

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

Monday, June 13, 2005

7:00 P.M. Regular Session

MINUTES

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

Present: Chairman Ellen W. Reckhow, Vice-Chairman Becky M. Heron, and Commissioners Lewis A. Cheek, Philip R. Cousin Jr. (arrived at 8:00 p.m.), and Michael D. Page

Absent: None

Presider: Chairman Reckhow

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

Chairman Reckhow made the following adjustments:

- Removal of Consent Agenda Item No. 1, Award of Contracts for Fleet Maintenance and Repair Services (RFP# 05-001R), to come back before the Board at a later date; and
- Additions—Reappointment to the Downtown Durham Inc. Board of Directors and Appointment to the Cultural Plan Steering Committee.

Chairman Reckhow pointed out that the following agenda items had been revised: Resolution Regarding Increasing the State Cigarette Tax to Support County Medicaid Relief and Consent Agenda Item No. m, Community Health Trust Fund Policy.

Announcements

Chairman Reckhow announced Durham County's receipt of a National Association of Counties (NACo) National Achievement Award for Neighborhood College, which is a joint effort with the City of Durham. She thanked Deborah Craig-Ray, Assistant County Manager, and Public Information staff for doing a great job. Chairman Reckhow invited interested persons to register in August for the September session of Neighborhood College.

Minutes

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve as submitted the February 7, 2005 Worksession, May 9, 2005 BOCC/DPS Joint Meeting, and June 2, 2005 Budget Worksession Minutes, and as corrected the May 23, 2005 Regular Session Minutes.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, Reckhow

Noes: None

Absent: Cousin

Recognition of City of Medicine High School Awards

Chairman Reckhow stated that the City of Medicine High School Awards is a program of the Greater Durham Chamber of Commerce and is sponsored by The Merck Foundation and Duke University Health System (DUHS). This is the 10th year of awarding the program, which is designed to reward Durham students seeking to achieve a career in the healthcare industry. The scholarships are awarded to seniors who have demonstrated high academic performance, participated in community service activities, and chosen to pursue a career in the field of medicine. Chairman Reckhow thanked the Chamber of Commerce for coordinating the awards program.

Chairman Reckhow recognized representatives from The Merck Foundation and Duke University Health System for comments: Pamela Sutton-Wallace, Chief of Staff for Duke Chancellor for Health Affairs; MaryAnn Black, Director of Community Affairs, DUHS; and Agnes Speight, Public Affairs Coordinator, The Merck Foundation.

Chairman Reckhow recognized the following students for remarks:

- First Place Award winners, \$3000 Scholarships:

Kirstin Bounds	Southern High School
Emilia Dunston	Southern High School
Ashley Brown	Southern High School

- Second Place award winners, \$1500 Scholarships:

Benjamin Kinattukarathadathil	Riverside High School
Roshen Sethna	NC School of Science and Math
Bilal Lateef	Jordan High School

Atir Carter of Hillside High School, Honorable Mention winner for a \$500 Scholarship, was not present for remarks.

Chairman Reckhow congratulated the 2005 City of Medicine Award Winners and wished them luck in their future endeavors.

May Anchor Award Winner—Benjamin Massey

Deputy Benjamin Massey, Durham County Sheriff's Office, was selected to receive the May Anchor Award. Deputy Massey was recognized for this honor because of superior work, particularly for his performance during a house call to Inverness Drive in December 2004.

Chief Deputy Wes Crabtree elaborated that Deputy Massey went beyond the call of duty to check on the welfare of a citizen after receiving a telephone call from a distant relative. Deputy Massey not only rescued the fallen victim, but also potentially saved her life.

Deputy Massey briefly thanked the Board for the recognition. He received a standing ovation.

Chairman Ellen Reckhow presented the Anchor Award to Deputy Benjamin Massey.

Resolution Condemning Cross Burnings on May 25, 2005

Chairman Reckhow stated that Durham County Government strongly condemns the cowardly acts of cross burnings that occurred in Durham on Wednesday, May 25, 2005. A resolution was prepared which calls upon the citizens of Durham to work towards peace and reconciliation among all races and further supports efforts to find the perpetrators and bring them to justice. Chairman Reckhow thanked Commissioner Cheek for offering a reward as an effort to seek additional information on the act.

Commissioner Page read the following resolution:

RESOLUTION

WHEREAS, on May 25, 2005 three burning crosses were discovered at three locations in the Durham community; and

WHEREAS, from St. Luke's Episcopal Church on Hillandale Road, to South Roxboro Street and Martin Luther King Jr. Parkway and Dillard and Holloway Streets, the crosses burned their way into the landscape of this community; and

WHEREAS, this cowardly and dastardly act of domestic terrorism continues to be viewed as the ultimate symbol of racial hate and intimidation in this country; and

WHEREAS, Durham County Government strongly supports the ongoing efforts by local, state and federal law enforcement agencies to vigorously pursue those responsible for this ultimate hate crime and to prosecute to the fullest extent of the law; and

WHEREAS, while this horrific act is despicable, it has served to bring our diverse community together to demonstrate community solidarity in its wake; and

WHEREAS, the outpouring of unity at several community gatherings and particularly at the large community unity rally held on Sunday June 5, has been a powerful message to the perpetrators that Durham, even with its differences, can gather under one tent in the face of adversity:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby denounce the recent cross burnings in Durham; and

BE IT FURTHER RESOLVED that we ask all Durham residents to recommit themselves to promoting racial harmony, and work in positive ways to build bridges of help and hope by engaging in efforts to seek resolution to issues facing this community.

This the 13th day of June, 2005.

Each Commissioner made comments supporting the resolution.

Chairman Reckhow recognized signed speaker Dr. E. Lavonia Allison, Chair of the Durham Committee on the Affairs of Black People, P.O. Box 428, Durham, NC 27702, to make comments.

Chairman Reckhow addressed Dr. Allison's comments, stating that City-County programs (i.e. Affordable Housing, DPS Closing the Achievement Gap, etc.) are underway to improve the lives of Durham citizens. She recommended that concerned citizens contact the County Manager's office if they wish to become involved with the programs.

Resolution Regarding Increasing the State Cigarette Tax to Support County Medicaid Relief

Chairman Reckhow reported that Medicaid relief is one of the North Carolina Association of County Commissioners' priority legislative issues. North Carolina is one of two states that requires county governments to participate in all costs of Medicaid. Recently, New York took action to lower the costs of Medicaid to its counties.

Chairman Reckhow read the following resolution into the record:

RESOLUTION

WHEREAS, only New York and North Carolina require county governments to participate in all the costs of Medicaid; and

WHEREAS, recently, New York took action to lower the costs of Medicaid to its counties; and

WHEREAS, Medicaid costs for counties continue to outstrip county governments' ability to provide those increases through the traditional source of flexible revenue—i.e. the property tax; and

WHEREAS, Durham County Government is projected to spend \$10.8 million in 2004-05 for Medicaid which equates to 5 cents on the property tax rate; and

WHEREAS, North Carolina counties have no opportunity under federal and state law to control Medicaid expenditures; and

WHEREAS, the General Assembly's Blue Ribbon Commission on Medicaid Reform recognized and endorsed the need for county Medicaid relief; and

WHEREAS, a plan to completely phase out required county Medicaid expenditures is desirable; and

WHEREAS, cigarette smoking contributes to health problems that increase Medicaid costs; and

WHEREAS, increasing the state's cigarette tax could yield significant funds to reduce the county share of Medicaid.

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby urge the General Assembly of North Carolina to enact a significant cigarette tax increase with a substantial portion of the tax to be used to begin a phase-out of required county contributions to fund Medicaid costs.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the leaders of the House and Senate and members of the Durham delegation.

This the 13th day of June, 2005.

Chairman Reckhow stated that copies of the resolution would be forwarded to General Assembly House Speaker James Black, Senate Pro Tempore Marc Basnight, and members of the Durham Delegation.

Vice-Chairman Heron relayed information from the National Association of Counties' attorney that a 55-cent tax on cigarettes would relieve all counties in North Carolina of their Medicaid costs (\$11 million for Durham County).

Chairman Reckhow called signed speaker Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702, forward for comments.

Chairman Reckhow informed Dr. Allison that Representative Verla Insko, Orange County, has submitted a bill to raise the cigarette tax to 75 cents to relieve counties of their Medicaid costs. She encouraged citizens in favor of the tax to urge the state representatives to support Representative Insko's bill.

Consent Agenda

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

- *a. Budget Ordinance Amendment No. 05BCC000060— Board of Elections—List Maintenance Grant (approve the North Carolina State Board of Elections grant totaling \$11,278.00 for the mandated list maintenance process);
- *b. Budget Ordinance Amendment No. 05BCC000061— Interest Earnings and Fund Balance Appropriation for Debt Service Fund Payments (appropriate \$163,534 in interest earnings and \$289,466 in General Fund fund balance with a transfer to the Debt Service Fund);
- *c. Budget Amendment No. 05BCC000062 and Capital Project Amendment No. 05CPA000013—ERP Project (DC082) (transfer \$40,000 to the ERP Capital Project and authorize the Manager to sign the appropriate documents to increase the contract to a not-to-exceed amount of \$2,587,993);
- *d. Budget Ordinance Amendment No. 05BCC000063— Durham County Judicial Building “Smart” Security Revolving Door Installation (transfer \$41,294 from the Commissioner's Contingency funds to the Emergency Management budget; authorize the Manager to enter into a contract with D.W. Ward Construction in the amount of \$103,904 for installation and authorize the County Manager to execute change orders, if necessary, not to exceed \$10,390 (10%); the total contract shall not exceed \$114,294);

- *e. Budget Ordinance Amendment No. 05BCC000064 for Personnel Transition Costs in the Manager's Office (transfer \$38,428 from the Board of County Commissioners Contingency to the County Manager's budget for unbudgeted transition costs);
- *g. Budget Amendment No. 05BCC000066 and Capital Project Amendment No. 05CPA000014 New Hope/Duke University Land Acquisition (appropriate \$275,000 of General Fund funds for the initial phase of the Duke University land acquisition and allocate \$500,000 for the initial phase of the Duke University acquisition on New Hope Creek);
- *h. Reimbursement Resolution Related to Erwin Trace Property Acquisition (adopt the Resolution establishing the Board's intent to reimburse the County from the proceeds of one or more issues of \$12,230,000 general obligation bonds to be authorized in 2006 for expenditures paid not earlier than April 14, 2005 with respect to expenditures in connection with the acquisition of the Erwin Trace);
- j. Durham's Home and Community Care Block Grant Funding Plan through the Department of Social Services (approve as presented; funding for the Plan has been incorporated into the Manager's proposed FY 2006 Budget.);
- k. Award of Contract for Inmate Meal Preparation & Food Services (RFP #05-021) (award the contract to the lowest responsive bidder, Aramark Correctional Services; the initial term of the contract would be July 1, 2005 through June 30, 2008, with the option to renew by the County for two successive one-year periods under the same terms and conditions);
- m. Community Health Trust Fund Policy (approve the request and authorize the transfer of funds);
- o. Document Management/Imaging Vendor Contract (approve the contract award to OneSource and authorize the Manager to execute the required contract documents);
- p. Emergency Electrical Power System and Moisture Remediation at the Durham County Animal Shelter (authorize the Manager to enter into two separate contracts; one contract for Bryant-Durham Services Inc. to supply and install an electric power system for \$73,890 and to execute change orders, if necessary not

to exceed \$7,389 (10%), for a total of \$81,279. Authorize the Manager to enter into a second contract for Patriot Building Company Inc. for moisture remediation in the amount of \$17,950 to execute change orders if necessary, not to exceed \$1,790 (10%), for a total of \$19,745.); and

- q. Execution of Consultant Agreement with Trigon Engineering Consultants Inc. for the Comprehensive Site Assessment at the proposed Durham County Justice Center Site (authorize contract execution to provide professional services for the Comprehensive Site Assessment and Corrective Action Plan, if required, in the amount of \$55,556.00, plus a reimbursable amount of \$2,800.00 for a total of \$58,356.00).

The motion carried with the following vote:

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

*Documents related to these items follow:

Consent Agenda Item No. a. Budget Ordinance Amendment No. 05BCC000060—Board of Elections—List Maintenance Grant (approve the North Carolina State Board of Elections grant totaling \$11,278.00 for the mandated list maintenance process).

DURHAM COUNTY, NORTH CAROLINA
FY 2004-05 Budget Ordinance
Amendment No. 05BCC000060

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 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	\$263,780,650	\$11,278	\$263,791,928

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u> General Government	\$25,048,011	\$11,278	\$25,059,289

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

This the 13th day of June, 2005.

Consent Agenda Item No. b. Budget Ordinance Amendment No. 05BCC000061—
Interest Earnings and Fund Balance Appropriation for Debt Service Fund Payments
(appropriate \$163,534 in interest earnings and \$289,466 in General Fund fund balance
with a transfer to the Debt Service Fund).

DURHAM COUNTY, NORTH CAROLINA
FY 2004-05 Budget Ordinance
Amendment No. 05BCC000061

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the
FY 2004-05 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	\$16,478,978	\$289,466	\$16,768,444
<u>SWAP AGREEMENT 05</u>			
Other Financing Sources	\$0	\$163,534	\$163,534
<u>DEBT SERVICE FUND</u>			
Other Financing Sources	\$33,547,741	\$453,000	\$34,000,741

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Other	\$3,761,712	\$289,466	\$4,051,178
<u>SWAP AGREEMENT 05</u>			
Other	\$0	\$163,534	\$163,534
<u>DEBT SERVICE FUND</u>			
Other	\$34,586,815	\$453,000	\$35,039,815

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

This the 13th day of June, 2005.

Consent Agenda Item No. c. Budget Amendment No. 05BCC000062 and Capital Project Amendment No. 05CPA000013—ERP Project (DC082) (transfer \$40,000 to the ERP Capital Project and authorize the Manager to sign the appropriate documents to increase the contract to a not-to-exceed amount of \$2,587,993).

DURHAM COUNTY, NORTH CAROLINA
FY 2004-05 Budget Ordinance
Amendment No. 05BCC000062

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 Budget Ordinance is hereby amended to reflect budget adjustments.

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures:</u>			
<u>Activity</u>			
<u>GENERAL FUND</u>			
General Government	\$24,991,613	(\$40,000)	\$24,951,613
Other	\$4,518,025	\$40,000	\$4,558,025

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

This the 13th day of June, 2005.

DURHAM COUNTY, NORTH CAROLINA
FY 2004-05 Capital Project Ordinance
Amendment No. 04CPA000013

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 Capital Project Ordinance is hereby amended to reflect budget adjustments for

<u>GENERAL FUND</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
County ERP Software Project	\$3,425,000	\$40,000	\$3,465,000

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

This the 13th day of June, 2005.

Consent Agenda Item No. d. Budget Ordinance Amendment No. 05BCC000063—Durham County Judicial Building “Smart” Security Revolving Door Installation (transfer

\$41,294 from the Commissioner's Contingency funds to the Emergency Management budget; authorize the Manager to enter into a contract with D.W. Ward Construction in the amount of \$103,904 for installation and authorize the County Manager to execute change orders, if necessary, not to exceed \$10,390 (10%); the total contract shall not exceed \$114,294).

DURHAM COUNTY, NORTH CAROLINA
 FY 2004-05 Budget Ordinance
 Amendment No. 05BCC000063

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 Budget Ordinance is hereby amended to reflect budget adjustments.

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures:</u>			
<u>Activity</u>			
<u>GENERAL FUND</u>			
Public Safety	\$40,631,520	\$41,294	\$40,672,814
Other	\$4,558,025	(\$41,294)	\$4,516,731

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

This the 13th day of June, 2005.

Consent Agenda Item No. e. Budget Ordinance Amendment No. 05BCC000064 for Personnel Transition Costs in the Manager's Office (transfer \$38,428 from the Board of County Commissioners Contingency to the County Manager's budget for unbudgeted transition costs).

DURHAM COUNTY, NORTH CAROLINA
 FY 2004-05 Budget Ordinance
 Amendment No. 05BCC000064

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 Budget Ordinance is hereby amended to reflect budget adjustments.

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures:</u>			
<u>Activity</u>			
<u>GENERAL FUND</u>			
General Government	\$25,019,289	\$38,428	\$25,057,717
Other	\$4,091,178	(\$38,428)	\$4,052,750

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

This the 13th day of June, 2005.

Consent Agenda Item No. g. Budget Amendment No. 05BCC000066 and Capital Project Amendment No. 05CPA000014 New Hope/Duke University Land Acquisition (appropriate \$275,000 of General Fund funds for the initial phase of the Duke University land acquisition and allocate \$500,000 for the initial phase of the Duke University acquisition on New Hope Creek).

DURHAM COUNTY, NORTH CAROLINA
FY 2004-05 Budget Ordinance
Amendment No. 05BCC000066

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 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>			
Service Charges	\$33,652,258	\$23,887	\$33,676,145
Other Financing Sources	\$16,768,444	\$251,113	\$17,019,557

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Other	\$4,478,303	\$275,000	\$4,753,303

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

This the 13th day of June, 2005.

DURHAM COUNTY, NORTH CAROLINA
FY 2004-05 Capital Project Ordinance
Amendment No. 04CPA000014

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 Capital Project Ordinance is hereby amended to reflect budget adjustments for New Hope/Duke Land Acquisition project.

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
New Hope/Duke Land Acquisition project	\$0	\$500,000	\$500,000

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

This the 13th day of June, 2005.

Consent Agenda Item No. h. Reimbursement Resolution Related to Erwin Trace Property Acquisition (adopt the Resolution establishing the Board's intent to reimburse the County from the proceeds of one or more issues of \$12,230,000 general obligation bonds to be authorized in 2006 for expenditures paid not earlier than April 14, 2005 with respect to expenditures in connection with the acquisition of the Erwin Trace).

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 EXPENDITURES IN CONNECTION WITH
THE ACQUISITION OF LAND TO PROVIDE OPEN
SPACES.

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 has paid, beginning no earlier than April 14, 2005, and will pay, on and after the date hereof, certain expenditures in connection with the acquisition of approximately 42.8 acres of land from Duke University to provide trails, greenways and other open spaces for the County (the "Project"); and

WHEREAS, the Board of Commissioners for the County (the "Board") has determined that certain moneys of the County previously advanced no earlier than April 14, 2005 and 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 is and will be necessary to reimburse the County for the Expenditures from the proceeds of one or more tax-exempt financings in the form of one or more issues of general obligation

bonds of the County that are expected to be authorized in the amount of \$12,230,000 pursuant to a bond order to be adopted by the Board in 2006 (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 April 14, 2005, which date is no more than 60 days prior to 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 was or 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 the Project is \$900,000.

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 the 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.

Public Hearing on the 2005-06 Recommended Budget

The Board of County Commissioners conducted a public hearing to receive citizen input on the FY 2005-2006 recommended budget. To be able to hear from all interested citizens, Chairman Reckhow set a time limit of two minutes for each speaker.

County Manager Mike Ruffin made comments about Durham Public Schools' (DPS) budget. He clarified the misconception that DPS would not receive funding to assist with classified salary inequities or teacher supplements. County Manager Ruffin explained that the Board of County Commissioners grants DPS a lump sum appropriation; the final decision regarding funding expenditure lies with the Board of Education.

Chairman Reckhow added that the County Manager's recommended budget for DPS includes \$82,307,000 for current expense, \$1,500,000 for capital, and over \$17 million for debt service. The total recommended budget would consume over two-thirds of property tax revenue for next year.

The following signed speakers spoke on the budget:

Pat Amaechi (Healing with CAARE, Inc.)
Gloria Turner (Healing with CAARE, Inc.)
Glenda Small (Healing with CAARE, Inc.)
Hermel Hooten (Healing with CAARE, Inc.)
Linda Self (DPS)
Ann Recesso (DPS)
Kelsey Whittman & Brianna (DPS)
Meg Whittman (DPS)
Jeanne Ryan (DPS)
Brad Brinegar (Durham Roundtable)
Judge Elaine M. Bushfan (Judicial)
Dan Hill (Durham Roundtable)
Sue Wasioler (Durham Roundtable)

Barker French (Durham Roundtable)
Mary Anne McDonald (Animal Control)
Newman Aguiar (PAC II)
Kimberly Willis (Animal Control)
Brandi Jacobs (DSS & Personnel Policy Advisory Committee)
Elaine Whitworth (Durham Land Trustees & Budes Pointe Foundation)
Jennifer Hrycyna (DSS)
Adelaide Banks (Read Seed, Inc.)
Sabrina Cates (Teen Court & Restitution Program)
Harnetha Hudgins (DPS)
Peggy Baker (Watts School of Nursing)
Nancy Cox (DPS)
Megan Risley (Child Care Services Association)
Krista Perreira (Planned Parenthood)
Victoria Peterson (Adult Vocational/Technical Center)
Moses Darden (Teamsters Union)
Robin Jacobs (Eno River Association)
Kay James (Durham Public Education Network)
Della O. Autry (Durham Companions)
Elizabeth Paley (Animal Control)
E. Lavonia Allison (DPS)
Matthew Ramadan (Operation Breakthrough)
John Rorem (DPS)
Kathy Hoffmeier (DPS)
Phillip Barron (DPS)
Gail Dupre (First In Families of NC)
Peter Anlyan (Library)
Richard Mullinax (PAC II, Animal Control, and 9-1-1)
Donald Hughes (Library & DPS)
Gail Abrams (Piedmont Wildlife Center)

Chairman Reckhow thanked the speakers for voicing their opinions and concerns, which will be considered when finalizing the budget.

In response to citizen comments pertaining to crime-fighting initiatives, Chairman Reckhow corrected the fallacy that the County would be incorporating initiatives without a budget increase. \$500,000 for new safety initiatives has been included in the budget.

Chairman Reckhow referenced the legislative report submitted by the County lobbyist. The report revealed that the State-House budget includes monies to restore funding for drug and family courts in Durham and to fund two district court judges, three assistant district attorneys, and five deputy clerks of court. Chairman Reckhow encouraged citizens who support these increases in court personnel to urge Senators Jeanne H. Lucas

and Bob Atwater to advocate for the increases. She relayed for the County Attorney that the County could not legally fund judges.

Chairman Reckhow responded to Mr. Mullinax's concern for Animal Control officers, stating that a salary study for all employees is being conducted. She also communicated to Dr. Allison that her questions would be addressed at a later date.

Commissioner Cheek advocated teacher supplements and funding for Tiers 1, 2, and 3 in the court system. He stated his support for the 3-cent tax increase.

Commissioner Cousin echoed Commissioner Cheek's support for teacher supplements. He also supported classified personnel increases in DPS' budget and increasing Operation Breakthrough's funding.

Chairman Reckhow stated her support for teacher salary supplement increases and classified salary increases.

Vice-Chairman Heron favored reviewing the DPS budget to ensure that the teachers receive salary and supplement increases. She stressed that the State has the responsibility to fund additional judicial personnel; therefore, she would not support the Manager's budget to fund Tiers 1, 2, and 3.

Chairman Reckhow informed the Board of a spreadsheet provided by Kay James, Durham Public Education Network. It ranks Durham as second highest in the state for teacher salary supplements, which is extremely competitive with surrounding and major districts in North Carolina.

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. f. Budget Ordinance No. 05BCC000065—Sheriff's Office Year-End Budget Adjustment (recognize the Sheriff's Office revenue surplus and appropriate the funds as requested to offset the anticipated salary deficit).

Chairman Reckhow called signed speaker Victoria Peterson, P.O. Box 101, Durham, NC 27702, forward for comments.

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to approve Consent Agenda Item No. f.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, Reckhow
Noes: None
Absent: Cousin (out of room during the vote)

DURHAM COUNTY, NORTH CAROLINA
FY 2004-05 Budget Ordinance
Amendment No. 05BCC000065

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 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	\$263,791,928	\$37,270	\$263,829,198
Service Charges	\$33,424,803	\$227,455	\$33,652,258

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Public Safety	\$40,672,814	\$264,725	\$40,937,539

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

This the 13th day of June, 2005.

Consent Agenda Item No. i. Capital Project Ordinance Amendment No. 05CPA000012—Land Acquisition for the New Justice Center Project (approve for \$2,063,818 for land acquisition for the new Justice Center Project).

County Manager Ruffin responded to Vice-Chairman Heron's question about the destination of the funds. He stated that the monies are being placed in the Capital Improvement Project budget through an amendment. The Board would decide later how and when the funds would be disbursed.

Commissioner Cheek moved, seconded by Commissioner Page, to approve Consent Agenda Item No. i.

The motion carried with the following vote:

Ayes: Cheek, Heron, Page, Reckhow
Noes: None
Absent: Cousin (out of room during the vote)

DURHAM COUNTY, NORTH CAROLINA
FY 2004-05 Capital Project Ordinance
Amendment No. 04CPA000012

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2004-05 Capital Project Ordinance is hereby amended to reflect budget adjustments for the New Justice Center project.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>			
New Justice Center	\$7,957,637	\$2,063,818	\$10,021,455

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

This the 13th day of June, 2005.

Consent Agenda Item No. n. Reorganize Existing Durham County EMS Advisory Council (approve the changes to the EMS Council structure as recommended by the Council and direct the Clerk to the Board to advertise to fill the existing vacancies).

Vice-Chairman Heron expressed interest in appointing an elected official from the City and/or County to serve on the Advisory Council.

Jeff Batten, Fire Marshal/Emergency Management Coordinator, welcomed elected officials to join the Council.

Vice-Chairman Heron moved, seconded by Commissioner Cheek, to approve Consent Agenda Item No. n.

The motion carried unanimously.

Appointments to the Durham-Wake Research and Production Service District, Downtown Durham Inc., and Cultural Master Plan Steering Committee

The Commissioners made the following appointments:

Durham-Wake Counties Research and Production Service District

Ron Hunter
Ray Gunner
Robb Teer
Tom Colwell

Downtown Durham Inc. Board of Directors

Commissioner Cheek moved, seconded by Vice-Chairman Heron, to reappoint Commissioner Page to the Downtown Durham Inc. Board of Directors.

The motion carried unanimously.

Cultural Master Plan Steering Committee

Commissioner Cousin moved, seconded by Vice-Chairman Heron, to appoint Chairman Reckhow to the Cultural Master Plan Steering Committee.

The motion carried unanimously.

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Yvonne R. Gordon
Deputy Clerk to the Board