

February 14, 2000

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

Monday, February 14, 2000

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 MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners William V. Bell, Joe W. Bowser, and Becky M. Heron

Absent: None

Presider: Chairman Black

Opening of Regular Session

Chairman Black called the Regular Session to order with the Pledge of Allegiance.

Agenda Adjustments

Commissioner Bell requested that agenda item No. 8, "Resolution Authorizing School and Wastewater Bonds and Reimbursement of Expenditures," be discussed following the consent agenda.

Vice-Chairman Reckhow had an announcement about an upcoming meeting.

Minutes

Vice-Chairman Reckhow moved, seconded by Commissioner Bell, to approve the December 13, 1999 Regular Session Minutes as corrected and the January 3, 2000 Special Session Minutes of the Board as submitted.

The motion carried unanimously.

January Anchor Award Winner--Wanda Lunsford

Wanda Lunsford of the Durham County Library was the winner of the January Anchor Award. The Library accomplished its goal of offering public Internet access in late 1999. Wanda Lunsford was recognized for her role in planning, coordinating, and bringing this technology vision into reality. Throughout the months that it took to bring this project to fruition, she demonstrated patience, persistence, and true professionalism.

County Manager's Recommendation: Present the January Anchor Award to Wanda Lunsford, along with the sincere congratulations of the entire organization.

Ms. Dale Gaddis, Director of Libraries, introduced Ms. Lunsford to the County Commissioners.

Ms. Kathleen Moeller-Peiffer, Ms. Lunsford's supervisor, made additional remarks about Ms. Lunsford's work at the Library.

Chairman Black presented the Anchor award and the \$200 check to Ms. Lunsford.

February 14, 2000

Resolution Honoring George T. Preddy

A resolution honoring Mr. George T. Preddy was prepared at the request of Commissioner Ellen W. Reckhow. Mr. Preddy, affectionately known as “Papa,” was recently highlighted in the local press for developing reading skills in elementary school children. Over the past 10 years, he has spent five days a week reading to students at various elementary schools throughout Durham County.

County Manager's Recommendation: Present the resolution to Mr. Preddy, and extend sincere congratulations to him for his efforts to bring a love of reading to so many in this community.

Chairman Black read the resolution into the record as follows:

RESOLUTION

WHEREAS, George T. Preddy has spent a decade as a volunteer reading to local elementary school students; and

WHEREAS, his storytelling and reading have become well known in the community, and he is affectionately known as “Papa” to thousands of children he’s engaged; and

WHEREAS, Mr. Preddy spends three days a week reading to students at Bethesda, Glenn, Merrick-Moore, Hillandale, Club Boulevard, Little River, Burton, Spaulding, and Holt Elementary Schools; and

WHEREAS, the other two days are spent at Oak Grove Elementary where he reads for about three and a half hours each Wednesday and Thursday; and

WHEREAS, his animated style, homespun humor, and wit serve to entertain the children, but more importantly, set the children on a wonderful path to become lifelong readers; and

WHEREAS, those who are fortunate enough to witness his performances and his interaction with the children undoubtedly know that this is truly a labor of love performed by a kind and caring gentleman:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby extend sincere appreciation to

GEORGE T. “PAPA” PREDDY

for a decade of generously sharing his love of reading with impressionable youngsters throughout the Durham community, and for unselfishly donating considerable time and resources to help others develop reading skills.

This the 14th day of February, 2000.

Mr. Preddy made remarks about the school system and the children that he has helped through the years.

The Commissioners thanked Mr. Preddy for his work in the schools.

Consent Agenda

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

- (a) Ambulance Franchise Request for City of Durham (approve the application and grant the franchise as requested to enhance the safety of our citizens);

February 14, 2000

- (b) Ambulance Franchise Request for AAA Transport Service (approve the application granting franchise as additional non-emergency ambulance services will reduce the demand on the County's EMS Department and help delay the need for any additional non-emergency personnel);
- (c) Cancellation of the March 6, 2000 Worksession (vote to cancel the March 6, 2000 Worksession due to the Commissioners attending the National Association of Counties' Legislative Conference in Washington, DC);
- * (d) Closed Session Minutes—Approval of Minutes to be Opened (approve the Closed Session Minutes as follows):
 - Monday, December 9, 1996
 - Monday, February 24, 1997
 - Monday, March 24, 1997
 - Monday, June 9, 1997
 - Monday, August 25, 1997
 - Monday, January 12, 1998
 - Monday, February 9, 1998
 - Monday, August 24, 1998
 - Monday, October 5, 1998
 - Monday, November 9, 1998
 - Monday, December 14, 1998
- (e) Contract with Metes and Bounds for Mapping Assistance (accept the proposal of contracted services in the amount of \$44,000 from Metes and Bounds to begin work February 15, 2000 to expedite the revaluation process due to the importance of the mapping function);
- * (f) Property Tax Releases and Refunds for Fiscal Year 99-00 (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report. These are normal recurring releases and refunds);
- * (g) Property Tax Releases and Refunds for Fiscal Year 99-00 (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report. These are normal recurring releases and refunds);
- (h) Confirmation of Scheduled Walking Tour and Discussion of the Facility Master Plan for Durham County (confirm scheduled walking tour and discussion of the Facility Master Plan scheduled for February 15, 2000);
- (i) *(removed)*; and
- (j) Case Management Software for the Department of Social Services (authorize the County Manager to enter into a contract with Cox and Company in the amount of \$92,000.00 for the acquisition of the OneCase software modules and the first year of support as provided by the piggyback provision of the NC General Statute 143-129(g).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda 6(d). Closed Session Minutes—Approval of Minutes to be Opened (approve the Closed Session Minutes as follows):

- Monday, December 9, 1996
- Monday, February 24, 1997
- Monday, March 24, 1997
- Monday, June 9, 1997
- Monday, August 25, 1997
- Monday, January 12, 1998
- Monday, February 9, 1998
- Monday, August 24, 1998

February 14, 2000

Monday, October 5, 1998
Monday, November 9, 1998
Monday, December 14, 1998

The Closed Session Minutes are recorded in the official Closed Session Minute Book as a Permanent Supplement to the minutes.

Consent Agenda 6(f). Property Tax Releases and Refunds for Fiscal Year 99-00 (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report. These are normal recurring releases and refunds).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details tax releases and refunds for the month of December 1999.

Releases and Refunds for 1999 Taxes:

Real	\$ 54,175.03
Personal	17,955.23
Registered Vehicles	39,172.61
Vehicles Fees	615.00
Solid Waste Fees	<u>5,115.00</u>
Total for 1999 Taxes and Fees	\$117,032.87

For prior years (1993-1998), releases and refunds for December 1999 amounted to \$22,292.08.

Total Current Year and Prior Year Releases and Refunds \$139,324.95

(Recorded in Appendix A in the Permanent Supplement of the February 14, 2000 Minutes of the Board.)

Consent Agenda 6(g). Property Tax Releases and Refunds for Fiscal Year 99-00 (accept the property tax release and refund report as presented and authorize the Tax Assessor to adjust the tax records as outlined by the report. These are normal recurring releases and refunds).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details tax releases and refunds for the month of January 2000.

Releases and Refunds for 1999 & 2000 Taxes:

Real	\$ 16,253.25
Personal	69,730.92
Registered Vehicles	18,405.45
Vehicles Fees	245.00
Solid Waste Fees	<u>275.00</u>
Total for 1999 Taxes and Fees	\$104,909.62

For prior years (1996-1998), releases and refunds for January 2000 amounted to \$12,898.40.

Total Current Year and Prior Year Releases and Refunds \$117,808.02

(Recorded in Appendix B in the Permanent Supplement of the February 14, 2000 Minutes of the Board.)

Resolutions Authorizing School and Wastewater Bonds and Reimbursement of Expenditures

The Board was requested to approve the resolutions. The resolutions allow the County Administration to start the application process for 2/3bonds to finance school renovations

February 14, 2000

and expansion of the Triangle Wastewater Treatment Plant. Phase II construction of the plant will initially involve the issuance of certificates of participation. This will allow for the uninterrupted construction of this project. It is anticipated that general obligation bonds will be used to refinance the project at a later time. The construction proposal will be brought to the Board at the February 28, 2000 meeting. The financing is being brought to the Board before the construction in order to take advantage of the 2/3 bonds advantageous interest rates. Due to the financing calendar, it is necessary to approve these initial resolutions at this time.

The school portion of the bonds is for the renovation of Lakeview School to accommodate the Durham Public Schools' plan for serving suspended and disruptive students.

A bond order, which is the next step in the financing process for the Board, is anticipated to be brought back in March.

Resource Person(s): S. C. Kitchen, County Attorney; Patty Gravinese, Finance Director; David Thompson, County Manager.

County Manager's Recommendation: Approve this initial step in securing financing for these two projects. The types of financing recommended are the most cost efficient and timely means for securing the funds necessary. The Board should note that this is simply an effort to have these financing tools available for the Board's utilization if and when these projects are approved for actual construction. It is my opinion that it makes sense to utilize the ability to issue new debt based on the reduction in school debt that is occurring this fiscal year to finance the Lakeview project.

Commissioner Bell was the lead person on the Lakeview School remodeling project to accommodate Durham Public Schools' plan for serving suspended and disruptive students. The school administration and County staff have considered ways to finance the project. He asked that the Board support the project. The Wastewater Bonds issue was scheduled to be on the agenda so the two projects were combined as they relate to financing.

Deputy County Manager Carolyn Titus distributed the proposed project for Lakeview School which was the Strategic Plan for Serving Suspended and Disruptive Students 2000-2001 developed by Durham Public Schools.

The Commissioners asked several questions and made comments about the program and project to which the school administration responded.

Commissioner Bell said the school administration is on a tight schedule. The projection is for the program to be operational by the beginning of the school year (September 5, 2000).

County Manager David F. Thompson reviewed the fund balances. The total fund balance at the last audit phase totaled \$52 million. Undesignated fund balance is \$24,800,000. The 8 percent fund balance required by the Local Government Commission is \$18,662,000. The County is healthy financially. The 2/3 bonds will reimburse the County the funds it has advanced the school system to get the project started. The 2/3 bonds have to be issued this fiscal year. The concept is that the Commissioners appropriate \$1.7 million from the General Fund to the Public Schools Capital Project Fund. A Durham Public Schools Capital Project Fund will be established to pay bills on the project. In order for the County to be reimbursed, the Commissioners must execute the resolution for the issuance of the 2/3 bonds in this fiscal year.

The Commissioners had a consensus to support the project. The project is in this year's school budget.

Commissioner Bell said the Commissioners must look at the schools capital outlay program.

February 14, 2000

The following actions were taken:

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to approve the Lakeview School renovation project and the appropriation of fund balance to transfer funds from the General Fund to the Durham Public Schools Capital Fund (00BCC000036).

The motion carried unanimously.

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Budget Ordinance
Amendment No. 00BCC000036

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-2000 Budget Ordinance is hereby amended to reflect budget adjustments for the General Fund.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Expenditures</u>				
Nondepartmental	\$16,961,942	\$1,700,000		\$18,661,942
<u>Revenues</u>				
Other Financing Sources	\$ 7,475,193	\$1,700,000		\$ 9,175,193

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

This the 14th day of February, 2000.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Commissioner Heron moved, seconded by Commissioner Bowser, to establish the Lakeview School renovation as a capital project (00CPA000010).

The motion carried unanimously.

The Capital Projects Ordinance Amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1999-2000 Capital Projects Budget Ordinance
Amendment No. 00CPA000010

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1999-00 Capital Projects Budget Ordinance is hereby amended to reflect budget adjustments for Durham Public Schools.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$ 0	\$1,700,000		\$1,700,000
<u>Expenditures</u>				
Lakeview Elementary School	\$ 0	\$1,700,000		\$1,700,000

February 14, 2000

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

This the 14th day of February, 2000.

(Capital Projects Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

County Attorney Chuck Kitchen reviewed the three resolutions.

The Commissioners asked questions and made comments about the resolutions to which the attorney responded.

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to approve the following resolution:

Resolution Relating to the Authorization of School Bonds and Wastewater Treatment Bonds of the County of Durham, North Carolina

Commissioner Bell moved, seconded by Commissioner Heron, to approve the following resolution:

Resolution Relating to an Installment Financing Agreement to Finance a Portion of the Cost of Enlarging, Improving, and Reconstructing the Triangle Wastewater Treatment Plant

Commissioner Bell moved, seconded by Commissioner Heron, to approve the following resolution:

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 Certain School Facilities and Wastewater Treatment Facilities

The motion carried unanimously.

The formal documents relating to the approval of the resolutions and the certification follow:

North Carolina
Durham County

CERTIFICATION

I, GARRY E. UMSTEAD, CMC, Clerk to the Board of County Commissioners for Durham County, being first duly sworn, do hereby certify that the attached is a true and accurate copy of three resolutions: the "RESOLUTION RELATING TO THE AUTHORIZATION OF SCHOOL BONDS AND WASTEWATER TREATMENT BONDS OF THE COUNTY OF DURHAM, NORTH CAROLINA," the "RESOLUTION RELATING TO AN INSTALLMENT FINANCING AGREEMENT TO FINANCE A PORTION OF THE COST OF ENLARGING, IMPROVING, AND RECONSTRUCTING THE TRIANGLE WASTEWATER TREATMENT PLANT," and the "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 CERTAIN SCHOOL FACILITIES AND WASTEWATER TREATMENT FACILITIES" and "APPENDIX A—Proposed Improvements to the Durham County

February 14, 2000

Triangle Wastewater Treatment Plant” which were adopted by the Durham County Board of Commissioners at its Regular Session held on February 14, 2000.

WITNESS my hand and corporate seal of Durham County this 17th day of February, 2000.

(SEAL)

/s/ GARRY E. UMSTEAD, CMC

Clerk to the Board of County Commissioners

Sworn to and subscribed before me
this 17th day of February, 2000.

/s/ Susan B. Page

Notary Public

My Commission expires: 12/20/00.
Attachment

A regular meeting of the Board of Commissioners for the County of Durham, North Carolina, was held in the County Commissioners’ Meeting Room in the Durham County Government Administrative Complex at 200 East Main Street, in Durham, North Carolina, the regular place of meeting, at 7:00 P.M., on February 14, 2000.

Present: Chairman MaryAnn E. Black, presiding, and Commissioners Bell, Bowser, Heron, and Reckhow.

Absent: None.

* * * * *

Commissioner Bell introduced the following resolution, a copy

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

RESOLUTION RELATING TO THE AUTHORIZATION OF SCHOOL BONDS AND
WASTE WATER TREATMENT BONDS OF THE COUNTY OF DURHAM, NORTH
CAROLINA

WHEREAS, the Board of Commissioners for the County of Durham, North Carolina (the “County”), is considering authorizing the issuance of \$1,700,000 School Bonds of the County (the “School Bonds”) without voter approval pursuant to Article 4 of Chapter 159 of the North Carolina General Statutes, as amended, for the purpose of providing funds, with any other available funds, for erecting, remodeling, enlarging and reconstructing school buildings and other school plant facilities and acquiring any necessary land, furnishings and equipment therefor (the “School Project”) and \$7,180,000 Wastewater Treatment Bonds of the County (the “Wastewater Treatment Bonds”) without voter approval pursuant to said Article 4 for the purpose of providing funds, with any other available funds, for enlarging, improving and reconstructing the

February 14, 2000

Triangle Wastewater Treatment Plant of the County and acquiring any Treatment Plant of the County and acquiring any necessary land, furnishings and equipment therefor (the "Wastewater Treatment Plant Project"); and

WHEREAS, it is necessary to take certain related action at this time;

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

Section 1. Said Board hereby finds and determines in connection with authorizing the issuance of such bonds that (i) the proceeds of the School Bonds will be used to finance a portion of the cost of the School Project as requested by the Durham County Board of Education (the "Board of Education") to meet an urgent need for additional and improved school facilities to serve the residents of the County and the proceeds of the Wastewater Treatment Bonds will be used to finance a portion of the cost of the Wastewater Treatment Plant Project to meet an urgent need for enlarged and improved wastewater treatment facilities to serve the residents of the County and, accordingly, the issuance of the School Bonds and the Wastewater Treatment Bonds (collectively the "Bonds") is necessary or expedient for the County, (ii) the principal amounts of the Bonds are adequate and not excessive for the proposed respective purposes of the Bonds because they are based upon best estimates of the Board of Education in the case of the School Bonds and the County in the case of the Wastewater Treatment Bonds of the costs of the respective projects (which are greater than the respective principal amounts of the Bonds) and will be supplemented with other funds to be adequate for the respective purposes of the Bonds, (iii) the County's debt management procedures and policies are good and will be managed in strict compliance with law, (iv) the increase in taxes, if any, necessary to service the Bonds will not be excessive because it is expected that any increase in taxes will not exceed thirty-four onehundredths cents (.34¢) per one hundred dollars (\$100) of the appraised value of property subject County to service the School Bonds and that the revenues derived from the operation of the Triangle Wastewater Treatment Plant will be sufficient to pay for the cost of operating it and debt service on the Wastewater Treatment Bonds and (v) the Bonds can be marketed at reasonable rates of interest.

February 14, 2000

Section 2. The County Manager, the Finance Officer and the County Attorney of the County are each hereby designated as a representative of the County to file an application for approval of the Bonds with the Local Government Commission of North Carolina and are authorized to take such other actions as may be advisable in connection with authorizing the issuance of the Bonds; and all actions heretofore taken by any of such officers or any other officer of the County relating to such matter on behalf of the County are hereby approved, ratified and confirmed.

Section 3. The law firms of Robinson, Bradshaw & Hinson, P.A., Charlotte, North Carolina, and Marsh and Marsh, Attorneys at Law, Durham, North Carolina, are hereby confirmed as co-bond counsel of the County in connection with the authorization and issuance of the Bonds.

Section 4. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Bell, seconded by Commissioner Reckhow, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Bell, Black, Bowser, Heron, and Reckhow

Noes: None.

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

RESOLUTION RELATING TO AN INSTALLMENT FINANCING AGREEMENT TO FINANCE A PORTION OF THE COST OF ENLARGING, IMPROVING AND RECONSTRUCTING THE TRIANGLE WASTEWATER TREATMENT PLANT

WHEREAS, the Board of Commissioners for the County of Durham, North Carolina (the "County"), is considering entering into an installment financing agreement and certain related documents pursuant to Section 160A-20 of the North Carolina General Statutes, as amended, to make available to the County the funds needed, with any other available funds, to finance a portion of the cost of enlarging, improving and reconstructing the Triangle Wastewater Treatment Plant of the County and acquiring any necessary land, furnishings and equipment therefor; and

WHEREAS, it is necessary to take certain related action at this time;

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

February 14, 2000

Section 1. The County Manager, the Finance Officer and the County Attorney of the County are each hereby designated as a representative of the County to file an application for approval of such proposed installment financing agreement with the Local Government Commission of North Carolina and are authorized to take such other actions as may be advisable in connection with the negotiation of such proposed installment financing agreement and the development of the related financing; and all actions heretofore taken by any of such officers or any other officer of the County relating to such matter on behalf of the County are hereby approved, ratified and confirmed.

Section 2. The law firms of Robinson, Bradshaw & Hinson, P.A., Charlotte, North Carolina, and Marsh and Marsh, Attorneys at Law, Durham, North Carolina, are hereby confirmed as co-special counsel of the County in connection with such proposed installment financing agreement.

Section 3. This resolution shall take effect immediately upon its passage.

Upon motion of Commissioner Bell, seconded by Commissioner Heron, the foregoing resolution was passed by the following vote:

Ayes: Commissioners Bell, Black, Bowser, Heron, and Reckhow.

Noes: None.

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

RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE COUNTY OF
DURHAM, NORTH CAROLINA, DECLARING ITS INTENTION TO REIMBURSE
SAID COUNTY FROM THE PROCEEDS OF ONE OR MORE TAX-EXEMPT
FINANCINGS FOR CERTAIN EXPENDITURES IN CONNECTION WITH
CERTAIN SCHOOL FACILITIES AND WASTEWATER TREATMENT FACILITIES

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 or The Durham County Board of Education (the "Board of Education") has paid, beginning no earlier than December 16, 1999, and will pay, on and after the date hereof, certain expenditures in connection with erecting, remodeling, enlarging and reconstructing school buildings and other school plant facilities and acquiring any necessary land, furnishings and equipment therefor, including the renovation of Lakeview School as described in the Lakeview School Project Strategic

February 14, 2000

Plan for Serving Suspended and Disruptive Students 2000-2001 approved by the Board of Education on February 1, 2000 (the "School Project"); and

WHEREAS, the County has paid, beginning no earlier than December 16, 1999, and will pay, on and after the date hereof, certain expenditures in connection with enlarging, improving and reconstructing the Triangle Wastewater Treatment Plant of the County and acquiring any necessary land, furnishings and equipment therefor, as more particularly described in Appendix A attached hereto (the "Wastewater Treatment Plant Project"); and

WHEREAS, the Board has determined that certain moneys previously advanced by the County no earlier than December 16, 1999 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 including one or more issues of general obligation bonds of the County or one or more installment financing agreements pursuant to Section 160A-20 of the North Carolina General Statutes, as amended (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 December 16, 1999, 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, (d) a grant to a party that is not related to or an agent of the County or the Board of Education 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 or the Board of Education.

Section 3. The maximum principal amount of the Tax-exempt Financings expected to be entered into with respect to the School Project is \$1,700,000, and the maximum principal amount of the Tax-exempt Financings expected to be entered into with respect to the Wastewater Treatment Plant Project is \$40,000,000 plus such additional amount, if any, as shall be determined to be reasonably necessary for the funding or payment of capitalized interest, a debt service reserve, a debt service payment insurance premium and other costs of entering into the Tax-exempt Financings.

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 School Project or the Wastewater Treatment Plant Project with respect to which the Expenditure is paid 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 do minimis amounts, expenditures by small issuers (based on the year of entering into a Tax-exempt Financing 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.

APPENDIX A

Proposed Improvements to the Durham County Triangle Wastewater Treatment Plant

- Phase I (estimated cost = \$7,678,000)
 - Influent Pump Station

Abandon existing aging station and relocate new station on main plain site above flood hazard. New station will also resolve OSHA and safety issues existing related to the age of the facility.
 - Cascade Aeration

This process will add dissolved oxygen to the flow to comply with the County's NPDES Permit.
 - Ultraviolet Disinfection

Present flow is disinfected with chlorine gas, which is creating VOCs (Volatile Organic Compounds) restricted by the County's NPDES Permit. UV will provide a safer method, and eliminate the production of the VOCs.

February 14, 2000

- Effluent Pump Station

Present flow exits plant by gravity, and is restricted when receiving stream is high. New station will allow plant to maintain flows, protect proposed UV system, and provide the capability to install the proposed cascade aeration system.

- Phase 2 (estimated cost = \$30,620,600)

- Nitrogen Removal

Present plant design does not provide Nitrogen removal. Current law (HB 515) requires Nitrogen removal, expected to become effective at County plant at permit renewal March 1, 2001. Proposed method to achieve Nitrogen removal is a different process --the Bardenpho process.

- Increase Capacity

The County plant is designed and permitted for 6 MGD. The current flow received (based on a 12 month average) is 4.2 MGD. The County projects flow to increase to 6 MGD by 2003.

Thereupon, upon motion of Commissioner Bell seconded by

Commissioner Heron the foregoing resolution was passed by the following vote:

Ayes: Commissioners Bell, Black, Bowser, Heron, and Reckhow.

Noes: None.

* * * *

I, Gany E. Umstead, Clerk to the Board of Commissioners for the County of Durham, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board at a regular meeting held on February 14, 2000 as relates in any way to the passage of the resolutions described therein and that said proceedings are recorded in Minute Book No. ____ of the minutes of said Board, beginning on page ____ and ending on page ____.

I HEREBY FURTHER CERTIFY that a schedule of regular meetings of said Board, stating that regular meetings of said Board are held in the County Commissioners' Meeting Room in the Durham County Government Administrative Complex at 200 East Main Street, in Durham, North Carolina, on the second and fourth Mondays of each month at 7:00 P.M., has been on file in my office as of a date not less than seven days before the date of said meeting in accordance with G.S. §143-318.12.

WITNESS my hand and the corporate seal of said County, this 17th of February 2000.

February 14, 2000

/s/ Garry E. Umstead
Clerk to the Board

Contract to Conduct Health and Human Services Delivery Study

In February of 1999, the Board of County Commissioners (BOCC) developed the following goal for fiscal year 1999-2000:

“To complete a comprehensive study that identifies and recommends best practices for delivery of health and human services to all citizens of Durham County.”

To accomplish this goal, the County Manager assembled a Leadership Team consisting of Department Heads from Public Health, Social Services, The Durham Center, Criminal Justice Resource Center, Cooperative Extension, Youth Coordinating Board, Library, and the County Attorney to develop recommendations that best meet the above-referenced Board goal. The Leadership Team recommends the use of a consultant to gather information upon which to formulate its recommendations to the County Manager.

A competitive bid process was initiated on November 18, 1999 with a one-month acceptance period for responses to the Request for Qualifications. The RFQ was sent to 12 firms and advertised one time each in the *Herald-Sun*, *News and Observer*, *Charlotte Observer*, *Carolina Times*, and the North Carolina Association of County Commissioners' newsletter, *County Lines*. The following four firms responded to the RFQ: (1) DMG Maximus, (2) Benton and Associates, (3) MGT of America, and (4) Public Consulting Group, Inc. Based on the work plans and responses received, the Leadership Team is recommending Public Consulting Group Inc. (PCG) to conduct the analysis and delivery study. Public Consulting Group Inc. clearly possesses relevant experience and knowledge of the health and human service delivery models used by Mecklenburg and Wake Counties. In addition, PCG is able to dedicate the depth of resources and staff time needed to conduct this study in an intensified six- to eight-week period. Consultants from PCG, along with input from the Leadership Team, developed the following revised scope of service to be performed at a cost of \$50,000:

“To evaluate what service improvements and management goals could be accomplished through an organizational restructuring of the health and human services system, including the departments of: Social Services, Public Health, and MH/SA/DD. This will include establishing criteria for the evaluation, projecting the major cost considerations each would involve, and clarifying the opportunities and risks inherent in each organizational restructuring. The organizational models to be considered are: a) the county model used by Mecklenburg County, b) the human service model used by Wake County, c) the board model currently used by Durham, and d) a model developed through the study and input from stakeholders that will provide the best service in Durham County.”

The Leadership Team requests the BOCC to approve the contractual agreement with Public Consulting Group Inc. (PCG) for a not-to-exceed amount of \$50,000 for their services in conducting a health and human services delivery study. The funds have been budgeted in the County Manager's cost center to cover the cost of the contract.

Resource Person(s): Carolyn P. Titus, Deputy County Manager

County Manager's Recommendation: We are requesting that the Board of County Commissioners approve the contract with PCG Inc. to conduct a health and human services delivery study in the not to exceed amount of \$50,000. These funds were previously approved in the County Manager's FY '99-00 Budget.

Carolyn P. Titus, Deputy County Manager, said staff is requesting the Commissioners to approve the contract with PCG Inc. to conduct a health and human services delivery study not to exceed the amount of \$50,000.

Deputy County Manager Titus reviewed the revisions that were made to the contract as a result of the worksession last week.

February 14, 2000

The County Commissioners asked several questions and made comments about the contract and proposal to which the Deputy County Manager responded.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the contract with PCG Inc. to conduct a health and human services delivery study in the not to exceed amount of \$50,000.

The motion carried unanimously.

HUD “Needs” Public Hearing for the Upcoming 2000-2005 Consolidated Plan and the Fiscal Year 2000-2001 Action Plan

The City of Durham Department of Housing and Community Development (DHCD) requested that the Board of County Commissioners hold the Consolidated Plan Needs Public Hearing on February 14, 2000 in preparation of the 2000-2005 Consolidated Plan and the 2000-2001 Annual Action Plan. The adopted Citizen Participation Plan for use with the Consolidated Plan requires that two public hearings be held prior to the submission of the Consolidated Plan to the U.S. Department of Housing and Urban Development (HUD). The purpose of the first public hearing is to receive public comments and proposals pertaining to community needs in Durham and the HOME program. The City Council held its Needs Public Hearing on February 7, 2000.

The major use of HOME funds is to expand the supply of safe, decent, sanitary, and affordable rental and owner-occupied housing. In May 1993, the Board of County Commissioners and the City Council approved a Durham City-County HOME Consortium Agreement to be used in the administration of the HOME program. HOME program activities are included as a part of the Durham Consolidated Plan and submitted annually to HUD for approval.

At the January 10, 2000 regular meeting, the Board of County Commissioners requested additional information on whether residual funds from the HOME program could be utilized for rental subsidies. DHCD staff was prepared to respond to this matter.

Resource Person(s): Ava Hinton and John Mickle from the Department of Housing and Community Development.

County Manager's Recommendation: The Manager recommends that the Board of County Commissioners hold the Consolidated Plan Needs Public Hearing. DHCD staff was present to answer questions.

Mr. Mickle discussed the agenda item.

The Commissioners asked questions and made comments about the subject to which Mr. Mickle and Ms. Hinton responded.

Chairman Black opened the public hearing that was properly advertised.

As no one signed to speak at this public hearing, Chairman Black closed the public hearing and referred the item back to the Commissioners.

No action was required since a second public hearing was required.

Housing for New Hope

New documents were required for the financing whereby Housing for New Hope is taking over the financial responsibility for the County's loan for the house located at 602 Holloway Street. Housing for New Hope is purchasing the property from Churches for Action, and the first payment will be due on January 2, 2001. As part of this purchase, Housing for New Hope will be doing further rehabilitation to the structure.

February 14, 2000

Additionally, as part of this refinancing, the County will take a first mortgage position.

Resource Person(s): S. C. Kitchen, County Attorney.

County Manager's Recommendation: Approve the form of the documents as this represents greater collateral for the County, as well as ensuring the continued viability of Phoenix House.

County Attorney Chuck Kitchen said the Commissioners are being asked to approve the form of the documents relative to Phoenix House on Holloway Street. The County would have a first mortgage on the property.

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the form of the documents as this represents greater collateral for the County, as well as ensuring the continued viability of Phoenix House.

The motion carried unanimously.

Final Qualifying Bid to Purchase County Property (308 N. Guthrie Avenue)

On January 10, 2000, the Board adopted a resolution to publish a Notice of Sale and accept upset bids on a vacant lot located at 308 North Guthrie Avenue. Durham County obtained the property located at 308 North Guthrie Ave. (parcel #138-01-003) through a tax foreclosure sale on April 8, 1998. This is a 50 X 50 buildable lot and is currently zoned Residential 3. The County's investment in this property is \$4,450.00 (taxes 93-98 and legal costs). The assessed fair market tax value from the 1993 valuation of this parcel is \$12,592.00.

There was not an upset bid submitted for this lot (parcel 138-01-003) during the advertising period January 13, 2000 through January 22, 2000. Therefore, the final qualifying bid of \$5,350.00, submitted by Mr. Joe Hicks, was being presented for the Board's consideration.

Resource Person(s): Sandra Phillips, Director of Purchasing

County Manager's Recommendation: Approve the offer of \$5,350.00 submitted for 308 N. Guthrie Avenue by Mr. Joe Hicks and prepare a non-warranty deed for the Chairman's signature.

Ms. Phillips presented the agenda item.

Vice-Chairman Reckhow moved, seconded by Commissioner Bowser, to approve the offer of \$5,350.00 submitted for 308 N. Guthrie Avenue by Mr. Joe Hicks and prepare a non-warranty deed for the Chairman's signature.

The motion carried unanimously.

Adoption of Resolution & Designation of Members for 2000 E&R Board

North Carolina General Statute 105-322 requires adoption of resolution to appoint a special Board of Equalization and Review to hear tax appeal matters. The Board of County Commissioners must determine membership to this Board by the first Monday in March. The Board of County Commissioners shall also appoint the Chair and Vice Chair for this special board and set the rate of compensation.

The rate of compensation for the 1999 Board of Equalization and Review was \$50.00 per session. A session consists of a three-hour block of time that Board members actually attend for official meetings.

February 14, 2000

Resource Person(s): Wendell Davis, Acting Tax Assessor/Deputy County Manager

County Manager's Recommendation: Adopt resolution to appoint a special Board of Equalization and Review, designate membership to this Board, appoint Chair and Vice Chair, and establish a rate of compensation for serving on this Board at \$50.00 per session.

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to adopt a resolution to appoint a special Board of Equalization and Review, designate membership to this Board (Call Smith, Charles McBroom, Floyd Wicker, George Scott, and Kelly Matherly), appoint Call Smith as Chairman and George Scott as Vice Chairman, and establish a rate of compensation for serving on this Board at \$50.00 per session.

The motion carried unanimously.

The resolution follows:

RESOLUTION TO APPOINT SPECIAL BOARD OF EQUALIZATION AND REVIEW

WHEREAS, the Board of County Commissioners is authorized by North Carolina General Statutes Section 105-322 to appoint a special Board of Equalization and Review to examine and review the listings and valuations assigned to property located in Durham County, hear property owners' appeals concerning property listings and valuations, and make adjustments and necessary changes to insure that valuations meet standards established by State law; and

WHEREAS, the Board of County Commissioners is authorized by North Carolina General Statutes Section 105-312 to delegate its authority to compromise, settle or adjust the County's claim for taxes arising from discovered property to a special Board of Equalization and Review; and

WHEREAS, the Board of County Commissioners has determined that it is reasonable and desirable to appoint a special Board of Equalization and Review to exercise those powers and perform those duties allowed by law;

NOW THEREFORE, BE IT RESOLVED that the Board of County Commissioners for the County of Durham does hereby establish a special Board of Equalization and Review as follows:

1. EFFECTIVE DATE AND DURATION

This resolution shall be effective upon its adoption by the Board of County Commissioners and shall continue in effect until revised or rescinded by the Board of County Commissioners. This resolution supersedes any previous resolutions adopted by the Board of County Commissioners regarding the establishment of a special Board of Equalization and Review in Durham County.

2. MEMBERSHIP

- a. The Board shall consist of five members, each having one vote.
- b. Three members shall constitute a quorum.

3. QUALIFICATIONS

Each member of the special Board of Equalization and Review shall:

- a. Be a real property owner in Durham County;

- b. Be a registered voter in Durham County;
- c. Be in current payment of all Durham City and County property taxes; and
- c. Be familiar with the power and duties of the Board of Equalization and Review as set forth in North Carolina General Statutes Section 105-322(g).

4. TERM OF OFFICE

The term of office for each member of the special Board of Equalization and Review shall be one year.

5. APPOINTMENT OF MEMBERS

- a. Each Commissioner shall have the opportunity to nominate one member of the Board of Equalization and Review. Nominations shall be made by submitting names and addresses of qualified individuals to the Clerk to the Board no later than the first Monday in February.
- b. Appointment of members and designation of the chairperson of the special Board of Equalization and Review shall be made by the Board of County Commissioners from the slate of nominees presented by the Clerk to the Board at the second scheduled meeting of the Board of County Commissioners in February.
- d. A Commissioner shall serve as a member of the special Board of Equalization and Review by either submitting his/her own name in lieu of some other qualified individual, or by failing to submit the name and address of a qualified nominee to the Clerk to the Board prior to the second scheduled meeting in February.

6. VACANCIES

- a. Vacancies shall be filled by the Board of County Commissioners, with individuals qualified as described in Paragraph 3, above. An individual appointed to fill a vacancy shall serve until the end of the unexpired term.
- b. Any member appointed by the Board of County Commissioners may be removed from the special Board of Equalization and Review by the Board of County Commissioners with or without cause. A vacancy caused by such removal shall be filled as set forth above.
- e. Any Commissioner serving as member of the special Board of Equalization and Review may vacate his/her seat by requesting that the Board of County Commissioners appoint a replacement. Such Commissioner shall continue to service on the special Board of Equalization and Review until such time as a qualified individual can be appointed by the Board of County Commissioners to fill the vacancy caused by Commissioner's resignation, as set forth above.

7. COMPENSATION

The members of the special Board of Equalization and Review shall be compensated at a rate determined by the Board of County Commissioners.

8. POWERS AND DUTIES

The special Board of Equalization and Review shall have those powers and duties set forth in North Carolina General Statutes, Section 105-312 and 105-322, and such other powers, duties and responsibilities as are contained in Chapter 105, Subchapter II, of the North Carolina General Statutes, known as the "Machinery Act".

9. CLERK TO THE BOARD AND MINUTES OF THE BOARD

The Tax Assessor shall serve as Clerk to the Board of Equalization and Review, be present at all meetings, maintain accurate minutes of the actions of the Board, and give to the Board such information as he/she may have or can obtain with respect to the listing and valuation of taxable property in Durham County.

February 14, 2000

10. STAFF ASSISTANCE

The special Board of Equalization and Review may call upon members of the Planning Department and Tax Administration for technical assistance in carrying out its duties and powers. The special Board of Equalization and Review may call upon the County Attorney's Office for advice and assistance interpreting and putting into effect Chapter 105, Subchapter II of the North Carolina General Statutes as it relates to the Board's responsibilities and duties.

11. NOTIFICATION TO DEPARTMENT OF REVENUE

A copy of this resolution shall be forwarded to the North Carolina Department of Revenue within fifteen (15) days after its adoption.

By motion properly made and seconded, adopted this the 14th of February, 2000.

/s/ MaryAnn E. Black, Chairman
Durham County Board of Commissioners

(SEAL)

/s/ Garry E. Umstead, CMC
Clerk to the Board

Manager's Update on Board Directives

Staff was instructed to continue to bring this list forward at the first regular meeting of the Board each month.

County Manager's Recommendation: Receive for informational purposes.

County Manager David F. Thompson answered questions about this agenda item.

Board Appointments

The Board deliberated on appointments of board members to the following boards and committees:

- City/County Committee to Review Charter Commission Applications
- Triangle Transit Authority
- DCHC Seats on DUHS Board of Directors

Durham County Hospital Corporation

Vice-Chairman Reckhow moved, seconded by Commissioner Bell, to reappoint Commissioner Bowser to the Durham County Hospital Corporation Board of Directors.

The motion carried unanimously.

Duke University Health System Board of Directors--Recommendations

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to recommend Charles Blackmon and Commissioner Bowser for the Duke University Health System Board of Directors.

The motion carried unanimously.

February 14, 2000

Operation Breakthrough Board

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to appoint Commissioner Bowser to the Operation Breakthrough Board.

The motion carried unanimously.

Triangle Transit Authority

Commissioner Heron moved, seconded by Commissioner Bowser, to appoint Commissioner Bell in an individual citizen capacity as the joint City/County representative to the Triangle Transit Authority contingent upon City Council action.

The motion carried unanimously.

City/County Committee to Review Charter Commission Applications

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to appoint Commissioners Bell and Heron and Vice-Chairman Reckhow to the City/County Committee to Review Charter Commission Applications.

The motion carried unanimously.

Announcements

Vice-Chairman Reckhow announced the Smart Growth Conference would be held in the Commissioners' Room on March 21, 2000 from 7:00 p.m. to 9:00 p.m.

Chairman Black announced the annual installation service for the Durham Committee on the Affairs of Black People. The meeting is an open meeting to the general public.

Closed Session

Commissioner Heron moved, seconded by Commissioner Bowser, to adjourn to closed session pursuant to G.S. § 143-318.11(a)(3)(6) in order to preserve the attorney-client privilege and discuss Waste Ind. v. Durham County, COA99-562 and to discuss a personnel matter and consider the appointment of a public officer.

The motion carried unanimously.

Reconvene Into Open Session

Chairman Black said the Commissioners gave directions to the County Attorney to proceed on a matter.

Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to increase Deputy County Manager Wendell Davis' salary by 5 percent until a new county manager is appointed.

The motion carried unanimously.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to appoint Deputy County Manager Carolyn Titus as Interim County Manager beginning March 4, 2000 and to increase her salary by \$10,000 until a new county manager is hired.

February 14, 2000

The motion carried unanimously.

Adjournment

Chairman Black adjourned the meeting.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board