

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

Monday, February 13, 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 Page

**Opening of Regular Session**

Chairman Page asked everyone to join in the Pledge of Allegiance.

**State of the County Address**

Chairman Page delivered the County's Annual State of the County Address highlighting accomplishments, goals, and challenges of County Government in 2011 as follows:

**State of the County  
6th Annual State of the County Address**

*Good evening and welcome to the Durham County State of the County Address. For several years, we have presented this informative report to our community to reflect on our successes primarily, and to review key issues that may be coming forward for our community over the next few months. I'd like to also extend greetings to my fellow Board members, County Manager Mike Ruffin and his administrative staff, our Department Heads and employees, my fellow citizens, those who are in the chambers and those who may be viewing this address on television, or the Internet.*

*It has been my personal privilege and honor to chair the Durham Board of County Commissioners, and to deliver the annual State of the County address for the past 4 years.*

*This evening, my goal is to briefly talk about the great work that has gone on over this past year, and to detail an exciting effort for Durham County Government that will guide our future budgets and our service delivery into the future....our Strategic Plan.*

*We see our Durham community as a place where citizens feel free to share opinions and debate issues fully. A recent national accolade amplifies what we have always known. Last month, Durham was*

*nationally recognized as the number one most tolerant city in our country. We competed against New York, Seattle, San Francisco and other cities with populations greater than 250 thousand. We were noted with other urban centers as being a “haven for tolerance”. Several qualities were rated highly including the racial diversity of our population, strong anti- discrimination laws, as well as our community’s religious tolerance. Congratulations Durham!*

*High performing organizations succeed because of the vision, commitment and qualifications of its leaders. Durham County is highly regarded for its outstanding elected and appointed officials, and this year we experienced some noteworthy changes.*

*My long term colleague Commissioner Becky Heron, who served this county faithfully beginning in 1982, announced her retirement in August. Following a comprehensive vetting process, our board appointed Commissioner Pam Karriker to serve out the term of office that ends this fall. Pam let me commend you for jumping into this job with both feet, and for the fresh perspective you have brought to our Board’s work.*

*Another longtime elected leader, Durham County Sheriff Worth Hill announced he was taking off his badge at the end of the year. Again our Board was charged with appointing a new official to fill out a remaining term of office. We appointed then Chief Deputy Mike Andrews as the new Durham County Sheriff. As you know Sheriff Andrews took office in January and appointed Don Ladd as his Chief Deputy. Stan Harris was promoted to Captain and appointed to head Patrol and Communications in the department. I am confident they will lead the department with dedication, commitment and enthusiasm.*

*On the administrative side of our government, Durham County witnessed two Deputy County Managers leave our ranks, and two new Deputy Managers were selected by the County Manager. Former Human Resources Director Marqueta Welton was appointed in June and Lee Worsley, previously Assistant County Manager from Catawba County joined us in October. Together they represent a strong anchor for our organization.*

*I am always impressed to see that Durham County’s leaders and employees receive many local and national awards each year, and last year was no exception.*

*Vice Chairman Ellen Reckhow was appointed to the North Carolina Association of County Commissioners’ Board of Directors and reappointed as Chair of the Intergovernmental Relations committee.*

*Commissioner Brenda Howerton received the “Master” status from the Local Elected Leaders Academy, sponsored by the UNC School of Government.*

*County Attorney Lowell Siler was elected President of the North Carolina Association of County Attorneys.*

*Gayle Harris, Durham County Public Health Director was named president of the North Carolina Public Health Association.*

*Willie Covington, our Register of Deeds was honored with the Archives Award from the Federation of Genealogical Societies for exceptional contributions in archival access, and preservation of original historical documents.*

*Durham Center Director Ellen Holliman and Mental Health Board member Earl Phillips were honored by the NC Council of Community Programs. Holliman got the prestigious "Allan D. Spader Award" for collaborative work statewide to improve Mental Health. Phillips received the "Emerging Leadership Award" for an Area Board member for his effective advocacy.*

*In addition, the Durham Center was honored with two statewide "Program of Excellence Awards." Durham Center Access was recognized as a Program of Excellence in the Crisis Response category. And the Durham Center Access Assessment Team was recognized as a Program of Excellence for Partnerships to Improve Services.*

*The Durham County Tax Office received an Employee Productivity Award from the North Carolina Association of County Commissioners. Our team, led by Tax Administrator Kim Simpson, was selected for the License Plate Recognition Technology Project, which allows deputies in the field to identify vehicles with delinquent taxes. We are the first in the state with this technology.*

*The North Carolina Association of County Commissioners recognized our "Computers 4 Kids" program with its Outstanding County Program Award. This award is presented to innovative county programs that other counties might want to duplicate. "Computers for Kids" is a partnership with Durham Public Schools, United Way of the Greater Triangle and the Volunteer Center of Durham, and is housed in the Department of Social Services. In addition, Aaron Stone of our IT department was also recognized with an award by the UNC School of Government's technology-based innovation awards program for his work on Computers 4 Kids.*

*The Triangle Business Journal selected Durham County Government as one of the winners of its first 2011 Healthiest Employers awards, specifically for our wellness programs that help employees identify and manage chronic illnesses. Thanks to Diane Pearson of Human Resources for managing our wellness program. Just a point of personal privilege, I'd like to thank Elaine Hyman, our interim Human Resources Director for enthusiastically promoting our wellness program and for her long-term leadership with the county. Elaine will retire at the end of the month.*

*Finally, our Board of Commissioners received the 2011 County Commissioners Award from the North Carolina School Boards Association for the commissioners' outstanding support of public education. That group honors one Board of Commissioners each year at its annual conference. Please join me in saluting these outstanding individuals and departments for their meritorious work.*

*You've already heard some examples of professional accolades that our employees received in 2011. That tells us that we have an outstanding workforce. Let me say I am also impressed by the work that our employees do to help others. In addition to providing hands on mentoring and volunteering, our employees make a strong statement with their financial resources by supporting the least among us.*

*Despite the fact that salaries remained flat for the past 3 years, our employees contributed in excess of \$80,000 to our "County Cares Campaign". The actual goal was \$75,000. In addition to supporting United Way of the Greater Triangle, our employees choose to expand their charitable reach and to lend support to 4 other nonprofit organizations. Durham Rescue Mission, John Avery Boys & Girls Club, Juvenile Diabetes Research Foundation, Susan G. Komen-NC Triangle Affiliate all received funding. I'd like to thank Nina Bullock of the County Attorney's office for leading our new federated campaign, County Cares.*

*Gone are the days of a robust economic engine that was the hallmark of our community. Economists are still predicting a sluggish economic recovery for North Carolina overall in 2012. Local governments, and indeed governments at all levels, are managing in a new economic climate. We are seeing a recovery at work, but one that is moving much more slowly than we'd hoped for.*

*Nevertheless, Durham County continues to provide the services that are needed and expected by our citizens. During our budget process, Manager Ruffin and his staff presented a budget that was lean, but still able to address our community's needs and priorities. Department heads downsized their requests, while being careful to maintain the integrity of their services. We eliminated grant-funded positions and realigned our goals.*

*Thankfully, our Tax Department continued its aggressive collections and despite the downturn, they collected a very positive 98.88% of taxes for this period.*

*Our Board made adequate support of Durham Public Schools a priority by fully funding their request of \$110.1 million dollars. We continued to partner with 42 local nonprofit agencies by awarding \$853,667 to those organizations for service delivery. Such agencies help extend the reach of our human services, and fill in some gaps between the levels of services that the county provides and unmet community needs. At the end of the process, our Board approved a budget with no property tax increase from the previous year. As we move into this year, we continue to look for new sources of revenue as we plan for the upcoming budget.*

*Moody's Investors Service reaffirmed Durham County's top-notch credit rating, after a special review was conducted. The special review was fallout from the nation's credit being downgraded last summer. Moody's reviewed some local governments' dependence on federal money, the amount of variable-rate debt they carried, and how much they held in reserve funds. Durham County's AAA rating is intact. A triple A rating allows Durham County to borrow money at the lowest rates available which is a tremendous benefit to our taxpayers.*

*Certainly we are not fully out of the economic storm, but there are some encouraging signs. In this economy the watchword continues to be jobs for our community. Our economic development partners at the Chamber of Commerce, the City of Durham and Downtown Durham Inc. are second to none. Our winning team continues to aggressively pursue those companies that are a good fit for our community.*

*Our Board of Commissioners awarded \$225 thousand dollars in incentives to Syngenta Biotechnology for its \$70 million dollar expansion. This new 147,000 square foot research and development complex will certainly provide a tremendous economic boost to the Durham community and its tax base.*

*AW North Carolina, located in Treyburn, received \$2 million dollars worth of incentives from Durham County a few years back. Fast forward and you will note that the company is still paying dividends in our community well beyond that initial investment. Despite the economic downturn and the hit to the automotive industry, it currently has about 1,400 people at work thanks to a \$100 million dollar expansion that created more jobs for local workers. Workers laid off during the downturn have now been rehired. That expansion included a new production line crafting transmissions and related parts thanks to the uptick in sales of Toyotas.*

*Our region continues to be competitive because of scientific and technological innovations. President Barack Obama again visited our Cree LED lighting company in the summer to stress the importance of science and technology, and to emphasize jobs and competitiveness in those areas. Cree is another*

*company that has received economic development funds from Durham County for its initial investment and an expansion.*

*The President's visit coincided with the meeting of his Council on Jobs and Competitiveness which held several meetings at various locations here in Durham County and the region. I'd like to express my sincere thanks to the members of our Sheriff's Department, Emergency Medical Services and Emergency Management who worked with the President's logistical team to ensure an incident free visit.*

*A strong economy must be supported by education and transportation. Our Board voted to use available legislation to seek an increase in our local sales and use tax to support these two areas. In November, Durham County voters approved two sales tax referenda to benefit education and transit. The quarter cent sales and use tax for education will be collected starting this April and will help Durham Public Schools, Durham Technical Community College and the Partnership for Children. According to our estimates the tax will annually produce about \$9.2 million dollars. Of that, Durham Public Schools will receive about 6.1 million dollars to help maintain jobs for school-based personnel and an additional \$2 million dollars to pay debt on recently built school facilities.*

*Durham Technical Community College will receive \$825,000 to award need based scholarships to Durham Public School graduates and to Durham residents who seek career training, or retraining. Finally, Durham's Partnership for Children will be provided with nearly \$400,000 to support Transition to Kindergarten, a partnership program with Durham Public Schools which builds a seamless transition to help our youngest children prepare to enter kindergarten.*

*Our Board decided that the approved ½ cent Transit Tax will not be collected until either Wake or Orange County voters approve it. The enabling legislation essentially called for a triangle wide comprehensive transit plan that includes enhanced bus service, commuter rail and finally a light rail system for the entire area. If the two counties do not approve the transit tax, our board will work on a plan to provide more buses and routes in Durham along with faster and more reliable service in the short term.*

*In both cases, the taxes are not collected on food and other essentials.*

*You need only to look outside this window to see that we continue to change the landscape of downtown with new construction. The Justice Center construction continues on schedule. We held a topping out ceremony for the facility last spring as the final floor was erected. The courthouse building will be completed in late summer with move in set for early 2013.*

*The first phase of our Human Services Complex on Main Street was completed allowing our Public Health Department and Durham Center to move in the spring. An open house for the two departments was held on May 4. As you drive by you will see that construction is now underway on Phase Two of the building and our Social Services Department will join them next year.*

*Durham County Engineering's Project Management Division also managed the completion of Phase I and II of the Fiber Optic Connectivity project, major improvements to our Information Technology Department on the 5th floor of the administrative building, and the Justice Center Parking Deck which is now open for use.*

*Durham County remains committed to sustainability. Two more of our facilities were awarded LEED Certifications: A Silver award for the Durham County Criminal Justice Resource Center major*

*renovation project which reopened a year ago, and a Gold Certification for the new South Regional Library. We now have a total of seven LEED Certified buildings.*

*Just a week ago, our community was horrified to learn that a 4 year old boy accidentally shot himself with an improperly stored firearm in his own home. This is just one of many unfortunate cases in our community where a hand gun caused injury or death.*

*Although our Sheriff's department has reported a 12% drop in crime in the unincorporated area of Durham County in 2011, the fact remains that our overall community continues to wage an unending battle against too many injuries and deaths caused by firearms.*

*Last month Commissioners Reckhow, Howerton and I joined Mayor Bell, Sheriff Mike Andrews, Police Chief José Lopez, court officials and others in bringing a new laser focus on reducing gun violence in our community. One new initiative calls for collaboratively working to seek higher bonds for those charged with crimes involving guns. Our chief district court judge and our chief superior court judge are reviewing the limits of bonds that can be set for those who use guns in the commission of a crime.*

*Another goal which comes as a recommendation from the Durham Crime Cabinet, is to raise the issue with members of our General Assembly and seek harsher penalties for people convicted on gun related offenses. We will align our legislative efforts to seek appropriate changes.*

*Durham County's Office of the Sheriff is at the forefront of the fight to reduce gun violence throughout the community. The office is partnering with the Durham Police Department to help reduce criminal activity in Northeast Central Durham. The Sheriff's Anti Crime/Narcotics unit is targeting criminals who are illegally selling or distributing guns by collaborating with Agents from ATF. This initiative has resulted in several recent arrests and the seizure of weapons. Staff is working with the District Attorney's Office to bring about successful and meaningful prosecution.*

*In addition to many other initiatives, the Sheriff is exploring the implementation of a juvenile based program to address gun violence, and targeting juveniles who have been identified as needing extra attention from Law Enforcement. This program will involve our Detention Center staff and the Medical Examiner's Office to show the results of gun violence. Certainly, we are bringing a multipronged approach to this critical issue. Our residents must feel safe, and all of us must work together to significantly reduce gun crimes in Durham.*

*Last year when I delivered this message, we had just started developing our Durham County Strategic initiative. I announced the mission and vision that our Board had unanimously crafted as a critical first step to the process. After that first step, a great deal of work has moved forward to begin to put flesh on the bones of this extensive process.*

*At this point, I'm going direct your attention to the screen and let our County Manager Mike Ruffin summarize our Strategic Initiative, the plan that will guide Durham County forward for the next 3 -5 years.*

*Our Board received the final report of the strategic initiative last Monday at our work session. Our agenda this evening sets the stage for our Board to formally approve the plan and to move forward with full implementation.*

*Just to emphasize, our plan has five key goals:*

- **Goal One** - Community and Family prosperity and enrichment

- **Goal Two** - Health and well being for all
- **Goal Three** - Safe and secure community
- **Goal Four** - Environmental stewardship
- **And Goal Five** - Accountable, efficient and visionary government.

*Included with these goals and definitions are specific outcome measures, and initiatives which will support each goal. This plan is dynamic. Expect that some programs will go away and be replaced with different initiatives.*

*Over the next few years, County Manager Mike Ruffin and his departments and staff will work to ensure that we meet those goals. More important than producing the plan is ensuring that it is implemented throughout all our departments appropriately.*

*In addition to our consultants Zelos, I'd like to recognize Dr. Tyrone Baines and Michael Palmer, former interim deputy county manager, for their unique perspectives, and tremendous insights shared while working as consultants on this initiative. They understand the needs and the heartbeat of our community in a way that has been invaluable in moving this process forward.*

*Our strategic initiative will reinforce our desire to be a well managed government that is customer focused, accountable and efficient. We encourage our entire community to buy into our vision and mission. When we produce the first document, I encourage you to get a copy, look it over and make sure we are doing what we said we would do. As we move forward, we will provide annual updates.*

*In closing, let me say that I am confident that Durham County will continue to meet the needs of its residents and will continue to be one of our state's most innovative and productive local governments.*

*Thank you so much for your attention this evening. Now let's get to work!*

### **Announcements**

Chairman Page made the following announcements:

- "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 pm on Tuesday–Sundays. Our 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.
- Need help with tax preparation? The VITA Program offers free tax help to low- to moderate-income people who cannot prepare their own tax returns. An office is now open at Northgate Mall. Durham County along with Durham City, Duke Law School, NCCU School of Law, NC Legal Aid and others are sponsors of the service. To schedule an appointment, call (919) 667-1822 or log on to [www.nc-tac.com](http://www.nc-tac.com).

- The Main Durham County Library sponsors, “Heard it Through the Grapevine: Traditional & Ethnic Reconstruction and the Harlem Renaissance” on Sunday, February 19, at 3 p.m. Join Dr. Otis Alexander for a dramatization of the works of Georgia Douglas Johnson, Langston Hughes, Paul Laurence Dunbar and other writers of the Reconstruction and Harlem Renaissance. Audience participation is encouraged.

### **Minutes**

Commissioner Howerton moved, seconded by Vice Chair Reckhow, to approve the minutes of the December 12, 2011 Regular Session; January 3, 2012 Work Session; and January 9, 2012 Regular Session minutes.

The motion carried unanimously.

### **Resolution – Dr. William H. Burch**

Gayle Harris, Director of Public Health, made comments on the service and commitment of Dr. Burch as Chair of the Public Health Board.

Chairman Page read the following resolution:

#### **DURHAM COUNTY BOARD OF COUNTY COMMISSIONERS RESOLUTION**

**WHEREAS**, William H. Burch has served as Chairman, Board of Health and in the Pharmacist Position in Durham County during two separate tenures; one for 10 years and another for five years; and

**WHEREAS**, he first served with Durham County Health Director Dr. John Fletcher and later assumed lead roles in the hiring of three other subsequent directors; and

**WHEREAS**, as Chairman of the Board of Health, he participated in the substantial growth and development of the Health Department and worked cooperatively with a myriad of Health Directors, County Managers, and County Commissioners; and

**WHEREAS**, Chairman Burch advocated for protecting and preserving the quality of health of Durham County residents and oversaw the implementation of new programs and partnerships, the expansion of the jail health program, the sale of the home health division and the relocation of the department to the new Human Services Building.

**WHEREAS**, William Burch discharged his duties faithfully and with distinction as he served the citizens of Durham County.

**NOW, THEREFORE BE IT RESOLVED** that we, the members of the Durham County Board of Commissioners, do hereby resolve to pay tribute to

**WILLIAM H. BURCH, RPh.**



for more than 15 years of dedicated service to Durham County and for the numerous and innovative contributions he has made towards improving the quality of health for this community. We wish for him continued health, happiness and a wealth of success as he leaves this post and returns to his private life.

This the 13th day of February, 2012

\_\_\_\_\_  
Michael D. Page, Chairman

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Ellen W. Reckhow, Vice-Chairman

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Joe W. Bowser

\_\_\_\_\_  
Pam Karriker

\_\_\_\_\_  
Brenda A. Howerton

Commissioners thanked Dr. Burch for his dedication, leadership, and service.

### **Introduction – Director, Board of Elections**

Bill Brian, Secretary of the Durham County Board of Elections, and Ms. Dawn Baxter, Elections Board member, introduced Michael Perry as the newly appointed Director of the Durham County Board of Elections. Mr. Perry had served as Interim Director since the retirement of former Director, Mike Ashe.

Mr. Perry thanked the Board of County Commissioners for their support, and assured the citizens of Durham that he looked forward to working with them.

### **Consent Agenda**

The following Consent items were presented for approval. Chairman Page asked the Board if there were consent items they wished to pull. No items were pulled by the board or citizens. Vice Chair Reckhow commented on items (f) and (k).

(f) Vice Chair Reckhow applauded the innovative approach to provide additional health resources. She commended the Health Department on the \$5,000 received from NACCHO;

(k) Vice Chair Reckhow noted that the Local Emergency Planning Committee is in need of a representative from the Board of County Commissioners along with another vacant position to be filled.

Commissioner Howerton moved, seconded by Vice Chair Reckhow, to approve the following consent agenda items:

- a. Approve the Elections Director's salary pursuant to G.S. 163-35c, Compensation of Directors of Elections. Based on survey data, the Human Resources Department

- supports the recommended \$80,000 salary for Michael E. Perry effective January 23, 2012;
- b. Accept the 3-year ambulance franchise renewal request, and schedule the request for a second reading, final approval on February 27, 2012;
  - c. \*Accept the property tax release and refund report for January 2012 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
  - d. \*Accept the property tax release and refund report for December 2011 as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report;
  - e. Approve the Tax Administrator's request to begin advertising the 2011 tax liens in the month of March;
  - f. \*Approve Budget Ordinance Amendment No. 12BCC000049 in the amount of \$5,000 from NACCHO for the Environmental Health Division to develop a Durham Medical Reserve Corps;
  - g. \*Approve Budget Ordinance No. 12BCC000050 to recognize additional revenues in the amount of \$335,196 to support the Child Care Program and Low Income Energy Assistance Program;
  - h. \*Approve Budget Ordinance Amendment No. 12BCC000051 to increase the Coordinated Transportation budget by \$113,876; and (2) authorize the County Manager to enter into a standard service contract with Susie Taxi Company for the provision of transportation services in an amount not to exceed \$113,876;
  - i. \*Approve Budget Ordinance Amendment 12BCC000052 to increase the budget for Coordinated Transportation by \$24,286;
  - j. \*Amend the Coordinated Transportation FY2012 budget to recognize an increase the budget for by \$34,000. The Targeted Transit Assistance Program (Section 5317) Grant will allow for expanded transportation service to residents who have a disability;
  - k. Approve the Local Emergency Planning Committee (LEPC) membership roster as presented and accept the report of the past year's activities;
  - l. \*Approve the Community Alert Notification System Interlocal Agreement and authorize the County Manager to execute the agreement;
  - m. Authorize the County Manager to amend the design contract with The Freelon Group (TFG), P.A., to include the additional Construction Administration (CA) Phase and related services for the DCHS project in the amount of \$1,607,841.00 plus reimbursable expenses and additional services if necessary, estimated at \$80,392.00 for a total \$1,688,233.00, thus increasing the overall total compensation for basic design, construction administration and additional services including reimbursement to an amount not to exceed \$10,029,650.00;

- n. Authorize the County Manager to amend the contract with Amec E & I, Inc., (formerly Mactec Engineering and Consultants, Inc.) currently providing the CMT & SI services for the new Durham County Courthouse and Parking Structure (under construction) in the amount of \$522,000.00 thus increasing the CMT & SI budget to an amount not to exceed \$1,822,000.00;
- o. Authorize the execution of a consulting services agreement with Heery International, P.C. to provide moving consulting services for the new Durham County Courthouse in the amount not to exceed \$73,815.00 and to execute any other related contracts including change orders, if necessary, not to exceed the budget of \$81,197.00.
- p. Approve an increase of the construction contingency for the new Durham County Human Services Building presently under construction in the amount of \$1,093,300.00 and authorizes the County Manager to execute any other related contracts including change orders, if necessary, not to exceed the available construction budget. This request will increase the current construction contingency amount from \$3,279,900.00 to \$4,373,200.00 for a revised total construction budget not to exceed an amount of \$59,038,200.00;
- q. Appoint the recommended members to the Juvenile Crime Prevention Council per G.S. 143B-543.

The motion carried unanimously.

\*Document(s) related to this item follow:

Consent Agenda Item No. c.

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, 2012.

Releases & Refunds for 2012 Taxes

Personal	\$ 1,354.53
Total for 2012 Taxes and Fees	\$ 1,354.53

Releases & Refunds for 2011 Taxes

Real Estate	\$ 1,714.75
Personal	\$ 14,992.90
Registered Vehicles	\$ 21,387.73
Vehicle Fees	\$ 805.00
Solid Waste	\$ 95.00
Total for 2011 Taxes and Fees	\$ 38,995.38

Prior years' (2002-2010) releases and refunds for January 2012 are in the amount of \$31,238.79. The current year and prior years' releases and refunds amount to \$71,588.70.

Consent Agenda Item No. d.

The Board is requested to accept and authorize the property tax release and refund report for December 2011. 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 December, 2011.

Releases & Refunds for 2011 Taxes

Real Estate	\$ 5,459.06
Personal	\$ 120,453.50
Registered Vehicles	\$ 30,483.03
Vehicle Fees	\$ 950.00
Solid Waste	<u>\$ 760.00</u>
Total for 2011 Taxes and Fees	\$ 158,105.59

Prior years' (2004-2010) releases and refunds for December 2011 are in the amount of \$22,324.79. The current year and prior years' releases and refunds amount to \$180,430.38.

Consent Agenda Item No. f.

**DURHAM COUNTY, NORTH CAROLINA  
 2011-2012 Budget Ordinance  
 Amendment No 12BCC000049**

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>
<i><u>GENERAL FUND</u></i>			
Intergovernmental	\$75,152,239	\$5,000	\$75,157,239

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<i><u>GENERAL FUND</u></i>			
Human Services	\$109,295,659	\$5,000	\$109,400,659

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

This the 13th day of February, 2012.

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Consent Agenda Item No. g.

**DURHAM COUNTY, NORTH CAROLINA  
 FY 2011-12 Budget Ordinance  
 Amendment No. 12BCC000050**

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	\$75,157,239	\$335,196	\$75,492,435

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$109,400,659	\$335,196	\$109,735,855

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

This the 13<sup>th</sup> of February, 2012.

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Consent Agenda Item No. h.

**DURHAM COUNTY, NORTH CAROLINA  
FY 2011-12 Budget Ordinance  
Amendment No. 12BCC000051**

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	\$75,492,435	\$113,876	\$75,606,311

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$109,735,855	\$113,876	\$109,849,731

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

This the 13<sup>th</sup> of February, 2012.

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Consent Agenda Item No. i.

**DURHAM COUNTY, NORTH CAROLINA  
FY 2011-12 Budget Ordinance  
Amendment No. 12BCC000052**

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$75,606,311	\$24,286	\$75,630,597

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$109,849,731	\$24,286	\$109,874,017

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 Budget Ordinance is hereby amended to reflect budget adjustments.

This the 13<sup>th</sup> of February, 2012.

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Consent Agenda Item No. j.

**DURHAM COUNTY, NORTH CAROLINA  
FY 2011-12 Budget Ordinance  
Amendment No. 12BCC00053**

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$75,630,597	\$30,600	\$75,661,197
Other Financing Sources	\$20,514,387	\$ 3,400	\$20,517,787

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$109,874,017	\$34,000	\$109,908,017

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2011-12 Budget Ordinance is hereby amended to reflect budget adjustments.

This the 13<sup>th</sup> of February, 2012.

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Consent Agenda Item No. l.

**North Carolina**

**Interlocal Cooperation Agreement  
Community Alert Notification System**

**Durham County**

This is an Interlocal Cooperation Agreement (henceforth "Agreement") between City of Durham, a North Carolina municipal corporation (hereinafter "City"), and County of Durham, a political subdivision of the State of North Carolina (hereinafter "County"). This Agreement is made pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes. The date of the Agreement is February 1, 2012.

City and County agree as follows:

Section I. Purpose.

The purpose of this Agreement is to set forth the obligations of the City and County related to the acquisition, payment and on-going maintenance of the CodeRED® Emergency and Weather Warning Telephone Calling System (hereinafter 'CodeRED') for the citizens of the City and County through the City-County Emergency Communications Department. Emergency Communications Network, Inc. is the owner of the CodeRED system, which allows users to place pre-recorded telephone calls at high speed for the purpose of communicating matters of public interest and concern.

Section II. Obligations.

1. The City has entered into a Service Agreement(s) with Emergency Communications Network, Inc. for CodeRED Emergency Notifications (hereinafter "Service Agreement"). So long as the Service Agreement is in full force and effect, in substantially the form attached hereto as Attachment 1, the County agrees to pay to the City an amount equal to 50% of the cost of the CodeRED services. The current cost due to the City for the initial term is \$27,500. The City shall notify the County of the anticipated cost for any such extensions no later than April 1, of the then current fiscal year.

The County's obligation to share equally in the cost of said Service Agreement does not include any finance charge or late payment penalties that may become due under said Agreement. To the extent, if any, the County pays the City for Additional System Minutes, the cost of which are later reimbursed by F.E.M.A., (Federal Emergency Management Agency) the City shall refund to the County 50% of such F.E.M.A. reimbursement. To the extent, if any, F.E.M.A. reimburses the City for Minutes before the County has paid the City for such Minutes, the City shall not charge the County for the cost of such Minutes.

Payment from the County to the City shall be made in monthly payments to the City based on the cost for the contract period.

2. The Director of Emergency Communications for the Durham Emergency Communications Center or his designee shall be responsible for maintaining the CodeRED system for the purposes of this agreement and shall be the contact person regarding questions that the County may have about the CodeRED system. The City shall apply for F.E.M.A. (Federal Emergency Management Agency) reimbursement for costs associated with CodeRED as may be available.

3. The City and County have jointly approved Community Alert Notification System (CodeRED) Procedures with an effective date February 1, 2012 regarding the use of the CodeRED system. The Procedures define, among other things, the authorized users, procedures for broadcasting messages and system capabilities. The Procedures may be modified jointly by the parties as deemed necessary at anytime. These Procedures, as may be amended from time to time, are incorporated herein by reference and made an integral part hereof.

Section III. General Terms of Agreement.

A. Amendment. This Agreement may be amended upon mutual agreement of the City and County expressed in writing.

- B. Termination. Either the City or County may terminate this Agreement upon 60 days prior written notice.

Notwithstanding the foregoing, this Agreement will terminate automatically in the event the Service Agreement between the City and Emergency Communications Network, Inc. terminates. The County's 50% share of costs for proper charges for Additional System Minutes used before the termination shall be due within 30 days of the date of termination.

- C. Term. The term of this agreement shall begin on the date first written above and shall terminate in five (5) years unless terminated earlier as prescribed in this Section III. The governing body of each party hereto has determined that duration to be reasonable.
- D. Governing Law. This Agreement shall be governed by and in accordance with the laws of the State of North Carolina. All actions relating in any way to this Agreement shall be brought in the General Court of Justice in the County of Durham and the State of North Carolina.
- E. Entire Agreement. This Agreement shall constitute the entire understanding between the City and the County and shall supersede all prior understandings and agreements relating to the subject matter hereof.
- F. Appointment of Personnel. The City Manager shall designate persons to carry out the City's obligations under this Agreement. The County Manager shall designate persons to carry out the County's obligations under this Agreement.
- G. City Policy Statement. THE CITY OPPOSES DISCRIMINATION ON THE BASIS OF RACE AND SEX AND URGES ALL OF ITS CONTRACTORS TO PROVIDE A FAIR OPPORTUNITY FOR MINORITIES AND WOMEN TO PARTICIPATE IN THEIR WORK FORCE AND AS SUBCONTRACTORS AND VENDORS UNDER CITY CONTRACTS.

IN WITNESS WHEREOF, the City and County have authorized this Interlocal Agreement for a Community Alert Notification System to be executed and attested by their undersigned officers.

CITY OF DURHAM

BY \_\_\_\_\_  
Thomas J. Bonfield, Durham City Manager

ATTEST:

\_\_\_\_\_  
D. Ann Gray, City Clerk

COUNTY OF DURHAM

BY \_\_\_\_\_  
Michael M. Ruffin  
Durham County Manager

ATTEST:

\_\_\_\_\_  
V. Michelle Parker-Evans, Clerk to the Board



This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

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George K. Quick, Durham County Finance Officer

### **Public Hearing – Advance Public Comments on the FA 2012-2013 Budget**

Ms. Pam Meyer, Budget Director, announced that the County Manager’s Recommended FY 2012-2013 Budget will be presented to the Board of Commissioners on Tuesday, May 29, 2012, with individual budget work sessions with the Board to be scheduled for the period May 30-June 13, 2012. Final adoption of the FY 2012-2013 Budget Ordinance is scheduled for Monday, June 25, 2012. She also reminded everyone that non-profit applications are due Thursday, February 16, 2012.

The Board was requested to hold an Advance Public Comment session to receive public comments for the FY 2012-2013 Budget. As county staff begins the preparation of the fiscal year 2012-2013 budget, public input is being solicited on issues which may need to be addressed during the budget process.

Chairman Page opened the public hearing.

Katherine Heller and Regina Bankole, representing the Durham Interfaith Hospitality Network (DIHN), spoke about services provided to the homeless thru DINH. They thanked the Board for their support and encouraged the Board to continue to support the efforts of DINH.

Chairman Page thanked the speakers for their comments. The Chair closed the public hearing.

The Chair announced that the Commissioners would not be holding “Conversations with Commissioners” this year; however, they would be attending PAC meetings throughout the City.

### **Public Hearing – FY 2012-2013 Annual Action Plan**

Chairman Page recognized Reginald Johnson, Interim Director of the City of Durham’s Department of Community Development. Mr. Johnson announced that Durham anticipates receiving approximately \$76,991 in HOME Consortium funds from the US Department of Housing and Urban Development. The purpose of this meeting is to receive citizen comments on how City-County HOME Consortium funds can be used to address housing needs in Durham for the 2012-2013 fiscal year.

Ms. Wilmur Conyers, Federal Programs Coordinator with the Department of Community Development, further explained that the City is required to hold at least two public hearings. The

second public hearing is anticipated for April. The Plan must be submitted to HUD by May 15 of each year.

Chairman Page opened the public hearing. He recognized the following speakers:

Debbie White, representing CASA, spoke about rental housing assistance needed for citizens, and especially those with disabilities. CASA will be constructing apartments on Guess Road for veterans in the upcoming year.

Philip Azar, representing Habitat for Humanity, spoke about the importance of helping homeowners in need of assistance. He noted programs including a sweat equity program, and a second mortgage program that assisted homeowners. He noted the importance of having a good rental market as well.

Will Sutton, representing the Citizens Advisory Committee (CAC), noted that the CAC works to enhance housing and quality affordability for Durham's citizens by advising City Council and the Board of County Commissioners regarding housing and community development.

Chairman Page closed the public hearing.

Vice Chair Reckhow requested a report from staff on the policy the Board adopted allowing for properties the County owns as a result of nonpayment of taxes to be made available to nonprofits for housing programs. Specifically, she asked if the policy had ever been used. Are there properties the County has owned for a long period of time that would make them eligible? If the policy has not been used, why? County Manager Ruffin will research and respond back.

Chairman Page commended CASA on the work done in the community.

Commissioner Howerton requested information on the Citizens Advisory Committee.

### **Public Hearing – COP Financing**

Chairman Page recognized George Quick, Finance Director. Mr. Quick requested to convert the County's \$56 million variable rate loan to a fixed rate. He explained that right now, we are experiencing very low fixed interest rates. There is also a liquidity facility guaranteed by the Federal Home Loan Bank of Atlanta that will expire on April 15, 2012. Mr. Quick did not want to renew the agreement with Federal Home Loan Bank.

Mr. Quick also requested to add \$11.3 million to the loan to finance the following items, bringing the total to \$67.3 million:

- |   |                   |
|---|-------------------|
| 1. A upgrade to the County Financial System   | \$ 2,000,000      |
| 2. The purchase of replacement of personal computers, Servers, and other IT equipment | \$ 8,461,400      |
| 3. County Vehicles  | <u>\$ 817,200</u> |

Total \$ 11,278,600

Mr. Quick explained that bonds would be issues for this loan. He further explained that \$11.3 million would be amortized in the first four years and the remainder would be amortized over the remaining 16 years. He felt this would offer the best rates and greatest efficiency for Durham County. \$61.3 million would be issued in individual bonds with specific maturities. The maturities have been structured so that approximately \$3 million would be amortized each year. At the end of 20 years, the entire loan would have amortized.

Chairman Page opened the public hearing. No one signed up to speak. The Chair closed the public hearing.

Vice Chair Reckhow moved, seconded by Commissioner Howerton to approve the financing in an amount not to exceed \$68 million per the Resolution below:

RESOLUTION

A regular meeting of the Board of Commissioners for the County of Durham, North Carolina, was held in the County Commissioners' Meeting Room on the 2nd Floor of the Durham County Government Administrative Complex at 200 East Main Street, in Durham, North Carolina, the regular place of meeting, at 7:00 P.M. on February 13, 2012.

Present: Chairman Michael D. Page, presiding, and Commissioners: \_\_\_\_\_

Absent: \_\_\_\_\_

\* \* \* \* \*

Commissioner \_\_\_\_\_ introduced the following resolution, a copy of

which had been made available to each Commissioner and which was read by its title:

RESOLUTION MAKING CERTAIN DETERMINATIONS CONCERNING A PROPOSED SUPPLEMENT TO AN INSTALLMENT FINANCING AGREEMENT TO REFINANCE A PORTION OF THE COST OF AN EXISTING PROJECT AND TO FINANCE THE COST OF AN ADDITIONAL PROJECT AND PROVIDING FOR CERTAIN RELATED MATTERS.

WHEREAS, the County of Durham, North Carolina (the "County") and Durham Capital Financing 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, the County has determined to finance 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 "Additional Project"); and

WHEREAS, the County is considering entering into a proposed supplement to the Financing Agreement and certain related documents pursuant to G.S. §160A-20, as amended, for the purpose of providing funds in an amount not to exceed \$68,000,000, with any other available funds, for (a) refinancing a portion of the County's obligations under the Financing Agreement in connection with the Project and (b) paying the cost of the Additional Project, and it is necessary to provide for certain related matters at this time;

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

Section 1. The Board of Commissioners for the County (the "Board") hereby finds and determines in connection with such proposed supplement to the Financing Agreement that (a) it will enable the County to establish a fixed interest cost at relatively low interest rates with respect to a portion of the County's obligations under the Financing Agreement in connection with the Project and to finance the cost of the Additional Project to meet an urgent need for additional and improved information technology equipment and systems and replacement vehicles constituting the Additional Project to serve the residents of the County and, accordingly, such proposed supplement to the Financing Agreement is necessary or expedient for the County, (b) such proposed supplement to the Financing Agreement, under current circumstances, is preferable to a bond issue of the County for refinancing or financing the same purposes because there is not adequate time to hold a bond referendum, (c) the sums estimated to fall due under such proposed supplement to the Financing Agreement are adequate and not excessive for its proposed purposes because they are based upon the amount of the County's obligations under the Financing Agreement to be refinanced and the County's best estimate of the cost of the Additional Project and because applicable interest rates are relatively low currently, (d) the County's debt management procedures and policies are good and its debt will continue to be managed in strict compliance with the law, (e) any increase in taxes necessary to meet the sums estimated to fall due under such proposed supplement to the Financing Agreement will not be excessive because the County does not expect that it will be necessary to increase taxes by more than three cents (3.0¢) per one hundred dollars (\$100) of the appraised value of property subject to taxation by the County in order to provide funds to pay such sums and (f) the County is not in default regarding any of its debt service obligations.

Section 2. The actions of the Finance Director of the County in calling a public hearing on such proposed supplement to the Financing Agreement and publishing a notice of such public hearing in

the The Herald Sun, in accordance with the provisions of G.S. §160A-20, as amended, are hereby approved, ratified and confirmed.

Section 3. The County Manager, the Finance Director and the County Attorney of the County are each hereby designated as a representative of the County to file an application for approval of such proposed supplement to the Financing Agreement with the Local Government Commission of North Carolina and are authorized to take such other actions as may be advisable in connection with the negotiation of such proposed supplement to the Financing Agreement and the development of the related refinancing and financing; and all other actions heretofore taken by any of such officers or any other officer of the County relating to such matter on behalf of the County are hereby approved, ratified and confirmed.

Section 4. The Board hereby requests the Local Government Commission of North Carolina to approve such proposed supplement to the Financing Agreement under Article 8 of Chapter 159 of the General Statutes of North Carolina, as amended.

Section 5. The Board hereby confirms or recommends the selection of the following parties and professionals to be on the financing team for such proposed supplement to the Financing Agreement:

Special Counsel	Robinson Bradshaw & Hinson, P.A.
Financial Advisor	DEC Associates, Inc.
Nonprofit Corporation	Durham Capital Financing Corporation
Counsel to Nonprofit Corporation	Hedrick Murray Bryson Kennett Mauch & Connor PLLC
Trustee	U.S. Bank National Association
Underwriter - Senior	SunTrust Robinson Humphrey, Inc.
Underwriter – Co-Manager	Rice Financial Products Company
Counsel to Underwriters	Parker Poe Adams & Bernstein L.L.P.

Section 6. This resolution shall take effect immediately upon its passage.

Upon consideration of the foregoing resolution and motion duly made and seconded, the foregoing resolution was passed by the following vote:

Ayes: Commissioners \_\_\_\_\_

Noes: \_\_\_\_\_.

Thereupon, the Chairman of the Board of Commissioners for the County of Durham, North Carolina (the "County") announced that this was the hour, day and place fixed for the public hearing for the purpose of considering whether the Board of Commissioners for the County should approve a proposed supplement to an Installment Financing Agreement, dated April 1, 2009, between Durham Capital Financing Corporation (the "Corporation") and the County (the "Financing Agreement") and certain related documents pursuant to G.S. §160A-20, as amended, for the purpose of providing funds in an amount not to exceed \$68,000,000, with any other available funds, for (a) refinancing a portion of the County's obligations under the Financing Agreement in connection with the Project hereinafter described and (b) paying the cost of the Additional Project hereinafter described. The County would secure the repayment by it of moneys advanced pursuant to such proposed supplement to the Financing Agreement by granting a security interest in the Health and Human Services Complex that is a part of the Project and certain related property.

The County entered into the Financing Agreement to finance a portion of the cost of the Project consisting of (a) constructing a Health and 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.

The Additional Project consists 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.

Notice of this public hearing was published in The Herald Sun not less than 10 days before the date of this public hearing.

The County Manager and the Finance Director of the County then described the Additional Project as currently proposed and the current plan of the County to refinance a portion of the cost of the Project and to finance the cost of the Additional Project. Such refinancing and financing would be accomplished by the execution and delivery of additional certificates of participation pursuant to (a) a Trust Agreement, dated as of April 1, 2009, and entered into between the Corporation and First-Citizens Bank & Trust Company, succeeded by U.S. Bank National Association, as trustee (the "Trustee"), as amended by a First Supplemental Trust Agreement, to be dated as of March 1, 2012 and proposed to be entered into between the Corporation and the Trustee, (b) the Financing Agreement, as amended by a First Supplemental Installment Financing Agreement, to be dated as of March 1, 2012 and proposed to be entered into between the Corporation and the

County and (c) a Deed of Trust, made as of April 1, 2009, by the County to Neuse, Incorporated (the “Deed of Trust Trustee”), for the benefit of the Corporation, as amended by a Modification of Deed of Trust, to be dated as of March 1, 2012 and proposed to be entered into among the County, the Deed of Trust Trustee and the Corporation. Such First Supplemental Installment Financing Agreement is the proposed supplement to the Financing Agreement that is the subject of this public hearing.

The County Manager and the County Attorney of the County then presented drafts of such First Supplemental Installment Financing Agreement, such First Supplemental Trust Agreement and such Modification of Deed of Trust.

The Chairman of the Board of Commissioners for the County (the “Board”) then announced that the Board would immediately hear anyone who might wish to be heard on such matters.

No one appeared, either in person or by attorney, to be heard on such matters and the Clerk to the Board announced that no written statement relating to such matters had been received.

Thereupon, upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the Board determined to proceed with the proposed refinancing of a portion of the cost of the Project and financing of the cost of the Additional Project and to approve on a preliminary basis such First Supplemental Financing Agreement to refinance a portion of the cost of the Project and to finance the cost of the Additional Project in an amount not to exceed \$68,000,000 substantially as presented. Such motion was approved by the following vote:

Ayes: Commissioners \_\_\_\_\_.  
Noes: \_\_\_\_\_.

Thereupon, the Chairman of the Board announced that the public hearing was closed.

Thereupon, Commissioner \_\_\_\_\_ introduced the following resolution, a copy of which had been made available to each Commissioner and which was read by its title:

**RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE  
COUNTY OF DURHAM, NORTH CAROLINA, DECLARING ITS  
INTENTION TO REIMBURSE SAID COUNTY FROM THE  
PROCEEDS OF ONE OR MORE TAX-EXEMPT FINANCINGS FOR  
CERTAIN CAPITAL EXPENDITURES.**

WHEREAS, the County of Durham, North Carolina (the “County”), is a political subdivision organized and existing under the laws of the State of North Carolina; and

WHEREAS, the County will pay, on and after the date hereof, certain expenditures in connection with a project consisting 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; and

WHEREAS, the Board of Commissioners for the County (the "Board") has determined that certain moneys of the County to be advanced on and after the date hereof by the County to pay such expenditures (the "Expenditures") are available only for a temporary period and it will be necessary to reimburse the County for the Expenditures from the proceeds of one or more tax-exempt financings of the County in the form of one or more installment financings that are expected to be authorized by the Board (collectively, the "Tax-exempt Financings");

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

Section 1. The Board hereby declares the County's intent to reimburse the County with the proceeds of the Tax-exempt Financings for the Expenditures made on and after the date hereof. The County reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Tax-exempt Financings.

Section 2. Each Expenditure will be (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), (b) a cost of issuance with respect to the Tax-exempt Financings, (c) a nonrecurring item that is not customarily payable from current revenues or (d) a grant to a party that is not related to or an agent of the County so long as such grant does not impose any obligation or condition (directly or indirectly) to repay any amount to or for the benefit of the County.

Section 3. The maximum principal amount of the Tax-exempt Financings expected to be entered into with respect to such project is \$11,599,000.

Section 4. The County will make a reimbursement allocation, which is a written allocation by the County that evidences the County's use of proceeds of the Tax-exempt Financings to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or such project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid. The County recognizes that exceptions are available for certain preliminary expenditures, costs of issuance, certain de minimis amounts, expenditures by small issuers (based on the year of issuance and not the year of expenditure) and expenditures for construction projects of at least five years.

Section 5. This resolution shall take effect immediately upon its passage.

Thereupon, upon motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, the foregoing resolution was passed by the following vote:

Ayes: Commissioners \_\_\_\_\_.

Noes: \_\_\_\_\_.

\* \* \* \* \*

I, V. Michelle Parker-Evans, Clerk to the Board of Commissioners for the County of Durham, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a regular meeting held on February 13, 2012 as relates in any way to the matters described therein and that said proceedings are recorded in Minute Book No. \_\_\_\_ of the minutes of said Board, beginning on page \_\_\_\_ and ending on page \_\_\_\_.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held in the County Commissioners' Meeting Room on the 2nd Floor of the Durham County Government Administrative Complex at 200 East Main Street, in Durham, North Carolina, on the second and fourth Mondays of each month at 7:00 P.M., except that regular meetings scheduled to be held on a holiday will be held on the next succeeding day that is not a holiday at the same



place and time, has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. §143-318.12.

WITNESS my hand and the corporate seal of said County, this \_\_\_ day of February 2012.

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Clerk to the Board of Commissioners

The motion carried unanimously.

**Request to Receive Update and Approve Merger Agreement between The Durham Center and Wake County LME**

Chairman Page recognized Ellen Holliman, Director of The Durham Center. The Chair acknowledged David Cook, Wake County Manager, in the audience.

Ms. Holliman gave a brief history and update of the merger. The State moved toward having all Local Management Entities (LMEs) become Managed Care Organizations (MCOs) for two reasons—one to have predictable Medicaid costs. The merger will be a publicly managed system. The savings are reinvested back into the services with a publicly managed system.

Ms. Holliman shared a timeline and emphasized that the process is quite aggressive.

Ms. Holliman noted that all requirements for the waiver were met initially except for the population. The minimum population is 70,000 Medicaid recipients. At that time, The Durham Center partnered with Johnston and Cumberland counties to meet the population requirements. Wake County also requested that Durham consider a merger with Wake. The larger population will reduce higher costs for the consumers. The population will be 1.7 million with the Wake merger. The shared values and missions will also be assets for the system and community. The per capita costs for Durham County are \$26.34 per person; and \$26.67 for Wake County.

The Durham Center and the Wake County LME, with input from their governing bodies and other representatives of their respective County governments, have finalized an Agreement for their merger addressing key provisions including:

- Separation of The Durham Center from Durham County Government and dissolution of the Wake County LME, allowing the formation of a new multi-county LME under the provisions of NC General Statute 122C.
- Start-up funds for facilities, IT systems, staffing, etc. based on the Seven-Year Pro Forma previously submitted, with funds totaling \$8,000,000 to be provided in equal parts – \$4,000,000 each by Durham and Wake County Governments. These funds would be repaid by the Managed Care Organization (MCO) created by the merged LME at an interest rate of 1% over a five-year period.

- A new MCO Board comprised of eight members initially appointed by the Durham Board of County Commissioners, six by the Wake Board and two by the MCO Board.

The Agreement was approved on February 2, 2012 by the Area Board of The Durham Center and on February 6, 2012 by the Wake Board of County Commissioners.

Vice Chair Reckhow commented on the award winning service that The Durham Center has provided. She felt Wake County would make a good partner. She commended Ms. Holliman on her work on the merger. Vice Chair Reckhow reminded everyone that the local Durham site would continue to provide a convenient site for our citizens.

Commissioner Howerton posed a question regarding the makeup on the new MCO Board. Ms. Holliman responded that there are currently eight (8) board members. She would offer more information once the Mental Health Board met. There are three frozen seats in case there was a desire to have an eight-member board.

Commissioner Bowser expressed concern about the payback time for the upfront monies.

Ms. Holliman explained that the lease money would be a part of the Medicaid service monies.

Chairman Page recognized citizens who signed up to comment on the merger item.

Mr. Lascel Webley, Chairman of the Mental Health Board, spoke about the accomplishments of The Durham Center. He recommended that the Board approve the merger request.

Mr. Samuel Hargrove spoke on behalf of The Durham Center from a consumer's viewpoint. He spoke in high regard of The Durham Center. He recommended that the Board approve the merger request.

Ms. Susie Deter, Executive Director of Threshold, spoke in support of the MCO and merger. She added that the merger would benefit smaller mental health agencies and the community.

Vice Chair Reckhow moved, seconded by Commissioner Bowser to approve the MCO merger between The Durham Center and Wake County LME.

The motion carried unanimously.

### **Letter of Intent to Lease MCO Corporate Property**

Ellen Holliman, Area Director, stated that the Area Authority approved the proposed site at the Imperial Center. Much work went into the decision for the corporate office. The Board is asked to approve a nonbinding letter of intent and \$110,000 in security deposit for the site.

The Durham Center will come back to the Board for final approval.

Chairman Page recognized citizens who signed up to speak.

Mr. Neil Coker, representing Pinnacle Park LLC, suggested that the Board slow down the process on the site for the corporate office. He noted that there were constitutional and legal questions regarding the TTA selection. He questioned whether there was a conflict of interest between TTA, the Board of County Commissioners and Wake County.

Ms. Betsy MacMichael, a Mental Health Board member, spoke in favor of the lease agreement. The lease would be a financial benefit. She noted the timetable and the need to get everyone in space by July 1.

Chairman Page asked Wib Gulley, legal counsel for TTA, to address Mr. Coker's concerns. Mr. Gulley responded that the matter was not a legal issue. The MCO selected the best place to meet their needs. He stated that TTA was thrilled to help save taxpayers money.

Vice Chair Reckhow recognized Chuck Watts, a TTA Board member. She reiterated that the TTA Board was engaged in the lease agreement from the beginning. She felt the property was important because the location of the bus hub would enhance accessibility.

Attorney Siler reminded the Board that the Letter of Intent is the item to be considered.

Vice Chair Reckhow clarified that the Board must approve the Letter of Intent at this time.

Commissioner Bowser moved, seconded by Vice Chair Reckhow to approve the terms of the Letter of Intent for corporate space for the MCO to lease space in the Imperial Center at 4600 Emperor Boulevard, Durham NC.

The motion carried unanimously

Deputy County Attorney asked the Board to make a motion regarding the \$110,000 for the security deposit.

Commissioner Bowser moved, seconded by Vice Chair Reckhow to authorize the \$110,000 security deposit for property located at 4600 Emperor Boulevard, Durham NC.

The motion carried unanimously.

Ms. Holliman thanked the Board for their continued support.

**Adoption of Board of Health Smoking Rule as the Durham County Smoking Ordinance and Budget Amendment to Implement the Changes**

Chairman Page recognized Public Health Director, Gayle Harris. Ms. Harris recognized Ms. Sue McLaurin, Public Health Board Chair, and Dr. Jim Miller, Vice Chair.

Ms. Harris gave a brief history about the proposed rule. She asked that the Board adopt the Smoking Rule ordinance. She asked for a 6-month educational period and to give citizens the opportunity to take smoking cessation classes. She reiterated that “there is no safe level to second hand smoke.”

Ms. Harris commented that the Health Department believes the health changes will positively impact the health of the community.

Ms. Harris listed the following areas that would be impacted by the smoking ordinance:

**Smoking is prohibited** in/on:

- City of Durham Grounds
- City of Durham Park System including playgrounds and athletic fields
- City or County Bus Stops
- Durham County Grounds
- Durham County Trails and Parks
- Durham Station Transportation Center (except as specifically designated)
- Durham Train Station (except as specifically designated)
- Sidewalks owned, leased, maintained, or occupied by the City or County of Durham **and** abuts Durham County grounds, the City of Durham Grounds, any public school or hospital grounds

Ms. Harris also requested an “all tobacco free” policy for County of Durham Human Services facilities and campuses.

The Board was requested to approve the allocation of \$75,859 from the Home Health sale proceeds in order to implement the educational activities and post the signage as specified in the Rule.

The law enforcement component has been removed from the Rule. It is expected to be an educational rule.

Ms. Harris responded that the City of Durham would prefer that all signs be consistent with the metal regulatory signs.

Board members expressed concern about the size of the signs, especially since the signs should be geared to pedestrians. Ms. Harris will discuss the matter further with the City.

Ms. Harris clarified that personal vehicles will not be regulated. Durham County vehicles would fall under the County’s smoking policy.

Commissioners commended the Public Health Board and staff for their work on the most progressive smoking ordinance in the State, and the intent to protect public health.

Vice Reckhow moved, seconded by Commissioner Howerton to approve the Durham County Smoking Ordinance.

The motion carried unanimously.

**Durham County Board of Health Rule  
Regulation of Smoking in Prescribed Public Areas**

Section I. Findings and Purpose

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), tobacco use and secondhand smoke exposure are leading preventable causes of illness and premature death in North Carolina and the nation; and

WHEREAS, Healthy North Carolina 2020 Tobacco Use Objectives are 1) decrease the percentage of adults who are current smokers, 2) decrease the percentage of high school students reporting current use of any tobacco product, and 3) decrease the percentage of people exposed to secondhand smoke in the workplace in the past seven days; and

WHEREAS, the CDC advises that all individuals with coronary heart disease or known risk factors for coronary heart disease should avoid all indoor environments that permit smoking; and

WHEREAS, tobacco is a recognized carcinogen in humans, and health risks associated with the use of tobacco products include myocardial infarction, stroke, and adverse reproductive outcomes; and

WHEREAS, in 2006, a report issued by the United States Surgeon General stated that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke and that secondhand smoke has been proven to cause cancer, heart disease, and asthma attacks in both smokers and nonsmokers; and

WHEREAS, the 2006 Surgeon General's Report also determined that children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory infections, ear problems, and more severe asthma; and that smoking by parents causes respiratory symptoms and slows lung growth in their children; and

WHEREAS, research indicates that, during active smoking, outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity (such as sitting next to someone on a park bench, or children accompanying a smoking parent or guardian); and

WHEREAS, the CDC reports that smoking and smokeless tobacco use are frequently initiated and established during adolescence, that most people who begin smoking during adolescence are addicted by the age of 20, and that adolescent smokeless tobacco users are more likely than nonusers to become adult cigarette smokers; and

WHEREAS, everyday an estimated 3,900 young people between 12 and 17 years of age try their first cigarette and an estimated 1,000 youth become daily cigarette smokers; and

WHEREAS, children model adult behavior and benefit from positive models of non-smoking behavior and positive reinforcement of healthy lifestyle messages through exposure to smoke free public areas; and

WHEREAS, environmental organizations, including Keep America Beautiful, the Ocean Conservancy, and NC Big Sweep, consistently report cigarette butts as a leading cause of litter; and

WHEREAS, small children playing in city athletic fields and playgrounds are more likely to ingest cigarette butts if they are discarded and accessible; and in 2008, American Poison Control Centers received over 7,000 reports of children under the age of 6 being poisoned by contact with tobacco products; and

WHEREAS, the Durham County Health Department provides support to employees and residents who want to quit the use of tobacco products. Employees and residents are also encouraged to talk to their health care provider about quitting; ask about appropriate pharmacotherapy available through their health insurance plan or employee's insurer and to use the free quitting support services of the North Carolina Tobacco Use Quitline at 1-800-QUIT-NOW (1-800-784-8669); and

WHEREAS, on January 2, 2010, "An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment," North Carolina Session Law 2009-27, became effective, authorizing local governments to adopt and enforce ordinances "that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places;" and

WHEREAS, pursuant to G.S. 130A-39(a), local boards of health have the responsibility to protect and promote the public's health and to adopt rules necessary for that purpose; and

WHEREAS, the Durham County Board of Health wishes to minimize the harmful effects of tobacco use among Durham County and the City of Durham employees and eliminate secondhand smoke exposure for employees and the public in certain buildings and grounds controlled by the county and city; and

WHEREAS, the Durham County Board of Health is committed to protecting the health of children and adults on city athletic fields and playgrounds by eliminating exposure to secondhand smoke and providing an environment that decreases the likelihood of children ingesting cigarette butts; and

WHEREAS, Durham County and the City of Durham government buildings, health care facilities and health care facility grounds in Durham County, hospitals and hospital grounds in Durham County, and Durham County Schools are currently operating under smoke-free or tobacco-free policies; and this Board finds and declares that, in order to protect the public health and welfare, it is in the best interest of the citizens of Durham County to expand these smoke-free policies by adopting a rule prohibiting smoking on Durham County grounds; on the City of Durham grounds; on the City of Durham's Park System; in City or County bus stops; in the Durham Station Transportation Center and grounds; at the Durham Train Station and on all sidewalks abutting Durham County grounds, the City of Durham grounds; any Public School; and Hospital grounds;

NOW, THEREFORE, THE DURHAM COUNTY BOARD OF HEALTH ADOPTS THE FOLLOWING RULES:

Section II. Definitions

The following definitions are applicable to this rule.

1. “Bus Stop” – A designated area, whether enclosed or unenclosed, where buses stop for passengers to board or exit a bus. This term shall include areas at bus stops and bus shelters, beginning at the bus stop sign and extending for a radius of one hundred (100) feet around the bus stop sign. This area expressly excludes any private property that might fall within the one hundred (100) foot radius of the bus stop sign.
2. “City of Durham Grounds” – An unenclosed area owned, leased, or occupied by the City of Durham. .
3. “City of Durham Park System– An enclosed or unenclosed area owned, leased, maintained or occupied by the City of Durham that is part of the City of Durham Parks System including all city greenways and trails.
4. “City or County Bus Stops” - Any bus stop that is owned, leased, maintained or occupied by the City or County of Durham.
5. “Durham County Grounds” – An unenclosed area owned, leased, or occupied by Durham County.
6. “Durham Station Transportation Center” – The buildings and unenclosed areas owned, leased or occupied by the City of Durham that are used as the hub and home of local, regional, and intercity bus service.
7. “Enclosed Area” – An area with a roof or other overhead covering of any kind and walls or side coverings of any kind, regardless of the presence of openings for ingress and egress, on all sides or on all sides but one.
8. “Hospital grounds” - Any unenclosed area, which is owned, leased, or occupied by an institution that is licensed to administer medical treatment or the primary function of which is to provide medical treatment in this State and which provides inpatient, outpatient, and emergency medical treatment.
9. “Sidewalk” - Any sidewalk that is owned, leased, maintained or occupied by the City or County of Durham and abuts Durham County grounds, the City of Durham Grounds, any public school or hospital grounds.
10. “Smoking”. – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.
11. “Tobacco Use” – The use of any product containing tobacco.
12. “No Smoking Symbol” – Symbol consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it.
13. “Human Services Facility and Campus” - The Durham County Human Services Building located at 414 E. Main Street, Durham North Carolina 27701 and all adjacent and affiliated buildings.
14. “Private Club” - A country club or an organization that maintains selective members, is operated by the membership, does not provide food or lodging for pay to anyone who is not a

member or a member's guest, and is either incorporated as a nonprofit corporation in accordance with Chapter 55A of the General Statutes or is exempt from federal income tax under the internal revenue code as defined in G.S. 105-130.2(1).

15. "Tobacco Shop" - A business establishment, the main purpose of which is the sale of tobacco, tobacco products, and accessories for such products, that receive no less than seventy-five (75%) of its total annual revenues from the sale of tobacco, tobacco products, and accessories for such products, and does not serve food or alcohol on its premises.

16. "Cigar Bar" - An establishment with a permit to sell alcoholic beverages pursuant to subdivision (1),(3),(5) or (10) of G.S. 18B-1001 that satisfies all of the following:

- a. Generates sixty percent (60%) or more of its quarterly gross revenue from the sale of alcoholic beverages and twenty-five percent (25%) or more of its quarterly gross revenue from the sale of cigars;
- b. Has a humidor on the premises; and
- c. Does not allow individuals under the age of 21 to enter the premises.

Revenue generated from other tobacco sales, including cigarette vending machines, shall not be used to determine whether an establishment satisfies the definition of cigar bar.

### Section III Smoking Prohibited.

Smoking is prohibited in/on all of the following:

- (a) City of Durham Grounds;
- (b) City of Durham Parks System including playgrounds and athletic fields;
- (c) City or County Bus Stops;
- (d) Durham County Grounds;
- (e) Durham Station Transportation Center (except as specifically designated);
- (f) Sidewalks as defined above;
- (g) Hospital Grounds;
- (h) Child Care Facilities;
- (i) Enclosed Shopping Malls;
- (j) Elevators;
- (k) Polling Places;
- (l) Public Restrooms;
- (m) Public Areas of Retail Stores;
- (n) Service Lines;
- (o) Public Transportation;
- (p) Public Areas of Galleries, Libraries and Museums;
- (q) Lobbies, Hallways and other Common Areas in Apartment Buildings, Condominiums, Retirement Facilities, Nursing Homes and Other Multi-Unit Residential Facilities;
- (r) Durham Train Station (except as specifically designated);
- (s) Durham County Trails and Parks.

### Section IV: All Tobacco Use Prohibited.



*All tobacco use is Prohibited on County of Durham Human Services Facilities and Campus.*

Section V: Actions to Implement Required

The City or County shall:

(1) Educate the public about the rule and the reasons for the new rule prior to its implementation date through the news media, website, and educational media. This education shall include information on resources for quitting smoking or tobacco use, including information about the free quitting support services of the North Carolina Tobacco Use Quitline (1-800.QUIT-NOW (1-800-784-8669)).

(2) Educate the employees of city and county facilities covered under this rule about this rule, the reasons for this rule, and how employees can assist with compliance prior to its implementation date. The city and county shall also provide the city and county employees with resources for quitting smoking or tobacco use, including information about the free quitting support services of the North Carolina Tobacco Use Quitline (1-800-QUIT-NOW (1-800-784-8669)).

(3) Post Signs that meet all the requirements of Section VI in the Durham Station Transportation Center; on the City of Durham Grounds; on Durham County Grounds; on City of Durham Parks System Grounds; on City or County bus stops; and on sidewalks.

(4) Remove all ashtrays and other smoking receptacles from the Durham Station Transportation Center; the City of Durham Grounds; Durham County grounds; the City of Durham Parks System Grounds; City or County bus stops; and sidewalks.

(5) Have the person in charge of Durham County grounds; the City of Durham grounds; the City of Durham Parks System; City or County bus stops; the Durham Station Transportation Center; or sidewalks direct a person who is smoking in a prohibited area to cease and, if the person does not comply, contact the designated enforcement officer for the City and/or County of Durham.

Section VI. Signage

The signs required in Section V must:

(a) State in English that smoking is prohibited and include the “No Smoking” symbol.

(b) Be of sufficient size to be clearly legible to a person of normal vision.

(c) Be posted on Durham County and the City of Durham grounds including the City of Durham Parks System in locations and at intervals reasonably calculated to inform the employees and the public of the prohibition.

(d) Be posted on sidewalks at intervals so as to reasonably inform the public of the prohibition.

(f) Be posted in the Durham Station Transportation Center and Train Station in locations and at intervals reasonably calculated to inform the public and employees of the prohibition.

- (g) Be posted on city or county bus stops in areas visible to the public.

Section VII Compliance and Penalties

*Violations by persons smoking in prohibited areas.* Following oral or written notice by any duly appointed enforcement official, or his or her designee, failure to cease smoking constitutes an infraction punishable by a fine of not more than fifty dollars (\$50.00). A person duly authorized by the Board of County Commissioners or the City Council, shall be authorized to send a civil penalty citation to the violator by certified mail or personally deliver such citation to the violator stating the nature of the violation, the amount of the penalty, and directing that the violator pay the penalty to the County or City tax collectors office within 14 days of receipt of the citation. Conviction of an infraction under this section has no consequence other than payment of a penalty, and no court costs may be assessed.

Section VIII Public Education

Durham County and the City of Durham shall engage in a continuing program to explain and clarify the purposes and requirements of these rules to citizens affected by it and to city or county employees in their compliance with it. In doing so, the County and City may rely upon materials and information provided by the Durham County Health Department.

Section IX Exceptions

The following areas shall not be subject to the restrictions of this article.

- (1) Private residences.
- (2) Private vehicles
- (3) A tobacco shop if smoke from the business does not migrate into an enclosed area where smoking is prohibited pursuant to State law.
- (4) All of the premises, facilities, and vehicles owned, operated, or leased by any tobacco products processor or manufacturer, or any tobacco leaf grower, processor, or dealer.
- (5) A designated smoking guest room in a lodging establishment. No greater than twenty percent (20%) of a lodging establishment's guest rooms may be designated smoking guest rooms.
- (6) A cigar bar if smoke from the cigar does not migrate into an enclosed area where smoking is prohibited pursuant to State law.
- (7) A private club as defined by State law.
- (8) A motion picture, television, theater, or other live production set. This exemption applies only to the actor or performer portraying the use of tobacco products during the production.
- (9) State and Federal facilities.

Section X Effective Date

These rules shall become effective upon adoption by the Durham County Board of Health and upon adoption of this as an ordinance of the Durham Board of County Commissioners.

ADOPTED by the Durham County Board of Health this \_\_\_\_ day of \_\_\_\_\_ 2012  
EFFECTIVE DATE:

SIGNED: \_\_\_\_\_.

Adopted by the Durham County Board of Commissioners as an Ordinance this \_\_\_\_ day of \_\_\_\_\_, 2012.

SIGNED: \_\_\_\_\_  
Michael D. Page, Chairman  
Durham County Board of Commissioners

**DURHAM COUNTY, NORTH CAROLINA  
FY 2011-12 Budget Ordinance  
Amendment No. 12BCC000054**

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 Financing Sources	\$20,517,787	\$75,859	\$20,593,646
<u>COMMUNITY HEALTH TRUST FUND</u>			
Community Health Trust Fund	\$ 6,123,499	\$75,859	\$ 6,199,358

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Human Services	\$109,735,855	\$113,876	\$109,849,731
<u>COMMUNITY HEALTH TRUST FUND</u>			
Community Health Trust Fund	\$ 6,123,499	\$ 75,859	\$ 6,199,358

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

This the 13<sup>th</sup> of February, 2012.

## **Strategic Plan Adoption**

County Manager Ruffin thanked everyone who spent countless hours on the Strategic Plan. The plan involved the community and business leaders. The Manager added “from this point forward, everything done will be done within the context of the Strategic Plan.”

Michael Davis, Assistant to the County Manager, shared a presentation with the Board and audience. He introduced members of the Plan Development team, and asked that everyone give them a well deserved applause. Mr. Davis thanked the consultants, Zelos; Michael Palmer; and Dr. Tyrone Baines.

Nearly 3000 people in the community participated in the shaping of the Strategic Plan.

Mr. Davis read the goals of the Strategic Plan and the outcome measures for each goal:

1. Community and Family Prosperity and Enrichment

Outcome measures

1. High school graduation rate
2. Percentage of families living at or above 200 percent of poverty level
3. Number of jobs created (net job gain)
4. Unemployment rate

2. Health and Well-being for All

Outcome Measures

1. Percentage of adults and youth getting recommended physical exercise
2. Incidence of cancer, heart disease and diabetes in adults
3. Infant mortality rate (under age 1)
4. Emergency room admission rate

3. Safe and Secure Community

Outcome Measures

1. Citizen perception of safety
2. Number of disconnected youth (ages 16 to 24)
3. Part 1 Crime rate: property crime, violent crime, number of domestic violence orders issued for service and number of domestic violence offenders receiving court-ordered treatment
4. Bystander CPR
5. Incident rates of abuse and neglect of children, adults, seniors and animals in the community

4. Environmental Stewardship

Outcome Measures

1. Greenhouse gas emissions from our built environment
2. Per-capita vehicle miles traveled
3. Percentage of streams with a Water Quality Score of 74 or better
4. Number of total acres of open space and farmland that have been protected/influenced by Durham County
  
5. Accountable, Efficient and Visionary Government

Outcome Measures

1. Customer satisfaction index
2. Employee engagement
3. Bond rating
4. Efficiency Measures
  - a. Capital Improvement Plan (CIP) spending
  - b. General Fund Budget to Actual expenditures

Vice Chair Reckhow asked about CPR as an outcome. Mr. Davis will look further at the outcome.

The next step will be a discussion at the Board's retreat on February 20, 2012.

The Board thanked Michael Davis for his work on the Strategic Plan.

Commissioner Howerton expressed her thanks and gratitude for the work done on the Strategic Plan. Vice Chair Reckhow echoed her sentiments.

Vice Chair Reckhow asked how citizens would be able to monitor the County's work of the Strategic Plan. Mr. Davis responded that the mechanism will be part of the Strategic Plan website.

Commissioner Howerton moved, seconded by Vice Chair Reckhow to approve the Durham County Strategic Plan.

The motion unanimously carried.

**Closed Session**

Commissioner Howerton moved, seconded by Vice Chair Reckhow, to move into Closed Session pursuant to G.S. 143.318.11(a)(3) to consult with an attorney in order to preserve the attorney-client privilege.

The motion carried unanimously.

**Return to Open Session**

Chairman Page announced that the Board met in closed session. No action was taken.

There being no further business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michelle", with a long horizontal line extending to the right.

V. Michelle Parker-Evans  
Clerk to the Board