

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

Monday, December 2, 2002

9:00 A.M. Special Session

MINUTES

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

Present: Chairman MaryAnn E. Black and Commissioners-Elect Joe W. Bowser, Philip R. Cousin Jr., Becky M. Heron, Mary D. Jacobs, and Ellen W. Reckhow

Absent: None

Presiders: Chairman Black, County Attorney Kitchen, and Commissioner-Elect Reckhow

Chairman MaryAnn E. Black called the meeting to order and welcomed everyone in attendance. At this December 2, 2002 Special Session, Soil and Water Conservation District Board members and County Commissioners would be sworn-in, along with the election of the chairman and vice chairman of the Board of County Commissioners.

Chairman Black informed the public, the press, the County Manager, and everyone that she had asked Susan Page, Staff Specialist, Clerk to the Board's office, to give her a note stating she had cleared herself financially with Durham County government. She had turned in her fax machine, computer, laptop, gate cards, and keys. She owes County government no money. She wanted the public record to state that when she is audited, if she owes the County even one penny, she would like to reimburse the County for that penny.

Chairman Black wished everyone well, especially her colleagues whom she had worked with for as many as twelve years. Everyone had been so supportive of her and her work. She wanted to assure the public that this Board and future Boards work hard to serve the citizens of Durham County. People serve only because they choose to serve. She would keep in touch with the newly-elected Board members in her new role as Director of Community Affairs for the Duke Health System. She will always have Durham County in her best interest and in her heart. Please call her if she can help in any way.

Installation of Soil and Water Conservation District Board

Chairman Black called on the Honorable A. Leon Stanback, Jr., Superior Court Judge, to administer the Oaths of Office to Mr. Robert Rosenthal and Mr. Ray Eurquhart as members of the Durham Soil and Water Conservation District Board.

The oaths follow:

OATH
DURHAM SOIL AND WATER CONSERVATION DISTRICT

I, RAYMOND L. EURQUHART, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as member of the Durham Soil and Water Conservation District, so help me, God.

I, RAYMOND L. EURQUHART, do swear (or affirm) that I will well and truly execute the duties of the office of Durham Soil and Water Conservation District member according to the best of my skill and ability, according to the law, so help me, God.

/s/ RAYMOND L. EURQUHART, Member
Durham Soil and Water Conservation District

Subscribed and sworn before me,
this 2nd day of December, 2002.

/s/ A. LEON STANBACK JR.
Superior Court Judge

(SEAL)

OATH
DURHAM SOIL AND WATER CONSERVATION DISTRICT

I, ROBERT ROSENTHAL, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as member of the Durham Soil and Water Conservation District, so help me, God.

I, ROBERT ROSENTHAL, do swear (or affirm) that I will well and truly execute the duties of the office of Durham Soil and Water Conservation District member according to the best of my skill and ability, according to the law, so help me, God.

/s/ ROBERT ROSENTHAL, Member
Durham Soil and Water Conservation District

Subscribed and sworn before me,
this 2nd day of December, 2002.

/s/ A. LEON STANBACK JR.
Superior Court Judge (SEAL)

Installation of County Commissioners

The Judge Stanback administered the following Oaths of Office to the newly-elected County Commissioners.

OATH
DURHAM COUNTY COMMISSIONER

I, PHILIP R. COUSIN JR., do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as County Commissioner, so help me, God.

I, PHILIP R. COUSIN JR., do swear (or affirm) that I will well and truly execute the duties of the office of County Commissioner according to the best of my skill and ability, according to the law, so help me, God.

/s/ PHILIP R. COUSIN JR.
Member, Durham County Board of Commissioners

Subscribed and sworn before me,
this 2nd day of December, 2002.

/s/ A. LEON STANBACK JR.
Superior Court Judge (SEAL)

OATH
DURHAM COUNTY COMMISSIONER

I, MARY D. JACOBS, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as County Commissioner, so help me, God.

I, MARY D. JACOBS, do swear (or affirm) that I will well and truly execute the duties of the office of County Commissioner according to the best of my skill and ability, according to the law, so help me, God.

/s/ MARY D. JACOBS
Member, Durham County Board of Commissioners

Subscribed and sworn before me,
this 2nd day of December, 2002.

/s/ A. LEON STANBACK JR.
Superior Court Judge (SEAL)

OATH
DURHAM COUNTY COMMISSIONER

I, BECKY M. HERON, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as County Commissioner, so help me, God.

I, BECKY M. HERON, do swear (or affirm) that I will well and truly execute the duties of the office of County Commissioner according to the best of my skill and ability, according to the law, so help me, God.

/s/ BECKY M. HERON
Member, Durham County Board of Commissioners

Subscribed and sworn before me,
this 2nd day of December, 2002.

/s/ A. LEON STANBACK JR.
Superior Court Judge (SEAL)

OATH
DURHAM COUNTY COMMISSIONER

I, ELLEN W. RECKHOW, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as County Commissioner, so help me, God.

I, ELLEN W. RECKHOW, do swear (or affirm) that I will well and truly execute the duties of the office of County Commissioner according to the best of my skill and ability, according to the law, so help me, God.

/s/ ELLEN W. RECKHOW
Member, Durham County Board of Commissioners

Subscribed and sworn before me,
this 2nd day of December, 2002.

/s/ A. LEON STANBACK JR.
Superior Court Judge (SEAL)

OATH
DURHAM COUNTY COMMISSIONER

I, JOE W. BOWSER, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office as County Commissioner, so help me, God.

I, JOE W. BOWSER, do swear (or affirm) that I will well and truly execute the duties of the office of County Commissioner according to the best of my skill and ability, according to the law, so help me, God.

/s/ JOE W. BOWSER
Member, Durham County Board of Commissioners

Subscribed and sworn before me,
this 2nd day of December, 2002.

/s/ A. LEON STANBACK JR.
Superior Court Judge (SEAL)

Election of Chairman of the Board of County Commissioners

County Attorney Chuck Kitchen presided over the election of the Board of County Commissioners' chairman. According to Board rules and Robert's Rules of Order, the election would be conducted *viva voce*, which is to accept nominations for chairman. Attorney Kitchen would list the names in order and each nomination would be voted on.

Attorney Kitchen asked if there were any questions.

No questions were asked.

Attorney Kitchen asked for nominations for chairman of the Board.

Commissioner Cousin nominated Commissioner Bowser.

Attorney Kitchen asked for other nominations.

Commissioner Heron nominated Commissioner Reckhow.

Attorney Kitchen asked for other nominations.

Commissioner Jacobs wished to express that she had been placed in an uncomfortable position. She had been nicknamed "Swing Vote." She did not want her first vote as County Commissioner to split this Board or community. Her major goal as a County Commissioner is to unify the Board. Her hope was that the returning Board members would have already decided on the chairman, and she would simply be the fifth vote. She wished for a unanimous vote. Since this was not the case, Commissioner Jacobs said she would do something unordinary which was to nominate herself. She appealed to the Board for support and said she would strive to bring about unity on this Board.

Attorney Kitchen asked for other nominations.

No one responded.

County Attorney Kitchen declared the nominations closed and asked for any comments.

Commissioner Heron wished to say that her nomination of Commissioner Reckhow was not a spur-of-the-moment decision. Her nomination was because Commissioner Reckhow deserves the honor and has earned the right to be elected as chairman. Commissioner Heron spoke of Commissioner Reckhow's experience in planning and her past years' service on the Planning and Zoning Commission. She served on the commission honestly and diligently and was very dedicated. Commissioner Heron urged the Commissioners to consider Commissioner Reckhow's 14-years experience as County Commissioner and her service on many County boards and commissions. She has the ability to provide the leadership needed for the Board over the next two years.

Commissioner Bowser applauded Commissioner Jacobs for placing her name in nomination. Seniority has nothing to do with being elected chairman of this or any other Board. He had offered Commissioner Reckhow his support for her to become chairman in both 1998 and 2000. Commissioner Reckhow expressed at that time that she did not wish to take the position away from Chairman MaryAnn Black. Commissioner Bowser feels that Commissioner Reckhow has had her turn. He expressed that he is qualified to be elected chairman and feels that he deserves this honor. He asked for Board support.

Commissioner Reckhow responded to Commissioner Bowser's comments. She did not remember being approached twice by him to give his support to her for chairman, only once. At that time, she had already committed her support to Commissioner Black for chairman. In addition, the timing was not right; she still had children at home and her family came first. Her children are now out of the home, and she is prepared to take the much heavier responsibility as chairman of the Board.

Commissioner Cousin expressed to the community that the Board would do what is in the best interest of all of the citizens of Durham County.

County Attorney Kitchen asked for a show of hands for Commissioner Bowser as chairman.

Commissioners Bowser and Cousin voted for Commissioner Bowser.

County Attorney Kitchen asked for a show of hands for Commissioner Reckhow as chairman.

Commissioners Heron and Reckhow voted for Commissioner Reckhow.

County Attorney Kitchen asked for a show of hands for Commissioner Jacobs as chairman.

Commissioner Jacobs voted for herself.

County Attorney Kitchen asked if the Board wished to take a recess at this point.

Commissioner Cousin recommended a recess be taken.

Attorney Kitchen advised that only two Commissioners may confer at a time. Three or more Commissioners would constitute a meeting outside the meeting.

Commissioner Cousin made a motion, seconded by
Commissioner Heron, to take a recess.

The motion carried unanimously.

County Attorney Kitchen said that the Board would reconvene at 10:00 a.m. (15-minute recess).

When the meeting reconvened, Attorney Kitchen asked for nominations for chairman of the Board.

Commissioner Cousin nominated Commissioner Bowser.

Attorney Kitchen asked for other nominations.

Commissioner Heron nominated Commissioner Reckhow.

Attorney Kitchen asked for other nominations.

No one responded.

Attorney Kitchen declared the nominations closed.

County Attorney Kitchen asked for a show of hands for Commissioner Bowser as chairman.

Commissioners Bowser and Cousin voted for Commissioner Bowser.

County Attorney Kitchen asked for a show of hands for Commissioner Reckhow as chairman.

Commissioners Heron and Reckhow voted for Commissioner Reckhow.

Commissioner Jacobs did not vote; therefore, no nominee had a majority(three votes). Consequently, Attorney Kitchen announced that the election of the chair would be done by motion, unless a Commissioner objected.

Commissioner Heron asked if each Commissioner must vote.

Attorney Kitchen replied in the affirmative and stated that he was changing the method of election for that reason.

Commissioner Heron made a motion, seconded by Chairman Reckhow, that the chairman be elected by motion.

The motion carried unanimously.

Commissioner Heron moved, seconded by Commissioner Reckhow, to select Commissioner Reckhow as chairman of the Board.

The motion failed with the following vote:

Ayes: Heron and Reckhow
Noes: Bowser, Cousin, and Jacobs

Commissioner Cousin moved, seconded by Commissioner Bowser, to select Commissioner Bowser as chairman of the Board.

The motion failed with the following vote:

Ayes: Bowser and Cousin
Noes: Heron, Jacobs, and Reckhow

Commissioner Bowser moved, seconded by Commissioner Cousin, to select Commissioner Cousin as chairman of the Board.

The motion failed with the following vote:

Ayes: Bowser and Cousin
Noes: Heron, Jacobs, and Reckhow

Attorney Kitchen stated that the selection of chairman is mandated by general statute and must be done today. The meeting cannot be adjourned until a chairman is selected. He explained preferential balloting (an alternate way of selecting the chairman). He asked if the Commissioners would like to move to use this method.

The Board did not make a motion to use this method.

Commissioner Reckhow moved, seconded by Commissioner Bowser, to take a ten-minute recess.

The motion carried unanimously.

When the meeting reconvened, Attorney Kitchen asked for motions.

Commissioner Heron moved, seconded by Commissioner Reckhow, to select Commissioner Reckhow as chairman of the Board of County Commissioners.

The motion failed with the following vote:

Ayes: Heron and Reckhow
Noes: Bowser, Cousin, and Jacobs

Commissioner Cousin moved, seconded by Commissioner Jacobs, to select Commissioner Jacobs as chairman of the Board.

The motion failed with the following vote:

Ayes: Cousin and Jacobs
Noes: Bowser, Heron, and Reckhow

Commissioner Cousin moved, seconded by Commissioner Bowser, to select Commissioner Bowser as chairman of the Board.

The motion failed with the following vote:

Ayes: Bowser and Cousin
Noes: Heron, Jacobs, and Reckhow

Commissioner Bowser moved, seconded by Commissioner Reckhow, to take a five-minute recess.

The motion carried unanimously.

County Attorney Kitchen reconvened the meeting and asked for a motion.

Commissioner Bowser stated that the community placed the Commissioners in office and the Board's responsibility is to serve the citizens. He felt that the Commissioners' indecisiveness in selecting a chairman shows much division on the Board. However, the Commissioners are very much "together." The process has been difficult and complicated. To show unity and to show the community that the Commissioners will do the job they were selected to do, Commissioner Bowser withdrew his name as chairman of the Board of County Commissioners. He didn't want anyone to leave today with the notion that any Board member is not qualified to be chairman of this Board. Each Board member is qualified for this position.

Commissioner Bowser moved, seconded by Commissioner Heron, to select Commissioner Reckhow as chairman of the Board of County Commissioners.

The motion carried unanimously.

County Attorney Kitchen congratulated Chairman Reckhow and turned the meeting over to her.

Election of Vice Chairman of the Board of County Commissioners

Chairman Reckhow opened the floor for nominations for vice chairman of the Board.

Chairman Reckhow made a motion to select Commissioner Bowser as vice chairman of the Board of County Commissioners.

The motion carried unanimously.

Comments From the County Commissioners

Chairman Reckhow officially welcomed Commissioner Jacobs to the Durham County Board of Commissioners.

Commissioner Jacobs commended the Board for coming to a consensus for chairman and vice chairman of the Board. The Commissioners are now in a position to show a united front to the community. She thanked various people for making it possible for her to serve as a Durham County Commissioner.

Commissioner Bowser thanked the voters of Durham County for giving him the opportunity to serve as a County Commissioner. Also, he thanked several people and organizations for supporting him. He looked forward to his future on the Board and promised to do his part to make the next two years productive. He thanked his colleagues for ending the stalemate regarding the vote for chairman.

Commissioner Heron expressed appreciation to those responsible for her being elected to her 11th term as a County Commissioner. She wanted everyone to know how supportive her husband has been; families must be supportive for County Commissioners to fulfill their roles. Commissioner Heron commended the County Manager and staff of Durham County Government and thanked them for their support. She looked forward to the next two years as a County Commissioner.

Commissioner Cousin thanked all the citizens of Durham for their support and for giving him another opportunity to serve in this position. It is a pleasure and a privilege to serve and meet the needs of the citizens of the county. He looked forward to working with his fellow Commissioners to resolve the issues that will come before them. The Commissioners will continue to provide the best level of service possible.

Commissioner Cousin made a motion that this Board go on record supporting the new chairman and vice chairman as leaders of the Board.

The motion carried unanimously.

Chairman Reckhow thanked all of the Commissioners for being respectful of each other. She pledged to work with Vice-Chairman Bowser and the other members of the Board in a team approach. Chairman Reckhow thanked the Board members for their support of her as chairman. Also, she thanked Durham County citizens for electing her to another term. She takes the public trust very seriously and will continue to work even harder in this new role. She mentioned various issues to be addressed in the near future and stated that the Board will rise to the task of addressing all issues. Durham has all the ingredients for a bright future and excellent quality of life. It is critical that we pull together as a the community and make the future better. This Board is ready and prepared to pull together and provide that kind of leadership.

Approval of Public Official Bonds

The Board of Commissioners is required to approve the bonds of public officials on the first Monday of December of each year. Following approval, the bonds will be recorded in the Register of Deeds Office and then sent to the Clerk of Superior Court for safekeeping.

Resource Person(s): Chuck Kitchen, County Attorney; Cathy Whisenhunt, Risk Manager

County Manager's Recommendation: Approve the bonds as they meet the statutory requirements.

Commissioner Cousin made a motion to approve the public official bonds.

The motion carried unanimously.

The Public Official Bond certificate follows:

NORTH CAROLINA
DURHAM COUNTY

CERTIFICATE

As Chairman of the Board of County Commissioners of Durham County, North Carolina, this is to certify that on Monday, December 2, 2002, the following Public Official Bonds were approved by the Board of County Commissioners of Durham County; the Public Official, the amount of bond, and the bond number with the name of the surety were set forth:

POSITION	PUBLIC OFFICIAL	AMOUNT OF BOND	SURETY	BOND #
Financial Officer	George Quick	\$250,000	Hartford	20BSBAY8705
Interim Tax Collector	Kimberly H. Simpson	\$250,000	Hartford	20BSBBT7686
Tax Collector	Kenneth L. Joyner Jr.	\$250,000	Hartford	20BSBBT7693
Sheriff	Worth Hill	\$ 25,000	Hartford	20 SUN 318477
Register of Deeds	Willie L. Covington	\$ 50,000	Hartford	20 SUN 318478
Employees Blanket Bond	Employee Dishonesty Forgery or Alteration Theft, Disappearance and Destruction	\$250,000 \$250,000 \$250,000	Hartford	20 PEB GV3814

Each bond is executed under seal in the name of the surety by an agent or attorney in fact. The Clerk of the Durham County Board of Commissioners has been instructed to record each of the bonds enumerated herein with the power of attorney attached thereto in the office of the Register of Deeds of Durham County, together with a copy of this Certificate attached to each bond. After said bonds have been duly recorded in the Office of the Register of Deeds, the original of bond together with the power of attorney and a copy of the Certificate shall be deposited with the Clerk of Superior Court of Durham County.

/s/ Ellen W. Reckhow
CHAIRMAN, BOARD OF COUNTY COMMISSIONERS

Sworn to and subscribed before me this
the 19th day of December, 2002.

/s/ Susan B. Page
NOTARY PUBLIC
My Commission expires: 12-20-2005

Salary for the Sheriff

The Durham County Sheriff was duly elected to a third term of office, which begins December 2, 2002. The election filing fee was based on a minimum starting salary of \$65,000, which was set by the Board of County Commissioners prior to the filing period.

The incumbent was reelected and his current salary of \$87,042 is based on incremental increases granted during his tenure with the County. As there is no intent to decrease the incumbent's salary, and as the salary for incumbent was reviewed in July of 2002 and will continue to be reviewed on a regular basis, the Board was requested to set the starting salary for the County Sheriff at \$87,042.

Resource Person(s): Jackye Knight, Director, Human Resources

County Manager's Recommendation: Approve the Sheriff's salary at \$87,042.

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to set the Sheriff's salary at \$87,042.

The motion carried unanimously.

Reception in Honor of Those Persons Sworn Into Office

Chairman Reckhow invited everyone to join the Commissioners for a reception in the foyer.

Adjournment

The meeting was adjourned.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board