

THE BOARD OF COUNTY COMMISSIONERS
Special Breakfast Meeting With
THE DURHAM COUNTY LEGISLATIVE DELEGATION
DURHAM, NORTH CAROLINA

Monday, May 1, 2000

8:00 A.M.

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

Representatives Paul Luebke, H. M. Michaux Jr., and George W. Miller Jr.

Senators Wilbur P. Gulley and Jeanne H. Lucas

Absent: Representatives Jennifer Weiss and J. Russell Capps

Others Present: Interim County Manager Carolyn P. Titus, Deputy County Manager Wendell Davis, County Attorney Chuck Kitchen, Budget Director Claudia Odom, Youth Coordinating Board Director Anita Daniels-Kenny, Public Information and Governmental Affairs Director Deborah Craig-Ray, and Clerk to the Board Garry E. Umstead

Presider: Chairman Black

Chairman Black opened the session and welcomed everyone.

Legislative Breakfast Meeting to Discuss 2000 Durham County Legislative Agenda

Deborah Craig-Ray, Governmental Affairs Director, and other key staff led a discussion of proposed legislative items which were suggested by the County Commissioners for possible inclusion in the 2000 Durham County Legislative Agenda.

Resource Person(s): Deborah Craig-Ray, Chuck Kitchen, and Claudia Odom

County Manager's Recommendation: Conduct the meeting and receive input from members of the Durham Legislative Delegation relative to current and future proposed legislative items.

County Attorney Kitchen assisted Ms. Craig-Ray in presenting the following legislative agenda items:

1) AN ACT TO FACILITATE CITY-COUNTY CONSOLIDATION IN NORTH CAROLINA

OBJECTIVE: Legislation authorizing the City and the County of Durham to legally consolidate two local governments into one new government structure.

RATIONALE: Enabling legislation will be required to facilitate the consolidation if the issue is put before the voters in a referendum in November, as expected, and if the issue is successful.

BACKGROUND INFORMATION: The City and County of Durham are in a process of examining a possible consolidation of the two local governments. A Charter Commission is currently working on a recommendation regarding critical components associated with a possible consolidation. The commission's final report is scheduled to be brought back to the City Council and the County Commissioners in July.

County Attorney Kitchen discussed the merger legislation drafted by David Lawrence with the Institute of Government. Either option A or B of the legislation must be passed in the short session to have an election in November which would allow for the assumption of debt which is required to have a merged government. Our bond counsel has reviewed the proposed legislation to assure there will be no problems with any outstanding bond issues should the vote in the election be in the affirmative.

Mr. Kitchen commented that option A is statewide legislation and option B applies to Durham County only. Without the legislation, the vote in November 2000 cannot take place.

Representative Michaux said he is unsure whether the short session will allow this to be done. That is why I asked if there is an option for Durham only. Somewhere along the line, local legislation is required. If it's localized, it may pass through the legislature.

Mr. Kitchen said he would ask Mr. Lawrence to write the members of the Durham Delegation.

Representative Michaux said he wanted the record to show that he is not in opposition. I want this to be clear. This is a statement of the facts.

2) AN ACT TO ESTABLISH A LOCAL OFFICE TO OVERSEE COMPLIANCE WITH NURSING HOME REGULATIONS

OBJECTIVE: Legislation authorizing the County of Durham to establish a new department to oversee the administration of Nursing Homes and with the ability to levy fines for violations. (Staff has tried to research this issue with the NCACC.)

Commissioner Bowser said that the Board would like to establish an office separate and apart from Social Services with the sole mission being an oversight organization that would do an effective job to end the mistreatment of our senior citizens.

Commissioner Heron made comments about senior citizen patient care concerns. There is a major problem here in Durham and in the state relative to patient care.

Commissioner Bowser said the State should investigate a complaint within 24 hours.

The legislators agreed that this is a very important statewide issue that has the legislators' attention.

A lengthy discussion followed about the nursing home concerns relative to patient care.

The legislators concurred that the main force of this effort must be on the local level.

Ms. Craig-Ray said the next three items are simply support initiatives.

DURHAM COUNTY SUPPORT INITIATIVES

1) GRASSROOTS SCIENCE PROGRAM

The Museum of Life and Science is seeking support for the continuation of its appropriation of \$465,240 which is a part of the \$3.42 million total continuation budget appropriation to be divided between the 16 members of the museum consortium.

2) SENATE BILL 368 WHICH PROVIDES PUBLIC ACCESS TO RIVERS AND STREAMS

Senate Bill 368 is an Act to Authorize the Department of Transportation to construct off-road access parking for vehicles adjacent to rivers and streams. This bill would aid in eliminating the need for roadside parking for recreational purposes along North Carolina's rivers and streams. This Bill has passed the Senate and is going to the House for consideration. (BOCC approved the resolution on April 3.)

3) AED LIMITED LIABILITY

A study committee, which included Senator Lucas, has proposed a bill to limit the liability of companies that have automated external defibrillators (AEDs) for use in case of sudden cardiac arrest. This bill would lend support to the County's defibrillator program. The County Attorney was part of a group that drafted the actual legislation.

The legislators and Commissioners made remarks about the support initiatives.

Ms. Craig-Ray reviewed Durham County's future initiatives as listed:

DURHAM COUNTY FUTURE INITIATIVES

While it is our understanding that a Legislative Study Committee is examining the various revenue sources available to governments, we want to continue to lobby for a memo of revenue sources other than the property tax.

- 1) **PREPARED MEALS TAX**—Several North Carolina counties, including Wake and Mecklenburg, have this authority. Funds could be used to support public-private partnerships such as the American Tobacco Project.

One Cent	\$17,285,146
½ Cent	\$ 6,711,501
½ Cent	<u>\$ 6,660,303</u>
Total	\$30,656,950

Prepared Food Tax Projections \$ 1,532,848

5% assumption based on Wake County estimates

Source: Durham County Budget

- 2) **ENTERTAINMENT or SEAT TAX**—This would be a special admissions or seat tax or fee at events in Durham County Stadium, Carolina Theatre, ball games, or other events. The funds would be used to support the upkeep of such public structures.
- 3) **1% LOCAL OPTION SALES TAX**—This would give Durham County the option of levying an additional 1% sales tax, the proceeds which would be used to fund infrastructure needs or for other public purposes to be strictly defined.

The Commissioners and legislators discussed the future initiatives.

Chairman Black distributed a letter from the North Carolina General Assembly in reference to HB 136—An Act to Amend the Constitution of North Carolina to Recognize the Right to Health Care. She asked the Commissioners to read the information. This item will be on the May 8, 2000 Regular Session agenda for consideration by the Board.

Adjournment

Chairman Black adjourned the meeting at 9:30 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board