanent Supplement of the February 23, 2004 Regular Session Minutes of the Board.)

Consent Agenda Item No. b. Budget Ordinance Amendment No. 04BCC000046—Public Health—\$425,000 for Jail Health Medical Expenses (approve the budget ordinance amendment to increase appropriation of \$425,000 in the Jail Health Medical Expense Program; funding source—additional property tax revenues to be realized this fiscal year).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2003-04 Budget Ordinance
Amendment No. 04BCC000046

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 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>			
Taxes	\$134,881,065	\$425,000	\$135,306,065

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$357,987,225	\$425,000	\$358,412,225

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

This the 23rd day of February, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda Item No. c. Budget Ordinance Amendment No. 04BCC000047—Public Health—Community Health Division—\$5,000 for the Lead Prevention Program (recognize \$5,000 from the City of Durham for lead prevention).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2003-04 Budget Ordinance
Amendment No. 04BCC000047

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 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	\$298,706,574	\$5,000	\$298,711,574

Expenditures:

Activity			
<u>GENERAL FUND</u>			
Human Services	\$358,412,225	\$5,000	\$358,417,225

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

This the 23rd day of February, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda Item No. d. Budget Ordinance Amendment No. 04BCC000048—Public Health—Community Health Division—\$1,921 for Prenatal Care (recognize \$1,921 from the March of Dimes for prenatal care).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2003-04 Budget Ordinance
Amendment No. 04BCC000048

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 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	\$298,711,574	\$1,921	\$298,713,495

Expenditures:

Activity			
<u>GENERAL FUND</u>			
Human Services	\$358,417,225	\$1,921	\$358,419,146

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

This the 23rd day of February, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda Item No. f. Budget Ordinance Amendment No. 04BCC000050—Public Health—Health Education Division—\$22,000 for the Syphilis Elimination Program (recognize \$22,000 from the Department of Health and Human Services).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2003-04 Budget Ordinance
Amendment No. 04BCC000050

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 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	\$298,733,595	\$22,000	\$298,755,595

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$358,439,246	\$22,000	\$358,461,246

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

This the 23rd day of February, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda Item No. g. Budget Ordinance Amendment No. 04BCC000051—Public Health—Division of Health Education—\$1,000 for HIV/STD Peer Education Program (recognize \$1,000 from Crepe Myrtle Festival Incorporated for the Division of Health Education).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2003-04 Budget Ordinance
Amendment No. 04BCC000051

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 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>
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GENERAL FUND

Intergovernmental	\$298,755,595	\$1,000	\$298,756,595
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Expenditures:

Activity

GENERAL FUND

Human Services	\$358,461,246	\$1,000	\$358,462,246
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 23rd day of February, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda Item No. i. Budget Ordinance Amendment No. 04BCC000054—
Cooperative Extension—Juvenile Crime Prevention Council (appropriate \$36,238 of
Interlocal revenues for Juvenile Crime Prevention Council programming).

DURHAM COUNTY, NORTH CAROLINA
FY 2003-04 Budget Ordinance
Amendment No. 04BCC000054

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the
FY 2003-04 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	\$298,873,773	\$36,238	\$298,910,011

Expenditures:

Activity

GENERAL FUND

Economic & Physical Development	\$ 2,986,240	\$36,238	\$ 3,022,478
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All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 23rd day of February, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda Item No. j. Budget Ordinance Amendment No. 04BCC000055—
Cooperative Extension (appropriate \$6,120 of Interlocal revenues for Million Solar Roof
Initiatives).

DURHAM COUNTY, NORTH CAROLINA
FY 2003-04 Budget Ordinance
Amendment No. 04BCC000055

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the
FY 2003-04 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	\$298,910,011	\$6,120	\$298,916,131

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Economic & Physical Development	\$ 3,022,478	\$6,120	\$ 3,028,598

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

This the 23rd day of February, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. e. Budget Ordinance Amendment No. 04BCC000049—
Public Health—Community Health Division—\$20,100 for Sterilization Procedures
(recognize \$20,100 from the Department of Health and Human Services for sterilization
procedures).

The Health Department requested approval of a budget amendment to recognize a one-time grant of \$20,100 from the North Carolina Department of Health and Human Services to pay for sterilization procedures for 16 women. The agency presently has a waiting list of 12 women who have requested sterilization and anticipates that four women can easily be identified once the availability of funding is announced. To be eligible for the procedure, a woman must be over 21 years of age, a North Carolina resident, competent to understand the procedure, and below 250% of poverty, with priority given to those below 100% of poverty. She must also sign a consent form 30 days in advance of the procedure. Raleigh Women's Health has agreed to perform the

sterilizations at an all-inclusive fee of \$1,200 per patient. There will be no charge to the patient.

Commissioner Cousin inquired about the process which identifies women who wish to be sterilized. He also wanted an explanation regarding “below 250% of poverty”.

Mr. Brian Letourneau, Public Health Director, responded that women desiring sterilization are identified primarily through the Family Planning Program at the Health Department and the OB/GYN Clinic at Lincoln Community Health Center. Poverty level of 250% means that a person’s income is 2½ times (approximately \$20,000) the poverty level (approximately \$8,000—set by the Federal Government). Mr. Letourneau conceded that the wording was confusing. He will direct his staff to use unambiguous language in the future.

Vice-Chairman Bowser asked whether sterilization of women is a Public Health concern in Durham and if clinics are available locally to perform these procedures.

Mr. Letourneau responded that sterilization is one of many tools used for family planning purposes. Funds are appropriated from the State to perform these voluntary procedures. Raleigh Women’s Health has agreed to perform the sterilizations at the lowest price (obtained by an informal pricing survey, not a bid proposal). The Health Department is not responsible for providing transportation to Raleigh.

Vice-Chairman Bowser described his vision that the needs of Durham citizens be met by local providers. When this objective is realized, it will result in benefits to Durham businesses, industry, and citizens. He requested that in the future, where health services are obtained or contracted outside of Durham County, that the Health Department bring forward a cost comparison to justify the provision of services.

Mr. Letourneau informed Vice-Chairman Bowser that the sterilization services must be provided by the clinic with the lowest price, as required by the State.

Chairman Reckhow instructed that this item be deferred until the March 8 meeting, at which time Mr. Letourneau was directed to include price quotes from various providers.

Item No. h. Budget Ordinance Amendment No. 04BCC000053—Appropriation of State Mental Health Funds (appropriate funds for \$117,178).

The Durham Center received State Allocation # 04-N45-D-07 in the amount of \$117,178 on a one-time basis for the purpose of developing and providing services needed for clients who are returning to the community as a result of the planned closure of State Hospital units and for increasing community capacity to serve these and similar clients. The money will be used to contract the needed services.

Commissioner Heron asked whether mental health care recipients returning to the community will be served by facilities in Durham. She stressed that it is in the best interest of clients to be placed close to their families and homes.

Ms. Holliman responded that Mental Health's first priority is to utilize Durham agencies; however, a client may choose to be served by a facility outside of Durham County. The clients' need and levels of care are also factors.

Commissioner Heron asked if Matchbox Health Services provides for children who have been diagnosed with mental health problems.

Donnie Phillips, Chief Juvenile Court Counselor, responded that the primary purpose of the facility is to provide emergency shelter for juveniles released from the juvenile detention center or who are in a crisis situation at home. Other providers meet their mental health needs while they reside in the shelter. The maximum stay is 90 days, with an average stay of approximately 30 to 45 days.

Ms. Holliman interjected that Mental Health has contracted for adult service only, not for children's services.

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to approve Budget Ordinance Amendment No. 04BCC000053 appropriating state mental health funds in the amount of \$117,178.

The motion carried unanimously.

Chairman Reckhow noted that the Health Department is working conscientiously to obtain grants and donations.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2003-04 Budget Ordinance
Amendment No. 04BCC000053

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 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	\$298,756,595	\$117,178	\$298,873,773

Expenditures:

Activity			
<u>GENERAL FUND</u>			
Human Services	\$359,162,246	\$117,178	\$359,279,424

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

This the 23rd day of February, 2004.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consideration of Ethics Policy

The Board was requested to review the current Ethics Policy to determine if changes are needed. The County Attorney has made suggested revisions to the current Ethics Policy. The current laws regulating bidding were revised in 2002. The Ethics Policy must conform to existing state statutes.

The Board was further requested to consider whether it wishes to continue with the current Ethics Policy or adopt an aspirational policy such as the ethics policy of the Association of County Commissioners.

RESOURCE PERSON(S): Chuck Kitchen, County Attorney

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Board consider the Ethics Policy and adopt the revisions to the policy, or if the Board so desires, direct further revisions to the policy or the preparation of an aspirational policy.

County Attorney Kitchen reported that he made modifications to the current Ethics Policy as specified by the Commissioners at their February 2 Worksession. The Ethics Policy was included in the agenda, as well as the Model Code (aspirational policy) endorsed by the NCACC. Attorney Kitchen explained that the Ethics Policy and the aspirational policy are not mutually exclusive.

For the record, Commissioner Jacobs articulated her support of the aspirational policy, quoting several policy statements. Her desire was that the County Attorney combine the Ethics Policy and the Model Code to achieve "a higher level of integrity".

Commissioner Heron favored the amended Ethics Policy, indicating that it addresses all pertinent issues.

Vice-Chairman Bowser asked Attorney Kitchen how he arrived at the revisions to the Ethics Policy. He also asked if County Government must follow certain state guidelines relative to contract eligibility for County services.

County Attorney Kitchen responded that his decision regarding the changes was based on guidance given by the Board, current purchasing laws, and information from the Institute of Government. The County Commissioners lack authority to rule over issues which have been addressed by the legislature and set forth in statute. Attorney Kitchen endeavored to present an Ethics Policy which reflects relevant State law.

Chairman Reckhow asked that the Commissioners take no action regarding the matter at this meeting. In concurring with the opinion of Commissioner Jacobs, she directed Attorney Kitchen to integrate the Ethics Policy and the Model Code for the Board of County Commissioners. (The amended Ethics Policy would apply to County officials.) The two documents were to be brought back to the Board for consideration and vote at the March 22 Regular Session.

Change of Insurance Provider for Life and Disability Insurance

The County and UnumProvident Insurance Company have been unable to agree on contract differences. Standard Insurance Company has agreed to provide life insurance and short- and long-term disability insurance at the same rates as UnumProvident. A 45-day notification period must be given to employees that a change will occur in insurance coverage.

The Board of Commissioners was requested to terminate the County's relationship with UnumProvident as to life insurance and short- and long-term disability insurance coverage. The Board was requested further to authorize the Manager to sign contracts with Standard Insurance Company for insurance coverage. The effective date for the change is proposed for April 30, 2004.

RESOURCE PERSON(S): Chuck Kitchen, County Attorney; Carol Hammett, Assistant County Attorney; and Debbie Davidson, Benefits Manager

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Board authorize the change in insurance coverage from UnumProvident to Standard Insurance Company effective April 30, 2004, and authorize the County Manager to execute the necessary contracts with Standard Insurance Company.

County Attorney Kitchen introduced the item. He stated that in November 2003, UnumProvident presented a contract proposal which was not in compliance with the RFP. Since the County's concerns with the contract were rejected by UnumProvident, County Attorney Kitchen recommended that the relationship be severed with UnumProvident. Accordingly, it will no longer serve as a provider of life and disability insurance for County employees.

Ms. Davidson stated that Standard Insurance Company has agreed to provide insurance coverage at the same rates, guaranteed for two years, as UnumProvident. Contracts have been presented for approval.

For the record, County Manager Ruffin informed the public and the Commissioners that employee insurability is guaranteed. Employees with pre-existing conditions will qualify for enrollment.

Vice-Chairman Bowser moved, seconded by Commissioner Cousin, to approve the change in insurance coverage to Standard Insurance Company effective April 30, 2004 and to authorize the County Manager to execute the necessary contract.

The motion carried unanimously.

Capital Project Amendment No. 04CPA000009—2001 Bond Project—Durham Public Schools

On January 8, 2004, the Durham Public Schools Board of Education approved an adjustment to two 2001 bond project budgets.

The contingency for Lakewood's project is depleted due to unsuitable soils, rock, and renovation requirements. Bethesda's project opened on time and is well under budget.

RESOURCE PERSON(S): Hugh Osteen, Assistant Superintendent of Operational Services, Durham Public Schools

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommended approval of Capital Project Amendment No. 04CPA000009, moving \$250,000 in unspent funds from the Bethesda Elementary School capital project to the Lakewood Elementary School capital project.

Mr. Osteen presented the request for the Board to approve transferring \$250,000 in unspent funds from Bethesda School to the Lakewood School capital project.

Commissioner Cousin asked how much money would remain if the transfer is approved.

Mr. Osteen replied that Bethesda has well over \$500,000 in its remaining budget, leaving \$250,000 subsequent to the \$250,000 transfer. The school system has not designated a disbursement plan for the remaining funds.

Commissioner Cousin inquired about the 2001 Bond Projects.

Mr. Osteen responded that three or four projects are underway.

Chairman Reckhow inquired about the anticipated completion date for the 2001 Bond Projects.

Mr. Osteen replied that December 2004 is the scheduled certificate-of-occupancy goal; however, wrap-up items will not be completed until January 2005.

Vice-Chairman Bowser asked County Attorney Kitchen how remaining bond funds can be expended.

County Attorney Kitchen answered that the funds must first be used to complete the 2001 Bond Projects. Remaining funds can be used for school capital needs.

Vice-Chairman Bowser asked Mr. Osteen about the sewer infrastructure chosen for the school on Ephesus Church Road.

Mr. Osteen replied that the most cost-effective measure for supplying sewer to the school site had been determined and approved as required by the Public Works Department and City-County Planning prior to dedication to the City of Durham. The course chosen extends across the Daniels' property. Mr. Osteen had been informed that the only other possible route was unfeasible, being twice the distance and too deep in the ground to maintain adequately. In November 2003, an agreement was approved by the Durham Public Schools Board of Education to share the sewer construction costs with two developers in order to reduce expenditures. Mr. Osteen was unaware of residents' desire for an alternate route until January 2004.

Vice-Chairman Bowser and Mr. Osteen discussed other options for sewer line placement.

Mr. Osteen responded to questions by Commissioner Cousin that existing residents would be unable to access the sewer lines although future developers would have access as required by City-County Planning.

For the record, Commissioner Cousin stated that this is a rare occurrence whereby a school is being built that will not improve the area for existing residents yet will improve the area for future residents in subsequent developments.

In response to a question by Vice-Chairman Bowser, Mr. Osteen stated that no consideration was given to using the right-of-way in sewer construction as DOT will not approve gravity-fed sewers in their right-of-way.

Commissioner Jacobs, after speaking with many area residents, deemed the considerations for sewer placement to represent a moral issue.

Chairman Reckhow reported that the issue has been discussed with the Mayor who expressed willingness to attempt to resolve the matter.

Vice-Chairman Bowser, after agreeing with Commissioner Jacobs, requested that the Board hire an independent contractor to assess sewer infrastructure options.

Commissioner Heron vehemently asserted that a better determination should be made regarding the suitability of soils prior to future school construction. She cautioned that a mistake of this magnitude must not transpire in the future.

Mr. Osteen responded to a question by Vice-Chairman Bowser by stating that the transfer of funds was not being requested to cover a mistake.

Dr. E. Lavonia Allison, PO Box 428, Durham 277702, representing the Committee on the Affairs of Black People, expressed her opinion that only 17 acres, not 38, was needed for the school. She recommended that the Board request a collective evaluation regarding the time lines for the 2001 Bond Project completion. Also, community input must be solicited and embraced when making decisions regarding the schools since taxpayer monies are involved.

Chairman Reckhow directed the County Manager to write a memo to Superintendent Ann Denlinger to remind her of the previous agreement to send quarterly updates on the 2001 Bond Project status. The updates are to include projected cost overruns or savings, as well as projected completion dates for each project. In addition, the 2003 Bond Projects were to have community involvement as those projects are finalized. A progress report on that process for each school project would be useful.

Commissioner Heron stated that she would reluctantly move to approve the County Manager's recommendation but would do so because the children waiting to attend this school are now in overcrowded trailers, classrooms, cafeterias, and restrooms. The children need these facilities.

Commissioner Heron moved, seconded by Commissioner Cousin, to approve Capital Project Amendment No. 04CPA000009, moving \$250,000 in unspent funds from the Bethesda Elementary School capital project to the Lakewood Elementary School capital project.

The motion carried unanimously.

Chairman Reckhow stated that she tutors on a weekly basis at Lakewood Elementary School and is anxious for the five decrepit trailers behind the school to be decommissioned and moved off the site. She also stated that the addition is beautiful and the interior courtyard and play area for the young children are very nice.

The capital project ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 2003-04 Capital Project Ordinance
Amendment No. 04CPA000009

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2003-04 Capital Project Ordinance is hereby amended to reflect budget adjustments for the Lakewood Elementary School project and the Bethesda Elementary School project.

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Lakewood	\$6,649,596	\$250,000		\$6,899,596
Bethesda	\$2,284,887		\$250,000	\$2,034,887

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

This the 23rd day of February, 2004.

(Capital Projects Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Career and Technical Education Task Force Mission Statement—Revisions

At the November 10, 2003 Regular Session, the Board of County Commissioners approved nominees to the Career and Technical Education Task Force and adopted the Mission Statement as proposed by County Manager Mike Ruffin and Durham Public Schools Superintendent Ann Denlinger.

The Career and Technical Education Task Force, at its February 18, 2004 meeting, made several revisions to the Mission Statement and requested that the County Commissioners consider and approve the revisions. (Vice-Chairman Bowser and Commissioner Heron represent the Board of County Commissioners on the Task Force.)

RESOURCE PERSON(S): Vice-Chairman Joe W. Bowser

COUNTY MANAGER’S RECOMMENDATION: The Manager recommended that the Board consider and approve the revisions to the Career and Technical Education Task Force Mission Statement, if appropriate.

Vice-Chairman Bowser spoke briefly about the following proposed revisions:

“To study career and vocational training needs in Durham County and investigate the feasibility of creating a vocational/**technical center** ~~school~~ that prepares high school students **and others of legal school age in**

Durham County to favorably compete for new and existing jobs in Durham County.”

Commissioner Heron informed the Board that the Task Force, at its February 18 meeting, could not take official action to approve the proposed Mission Statement, as no quorum was present. She requested that the Board provide input regarding the Mission Statement, which should subsequently be presented to the Task Force for a formal vote.

Commissioner Jacobs inquired about the number of meetings held by the Task Force, whether a quorum had been present, and if amendments to the Mission Statement must be approved by Durham Public Schools Board of Education.

Vice-Chairman Bowser responded that the Task Force has met three times, with a quorum present at the first meeting. His understanding is that the Mission Statement was adopted by the County Commissioners, not the school board.

Commissioner Jacobs commented that the proposed modifications provide a much broader statement. She questioned whether the last three words, “in Durham County”, would restrict students to jobs only within the county.

Vice-Chairman Bowser responded that Commissioner Jacobs’ concerns would be conveyed to the Task Force.

Commissioner Heron asked County Attorney Kitchen if deleting “school” and adding “technical center” would prohibit Durham County from receiving state ADM monies.

County Attorney Kitchen informed the Commissioners that the name is inconsequential; although, the institution must be deemed a public or charter school to receive state funding. He also stated that the County has no ability under state statute to fund nonpublic schools.

Chairman Reckhow recommended the following wording: “vocational/technical center **or school**”.

Vice-Chairman Bowser asked that the revised Mission Statement proposed by the Task Force be accepted without changes by the Commissioners.

Chairman Reckhow emphasized the importance of adding “**school**”, suggesting that Vice-Chairman Bowser and Commissioner Heron explain to the Task Force the logic for adding the word.

Dr. E. Lavonia Allison, PO Box 428, Durham 277702, representing the Committee on the Affairs of Black People, opined that a charter technical center would provide more flexibility than a public school. She advised that the center should provide educational experiences, vocational as well as technical, for a mixed population, including persons

who have been incarcerated and who exceed the legal school age. Dr. Allison questioned whether the school board made appointments to the Task Force. She recommended that new appointees be named to replace the members who have resigned.

County Manager Ruffin explained that the three members who resigned were appointed by the Board of Education; thus, new or alternate members must be appointed by that board. He clarified that the 21-member Task Force is comprised of the following appointees: two appointments by each Commissioner, with the exception of Commissioner Cousin who made one appointment; one appointment by each school board member; one appointment by Superintendent Denlinger; 2 County Commissioner representatives; and two school board representatives.

Chairman Reckhow suggested that the Task Force resolve the issue regarding alternates, requesting that Vice-Chairman Bowser communicate this to the Task Force.

Vice-Chairman Bowser moved, seconded by Commissioner Jacobs, to approve the Mission Statement as revised by the Board.

The motion carried unanimously.

The revisions follow:

“To study career and vocational training needs in Durham County and investigate the feasibility of creating a vocational/technical center **or school** that prepares high school students and others of legal school age in Durham County to favorably compete for new and existing jobs **in Durham County.**”

Chairman Reckhow suggested that the amended Mission Statement be forwarded to the school board.

Vice-Chairman Bowser announced that the Task Force would visit the Kittrell Job Corps Center on March 2. He invited the Commissioners to participate in the field trip and directed County Manager Ruffin to notify Dr. Denlinger, requesting that she invite Board of Education members.

Board and Commission Appointments

Garry E. Umstead, CMC, Clerk to the Board, distributed ballots to make appointments to the following board and commissions:

- City-County Planning Commission
- Durham Appearance Commission
- Historic Preservation Commission

- Juvenile Crime Prevention Council
- Nursing Home Community Advisory Committee
- Transportation Advisory Board
- Women's Commission

RESOURCE PERSON(S): Garry E. Umstead

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommended that the Board of County Commissioners vote to appoint members to the above-mentioned boards/commissions.

The following appointments were made:

City-County Planning Commission
Steven P. Matherly

Durham Appearance Commission
John Wood

Historic Preservation Commission
Lynn Richardson
Mark J. Laskowski
James L. Leis

Nursing Home Community Advisory Committee
David N. Blodgett
Gay S. Bonds
Andrea C. Brown
Ethel M. Foote
Marilyn J. Partin
Francis Robbie Willmarth
Robin Deerin

Transportation Advisory Board
Ozetta Parker

Women's Commission
Yvonne Sanford Dunlap

Commissioner Jacobs suggested that applicants not satisfying the requirements for designated positions should receive courtesy letters explaining why they could not be selected.

Closed Session

Commissioner Heron moved, seconded by Vice-Chairman Bowser, to adjourn to Closed Session to consider the performance of a public officer pursuant to G.S. § 143-318.11(a)(6).

The motion carried unanimously.

Chairman Reckhow announced that direction was given to the County Manager in Closed Session. No action was taken.

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 10:14 p.m.

Respectfully submitted,

Vonda C. Sessoms
Deputy Clerk to the Board