

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

Monday, January 3, 2005

9:00 A.M. Worksession

MINUTES

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

Present: Chairman Ellen W. Reckhow, Vice-Chairman Becky M. Heron, and
Commissioners Philip R. Cousin Jr. and Michael D. Page

Absent: Commissioner Lewis A. Cheek

Presider: Chairman Reckhow

Welcome

Chairman Reckhow wished everyone a Happy New Year and extended a welcome to the January 3, 2005 Worksession.

Citizen Comments

Jack Steer spoke to the Board about various issues, particularly his request for oversight of major operational departments.

Motion to Excuse Commissioner Cheek

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to excuse Commissioner Cheek from the meeting due to an extended court session.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow
Noes: None
Absent: Cheek

Agenda Adjustment

In relation to agenda item No. 7, "Initial Discussion of 2005 Legislative Agenda", Chairman Reckhow requested the addition of "14th Judicial District 2005 Court System Needs Assessment Update" to follow "Citizen Comments"; the Board concurred.

Citizen Comments (continued)

Chairman Reckhow resumed Citizen Comments with the following speakers:

- Mike Fishback
In relation to Mr. Fishback's comments, Chairman Reckhow directed staff to write a letter to the Mayor and City Council, copied to the City Manager, explaining the City's legal responsibility to enforce animal control within the City.
- Ralph McKinney Jr.
- Barker French

14th Judicial District 2005 Court System Needs Assessment Update

Kathy Shuart, Trial Court Administrator, gave the following presentation:

- ❖ Mission Statement for the North Carolina Judicial System
 - To protect and preserve the rights and liberties of all the people, as guaranteed by the Constitutions and laws of the United States and North Carolina, by providing a fair, independent, and accessible forum for the just, timely, and economical resolutions of their legal affairs.
- ❖ Today's Situation
 - Struggling to hold true to that mission
 - Numbers up –
 - Case Filings, Dispositions, Cases Pending at Year-End
 - Length of Time of Disposition
 - Programs
 - Resources are limited
- ❖ Facts about North Carolina's Judicial System
 - NC ranks 39th nationwide in per capita spending on judicial legal expenditures.
 - NC ranks 48th in the number of per capita FTE judicial employees.
 - NC ranks 6th in the number of felony caseload filings in Superior Court and 9th in total judicial filings.
 - The yearly average increase of the judiciary's appropriation since 1993 (5.4%) has not kept pace with the yearly combine average for all state agencies (6.5%)
- ❖ From FY83-84 to FY00-01
 - The number of Superior Court Judges has increased 54%, while the caseload per Superior Court judge has increased 79%.
 - The number of District Court judges has increased 61%, while the caseload they handle has increased 105%.
 - The number of prosecutors has increased 91%, while the caseload they handle has increased 124%.

- The number of clerks has increased 50%, while the caseload they handle has increased 90%.

Statistics provided by State Caseload Statistics, 2001. Supplement to Examining the Work of State Courts, 2001; Justice Expenditure and Employment in the United States, 1999; and State Court Organization, 1998.

❖ Third Branch of Government

- The General Court of Justice (Judicial Department) receives less than 3% of the total state budget, and the percentage continues to decrease
 - FY 2000-01 = 2.81%
 - FY 2001-02 = 2.76%
 - FY 2002-03 = 2.70%

❖ Case Filings 1988-2003

	1988-89	2003-04	% Increase
Cases			
Superior Ct. Civil, Felonies, Misd. Appeals	3,054	4,078	34%
Clerk's Estates and Special Proceedings	3,292	6,122	86%
District Ct. Civil, Criminal, Domestic Relations, Motor Vehicle, Infractions	49,515	61,625	25%
District Ct. Juvenile (del, undisc, AND, TPR)	535	929	74%

❖ Age of Pending Caseloads

	1988 -89	2003-04
Cases	Avg (in days)	Avg (in days)
Superior Civil	264	640
Superior Felonies	178	245
Superior Misd. Appeals	449	348
District Dom. Rel.	464	722*
District Civil	220	155
District Criminal Non-MV	155	268

❖ Delinquency Cases More Serious Than Statewide Figures

- % of delinquency caseload that involved a felony during FY2003-04

	Durham	44%		
	Statewide	28%		
Buncombe	17%	Guilford	20%	
Cumberland	17%	Mecklenburg	37%	
Forsyth	32%	New Hanover	14%	
Gaston	33%	Wake	31%	

❖ What Have We Done?

- Worked smarter
 - Administrative Traffic Court
 - E-citations
 - Web site access
- Worked harder
 - Better use of bench time
 - Disposition rates up

❖ Disposition Rates 1997-2003

Disposition Rates	Dispositions in 1997/1998	Dispositions in 2003/2004
Superior Court Civil & Criminal	3,817	4,072 [7% Increase]
District Court Civil, Criminal, Domestic Relations, Motor Vehicle	40,113	46,961 [17% Increase]

❖ What Have We Done? (Cont'd)

- Sought assistance
 - Meetings with local groups
 - Durham County Bar Association – Annex equipment; enhancements to jury pool room
 - Durham Roundtable - printers for LEO's
 - Grant funds – established DV Court; special prosecutors; treatment courts
 - City and County support – ADA; APD; DV Court

❖ Court System Needs

- 5 new clerk positions
 - AOC formula for 2003-04 shows Durham 4.76 positions below the recommended level
 - Staffing a 7th court (Domestic Violence Court)
 - Staffing specialty courts
- 8 permanent Asst. District Attorney positions
 - Three grant-funded ADA positions expire in 2005
 - Increased Caseload / Backlog
 - More courts to cover
 - More serious felony juvenile crime
- 1 new magistrate position
 - AOC formula ranks Durham among the top five counties in need along most measures
- Court reporting resources
 - 3 staff reporters covering 3.5 courts

- Rely on AOC reporters to cover 4th court and vacation, sick leave, typing time
- Recurring position cost for court reporter = \$52,000; Video equipment cost = @ \$75,000 to purchase; \$2,700 per yr
- Establish permanently Durham's grant-supported youth drug treatment court
 - Work with 30 clients
 - Grant funds end Fall, 2005
 - Annual cost = \$75,000
 - Expected to be included in Judicial Dept. budget request
- Two additional District Court Judges plus supporting staff
 - Increased caseload
 - Complex issues requiring more court time
 - Therapeutic courts – time commitment
 - Team meetings
 - Court time
 - Meetings with collaborative partners
- What we can accomplish with additional judges
 - With one judge
 - Tackle backlogs
 - Increase trial time for criminal and family court matters
 - Provide some office time for each judge (e.g., 1 day/mo)
 - With two judges
 - Handle H & I felony pleas in District Court
 - Continue to incorporate therapeutic court models and outreach/prevention programs
- ❖ Executive Summary of Resource Needs for 2005-06
 - Tier 1
 - Two add'l clerks
 - Three add'l asst. district attorneys
 - 3 grant-funded ADA's end in 2005
 - Funds to incorporate youth treatment court
 - Grant funds expire in 2005
 - One add'l magistrate
- ❖ Executive Summary of Resource Needs for 2005-2006
 - Tier 2
 - Three additional clerks
 - Five additional assistant district attorneys
 - One additional court reporter or equipment

- Tier 3
 - Additional district court “pods” (2)
 - Pod = one judge; two ADA’s; two clerks

Chairman Reckhow communicated to Ms. Shuart that the Judicial System’s resource needs would be made a top priority during legislative agenda discussions.

Vice-Chairman Heron stressed the desire for a lobbyist to represent the County’s interest and to work with the local delegation.

The Commissioners asked questions pertaining to the presentation.

Chairman Reckhow supported assigning a lobbyist for legislative purposes.

Report on W. K. Kellogg Foundation

Nearly two years ago, North Carolina Central University and Duke University received a substantial grant from the W.K. Kellogg Foundation to improve the academic achievement of low resource children in communities adjacent to the two universities. The W.K. Kellogg Foundation is committed to engagement between communities and higher education institutions. Durham County administrators and Social Services staff have been instrumental in collaborating with other community entities to manage this endeavor.

Dr. Ann Denlinger, Superintendent of Durham Public Schools, briefly thanked the W.K. Kellogg Foundation for rewarding a grant that would benefit DPS students. She introduced Mr. Michael Palmer, Director of Community Affairs, Duke University, to present the report.

Mr. Palmer gave a PowerPoint presentation on the Community-Based After-School Programs Neighborhood Partnership. He also updated the Board on how the grants have played a key role in Durham’s efforts to close the achievement gaps between low- and high-achievement students.

Dr. Tyrone Baines, Senior Fellow at NCCU, introduced Project C.A.R.E. (Community Access to Resource Enterprises) to the Board. The goal of Project C.A.R.E. is to improve academic outcomes for youth. It provides numerous after-school activities, as well as academic assistance (homework and tutoring), assisting the Latino community with academic achievement, family services (information and referral), parent education, parent support groups, referral to community services (employment, health, etc.), and child and youth development. C.A.R.E uses a comprehensive community engagement strategy that includes parents, schools, social service agencies as well as university, and other community resources. It serves youth in the Eagle Village community who are performing below grade level in reading and math. C.A.R.E. is partly funded by the W.K. Kellogg Foundation.

The Commissioners and Dr. Denlinger discussed a transportation solution for students who wish to participate in Project C.A.R.E. Dr. Denlinger recommended extending school bus hours in the afternoon to service students who participate in after-school programs.

EMS Salary Adjustment

Deborah Craig-Ray, Public Information/Governmental Affairs Director, stated that Emergency Medical Services was moved from the Durham County Hospital Corporation to Durham County Government in July 1998. As the transfer needed to be accomplished within a relatively short period, existing salary ranges were incorporated into the County salary structure without equity comparison with internal or external pay ranges, even though the existing ranges were not competitive with surrounding agencies or internal departments.

Mickey Tezai, EMS Director, reported that since that time, benchmark comparisons have indicated that the EMS department remains significantly behind its competition in most salary categories, specifically the technical classifications (EMT Intermediate and EMT Paramedic). Due to limited available funds, necessary adjustments to these classifications have not been possible. Because of these inequities, EMS attrition rate remains high, and, to maintain service levels and response times, overtime and Relief Staff expenses have continued to rise. Annual vacancy rates have remained in the 12-15-position range for the last several years. Attrition, although anticipated at some level, is expensive. The first-year cost for hiring, training, and equipping a new employee is \$33,116.62. EMS has become a training ground for employees to activate their North Carolina certification, gain a short period of experience, and then move to a neighboring community where the workload is significantly less and the salary higher. To compound the problem, Orange County implemented a new countywide salary structure in July 2004 that included significant range adjustments and additional positions within its EMS department. Currently, the starting salary for Basic EMTs in Orange County is slightly higher than \$27,000, which is the same starting salary for Paramedics in Durham County. In addition, the starting salary for Orange County Paramedics is \$4,000 higher than in Durham. The impact of these adjustments was immediate. Since July 2004, three Durham County employees have been hired by Orange County at the higher rates. Additionally, existing salaries in the two technical categories in Durham have proven prohibitive in attracting new, qualified applicants.

During the May 27, 2004 budget worksession, this information was discussed with the Board. As of this date, a scheduled countywide salary survey has not been completed, and vacancies within the EMS department continue to arise. As a result, the EMS Director has reviewed the first five months' expense budget activity and has identified available funds to grant a 5% adjustment to affected job classes, effective January 2005. These available funds are the result of less than anticipated expenses in several operating expense categories and EMS's ability to negotiate lower prices in supply and equipment contracts. In addition, funding for a communications system in the new Lincoln replacement station will not be utilized this fiscal year due to construction delays. This request is for the Board to approve the proposed adjustments for implementation in 12 pay periods at a cost of \$100,451.

It is anticipated that the planned countywide salary study will further highlight the possible need for additional adjustments, and the 2005-06 budget process will include those recommended range adjustments for specific EMS job classes. In addition, recommendations for implementation of new recruitment and training strategies to develop a more accessible local labor pool are being reviewed and may be included in the FY 06 budget request.

Mr. Tezai answered questions from the Board.

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

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow
Noes: None
Absent: Cheek

Chairman Reckhow recommended that EMS staff target Southern High School's health-science curriculum, Durham Public Schools, Chapel Hill-Carrboro, and Orange County School Systems for additional innovative recruiting strategies. Staff should also focus on introducing EMS educational programs into curriculums at Middle College High School at Durham Technical Community College and the City of Medicine Academy at Southern High School.

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to authorize the 5% adjustment for affected EMS employees effective with the pay period beginning January 17, 2005.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow
Noes: None
Absent: Cheek

9-1-1 CIP Request

County Attorney Chuck Kitchen clarified his previous concerns from the December 13, 2004 Regular Session about the legalities of the funding sources – wireless surcharge and 9-1-1 surcharge levied by the Board – for various capital and operational needs for 9-1-1 over the next five fiscal years. As the wireless fund is used for grant purposes, the 9-1-1 surcharge usage is specified by statute, which includes the purchase or maintenance of emergency telephone equipment (i.e. necessary computer hardware, software, and data-based provisioning addressing a nonrecurring cost of establishing a 911 system), rates associated with the service supplier's 911 service, and other service supplier recurring

charges. The 9-1-1 surcharge revenue cannot be used for hiring, training, and compensating of dispatchers.

Chairman Reckhow directed Mr. Soukup to supply a breakout to indicate funding allocation per need. She also requested estimations of generated revenue for FYs 2004-2009.

Mr. Soukup reported approximate estimates of \$87,000 per month (wireline) and \$21,000 per month (wireless) for generated revenue.

The Commissioners discussed the purpose of reviewing the 9-1-1 CIP Request.

Chairman Reckhow recapped that in Year One of the D.E.C.C. Five Year Plan, item A, Purchase C.A.D. System, has been approved. A budget ordinance amendment needs to be created for items B – F and approved at the January 10 Regular Session.

County Manager Mike Ruffin assured the Board that items B – F would be individually reviewed to ensure eligibility and appropriate fund usage.

Chairman Reckhow requested a follow-up memo on revenue projections for each of the funds, planned expenditures, and balances.

D.E.C.C Five-Year Plan

Year One—2004/2005

- A. Purchase C.A.D. System – Cost of \$2.7 million. This project will take approximately 8 to 10 months to complete. Anticipated signing by December 31, 2004. Funding Source 9-1-1 Telephone Revenue Accounts
- B. Renovate Electrical System – Cost of \$90,000. Department of General Services estimates 4 to 6 months to finish. Funding Source – 9-1-1 Telephone Revenue Accounts
- C. Submit Proposal for new joint 9-1-1/E.O.C. Building into the C.I.P. process. Preliminary cost of \$6 million based on 30,000 sq ft. Funding source to be determined by City/County managers.
- D. Begin new ESN Mapping and E9-1-1 Database system that will detail zones for various agencies instantly upon receiving a 9-1-1 call. Feasibility study of including city/county addressing as part of D.E.C.C. operations. Cost of \$103,000 for personnel salary. Funding source 9-1-1 telephone revenue accounts.
- E. Upgrade E 9-11 Phone system Computer and add additional workstations that can process requests and statistical data more effectively. Cost of \$268,744. Funding source 9-1-1 telephone revenue accounts.
- F. Logging Recorder system upgrade. Cost \$63,106. Funding Source – 9-1-1 Telephone Revenue Accounts

Year Two—2005/2006

- A. Remodel Dispatch Room to accommodate seventeen positions; an increase of five additional consoles in the current work area. Cost \$350,000. Funding source 9-1-1 telephone revenue accounts.

- B. Implement new C.A.D. system Budget for training costs of all Telecommunicators on new system. Estimated cost \$67,300. Fiscal Year 2005/2006. Funding to be determined by City/County managers.
- C. Budget for Architect and Engineering Drawings for New Center. Estimated cost \$600,000
Fiscal Year 2005/2006. Funding to be determined by City/County managers.
- D. Finish new ESN Mapping and E 9-1-1 Database
- E. Begin hiring new communications personnel at the rate of 4 per quarter in order to bring staffing to acceptable levels and observe audit recommendation of 16 additional personnel; focus to be on bilingual hires. Estimated cost with benefits \$338,662 Fiscal Year 2005/2006. Funding to be determined by City/County managers.
- F. Viability study of combining operations with Durham Sheriff's Office.
- G. Receive Accreditation from N.A.E.M.D. Cost of \$2,000. Fiscal Year 2005/2006. Funding to be determined by City/County managers.

Year Three—2006/2007

- A. Finish hiring of additional communications personnel
- B. Begin specialized training of communication personnel to include critical incident on scene dispatching, and specialization inside the center between Fire/EMS and Law enforcement. Estimated cost of \$75,000. Possible funding from 9-1-1 Telephone revenue accounts.
- D. Consolidate operations with Durham S.O. if study reveals it warranted and acceptable
Funding Source – 9-1-1 Telephone Revenue Accounts
- E. Purchase a Reverse 9-1-1 system. Estimated initial cost \$65,000, with annual maintenance of \$35,000. Funding Source – 9-1-1 Telephone Revenue Accounts
- F. Finalize budget for new 911/EOC facility

Year Four—2007/2008

- A. Begin Construction of new joint 911/E.O.C. facility. Estimated cost for furniture, equipment, computers, telephone system \$2.3 million. Funding Source – 9-1-1 Telephone Revenue Accounts
- B. Begin Accreditation process through A.P.C.O./C.A.L.E.A Estimated cost \$40,000. Fiscal Year 2007/2008. Funding to be determined by City/County managers.

Year Five—2008/2009

- A. Move into new 911/E.O.C. facility.
- B. Redesign current facility to serve as a backup center or remodel the Duke facility, which would include renovation of the electrical system, U.P.S. equipment, and furniture. Estimated cost \$1.3 million. Funding Source – 9-1-1 Telephone Revenue Accounts
- C. Receive Accreditation from A.P.C.O./C.A.L.E.A.

Wireline Surcharge Estimated Balances

Fund Balance FY 2004-2005	\$ 405,429
Fund Balance FY 2005-2006	\$ 497,233
Fund Balance FY 2006-2007	\$ 799,037
Fund Balance FY 2007-2008	\$1,240,841

Fund Balance FY 2008-2009 \$1,682,645 minus equipment needed for new facility that will be lease purchased or paid for. This will bring the balance down to a very small sum.

Wireless Surcharge Estimated Balances

Fund Balance FY 2004-2005 \$ 619
Fund Balance FY 2005-2006 \$ 138,619
Fund Balance FY 2006-2007 \$ 276,619
Fund Balance FY 2007-2008 \$ 414,619
Fund Balance FY 2008-2009 \$ 552,619 minus equipment needed for new facility that will be lease purchased or paid for. This will bring the balance down to a very small sum.

Update on Results Based Accountability Initiative

Heidi Duer, Assistant County Manager for Special Projects, defined Results Based Accountability (RBA) as an initiative to generate broad-based, positive, and accountable change within both our government and our community. RBA recognizes that no one entity, even one as large as County government, can produce, on its own, substantial progress on any meaningful outcome. Rather, it takes a community engaged around priorities to affect change. The County has been working with two national consultants who developed a template for this process. RBA was launched at the community-wide level by engaging citizens around priority outcome areas and at the county government level through departmental performance measures. In January 2003, Commissioners were introduced to RBA and subsequently developed a preliminary list of priorities in which to engage the community. After a fall retreat for Commissioners, the County decided to collaborate with the City to gain broader participation and support for this initiative. From this partnership, the following shared priority outcomes were agreed upon for our community:

1. Durham citizens are safe;
2. Durham enjoys a prosperous economy;
3. Durham citizens enjoy a healthy environment;
4. Durham's citizens enjoy a community that is vibrant, rich in aesthetic beauty, and embraces and promotes its cultural heritage;
5. Children are ready for and succeeding in school;
6. Every citizen in Durham has access to adequate, safe, and affordable housing;
7. Durham citizens are healthy; and
8. Durham citizens enjoy sustainable, thriving neighborhoods with efficient and well-maintained infrastructure.

These eight outcomes are the structure of the community-wide RBA initiative, with committees formed to develop indicators and strategies for making improvements in each specific outcome area. The work products of each of the outcome committees will feed into an annual Community Report Card to inform the residents of Durham of our efforts to make positive, accountable change.

Simultaneously, County Departments were instructed to develop performance measurements for three to five of their departmental programs. These performance measurements were incorporated into the FY04-05 budget. County departments should continue to track and monitor data for their programs in anticipation of reporting their progress in the FY05-06 budget.

The Commissioners scheduled the Annual Retreat for Thursday, January 27, 2005, from 8 a.m. to 4 p.m. Location is to be determined.

FY 2004 Comprehensive Annual Financial Report Presentation (CAFR)

Chairman Reckhow congratulated the Finance Department for receiving the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for the FY 2003 CAFR.

County Manager Mike Ruffin announced that the Comprehensive Annual Financial Report (CAFR) and the Management letter will be shared with the media every year.

The award is the highest form of recognition for excellence in state and local government financial reporting. To be awarded a Certificate of Achievement, a governmental unit must publish an easily readable and efficiently organized comprehensive annual financial report whose contents conform to program standards. Such reports must satisfy both generally accepted accounting principles and applicable legal requirements. Our current report continues to conform to the Certificate of Achievement Program requirements, and Finance is submitting it to the Government Finance Officers Association (GFOA) to determine its eligibility for another Certificate.

George Quick, Finance Director, presented the FY 2004 Comprehensive Annual Financial Report (CAFR) to the Board of County Commissioners. The presentation included discussion of the County's Fund Balance.

Mr. Quick answered questions posed by the Board.

Vice-Chairman Heron requested a report on the health trust fund.

Mr. Quick informed Vice-Chairman Heron that the report and recommendations would be presented to the Board at the February Worksession.

FUND BALANCE ANALYSIS
 30-Jun-04

CHANGES IN FUND BALANCES

		JUNE 30, 2003	JUNE 30, 2004	VARIANCE
<u>RESERVED:</u>				
Reserved by State Status	1	\$ 15,686,220	\$ 14,154,110	\$ (1,532,11)
Reserved by State Status MH	2	\$ 2,011,416	\$ 2,796,927	\$ 785,511
Reserved for Encumbrances	3	\$ 1,576,123	\$ 2,196,966	\$ 621,843
Reserved for Encumbrances MH	4	\$ 661,426	\$ 145,283	\$ (516,143)
Reserved for other purposes	5	\$ 537,878	\$ 3,441,048	\$ 2,903,170

DESIGNATED:

Designated for Mental Health	6	\$ 2,605,300	\$ 1,732,475	\$ (872,835)
Designated for Subsequent years	7	\$ 11,735,181	\$ 10,800,000	\$ (935,181)
Designated for Risk Management	8	\$ 2,371,163	\$ 2,371,163	\$ -
Designated for Debt Service	9	\$ 1,344,861	\$ 1,868,138	\$ 523,277
<u>UNDESIGNATED</u>		\$ 17,664,227	\$ 21,950,944	\$ 4,286,717
<u>TOTAL FUND BALANCE</u>		<u>\$ 56,193,795</u>	<u>\$ 61,458,054</u>	<u>\$ 5,264,259</u>

Fund Balance Ratio FY2003----12.53%, 8% required by LGC
Fund Balance Ratio FY2004----13.23%, 8% required by LGC

Lunch

Chairman Reckhow announced that the Board would break for lunch and return at approximately 12:45 p.m.

12:45 P.M.

Initial Discussion of 2005 Legislative Agenda

Chairman Reckhow stated that in preparation for the 2005 General Assembly Session that convenes on January 13-14, 2005, staff has initiated the legislative process by gathering ideas from County departments. In addition, staff reviewed proposed legislation from the City of Durham with the goal of collaborating on issues of mutual interest. The County Commissioners were asked to share their legislative proposals with staff in this initial discussion.

Deborah Craig-Ray, Public Information/Governmental Affairs Director, and County Attorney Chuck Kitchen presented the compiled list of legislative goals to the Board; each County-proposed initiative was explicated.

After an extensive discussion, the Board reached a consensus and the following motion was made regarding the 1% Occupancy Tax Extension:

Commissioner Page moved, seconded by Commissioner Cousin, to approve the following: 1) support of the one-year extension without any financial changes having a negative impact on County funds for the Museum of Life and Science and the development of a Cultural Arts Master Plan; 2) monies from taxes continue to be distributed to the County as they have been; and 3) if the deadlines are not met and the tax is repealed, allow the unexpended funds previously collected to implement the Cultural Arts Plan.

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow
Noes: None
Absent: Cheek

The Commissioners directed County Manager Ruffin to discuss with the City how to structure the request to the legislators to clarify that the \$3 million would not interrupt the County's distribution of funds.

Contingent upon the outcome of tomorrow's meeting, Chairman Reckhow directed staff to draft a position paper, outlining the County's position and the rationale with the fiscal impact of the proposal on the County, to be distributed to General Assembly members.

Ms. Craig-Ray continued her presentation of the legislative goals.

On page 5 of the State Recommended Positions, Chairman Reckhow suggested amending the wording of Item 6, "Funding for Court System", to include "increase funding for the operation of the Court System across the state." She directed County Attorney Kitchen to draft the appropriate language to incorporate the County's support of Item 6 in addition to the amended wording. Chairman Reckhow further directed Ms. Craig-Ray to make the request a top priority.

In reference to the City's Legislative Program Outline, I. Charter Amendment/Local Bills, Chairman Reckhow directed staff to consult Frank Duke, City-County Planning Director, about including the County's authority in Item 3.

The Commissioners consented to the County Manager collaborating with the City in delegating a lobbyist.

Chairman Reckhow directed Ms. Craig-Ray to consult Brian Letourneau, Public Health Director, about statistics on children in Durham County contaminated by lead paint.

The Commissioners decided on January 31 and February 4 as possible dates for the Legislative Breakfast.

Policy on Conveying Foreclosure Property to Nonprofit Corporations for the Development of Affordable Housing

Carol W. Hammett, Assistant County Attorney, stated that the County currently has approximately 75 parcels of property acquired through the tax foreclosure process. These properties are held for the benefit of all taxing units that have an interest in the property (Liens). The majority of these parcels are not marketable and the Liens exceed the value of the property. Pursuant to N.C.G.S. 153A-378(3), the County is authorized to convey property by private sale to any private entity that provides affordable housing to persons of low or moderate income; therefore, the Policy has been drafted which sets forth the procedures and standards for the conveyance of foreclosure property. The Policy provides that an eligible private entity must be a 501(c)(3) nonprofit corporation that develops Affordable Owner-Occupied Housing. The term Affordable Owner-Occupied Housing is defined as housing developed for homebuyers with family incomes at or

below 80% of the HUD published area median income for the Durham, North Carolina MSA.

The Policy requires that each conveyance be made via Non-Warranty Deed with the condition that the property be developed for Affordable Housing and sold within five years, with construction beginning within three years. If the condition is not met, all right, title, and interest to the property will revert to the County. The property will be conveyed upon approval of the Board at the purchase price of \$10.00; at that time, all Liens on the property will be deemed extinguished. Since all liens are extinguished upon sale, it is recommended that the City of Durham be made aware of the Policy and its potential affect on Liens held by the City on these foreclosure properties.

Ms. Hammett and County Attorney Chuck Kitchen answered questions by the Board.

Organizational Issues

The Board reviewed and made changes to the following items related to the internal operations of the Board of Commissioners:

- Board of Commissioners Rules of Procedure
- Public Charge on Agenda
- Code of Ethics
- Email as a Public Record

The Commissioners directed that the amendments be placed on the consent agenda for the January 10, 2005 meeting.

Chairman Reckhow urged the Commissioners to: report to meetings five minutes early; check their email daily or at minimum every 48 hours; and if a Commissioner is out of town, to supply the Clerk with a telephone number where he/she can be reached in case of time-sensitive situations.

Commissioner Assignments to Boards and Commissions

The Board of County Commissioners was requested to consider the appointment of its members to act as liaisons to various boards and commissions. The Commissioners were asked to give a list of their preferences to the Deputy Clerk for submission to Chairman Reckhow. The recommended appointments were presented at the meeting.

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

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow
Noes: None
Absent: Cheek

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to approve the appointments as follow:

Commissioner Cheek

Carolina Theater Board
Durham City/County Committee
Durham City County Planning Committee
Hospital Corporation Board
Lincoln Community Health Center Board
Public Health Board
Triangle Transit Authority Tax Board
Farmland Protection Board

Commissioner Cousin

Durham Arts Council Board
Durham City County Planning Committee (Alt)
Durham City/County Committee (Alt)
Liaison, Durham Public Schools
NC Museum of Life & Science
Special Airport District Board
Triangle Transit Authority Tax Board

Commissioner Heron

Durham Central Park
Durham/Chapel Hill/Orange Work Group
Durham City/County Committee
Durham City County Planning Committee
Durham/Wake Workgroup
Special Airport District Board
Transportation Advisory Committee
Upper Neuse River Basin Association
Animal Control Advisory Committee
Juvenile Crime Prevention Council
Memorial Stadium Authority
Triangle J Council of Governments (Alt)
Durham Convention & Visitors Bureau
Community Child Protection Team

Commissioner Page

Criminal Justice Partnership Act Board
Downtown Durham Inc.
Durham City/County Committee (Alt)
Library Board
Operation Breakthrough Board
Social Services Board
Workforce Development Board

Chairman Reckhow

Durham City/County Committee
Durham City County Planning Committee
Chamber of Commerce Board
Durham/Wake Workgroup
Durham/Chapel Hill/Orange Workgroup
Transportation Advisory Committee (Alt)
Triangle J Council of Governments Board
Durham Open Space & Trails Commission
Mental Health Board
Triangle Transit Authority Board
Workforce Development Board

County Manager Mike Ruffin

Community Shelter for Hope Board

The motion carried with the following vote:

Ayes: Cousin, Heron, Page, and Reckhow

Noes: None

Absent: Cheek

Chairman Reckhow directed the Clerk to the Board to notify the boards and committees regarding the Commissioner appointments.

Commissioner's Retreat

Due to conflict in dates with City Hall, the Commissioners rescheduled the Annual Retreat for February 14, 2005.

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 3:39 p.m.

Respectfully submitted,

Vonda C. Sessoms
Clerk to the Board