

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

Monday, January 14, 2013

7:00 P.M. Regular Session

MINUTES

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

Present: Chairman Fred Foster, Jr., Vice-Chair Brenda A. Howerton, and Commissioners Wendy Jacobs, Michael D. Page, and Ellen Reckhow

Absent: None

Presider: Chairman Fred Foster, Jr.

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

Commissioner Page requested to add a discussion to approve the nomination of Commissioner Reckhow for the Joint City-County appointment to the Triangle Transit Authority to fill Commissioner Page's unexpired term; and to approve Commissioner Page as the Board's representative to the Board of Directors of Operation Breakthrough. A copy of the agenda action form was placed at each Commissioner's seat.

Commissioners Page and Reckhow expressed their desire to remain on their former boards and asked the Board for consideration of this action. Commissioner Reckhow suggested that the Board suspend the rules.

Commissioner Page requested that if action was deferred until the January 28, 2013 Regular Session meeting, that both he and Commissioner Reckhow be allowed to retain their previous seats on the boards in question. Chairman Foster agreed, however Attorney Siler discouraged such action stating that Commissioners Page and Reckhow had already been appointed and seated on the boards in question.

Commissioner Page moved, seconded by Commissioner Reckhow that the nomination discussion item be added to the agenda as #13a.

The motion carried unanimously.

Announcements

Chairman Foster 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.
- Durham County needs you! If you have a few hours to commit, Durham County has a number of boards and commissions that can benefit from your participation. We invite you to make a difference in our community. Contact the Clerk’s Office at 919-560-0025, visit the County’s website, or email Clerk@concd.gov for more information. Please note that all City and County taxes must be current at the time of application.
- The Durham County Department of Public Health continues to offer FREE flu shots to anyone six months of age and older. The shots are available at the Durham County Department of Health Immunization Clinic – Lobby 7, 414 East Main Street, Monday - Friday 8:30 a.m. until 11:00 a.m. and 1:00 p.m. until 4:00 p.m. No appointment is necessary. On the first Wednesday of the month, shots will be offered from 8:30 a.m. until 11:00 a.m. only.
- The Durham County Department of Public Health, with the assistance from dental professionals in the community, will host its 9th Annual Give Kids A Smile® Day on Friday, February 1, 2013. Appointment scheduling for FREE dental care begins on Monday, January 14, 2013, on a first come, first served basis. Appointments can be made by calling (919) 560-7680, between 8:00am and 4:30pm. To be eligible for Give Kids A Smile®, children must be between the ages of 5 and 21; be a new dental patient to Public Health’s Dental Clinic; and have NO Dental Insurance. For more information about Give Kids A Smile®, contact Yolandas Alston with the Durham County Department of Public Health’s Dental Clinic at (919) 560-7691.
- Durham County Government invites all residents to the 8th Annual Durham City-County Martin Luther King, Jr. Observance Program. Join in celebrating Dr. King’s mighty legacy at noon, on Wednesday, January 16, at First Presbyterian Church, located at 305 E. Main Street. Dr. Eric Becoats will deliver the keynote message. The event is free and open to the public.

Minutes

Vice-Chairman Howerton moved, seconded by Commissioner Reckhow, to approve as submitted the December 10, 2012 Regular Session Minutes of the Board, the December 3, 2012 Worksession Minutes of the Board, the November 29, 2012 Rougemont Water Meeting Minutes and the November 20, 2012 Rougemont Water Meeting.

The motion carried unanimously.

Recognition of Alice Sharpe

Chairman Foster recognized Ms. Alice Sharpe for receiving the 2012 Downtown Visionary Award from Downtown Durham, Inc. Ms. Sharpe was personally congratulated by each Commissioner.

Ms. Sharpe gave brief remarks thanking those who have contributed to the transformation of downtown Durham.

Chairman Foster acknowledged Citizen Allan Lang who signed up to speak on Alice Sharpe's award recognition. Mr. Allan Lang gave remarks on about Ms. Sharpe's contributions to Library and cultural entities in Durham.

Commissioners Reckhow and Howerton praised Ms. Sharpe for acting as a "Downtown Pioneer," thanking her for her leadership.

Resolution Supporting Regulatory Reform of Firearms and Ammunition

The Board was requested to approve a resolution supporting regulatory reform of firearms in response to the shooting in Newtown, Conn., at Sandy Hook Elementary School. The resolution was drafted to align with a letter signed on December 19th by Mayors against Illegal Guns which is a national, bipartisan coalition of mayors working to make America's communities safer by keeping illegal guns out of dangerous hands.

Chairman Foster recognized Vice-Chairman Howerton to present the item. Vice-Chairman Howerton read the following resolution into the record:

RESOLUTION

WHEREAS, the senseless shooting that occurred at Sandy Hook Elementary School in Newtown, Connecticut on December 2012, served as a clarion call across this nation to urge major gun reform, to recognize gun violence as a public health threat that must be reduced, and to enhance identification, and funding of services for persons suffering from mental health issues; and

WHEREAS, as representatives of county government we view gun violence as a preventable major public health threat that needs to be treated holistically as it jeopardizes the safety of communities and is a leading cause of premature death in our nation; and

WHEREAS, we recommend federal legislation that brings to bear enforceable and responsible policies that will ban weapons of mass destruction including high caliber semi-automatic weapons, bans high capacity magazines except for law enforcement and military personnel, provides universal background checks for those seeking to purchase guns and ammunition, and ensures that people with a history of serious mental illness cannot buy guns; and

WHEREAS, we recommend that federal legislation include the promotion of safe practices of gun owners so that all guns and ammunition are stored separately and locked away safely to keep them out of the hands our children; and

WHEREAS, federal legislation should additionally include a restriction on internet sales of ammunition and the ability to buy ammunition without a background check; and

WHEREAS, we call on state and federal governments to enhance funding for mental health programs to provide identification, treatment, support and early intervention for persons identified with mental health issues that may impact their ability to positively interact with others, rather than reductions in this area as we have seen during the economic downturn; and

WHEREAS, we urge our citizens to take an active role in helping rid our community and our nation of the negative effects of gun-related violence and to promote a safe and violence free society by getting and keeping illegal guns out of the hands of criminals, the mentally ill, our children or anyone who cannot appreciate the consequences of discharging a firearm; and

WHEREAS, we seek collaborative solutions that will limit the exposure of our young people to the culture of violence witnessed in violent television programs, movies, video games and other media. NOW, THEREFORE, BE IT RESOLVED, that we, the members of the Durham County Board of Commissioners do hereby urge comprehensive action from state and federal elected officials toward stopping gun violence.

BE IT FURTHER RESOLVED, that we support suggestions put forward by the bi-partisan group "Mayors Against Illegal Guns" in a recent comprehensive letter sent to President Barack Obama calling for changes that will make it harder for criminals and dangerous individuals to secure firearms and bullets, and easier for law enforcement and the criminal justice system to get offending persons off the streets.

This the 14th day of January, 2013

/s/ All Five Commissioners

Commissioner Reckhow moved, seconded by Commissioner Page, to approve the Resolution Supporting Regulatory Reform of Firearms and Ammunition.

The motion carried unanimously.

Vice-Chairman Howerton questioned to which organizations the resolution would be forwarded, to which Chairman Foster responded.

Commissioner Reckhow requested that in addition to the recipient organizations listed in the agenda action form, that the members of the North Carolina delegation also be forwarded a copy of the resolution. She then recognized Ms. Joanie Ross and other members of the Durham Gun Safety Team who were in attendance.

Durham County Receives Award from Regional Transportation Alliance

Chairman Foster recognized Commissioner Page to present the item. Commissioner Page extended congratulations to Durham County Government for receiving an award for "Embracing a Regional Transportation Future." The award was presented at a luncheon held on December 6, 2012.

Recognition of Public Health Staff for Individual and Program Achievements

The Board was requested to recognize several of Public Health's staff and programs for outstanding achievement acknowledged by numerous state and local professional organizations. Ms. Gayle Harris, Public Health Director, acknowledged the following:

- Bob Jordan, Onsite Water Protection Supervisor, received the Steve Steinbeck Award at the North Carolina On-Site Wastewater Training Academy's annual conference on October 16 in Hickory, NC.
- Ann Milligan-Barnes, RN, nurse coordinator of the Department of Public Health's CenteringPregnancy® program, was recently honored as one of The Great 100 Nurses in

North Carolina by The Great 100, Inc. RN Nursing Excellence Organization of North Carolina for 2011-2012.

- The Department of Public Health's Dental Division received a Local Health Department Special Recognition Award from the North Carolina GlaxoSmithKline Foundation.
- The Department of Public Health's Nutrition Division Junior Iron Chef Durham program received the Sparkle Award from the NC Public Health Association Wellness and Prevention section.
- The Durham County Department of Public Health's Communicable Disease Program received an "EXTRA EFFORT AWARD" from the State Communicable Disease Branch. This award was presented at the 2012 Communicable Disease Conference and Tuberculosis Symposium at the Friday Center, Chapel Hill, NC.

Commissioner Reckhow recognized the honors received by Ms. Harris:

- Public Health Director Gayle Harris was profiled in the "Tar Heel Footprints in Health Care" feature of the September/October issue of the *North Carolina Medical Journal*, for her tireless efforts to address the social determinants of health throughout Durham.
- Public Health Director Gayle Harris recently received the Legacy Award from the Auxiliary to the Durham Academy of Medicine, Dentistry and Pharmacy.

2012 County Cares Campaign Results and Recognition

The Board was requested to hear the results of the 2012 County Cares Campaign, in which Durham County employees donated a total of \$76,969.00 to be distributed to the following organizations: 1) Durham Rescue Mission, 2) John Avery Boys & Girls Club, 3) Juvenile Diabetes Research Foundation, 4) United Way of the Greater Triangle, and 5) Urban Ministries of Durham. These organizations were selected by County Employees through an internal online voting process. The County Cares Campaign Committee is comprised of representatives from each County Department. The campaign ran from September 24 – October 26, 2012, a total of five weeks.

Mr. Lee Worsley, Deputy County Manager, congratulated Ms. Nina Bullock, Campaign Chair and the committee for an excellent campaign. He commented on the dedication of Durham County employees to our community through their work and monetary gifts.

Ms. Nina Bullock, Campaign Chair, provided an overview of the application process, the total amount donated, the amount distributed to each organization. She then thanked staff and presented awards to individual Durham County departments who raised various levels of funds.

Consent Agenda

Chairman Foster asked the Commissioners if they desired to pull any items from the Consent agenda. Commissioner Reckhow requested to pull item "1."

Commissioner Page commented on consent agenda item “a,” stating that if the Board wished to move the March 25, 2013 regular meeting to March 26, 2013 that he would not be in attendance.

Vice-Chairman Howerton questioned Durham Regional Hospital representatives regarding consent agenda item “j.” She raised the question if patients who are unable to pay would be referred to seek medical treatment elsewhere. Hospital personnel replied that the standard of care would continue to be met and that charity care process would remain in place.

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

- a. Approve moving the Board’s March 25, 2013 regular meeting to March 26, 2013;
- *b. Approve the fiscal year 2012-2013 Interlocal Cooperation Agreement between Durham County and the City of Durham for Keep Durham Beautiful, Inc.;
- c. Approve Solutions for Local Government to conduct an analysis of fire services in Durham County;
- d. Approve the funding requests from Creekside Elementary PTA, Ellerbe Creek Watershed Association, Friends of the Mountains-to-Sea Trail, and Lakewood Montessori PTA and the allocation of \$29,350 of the budgeted Matching Grants funds to these projects;
- *e. Approve Budget Ordinance Amendment No. 13BCC000051 to recognize \$3,000 in grant funding from 20/20 Sisters of Vision Fund of Triangle Community Foundation and appropriate those funds in the Cooperative Extension budget;
- *f. Approve Budget Ordinance Amendment No. 13 BCC000052 to recognize \$1,500 in grant funding from NC Agriculture Foundation and to recognize \$3,000 in fee based revenue and appropriate those funds in the Cooperative Extension budget;
- g. Receive the update and authorize the Manager to write a letter of support for the submission of a North Carolina Federal Recreational Trails Program (RTP) grant for \$200,000;
- *h. Approve the second amendment to the Interlocal Agreement regarding the 800 MHz radio system upgrade and authorize the County Manager to execute the agreement;
- *i. Approve Budget Ordinance Amendment No. 13BCC000053 to transfer \$73,032 from the Community Health Trust Fund to the General Fund and

appropriate the funds in the EMS budget, the transfer of approximately \$88,760 remaining on the contract with Bahama to the EMS budget and establishing 5 new FTEs in EMS. Additionally, the County Manager recommends that the Board accept the transfer of title of a 2006 Ford EMS Unit from Bahama Fire Department to Durham County;

- j. Approve the recommended name change of Durham Regional Hospital to Duke Regional Hospital;
- *k. Approve the attached resolution allowing the County Manager, Finance Director, or Assistant County Manager to act as the primary grant representative for the FY 11 Scattered Site Housing grant from the North Carolina Department of Commerce;

The motion carried unanimously.

*Document(s) related to this item follow:

Consent Agenda Item No. b.

Interlocal Cooperation Agreement Between the County of Durham and the City of Durham Regarding Keep Durham Beautiful, Inc.

FY 2012-2013

This is an Interlocal Cooperation 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 Interlocal Cooperation Agreement is _____ (hereinafter "Agreement").

WITNESSETH:

WHEREAS, Keep Durham Beautiful, Inc. (hereinafter "KDB") is a nonprofit, volunteer organization working to enhance the appearance and environment of the City and County; and

WHEREAS, KDB works to engage and inspire individuals to take greater responsibility for their community environment; and

WHEREAS, Durham County Department of General Services (hereinafter "General Services") is a County department whose services include recycling collection, litter control and investigation and roadside cleanups; and

WHEREAS, the County and the City have found and determined that KDB and its activities are in the public benefit and interest; and

WHEREAS, the City and County desire to jointly help fund KDB during the 2012-13 fiscal year.

NOW THEREFORE, for and in consideration of mutual covenants contained herein and the mutual benefits to result there from, the parties hereby agree as follows:

SECTION 1. CREATION AND PURPOSE

The purpose of this agreement is to allow the City and County to jointly assist in the funding of KDB during the 2012-13 Fiscal Year. Funding provided by the City and County will help KDB organize cleanups throughout the City and County, form partnerships on public and private events and educational opportunities, as well as provide support of community engagement opportunities, as further outlined in Exhibit 3 (the "Program").

The parties hereto agree that the purpose of this Agreement is to provide funds to KDB to enable it to perform a public service. The City shall ensure that KDB performs the services set forth in the Exhibit 3, which are hereby deemed to be public services. Should the services materially or substantially change, KDB shall seek approval from the City and County Managers. None of the funds contributed by the City or County may be used for any purpose not specifically determined to be a public service.

SECTION 2. FUNDING

City and county staff with discuss and mutually agree to an annual KDB budget showing both party's contributions. The FY 12-13 budget is attached as Exhibit 1 for the current year of this interlocal agreement. The County's in-kind contributions for FY12-13 are also documented in Exhibit 2. Each party's financial contributions are subject to approval by their respective elected boards as part of their annually adopted budgets.

No additional funds shall be provided by the County for this purpose and all funds provided hereunder shall only be used to fund KDB and its initiatives. The County shall have the right to audit, at its own expense, the City's General Services Department records associated with KDB funding, including financial records and any other records, during the term of this Agreement and for a period of one year after its termination to ensure that the funds contributed by the County pursuant to this Agreement have been expended in the manner provided for herein.

SECTION 3. REPORTING

The City shall submit or require KDB to submit quarterly program reports to the County's General services Department regarding the activities of KDB, progress toward Program outcomes and performance measures related to the success of the Program. The Program reports should focus on those Program goals and measures identified in Exhibit 3 and provide updated data through each quarter. The Program reports shall be provided to the Durham County General Services on a quarterly basis beginning the month of July by the 15th of the month.

SECTION 4. TERM

This Agreement shall become effective on the date first written above and shall continue until June 30, 2013. It shall automatically renew each year unless specifically terminated by either party, though annual budgets must still be approved by the City and the County elected boards. Changes to the annual budget for Keep Durham Beautiful shall be proposed by either party no later than March 15th for the following fiscal year and, as noted, final budgets are subject to approval by the City and County Managers and the elected boards.

SECTION 5. TERMINATION

Either party may terminate this Agreement by giving at least sixty-(60) days prior notice to the other party.

SECTION 6. AMENDMENTS

This Interlocal Agreement may be amended at any time by execution by both parties of a written amendment.

SECTION 7. APPOINTMENT OF PERSONNEL

Except to the extent provided otherwise in this Agreement, it is agreed that the City Manager shall designate persons to carry out the City's obligations under this Agreement, and the County Manager shall designate persons to carry out the County's obligations under this Agreement.

SECTION 8. GOVERNING LAW

This contract shall be governed by and in accordance with the laws of the State of North Carolina. All actions relating in any way to this contract shall be brought in the General County of Justice in the County of Durham and the State of North Carolina.

SECTION 9. ENTIRE AGREEMENT

This Agreement shall constitute the entire understanding between the City and the County with respect to the funding of KDB and shall supersede all prior understandings and agreements relating to the subject matter hereof and may be amended only by written mutual agreement of the parties.

SECTION 10. HEADINGS

The subject headings of the paragraphs are included for purposes of convenience only and shall not affect the construction or interpretation of any of its provisions. This agreement shall be deemed to have been drafted by both parties and no purposes of interpretation shall be made to the contrary.

IN TESTIMONY WHEREOF, the County has caused these presents to be signed in its name by its County, and the City of Durham, acting under and by virtue of the authority in them vested, have hereunto set their hand and seal, the day and year first written above.

ATTEST:

County Clerk

THE COUNTY OF DURHAM

Michael M. Ruffin, County Manager

ATTEST:

City Clerk

THE CITY OF DURHAM

Tom Bonfield, City Manager

Consent Agenda Item No. e.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000051

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 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	\$52,036,762	\$3,000	\$52,039,762

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$4,098,539	\$3,000	\$4,101,539

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

This the 14th day of January, 2013.

Consent Agenda Item No. f.

DURHAM COUNTY, NORTH CAROLINA
FY 2012-13 Budget Ordinance
Amendment No. 13BCC000052

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the
FY 2012-13 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	\$52,039,762	\$1,500	\$52,041,262
Service Charges	\$15,327,777	\$3,000	\$15,330,777

Expenditures:

<u>Function</u>			
<u>GENERAL FUND</u>			
Economic and Physical Development	\$4,101,539	\$4,500	\$4,106,039

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

This the 14th day of January, 2013.

Consent Agenda Item No. h.

**STATE OF NORTH
CAROLINA COUNTY OF
DURHAM**

**SECOND AMENDMENT TO THE INTERLOCAL
AGREEMENT REGARDING THE 800 MHz RADIO SYSTEM
UPGRADE**

THIS SECOND AMENDMENT TO THE INTERLOCAL AGREEMENT REGARDING THE 800 MHz RADIO SYSTEM UPGRADE is entered into on ___, 2012 by and between the CITY OF DURHAM, a North Carolina municipal corporation (the “City”) and the COUNTY OF DURHAM, a political subdivision of the State of North Carolina, (the “County”). This Agreement is made pursuant to Article 20 of Chapter 160A of the North Carolina General Statutes.

On September 27, 2005, the City and County entered into an Interlocal Agreement regarding the 800 MHz Radio System Upgrade (hereinafter the “Original Agreement”) to address operation and funding of the Radio System, and to consolidate operation and management of the Radio System. The parties amended the Original Agreement in September 2010, to upgrade the microwave radio system. The parties desire to amend the Original Agreement to enhance the radio system further.

NOW THEREFORE, the City and County hereby agree to amend the Agreement as follows:

1. The following section 8.3 is hereby added to the Original Agreement to read as follows: Section 8.3. Phased Upgrade of 800 MHz Radio System

8.3.1. The City shall add new radio equipment at the City’s four radio tower sites and at the 911 Center in the Police Headquarters building, located at 505 W. Chapel Hill Street, the backup 911 Center, and the Durham County Sheriff Dispatch Center (hereinafter referred to as the “P25 Radio Project”). The radio equipment provides for communications between the dispatch centers and the Public Safety responders and other departments, and for the simulcast capability of the four radio towers. The equipment will replace the old radio equipment purchased in 1994 and partially upgraded in 2005. The new equipment will upgrade the radio system to the APCO P25 standard for Public Safety radio systems. The P25 Radio Project is estimated to be completed in three phases by December 31, 2014.

The City will enter into contracts with Motorola Solutions Inc. to provide and install the radio equipment in three phases as follows (costs shown are not-to-exceed estimates and are subject to contract negotiation):

Phase I – FY13 upgrade to 40 new dispatch console positions located at the Primary 911 center, the backup 911 center, and the Sheriff’s dispatch, P25 core equipment and SmartX gateway allowing continued use of old radio infrastructure. Approximately \$5.9 million.

Phase II – FY14 upgrade 12 channels to P25 radio infrastructure including new antenna systems at all towers. Migrate Public Safety to P25. Approximately \$4.6 million.

Phase III – FY15 (optionally FY16) upgrade additional 12 channels to P25 radio infrastructure. Migrate non Public Safety to P25. Approximately \$2.7 million.

The City's CIP will include funding for technician training, contingencies, and the future relocation of the microwave and other equipment to the new radio building being constructed by the City at the Camden Ave. tower, which is estimated to be completed by June 31, 2013 (which is not included in the P25 Radio Project). Some portions of this additional work may be contracted directly with other contractors for cost savings.

8.3.2. Funding of the P25 Radio Project. The City and County agree to share in the cost of the P25 Radio Project up to a total Project cost of \$13.2 million, in the manner provided below.

The City will purchase the Phase I equipment in the first year (FY 2013). The City shall invoice the County no sooner than July 1, 2013 for the County's share of the Phase I equipment. The City shall invoice the County for its share of future Phases II and III subsequent to the City executing contracts for that work except that in no instance shall the City invoice the County for Phase II before July 1, 2014 or for Phase III before July 1, 2015. The County shall make payment to the City within 30 days of the invoice dates.

In the event the City completes the P25 Radio Project at a cost below the contracted amounts ("Savings"), then the County's portion of the P25 Radio Project shall be reduced in an amount equal to one-half of the Savings from the completed Project. The City shall provide the County with periodic reports regarding the status of the P25 Radio Project, the costs incurred and schedule for completion. Upon completion of the P25 Radio Project, the City shall provide the County Finance Director a report showing the final total cost of the P25 Radio Project and the Savings, if any. The County's portion of the Savings shall be refunded to the County.

2. Exhibit C of the Original Agreement is also amended to reflect actual practice as to the calculation of annual expenses and radio inventory.

The following paragraphs in Exhibit C are amended to read:

"All System Subscribers (defined as those agencies utilizing the Radio System, including City Agencies, County Agencies and Other Agencies, as set forth on Exhibit D) will pay the same fee per radio. The annual Maintenance Fee per System Subscriber shall be calculated in January of each year for the purposes of budgeting for the forthcoming fiscal year. The calculation is based on actual expenses from the previous fiscal year and the number of radios in operation for any and all Agencies as of June 30. These Fees will go into effect July 1, 2005. Maintenance Fees shall be recalculated and adjusted annually, subject to adjustments allowed for in the Agreement, subject to section 8.2. "

"The audited Radio System operating and maintenance expenses from the previous fiscal year = EXPENSE"

"Total of all City and County and Other Agency radios as of June 30 = # OF RADIOS"

"An annual System Subscriber inventory conducted by the Operator at end of previous fiscal year will determine the number of radios in operation for any and all Agencies as of June 30 and will be the basis upon which upcoming fiscal year Maintenance Fees are calculated. The calculation shall be based on actual audited expenses from the previous fiscal year. The system

subscriber inventory and the Maintenance Fees for the upcoming Fiscal Year shall both be submitted to the County Radio System representative no later than January 31.”

Exhibit C as Amended is attached.

3. Except as amended hereby, the provisions of the Original Agreement are reaffirmed and remain in full force and effect.

The parties have caused this Second Amendment to the Interlocal Agreement regarding the 800 MHz Radio System Upgrade to be executed as of the date first stated above by authority duly granted by the Durham City Council and the Durham County Board of Commissioners.

CITY OF DURHAM

COUNTY OF DURHAM

City Manager
 (SEAL)

County Manager
 (SEAL)

City Clerk

Clerk to the Board

**This instrument has been
 preaudited in the manner
 required by the Local
 Government Budget and Fiscal
 Control Act.**

**This instrument has been
 preaudited in the manner
 required by the Local
 Government Budget and Fiscal
 Control Act.**

Finance Officer
CITY OF DURHAM

Director of Finance
COUNTY OF DURHAM

Consent Agenda Item No. i.

FY 2012-13 Budget Ordinance
 Amendment No. 13BCC000053

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 2012-13 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>
GENERAL FUND			
Other Financing Sources	\$21,805,274	\$73,032	\$21, 878,306

Expenditures:

<u>Function</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
GENERAL FUND			
Public Safety	\$47,110,978	\$73,032	\$47,184,010

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>COMMUNITY HEALTH</u>			
<u>TRUST FUND</u>	\$4,071,851	\$73,032	\$4,166,883

Expenditures:

<u>Function</u>			
<u>COMMUNITY HEALTH</u>			
<u>TRUST FUND</u>	\$4,071,851	\$73,032	\$4,166,883

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

This the 14th day of January, 2013

Consent Agenda Item No. k.

RESOLUTION AUTHORIZING DURHAM COUNTY REPRESENTATIVES TO SIGN REQUISITIONS FOR FUNDS ASSOCIATED WITH 2012 SCATTERED SITE HOUSING GRANT (11-C-2309)

WHEREAS Durham County has received a FY 11 round Scattered Site grant through the North Carolina Department of Commerce, and

WHEREAS this is a reimbursement grant requiring Durham County to first expend grant-related funds and then request reimbursement from the state, and

WHEREAS the Department of Commerce requires the Durham County Board of County Commissioners to approve a resolution identifying those County employees authorized to sign these Requisitions of Funds,

NOW THEREFORE BE IT RESOLVED that the Durham County Board of County Commissioners do hereby approve that the following Durham County Employees are authorized to sign these Requisitions of Funds for the 2011 Scattered Site grant:

Michael M. Ruffin, County Manager
George Quick, Finance Director
Drew Cummings, Assistant County Manager

This the 14th day of January, 2013.

2007 General Obligation Bond Change Resolution And Capital Project Amendment No. 13CPA000007 - Durham Public Schools 2007 General Obligation Bond Project Budget Adjustments

Hugh Osteen, Assistant Superintendent for Operational Services, introduced the item. He then introduced Tim Carr, Program Director for Construction and Capital Planning. Mr. Osteen commented on the need to reallocate funds from 2007 Bond proceeds benefitting from the new High School "A" project, into other buildings and facilities projects.

Mr. Carr provided a brief overview and reviewed the documents provided to the Board. He highlighted the number of facilities that were in critical need of repair.

Commissioner Reckhow questioned Mr. Osteen and Mr. Carr regarding the specifics of several projects for which funding would be allotted.

Commissioner Jacobs inquired as to the bidding process for the pending construction. Specifically, she questioned the involvement of local and minority businesses. Mr. Carr responded by describing the public bidding process and the availability of reports documenting minority participation. Commissioner Jacobs engaged both Mr. Osteen and Mr. Carr in a discussion regarding the locations of several schools in the long range facilities plan.

Vice-Chair Howerton inquired as to the number of recent renovations that have occurred at Jordan High School. Mr. Carr responded by reviewing the scheduled maintenance projects, which are based upon the life cycle of the building.

Commissioner Page questioned when new Elementary School "C" is scheduled to be completed. Mr. Osteen stated that current projects aim for completion in either 2016 or 2017.

Commissioner Reckhow engaged the presenters in a discussion about the middle school capacity figures found in the documents.

Commissioner Reckhow moved, seconded by Commissioner Jacobs to approve the 2007 GO Bond Change Resolution and Capital Project Amendment No. 12CPA000007 moving \$31,581,667 from the 2007 GO Bond funded DPS capital project (New High School 'A') to thirty-six (36) 2007 GO Bond funded DPS capital projects as listed in Exhibit 'A', provided that a long rang plan is issued for W.G. Pierson Elementary School prior to funds being disbursed for projects at said facility.

The motion carried unanimously.

Item Removed from Consent Agenda for Discussion

Consent Agenda Item No. 1.

Commissioner Reckhow requested that the Board consider consent agenda item No. m before No. 1. Chairman Foster expressed his desire to follow the agenda as presented.

Commissioner Page then asked for a point of clarification regarding the agenda.

Commissioner Page moved, seconded by Vice-Chair Howerton to appoint Fred Foster, Jr. to the Triangle Transit Authority Board.

The motion carried unanimously.

Commissioner Reckhow offered a substitute motion, seconded by Commissioner Jacobs to defer action of consent agenda item No. l until action has been taken on consent agenda item No. m.

AYES: Jacobs, Reckhow

NOES: Foster, Howerton, Page

The motion was defeated 2-3.

Item Added to Consent Agenda for Discussion

Consent Agenda Item No. m. Approve the nomination of Commissioner Reckhow for the Joint City-County Appointment to the Triangle Transit Authority to fill the Commissioner Page's unexpired term and to approve Commissioner Page as the Commissioner Representative to the Board of Directors of Operation Breakthrough.

Commissioner Page moved, seconded by Commissioner Reckhow to allow Commissioner Michael Page to exchange seats on the Board of Operation Breakthrough with Commissioner Ellen Reckhow and Commissioner Reckhow would assume the seat of Commissioner Page on the Triangle Transit Authority.

Commissioner Reckhow moved, seconded by Commissioner Howerton that the Board take a 5-minute recess.

The motion carried unanimously.

The regular session meeting entered a five minute recess at 8:35 p.m.

The regular session meeting resumed at 8:40 p.m.

County Attorney Lowell Siler stated that Commissioner Page's previous motion procedurally cannot go forward. He then offered an explanation and a course of action.

Commissioner Page moved, seconded by Commissioner Reckhow that Commissioner Ellen Reckhow be allowed to fill the unexpired term of Commissioner Michael Page to the Triangle Transit Board of Directors expiring November 30, 2013.

The motion carried unanimously.

Attorney Siler then offered a course of action regarding the appointment of Commissioner Page to the Operation Breakthrough Board of Directors. Commissioner Reckhow suggested that the Board suspend the rules and make the appointment. Attorney Siler and the Board engaged in a discussion regarding suspending the rules in order to make the appointment.

Assistant County Attorney Kathy Everett-Perry addressed the Board to discuss the appropriateness of suspending the rules.

Commissioner Reckhow suggested amending the rules, to which Attorney Siler advised against.

Commissioner Reckhow moved, seconded by Commissioner Jacobs to allow Commissioner Page to serve on the Operation Breakthrough Board of Directors until the time that this matter can come back before the Board for consideration.

The motion carried unanimously.

Closed Session

Commissioner Reckhow moved, seconded by Commissioner Page, to adjourn 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 and to discuss the case in the matter of Geraldine Robinson v. Joe Bowser et al.

The motion carried unanimously.

Reconvene to Open Session

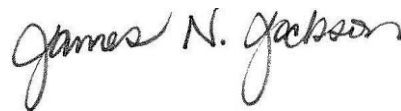
Chairman Foster announced that the Board met in closed session; directives were given to staff; no action was taken.

Adjournment

Vice-Chairman Howerton moved, seconded by Commissioner Reckhow, to adjourn the regular session meeting.

The motion carried unanimously.

Respectfully Submitted,



James N. Jackson
Administrative Assistant II