

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

Monday, February 27, 2012

7:00 P.M. Regular Session

MINUTES

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

Present: Chairman Michael D. Page, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Brenda A. Howerton, and Pam Karriker

Absent: None

Presider: Chairman Michael D. Page

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

Vice-Chairman Reckhow requested to add a discussion of the Durham Public Schools Memorandum of Understanding, which was placed at each Commissioner's station.

Commissioner Bowser requested to add a discussion regarding the composition of the North Carolina Child Fatality Prevention Team compared to the Durham County Community Child Protection Team/Child Fatality Prevention Team.

Announcements

Chairman Page made the following announcement:

- "In Touch with Durham County", the Durham County Television show, airs on Cable TV Channel 8 at 8:30 a.m. and 12 noon on Mondays and 8:30 a.m., 12 noon, and 6:30 p.m. on Tuesday – Sunday. The Durham County Commissioners' meetings are also rebroadcast on Thursdays at 2:00 p.m., Saturdays at 9:00 p.m., and Sundays at 9:00 p.m.

Per a citizen's concern raised during a prior PAC meeting, Commissioner Howerton asked the County Manager to investigate whether all County buildings are "equipped for disability."

Minutes

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to approve as submitted the February 13, 2012 Regular Session Minutes of the Board.

The motion carried unanimously.

Resolution Congratulating Bragtown Library on 50 years of Service to the Community

Chairman Page read the following resolution into the record to recognize and congratulate Bragtown Library on 50 years of service to the community:

RESOLUTION

WHEREAS, the Bragtown Library Family Literacy Center opened its doors on March 11, 1962, after members of the community came together to raise the necessary funds and deeded the land at Ruth Street and Dearborn Drive to the Durham Colored Library; and

WHEREAS, the Durham Colored Library system merged with the Durham City-County Public Library in April 1966, making Bragtown Library part of the Durham County Library system; and

WHEREAS, for the past 50 years, Bragtown has served as an anchor in its community—a place of learning, literacy, fun, and fellowship; and

WHEREAS, Bragtown Library continues to serve its community today with storytimes in English, Spanish, and French for children and toddlers; tutoring for school-aged children; access to technology for all ages; and neighbor-to-neighbor programs that engage adults and seniors; and

WHEREAS, with the Bragtown Garden of Wonders, the Library goes beyond teaching children how to read, instilling in them the drive to be good stewards of the land and its resources by giving them hands-on experience growing food, flowers, and plants in a sustainable manner; and

WHEREAS, Bragtown maintains strong community partnerships with businesses, schools, churches, childcare centers, and public housing facilities, including a partnership with Oxford Manor Public Housing and GlaxoSmithKline that allowed the Library to host a Science in the Summer camp last year that provided children with an opportunity to learn about science while having fun; and

WHEREAS, last year, Bragtown Library had more than 6,800 visits; hosted 128 programs, which were attended by approximately 2,000 children, teens and adults; and provided vital access to technology as visitors logged 1,190 computer sessions, all of this in a 1,000 sq. ft. facility, open only 20 hours a week; and

WHEREAS, Bragtown fosters literacy, reinforces academic achievement, provides access to critical technology and serves as a neighborhood hub for adults and seniors; and

WHEREAS for a half century Bragtown has been an integral part of the lives of the residents it serves:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby salute

BRAGTOWN LIBRARY FAMILY LITERACY CENTER

for 50 years of service to the Bragtown community. We call upon all citizens of Durham County to join us in congratulating this outstanding neighborhood library for a job well done.

This the 27th day of February, 2012.

/s/ All Five Commissioners

Tammy Baggett, Library Director, thanked the Board for issuing the resolution. She invited citizens to partake in several programs to be hosted by Bragtown Library on March 9 from 12 noon to 5:00 p.m.

Karlene Fyffe, Youth Services Administrator, shared brief remarks of accomplishments due to Bragtown Library.

Vice-Chairman Reckhow offered her congratulations and inquired about the Garden of Wonders.

Ms. Fyffe elaborated on the Garden of Wonders per Vice-Chairman Reckhow's request.

Chairman Page congratulated the Library team and presented the resolution to Ms. Baggett, Ms. Fyffe, and Anita Hasty-Speed, Bragtown Library Manager.

Commissioner Bowser spoke to the history of Bragtown and the benefits it offers to the community.

Resolution Honoring Mrs. Mary Duke Biddle Trent Semans

Chairman Page read the proclamation below to pay tribute to Mrs. Mary Duke Biddle Trent Semans who was one of this community's most ardent supporters. She was known for her generosity and humanity towards persons without an effective voice and for her advocacy and support of healthcare, the arts, and higher education. Mrs. Semans was Mayor Pro Tempore of Durham from 1953 -1955 and was one of the first women elected to the City Council.

RESOLUTION

WHEREAS, Mary Duke Biddle Trent Semans was born and raised in New York City and relocated to Durham at age 15 where she would spend her productive years; and

WHEREAS, while she was well traveled and could have lived anywhere in the world, Mrs. Semans chose to stay in Durham and was this city's most ardent advocate and supporter; and

WHEREAS, Mrs. Semans was one of the first two women ever elected to the Durham City Council, and she served as Mayor Pro Tem of Durham from 1953-1955; and

WHEREAS, she will forever be remembered as a role model who made dynamic and lasting contributions in the areas of politics, the arts, health care, and higher education; and

WHEREAS, Mary Duke Biddle Trent Semans also received numerous honorary degrees from universities and colleges including Davidson College where she served as a trustee, North Carolina Central University, Elon University, Campbell University, UNC-Chapel Hill, Pfeiffer University, and N.C. Wesleyan College; and

WHEREAS, Mrs. Semans received numerous awards, including Duke University's Medal for Distinguished Meritorious Service, the National Brotherhood Award presented by the National Conference of Christians and Jews, the University Award from the University of North Carolina, and the John Tyler Caldwell Award for the Humanities, awarded by the North Carolina Humanities Council; and

WHEREAS, she was an amazing life force who challenged all of those around her to improve the lives of others:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby resolve to honor the memory of

MARY DUKE BIDDLE TRENT SEMANS,

a visionary leader and public servant who gave her talents to improve the lives of others in her beloved City of Durham and beyond. We call upon all citizens to remember the numerous and compassionate contributions she made during her extraordinary life.

This the 27th day of February, 2012.

/s/ All Five Commissioners

Chairman Page stated that the resolution would be forwarded to Ms. Semans' family on behalf of the Board of County Commissioners.

Commissioner Howerton and Vice-Chairman Reckhow spoke to Ms. Semans' gracious character.

Resolution Regarding Certain Provisions of N. C. Charter Schools Operations as Presently Constituted

Durham Public Schools Board of Education requested that the Board support the following resolution regarding the operations of charter schools as constituted by the North Carolina State Board of Education:

RESOLUTION

WHEREAS, charter schools, which are public schools, were originally created to maximize innovative and creative approaches to educate students; and

WHEREAS, while charter schools draw funding away from regular public schools across the state, such schools are not bound by some very basic and fundamental educational responsibilities required of traditional public schools, and charter schools have only limited oversight by the State Board of Education; and

WHEREAS, state law requires charter schools to "reasonably reflect the racial and ethnic composition of the population living within the local school administrative unit in which the schools is located"; and

WHEREAS, some charter schools lack some critical and necessary student services, including transportation and school lunches, and the lack of these basic needs provides a major barrier for many families whose children could academically benefit from attending charter schools; and

WHEREAS, as a result, there is a strong likelihood that without the aforementioned resources, such schools can result in the increased racial and economic segregation of students:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby call upon the members of the State Board of Education to deny additional

charter schools until legislation can be modified to provide basic supportive services including transportation within a reasonable proximity of the campus and school meals for students who qualify for free and reduced lunch at a minimum.

BE IT FURTHER RESOLVED that we call on the State Board of Education to require that all charter schools submit an annual report to the Board of Commissioners outlining their student body profile, educational achievement during the previous year, and innovative educational practices.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the State Board of Education and Durham Public Schools.

This the 27th day of February, 2012.

/s/ Michael D. Page, Chairman
/s/ Brenda A. Howerton

/s/ Ellen W. Reckhow, Vice-Chairman
/s/ Pam Karriker

Commissioner Bowser stated his reason for not signing the resolution in opposition. He explained that charter schools were designed as a creative approach to education and some yield positive results in the community.

Chairman Page stated that a copy of the resolution would be provided to Durham Public Schools and the State Board of Education.

Vice-Chairman Reckhow clarified that the resolution was not drafted to criticize but to support a universal characteristic so that children would not have barriers to attend charter schools.

Commissioner Bowser recommended that the Board voice their concerns directly to charter schools as opposed to issuing a resolution.

Discussion ensued in regards to the resolution.

Chairman Page encouraged the Commissioners to direct any additional questions to Dr. Becoats, Superintendant, DPS, during their meeting with him on Tuesday, February 28.

Consent Agenda

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

- a. Approve minutes of 2011 Closed Sessions that have been released by the County Attorney;
- *b. Approve Budget Ordinance Amendment No. 12BCC000055 in the amount of \$2,240 from the NC Department of Health and Human Services for the Family Planning Program;
- *c. Approve Budget Ordinance Amendment No. 12BCC000056 in the amount of \$2,964 from the state of North Carolina for the Refugee Health Program;
- *d. Approve Budget Ordinance Amendment No. 12BCC000057 to amend the Animal Kind contract to allow the reimbursement of

- \$11,723 from NC Department of Agriculture and Consumer Services Spray/Neuter Program to Durham County be disbursed to AnimalKind for additional Durham County animals to be provided low cost spay and neutering services;
- *e. Approve Budget Ordinance Amendment No. 12BCC000058 in the amount of \$1,560 from the N.C. Department of Health and Human Services for the Environmental Health Division;
 - *f. Approve Budget Ordinance Amendment No. 12BCC000059 in the amount of \$2,489 from the N.C. Department of Health and Human Services for the Infection Control Program;
 - g. Approve the final budget for the Caywood Farms conservation easement and to authorize the Manager to execute the conservation easements;
 - *h. Appoint a special Board of Equalization and Review, designate membership to this Board, appoint Chair and Vice Chair and approve compensation;
 - i. Accept and approve the items below and authorize staff to move forward with the financing:
 - A preliminary resolution relating to the authorization of Refunding Bonds in an amount not to exceed \$17 million;
 - Introduction of the Bond Order authorizing the Refunding Bonds; and
 - Setting a Public Hearing for March 12, 2012;
 - Acceptance of a sworn statement of debt of the County;
 - *j. Approve Budget Ordinance Amendment No. 12BCC000060 and authorize the Manager to execute the Loan Documents on behalf of the County;
 - *k. Approve Capital Project Amendment No. 12CPA000007 appropriating \$39,800 of additional funding from the NC Housing Finance Agency and Duke Energy. For this project General Fund dollars will fund purchases made before loan funds are available through an interfund loan of that amount and will be reimbursed/repaid once the loan funds become available; and
 - *l. Approve the Resolution and authorize staff to move forward with the financing of the Limited Obligation Bonds. *Finance Director George Quick and Assistant County Manager Drew Cummings addressed questions from Commissioner Howerton.*

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. b. Approve Budget Ordinance Amendment No. 12BCC000055 in the amount of \$2,240 from the NC Department of Health and Human Services for the Family Planning Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000055

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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	\$75,661,197	\$2,240	\$75,663,437

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u> Human Services	\$109,908,017	\$2,240	\$109,910,257

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

This the 27th day of February, 2012.

Consent Agenda Item No. c. Approve Budget Ordinance Amendment No. 12BCC000056 in the amount of \$2,964 from the state of North Carolina for the Refugee Health Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000056

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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	\$75,663,437	\$2,964	\$75,666,401

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u> Human Services	\$109,910,257	\$2,964	\$109,913,221

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

This the 27th day of February, 2012.

Consent Agenda Item No. d. Approve Budget Ordinance Amendment No. 12BCC000057 to amend the Animal Kind contract to allow the reimbursement of \$11,723 from NC Department of Agriculture and Consumer Services Spray/Neuter Program to Durham County be disbursed to

AnimalKind for additional Durham County animals to be provided low cost spay and neutering services.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000057

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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	\$75,666,401	\$11,723	\$75,678,124

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Public Safety	\$45,868,584	\$11,723	\$45,880,307

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

This the 27th day of February, 2012.

Consent Agenda Item No. e. Approve Budget Ordinance Amendment No. 12BCC000058 in the amount of \$1,560 from the N.C. Department of Health and Human Services for the Environmental Health Division.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000058

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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	\$75,678,124	\$1,560	\$75,679,684

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$109,989,080	\$1,560	\$109,990,640

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

This the 27th day of February, 2012.

Consent Agenda Item No. f. Approve Budget Ordinance Amendment No. 12BCC000059 in the amount of \$2,489 from the N.C. Department of Health and Human Services for the Infection Control Program.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000059

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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	\$75,679,684	\$2,489	\$75,682,173

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$109,990,640	\$2,489	\$109,993,129

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

This the 27th day of February, 2012.

Consent Agenda Item No. h. Appoint a special Board of Equalization and Review, designate membership to this Board, appoint Chair and Vice Chair and approve compensation.

Appointments to the 2012
Board of Equalization and Review
By each BOCC member

My recommendation is to appoint Mr. Scott as Chair
and Ms. Gaither Harris as Vice-Chair for 2012

George A. Scott
909 Brandon Road
Durham NC 27713
596-8370

Appointed by The Reverend Michael D. Page

Spurgeon Booth
PO Box 2196
Durham NC 27715
417-5159 (cell phone)
Appointed by Brenda Howerton

Stephanie Gaither-Harris
308 N. Waters Edge Drive
Durham, North Carolina 27703
(919) 765-5725 Home

(919) 291-5126 Mobile
Appointed by Joe Bowser

Kelly Matherly
2701 Pickett Road
Durham NC 27705
489-1740
Appointed by Ellen Reckhow

Tonya Kemble
519 Scotney Circle
Durham NC 27713
624-1751
Appointed by Pam Karriker

Consent Agenda Item No. j. Approve Budget Ordinance Amendment No. 12BCC000060 and authorize the Manager to execute the Loan Documents on behalf of the County.

DURHAM COUNTY, NORTH CAROLINA
FY 2011-12 Budget Ordinance
Amendment No. 12BCC000060

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 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>			
Other Financings Sources	\$18,456,378	\$3,500,000	\$21,956,378
<u>NEW MCO FUND</u>			
Other Financings Sources	\$500,000	\$7,500,000	\$8,000,000

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
General Government	\$78,159,070	\$3,500,000	\$81,659,070
<u>NEW MCO FUND</u>			
Human Services	\$500,000	\$7,500,000	\$8,000,000

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

This the 27th day of February, 2012.

Consent Agenda Item No. k. Approve Capital Project Amendment No. 12CPA000007 appropriating \$39,800 of additional funding from the NC Housing Finance Agency and Duke Energy. For this project General Fund dollars will fund purchases made before loan funds are available through an interfund loan of that amount and will be reimbursed/repaid once the loan funds become available.

FY 2011-12 Capital Project Ordinance
Amendment No. 12CPA000007

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY:

That the 2011-12 capital project ordinance is hereby amended to reflect budget adjustments for the following projects:

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>PROJECT</u>			
Single Family Rehabilitation Grant Project (DC095)	\$200,000	\$39,800	\$239,800

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

This the 27th day of February, 2012.

Consent Agenda Item No. 1. Approve the Resolution and authorize staff to move forward with the financing of the Limited Obligation Bonds.

RESOLUTION APPROVING THE PROPOSED SALE BY DURHAM CAPITAL FINANCING CORPORATION OF LIMITED OBLIGATION BONDS PAYABLE FROM CERTAIN INSTALLMENT PAYMENTS TO BE MADE BY THE COUNTY OF DURHAM, NORTH CAROLINA AND A PROPOSED FIRST SUPPLEMENTAL INSTALLMENT FINANCING AGREEMENT TO REFINANCE A PORTION OF THE COST OF AN EXISTING PROJECT AND TO FINANCE THE COST OF AN ADDITIONAL PROJECT, APPROVING CERTAIN OTHER DOCUMENTS AND ACTIONS RELATING THERETO AND AUTHORIZING OTHER ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the County of Durham, North Carolina (the "County") and Durham Capital Financing Corporation (the "Corporation") entered into an Installment Financing Agreement, dated April 1, 2009 (the "Financing Agreement"), to finance, pursuant to G. S. § 160A-20, as amended, a portion of the cost of (a) constructing a Human Services Complex, including the construction of a building to house facilities for the provision of public health services, mental health services and social services, the construction of a related parking lot and the acquisition of any necessary land, furnishings and equipment, (b) clearing land for the construction of a new Justice Center and related facilities, (c) improving, renovating and repairing the Durham Civic Center, (d) renovating the County Stadium, (e) constructing a new branch library and related parking facilities, (f) expanding and improving the existing Southwest Branch Library, (g) acquiring and renovating the property known as the Lakewood YMCA to house a YMCA facility and a secondary school, (h) renovating EMS Station #1 to house additional emergency medical services staff and vehicles and constructing related parking facilities and (i)

constructing an addition to Creekside Elementary School, related parking facilities and a related driveway, as more particularly described in the Financing Agreement (collectively, the "Project"); and

WHEREAS, in connection with the Financing Agreement, the Corporation and First-Citizens Bank & Trust Company, succeeded by U.S. Bank National Association, as trustee (the "Trustee"), entered into (a) a Trust Agreement, dated as of April 1, 2009 (the "Trust Agreement"), pursuant to which the Corporation executed and delivered its Certificates of Participation (2009A Durham County) in the principal amount of \$61,850,000, and (b) a Trust Agreement, dated as of April 1, 2009, as amended and supplemented by an Amended and Restated Trust Agreement, dated as of October 7, 2009, pursuant to which the Corporation executed and delivered its Variable Rate Certificates of Participation (2009B Durham County) in the principal amount of \$55,985,000; and

WHEREAS, in connection with the Financing Agreement, the County executed a Deed of Trust, dated as of April 1, 2009 (the "Deed of Trust"), by the County to Neuse, Incorporated (the "Deed of Trust Trustee"), for the benefit of the Corporation; and

WHEREAS, the County has determined to proceed with the refinancing of a portion of the County's obligations under the Financing Agreement in connection with the Project and the financing of the cost of (a) upgrading the County's financial system computer software, (b) acquiring replacement personal computers, servers and other IT equipment and (c) replacing various County vehicles (collectively, the "2012 Project"); and

WHEREAS, to effectuate such refinancing and financing, the County and the Corporation have been negotiating certain documents and arranging for the negotiated sale of certificates of participation to be designated as limited obligation bonds in certain installment payments to be made by the County pursuant to the Financing Agreement, as supplemented by a supplement to the Financing Agreement to be entered into by the County and the Corporation, pursuant to the authority granted to the County under G.S. 160A-20, as amended; and

WHEREAS, the County has determined that it is in the best interests of the County that the County and the Corporation enter into such supplement to the Financing Agreement to make available to the County funds with which to effectuate such refinancing and financing; and

WHEREAS, the County and the Corporation have retained underwriters for the purpose of underwriting such limited obligation bonds; and

WHEREAS, such limited obligation bonds are expected to be marketed in the expectation of executing a contract of purchase with respect thereto and delivering such limited obligation bonds on or about March 29, 2012; and

WHEREAS, in connection with such refinancing and financing, it is necessary for the County to approve the sale of such limited obligation bonds by the Corporation and certain documents and actions relating thereto and to authorize other actions in connection therewith;

WHEREAS, there have been presented at this meeting copies of the following documents relating to the delivery of the 2012 Bonds (hereinafter defined) constituting such limited obligation bonds:

(a) a draft of a Contract of Purchase (the "Contract of Purchase"), between the Corporation and SunTrust Robinson Humphrey, Inc., on its own behalf and on behalf of Rice Securities, LLC (collectively, the "Underwriters"), relating to the underwriting by the Underwriters of the 2012 Bonds, which Contract of Purchase includes a Letter of Representation (the "Letter of Representation") to be executed by the County;

(b) a draft of a First Supplemental Installment Financing Agreement (the "First Supplemental Installment Financing Agreement"), between the County and the Corporation, supplementing the Financing Agreement;

(c) a draft of a First Supplemental Trust Agreement (the "First Supplemental Trust Agreement"), between the Trustee and the Corporation, supplementing the Trust Agreement and pursuant to which the Trustee would make available to the County a portion of the proceeds of not exceeding \$68,000,000 of Durham Capital Financing Corporation Limited Obligation Bonds (County of Durham, North Carolina), Series 2012 (the "2012 Bonds") evidencing proportionate undivided interests in the installment payments to be made by the County under the Financing Agreement, as supplemented by the First Supplement to Installment Financing Agreement, in order to refinance a portion of the County's obligations under the Financing Agreement in connection with the Project and to pay the cost of the 2012 Project;

(d) a draft of a Modification of Deed of Trust (the "Modification of Deed of Trust"), among the County, the Deed of Trust Trustee and the Corporation, amending the Deed of Trust; and

(e) a draft of a Preliminary Official Statement (the "Preliminary Official Statement") relating to the public offering of the 2012 Bonds;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County as follows:

Section 1. The Board of Commissioners for the County (the "Board") hereby approves the sale of the 2012 Bonds by the Corporation. The 2012 Bonds shall mature in such amounts at such times and shall bear interest at such rates as shall be determined by the President of the Corporation or provided in the First Supplemental Trust Agreement; provided, however, that the aggregate principal amount of 2012 Bonds shall not exceed \$68,000,000 and the final maturity of the 2012 Bonds shall not extend beyond December 1, 2032.

The 2012 Bonds shall be issued in fully registered form in such denominations as set forth in the Trust Agreement, as supplemented by the First Supplemental Trust Agreement, and payments of principal and interest with respect to the 2012 Bonds shall be made by the Trustee to the registered owners of the 2012 Bonds at such times and in such manner as is set forth in the Trust Agreement, as supplemented by the First Supplemental Trust Agreement.

Section 2. The 2012 Bonds shall be subject to prepayment at the times, upon the terms and conditions, and at the prices set forth in the Trust Agreement, as supplemented by the First Supplemental Trust Agreement.

Section 3. The proceeds of the 2012 Bonds shall be applied as provided in the First Supplemental Trust Agreement.

Section 4. The forms, terms and provisions of the First Supplemental Installment Financing Agreement, the Modification of Deed of Trust and the Letter of Representation are hereby approved in all respects and, insofar as they are applicable to the County, the terms and provisions of the First Supplemental Trust Agreement and the information concerning the County in the Preliminary Official Statement are hereby approved in all respects. The Chairman of the Board, the Vice-Chairman of the

Board, the County Manager, the Finance Director of the County, the Clerk to the Board and the County Attorney are hereby authorized and directed to execute and deliver the First Supplemental Installment Financing Agreement, the Modification of Deed of Trust and the Letter of Representation in substantially the forms presented, together with such additions, changes, modifications and deletions as they, with the advice of counsel, may deem necessary or appropriate, including, but not limited to, additions, changes, modifications and deletions necessary to incorporate the final terms of the 2012 Bonds as shall be set forth in the Contract of Purchase, and such execution and delivery shall be conclusive evidence of the approval and authorization thereof by the Board and the County. The Board hereby approves the execution and delivery of the first Supplemental Trust Agreement by the Corporation.

Section 5. The Board hereby approves the award of the 2012 Bonds to the Underwriters pursuant to the Contract of Purchase, provided that the effective interest cost shall not exceed 5.50% per annum.

Section 6. The Board hereby approves the Preliminary Official Statement in substantially the form presented, together with such additions, changes, modifications and deletions as the Chairman of the Board, the County Manager and the Finance Director of the County, with the advice of counsel, may deem necessary or appropriate, and approves and authorizes the distribution and use of the Preliminary Official Statement by the Corporation and the Underwriters in connection with the public offering of the 2012 Bonds. The Board hereby also approves and authorizes the preparation of an official statement, in substantially the form of the Preliminary Official Statement, with such changes as are necessary to reflect the maturities and interest rates of the 2012 Bonds and other information required by Rule 15c2-12 of the Securities and Exchange Commission (the "Official Statement"); and the Chairman of the Board, the Vice-Chairman of the Board, the County Manager and the Finance Director of the County are hereby authorized to execute, on behalf of the County, the Official Statement in substantially such form, together with such additions, changes, modifications and deletions as they, with the advice of counsel, may deem necessary or appropriate. Such execution shall be conclusive evidence of the approval thereof by the Board and the County, and the Board hereby approves and authorizes the distribution and use of copies of

the Official Statement by the Corporation and the Underwriters in connection with the public offering of the 2012 Bonds.

Section 7. The Board hereby approves, ratifies and confirms the actions of the County Manager, the Finance Director of the County and the County Attorney in connection with this matter and approves and authorizes the distribution and use of copies of the First Supplemental Installment Financing Agreement, the First Supplemental Trust Agreement, the Modification of Deed of Trust and the Contract of Purchase by the Corporation and the Underwriters in connection with the public offering of the 2012 Bonds.

Section 8. The officers and employees of the County are authorized and directed (without limitation except as may be expressly set forth herein) to take such other actions and to execute and deliver any other documents, certificates, undertakings, agreements or the instruments as they, with the advice of counsel, may deem necessary or appropriate to effectuate the transactions contemplated by the documents approved hereby.

Section 9. The County covenants that, to the extent permitted by the Constitution and laws of the State of North Carolina, it will comply with the requirements of the Internal Revenue Code of 1986, as amended, as applicable to the Financing Agreement, as supplemented by the First Supplemental Installment Financing Agreement, except to the extent that the County obtains an opinion of bond counsel to the effect that noncompliance would not result in interest with respect to the 2012 Bonds being includable in the gross income of the owners of the 2012 Bonds for purposes of federal income taxation.

Section 10. This resolution shall take effect immediately upon its passage.

Durham Public Schools Memorandum of Understanding

Vice-Chairman Reckhow requested that this item be added to the agenda in light of the Board's tour of Durham Public Schools on Tuesday, February 28. She encouraged the Board to use the Memorandum of Understanding (MOU) as a reminder of mutual goals and desires for the Board of County Commissioners and Durham Public Schools.

As the referenced MOU expired in 2005, Chairman Page expressed desire in reactivating the MOU and reestablish dialogue of continued discussion.

Chairman Page offered to communicate with the chair of the DPS Board of Education to schedule a joint BOCC-DPS meeting.

Commissioner Karriker and Commissioner Howerton agreed with holding a joint BOCC-DPS meeting and emphasized the importance of communication between the two boards.

Presentation on the I-40 Regional Partnership: Bus on Shoulder Systems (BOSS) Initiative

John Tallmadge, Triangle Transit, introduced this item and gave a presentation concerning North Carolina's first pilot implementation of bus on shoulder, which will take place on I-40 in Durham County in the first half of 2012.

Mr. Tallmadge reported that NCDOT and Triangle Transit would implement a pilot bus on shoulder program on portions of I-40 in Durham County in 2012. This pilot implementation of a Bus on Shoulder System (BOSS) initiative in the region would be the first of its kind in North Carolina. Under North Carolina BOSS guidelines, authorized transit buses would only be able to use designated shoulders when travel speeds are below 35 MPH in the main lanes and these buses would only be able to travel up to 15 MPH faster than other vehicles. BOSS operation would be a subservient use of the shoulder: the primary use of the shoulder as a breakdown lane for emergency operations continues as today, and buses must yield to everything in the shoulder.

Mr. Tallmadge noted that if the pilot program proves to be successful, the program could be expanded to other segments of I-40 and/or other routes in Durham County and elsewhere in the Triangle with the goal of creating a regional bus on shoulder system.

Mr. Tallmadge addressed questions posed by the Board throughout his presentation.

Vice-Chairman Reckhow requested periodic updates on the progress of BOSS.

Board Appointments

Michelle Parker-Evans, Clerk to the Board, distributed ballots to the Board to make appointments to boards and commissions.

While the votes were being tallied, Commissioner Bowser initiated the added discussion regarding composition of the state and local Child Fatality Prevention Teams.

Commissioner Bowser requested that the Board direct the Clerk to review the local Community Child Protection Team/Child Fatality Prevention Team to determine whether the composition of the Team meets state statute requirements. He mentioned that the Team also does not have a designated chair or vice chair per statute requirement.

County Manager Ruffin consented to researching the matter with staff and placing the item on the April Worksession agenda.

The following appointments were made (incumbents are underlined):

Adult Care Home Community Advisory Committee
Kendall Alford-Madden

Carmella La Bianca

Animal Control Advisory Committee
Joyce McKinney (Veterinarian)

Bicycle & Pedestrian Advisory Commission
Randall S. Best (Duke University; recommended by JCCPC)

City-County Appearance Commission
Sharon Mullen
Robert Teer

City-County Planning Commission
Charles A. Gibbs (Lebanon; recommended by JCCPC)

Durham-Wake Counties Research and Production Services District
David Gouveia (primary recommendation)
Francis C. Neary (primary recommendation)
Karen L. Long (primary recommendation)
Eddie Sells (primary recommendation)
Alison Fiori (primary recommendation)

Juvenile Crime Prevention Council
DeWarren Langley (Business Community Member)

Open Space & Trails Commission
D. Artemas Holden (At-large)

Public Health Board
Heidi Carter (At-large)
Stephen Dedrick (Pharmacist)

Women's Commission
Tammy K. Ferrell

Closed Session

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to adjourn to Closed Session pursuant to G. S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business or industry and G. S. 143-318.11(a)(3) to consult with an attorney.

The motion carried unanimously.

Reconvene to Open Session

Chairman Page announced that the Board met in Closed Session; directives were given to staff.

Vice-Chairman Reckhow moved, seconded by Commissioner Howerton, to excuse Chairman Page from the March 12, 2012 Regular Session.

The motion carried unanimously.

Adjournment

There being no further business, Chairman Page adjourned the meeting at 9:18 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Yvonne R. Jones". The signature is written in black ink and is positioned below the typed name.

Yvonne R. Jones
Deputy Clerk to the Board