

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

Monday, November 8, 2004

7:00 P.M. Regular Session

MINUTES

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

Present: Chairman Ellen W. Reckhow, Vice-Chairman Joe W. Bowser, and Commissioners Philip R. Cousin Jr., Becky M. Heron, and Mary D. Jacobs

Absent: None

Presider: Chairman Reckhow

Opening of Regular Session—Pledge of Allegiance

Agenda Adjustments

Additions:

- Discussion of New Hope Creek Corridor and Right of First Refusal for Duke Property (Chairman Reckhow)
- Discussion of Memorandum Received from Interim County Manager Regarding Overcharges to County Employees for Benefits and Administrative Fees (Commissioner Jacobs)
- Update from Gotta Save Project Inc. Regarding Efforts to Provide Substance Abuse Treatment (Commissioner Cousin)
- Report on 911 Problems Over the Weekend (Interim County Manager Wendell Davis)

Minutes

Commissioner Heron moved, seconded by Commissioner Cousin, to approve as submitted the October 25, 2004 Regular Session Minutes of the Board.

The motion carried unanimously.

TROSA Resolution

TROSA (Triangle Residential Options for Substance Abusers) received a 2004 Nonprofit Sector Stewards Award from the NC Center for Nonprofits. The award recognized TROSA for the excellent social programs the organization has provided for ten years. TROSA is known for turning social problems into opportunities and saving taxpayers money in the process.

Chairman Reckhow read the following resolution:

RESOLUTION

WHEREAS, TROSA (Triangle Residential Options for Substance Abusers) has relentlessly served the community of Durham for ten years and is ably managed by a visionary leader, Kevin McDonald; and

WHEREAS, during a time when prisons are overcrowded, TROSA has provided judges with a viable option of treatment over incarceration of substance abusers by housing some 200 individuals who would otherwise cost taxpayers \$59.81 per day in prison, which in turn saves the Department of Corrections – and taxpayers – over \$4,000,000 a year; and

WHEREAS, TROSA currently serves more than 400 men and women ages 18 and older in its residential programs and aftercare services for graduates, of which 90 percent of its residents have a criminal record, 70 percent have been in a previous drug treatment program, 30 percent are homeless when they arrive, and 75 percent are North Carolina residents; and

WHEREAS, 70 percent of TROSA's 39 staff members are graduates of its programs, and its businesses serve clients and also leverage resources for other nonprofits and community organizations throughout Durham; and

WHEREAS, the NC Center for Nonprofits has recognized the admirable work TROSA has done for the Durham community by honoring the organization with a 2004 Nonprofit Sector Steward Award:

NOW, THEREFORE, BE IT RESOLVED that we, the members of the Durham County Board of Commissioners, do hereby honor

“TROSA (TRIANGLE RESIDENTIAL OPTIONS FOR SUBSTANCE ABUSERS)”

true community servants that exemplify the very essence of nonprofits. We further call upon all citizens to recognize the vital role this organization is playing in improving the lives of those struggling with substance abuse.

This the 8th day of November, 2004.

Chairman Reckhow congratulated TROSA on its 10th anniversary, noting that the Board of Commissioners helped in TROSA's startup by donating its first property—the North Durham Elementary School.

Chairman Reckhow welcomed comments.

Jesse Battle, Director of Men's Programs, TROSA, thanked the current and past Boards of Commissioners for their assistance over the years. He stated that TROSA is a program designed to give individuals a chance to recapture their dreams.

The following TROSA graduates and current staff members expressed gratitude to the Commissioners and commented that TROSA had "saved their lives": Alan Seawell, General Contractor; Joseph Boone, Warehouse Manager; Buddy Dove, Automotive and Transportation Manager; William Mack, Masonry Manager; and Noel Pitsenbarger, Accounts Payable Manager and student at NCCU graduate school.

Chairman Reckhow commended TROSA representatives for turning their lives around and becoming productive citizens in the community.

TROSA staff accepted the resolution from the Commissioners.

Proclamation—Cooperative Extension Week

Chairman Reckhow read the proclamation into the record:

PROCLAMATION

WHEREAS, Durham County Cooperative Extension is an educational partnership helping people put research-based knowledge to work for economic prosperity, environmental stewardship, and an improved quality of life; and

WHEREAS, Durham County Cooperative Extension Week highlights the many contributions Durham County Cooperative Extension has made to the community; and

WHEREAS, since 1911, when the first County Farm Agent was hired, Cooperative Extension has grown to offer a myriad of services including youth development, family and consumer education, community development, and agriculture and horticulture services to Durham County citizens; and

WHEREAS, since the 1940's, Durham County Cooperative Extension has been located in the historic Agriculture Building on Foster Street; and

WHEREAS, the programs of Durham County Cooperative Extension would not be possible without the volunteer services of Durham's citizens:

NOW, THEREFORE, be it resolved that I, Ellen W. Reckhow, Chairman of the Durham County Commissioners, do hereby designate the week of November 14 - 20, 2004 as

“COOPERATIVE EXTENSION WEEK”

in Durham County, in recognition of Durham County Cooperative Extension providing valuable services to the people in our community.

This the 8th day of November, 2004.

Chairman Reckhow announced an open house to be held at Cooperative Extension to reveal building improvements. The dates are Tuesday, November 16, 4:00 - 6:00 p.m. for the public and Wednesday, November 17, 4:00 - 6:00 p.m. for county officials.

VonDelle Brown, Volunteer Coordinator for Welcome Baby, accepted the proclamation on behalf of Cheryl Lloyd, Cooperative Extension Director, and staff. She thanked the Commissioners for their support over the years, pledging that Cooperative Extension would continue to provide good services to the citizens of Durham County.

Commissioner Jacobs publicized that her 28-year career had been with Cooperative Extension. She was extremely pleased with the renovations to the Agriculture Building, especially since the renovations were completed during her tenure as a County Commissioner.

November Anchor Award Winner—Mark Schell

Mark Schell, Durham County Emergency Management Coordinator, was selected to receive the November Anchor Award. Mr. Schell was recognized for coordinating the donation of 16 modular workstations to the expanded Emergency Operation Center (EOC).

- Mr. Schell saved the County \$20,000 by negotiating with SouthTrust Bank in Raleigh for a donation of 16 workstations including desktops, file units, overhead storage units, and panel systems.
- Mr. Schell not only secured the donated workstations, he dismantled the units at night after his normal work hours (with the help of his son, Chris).
- After the units were dismantled, FM/EM staff loaded the units, transported them to the new EOC, and reassembled them.

Jeff Batten, Emergency Management Director, made the following remarks about Mr. Schell:

“Mr. Schell began his career with Durham County in November 1996 as an Assistant Fire Marshal. During his career, he has always been willing to assume different roles within the Office of the Fire Marshal and is currently serving as an Emergency Management Coordinator. Mark has always been a person who is looking to do things better and for less cost. His most recent project is the one that he is being honored for tonight. This project started with the completion of the expansion this summer. My plan for the EOC expansion was to have a private workstation for each emergency provider that must pull a tour of duty in the EOC during an event. The current budget would not allow for that to happen. Mark, on his own, went to work to find a way to make this happen. Late one Monday evening, Mark called me at home and asked if I still wanted workstations for the EOC. I told him that I did, but we had no funds to pay for them at this time. He then said, “How does free sound?” I said, “Okay, what is the catch?” He then went on to say that a neighbor of his worked at a local bank, they were replacing the current workstations, and we could have the old ones. The only “catch” was that we had to disassemble and move them. I stated that if he thought they would work in the EOC, we would make arrangements to get them. Mark then said that he and Chris (Mark’s son) would go over and start working on the project. (Remember, this is on his own time at night.) Working late that night and the next, Mark and Chris disassembled 20 complete workstations. The workstations include a desktop, file units, overhead storage units, and privacy panels. On Wednesday of that week, my staff went with Mark, loaded up the workstations, delivered them to the EOC, and reassembled them. Not only do we have workstations for the EOC, but also we have workstations for the Joint Information Center and the EOC communications room. The estimated savings to Durham County is \$20,000. This is just one example of Mark’s fine work for Durham County. I am not sure if Mark know this, but during a staff meeting this summer when he was away at summer camp for his church group, my staff recommended that I nominate him for the Anchor Award. I could go on about the things he does for the County. Mark, Chris, thank you for your hard work.”

Chairman Reckhow called on Mr. Schell to come forward and accept the \$200 check and Anchor Award. She also asked his son, Chris, to join his father.

Commissioner Heron commented that the workstations and the EOC are very impressive.

Mr. Schell recognized family members and his Durham County “family”, expressing gratitude for the recognition and for being able to serve the Durham County community.

Consent Agenda

Commissioner Cousin moved, seconded by Commissioner Jacobs, to approve the following consent agenda items:

- *a. Budget Ordinance Amendment No. 05BCC000019—The Durham Center—Acceptance and Allocation of Funds from Multiple Small Grants (appropriate \$40,000, \$33,389, \$9,500, \$9,008, \$16,609, and \$44,310, for a total Mental Health revenue and expenditure budget increase of \$152,816);
- *d. Set a Public Hearing to Close 328.16 Linear Feet of an Unnamed Street, North of Goodwin Road and West of Laurel Drive (SC03-21) (adopt the resolution and set the public hearing for November 22, 2004);
- f. Volunteer Fire Department Capital Asset Funding Agreement Change (be revised such that transfer of the EMS replacement vehicles to the indicated volunteer fire department(s) occurs; that the EMS replacement vehicles are still purchased according to County specs as approved by the EMS Director; and that the volunteer fire departments pay for vehicle maintenance and repair and record the depreciation expense);
- g. Office of the Sheriff—Amendment of Lease with Parkwood Volunteer Fire Department (authorize amendment of this lease); and
- *h. Substitution of Trustee, Acceleration of Payment (approve substitution of the original trustee and authorize execution of the Substitute Trustee document, acceleration of the amount secured by the Deed of Trust, and foreclosure of the property in the event the amount due under the Deed of Trust is not paid).

The motion carried unanimously.

*Documents related to these items follow:

Consent Agenda Item No. a. Budget Ordinance Amendment No. 05BCC000019—The Durham Center—Acceptance and Allocation of Funds from Multiple Small Grants (appropriate \$40,000, \$33,389, \$9,500, \$9,008, \$16,609, and \$44,310, for a total Mental Health revenue and expenditure budget increase of \$152,816).

Commissioner Heron asked Ellen Holliman, Interim Area Director, the meaning of “UCR”, which was referenced on the agenda action form. She also questioned whether the \$9,500 grant for TROSA would be used to house Mental Health clients.

Ms. Holliman explained that “UCR” is an abbreviation for “unit cost reimbursement” or fee for service (rate affixed to receiving monies). The TROSA funds were appropriated

from the State division (flow-through money) for pre-development of two 4-unit modular buildings on the TROSA West Campus.

DURHAM COUNTY, NORTH CAROLINA
FY 2004-05 Budget Ordinance
Amendment No. 05BCC000019

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

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Intergovernmental	\$259,618,984	\$152,816	\$259,771,800

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Human Services	\$318,522,328	\$152,816	\$318,675,144

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

This the 8^h day of November, 2004.

Consent Agenda Item No. d. Set a Public Hearing to Close 328.16 Linear Feet of an Unnamed Street, North of Goodwin Road and West of Laurel Drive (SC03-21) (adopt the resolution and set the public hearing for November 22, 2004).

RESOLUTION DECLARING THE INTENT OF THE BOARD OF COMMISSIONERS
OF THE COUNTY OF DURHAM TO CONSIDER PERMANENTLY CLOSING
AN UNNAMED STREET NORTH OF GOODWIN ROAD AND WEST OF LAUREL
DRIVE (SC03-21) AND CALLING A PUBLIC HEARING THEREON

Whereas, the County Clerk of the County of Durham has received a petition to close 328.16 linear feet (6,578 square feet) within the public street right-of-way of an unnamed street north of Goodwin Road and west of Laurel Drive.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF DURHAM THAT:

The Board of Commissioners proposes to consider permanently closing 328.16 linear feet (6,578 square feet) within the public street right-of-way of an unnamed street north of Goodwin Road and west of Laurel Drive.

1. A public hearing is hereby called on the question of permanently closing the street named in Paragraph 1 above. Said public hearing shall be on the 22nd day of November, 2004 at 7:00 p.m. in the Commissioners Chambers, 200 E. Main Street, Durham, North Carolina.
2. The City-County Planning Department shall notify all owners of property adjoining the street named in Paragraph 1 above as their interests may appear on the County Tax Records.
3. Notice of the closing and public hearing shall be prominently posted in at least two places along the street named in Paragraph 1 above.
4. Any person may be heard at the public hearing on the question of whether or not the proposed closing would be detrimental to the public interest or to the property rights of any individual.
5. If it appears to the satisfaction of the Board of Commissioners after said public hearing that the closing of said street is not contrary to the public interest, and that no property owner would thereby be deprived of reasonable means of ingress and egress to his property, the Board of Commissioners may adopt an Order permanently closing the street named in Paragraph 1 above.
6. BE IT FURTHER RESOLVED that notice of such hearing shall be published in the Durham Herald-Sun once a week for two successive weeks, the first publication to be not less than ten days nor more than 25 days before the date fixed for the hearing.

This 8th day of November, 2004.

Consent Agenda Item No. h. Substitution of Trustee, Acceleration of Payment (approve substitution of the original trustee and authorize execution of the Substitute Trustee document, acceleration of the amount secured by the Deed of Trust, and foreclosure of the property in the event the amount due under the Deed of Trust is not paid).

STATE OF NORTH CAROLINA
COUNTY OF DURHAM

SUBSTITUTION OF TRUSTEE

THIS INSTRUMENT, made and entered into this the 8th day of November, 2004, by and between THE COUNTY OF DURHAM, a political subdivision of the state of North Carolina (hereinafter "Beneficiary"), and WENDELL DAVIS, Substitute Trustee, of Durham County, North Carolina;

W I T N E S S E T H:

THAT WHEREAS, on the 24th day of February, 1993, Marie Bradley, executed to George H. Williams, Trustee, and THE COUNTY OF DURHAM, a deed of trust covering certain real estate located in Durham County, North Carolina, which deed of trust is recorded in the Office of the Register of Deeds of Durham County, North Carolina, in Book 1823, at Page 273; and

WHEREAS, the said Beneficiary is the owner and holder of the note evidencing the entire indebtedness secured by the aforesaid deed of trust and desires to substitute George H. Williams and any and all substitute trustees pursuant to the authority granted by the Deed of Trust and N.C.G.S. §45-10.

NOW, THEREFORE, in consideration of the promises and the mutual rights, duties, and obligations of each to the other, Beneficiary hereby removes GEORGE H. WILLIAMS and appoints WENDELL DAVIS as Trustee under the terms and provisions of that Deed of Trust referenced above, recorded in Book 1823 page 273, now vested with all title, power, and duties conferred upon the original Trustee and by applicable law.

IN WITNESS WHEREOF Beneficiary, has caused this instrument to be executed by its duly authorized officers and sealed with its corporate seal, and WENDELL DAVIS hereunto sets his hand and seal, the day and year first above written.

ATTEST
BY: /s/ Garry E. Umstead
GARRY E. UMSTEAD
Clerk to the Board

THE COUNTY OF DURHAM
BY: /s/ Ellen W. Reckhow
Chairman of the Durham County Board of
County Commissioners

SUBSTITUTE TRUSTEE
BY: /s/ WENDELL DAVIS
Substitute Trustee

Consent Agenda Items Removed for Discussion

Consent Agenda Item No. b. Capital Project Amendment No. 05CPA000004 and Budget Ordinance Amendment No. 05BCC0000020: Stanford L. Warren Branch Library Renovations; Emergency Medical Services Station No. 2; and Criminal Justice Resource Center Renovations (appropriate funds from undesignated General Fund fund balance for \$937,345, with \$17,000 moving to the CJRC and \$920,345 moving to the Capital Projects Fund [430]; approve the increase of three capital projects by a total of \$920,345).

Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702, removed this item from the consent agenda. She articulated her vision that the new Stanford L. Warren Library entrance will be connected to the remaining portion of the W. G. Pearson building and that Durham County create a vocational technical center.

Chairman Reckhow thanked Dr. Allison for her comments. She stated that this budget ordinance amendment is to increase budgets for CIP projects because of rising renovation and construction costs.

Consent Agenda Item No. c. Approval of Construction Contract for Stanford L. Warren Branch Library Renovations (Project No: DC073-48; Bid No: IFB 05-006) (authorize contract execution with D. W. Ward Construction Co. Inc. for \$1,499,613 (Base Bid plus Alternates 1 through 9) and execution of any other related contracts including change orders, if necessary, not to exceed the project budget of \$1,613,545.65).

County Attorney Chuck Kitchen advised removing item No. c from the consent agenda as the construction contract could not be approved prior to funding approval in consent agenda item No. b.

Chairman Reckhow asked if the construction contract included a projected completion date with liquidated damages if not achieved.

Glen Whisler, Engineering Director, stated that the contract before the Commissioners is an incomplete, standard construction contract. The estimated completion time, which will be included in the prepared contract, is 240 days with liquidated damages if not met.

Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702, inquired about the \$20,000 impact fees and the \$10,000 inspection fees for the Stanford Warren project.

Chairman Reckhow clarified that the County is not exempt from City fees. When Durham County builds a facility in the City, the County is subject to analogous fees as a private developer. She asked County Attorney Kitchen if it would be equitable for the County to seek an exemption.

County Attorney Kitchen responded that a similar matter is being litigated in a coastal county.

Chairman Reckhow said that the results of the court case would set the precedent for local jurisdictions.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve consent agenda item Nos. b and c.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
FY 2004-05 Capital Project Ordinance
Amendment No. 05CPA000004

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

PROJECT

	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
Stanford L. Warren Library Renovations	\$1,216,650	\$537,095	\$1,753,745
EMS Station No. 2 (Lincoln EMS Station Relocation)	\$1,146,000	\$347,250	\$1,493,250
Criminal Justice Resource Center Renovation (CJRC)	\$ 395,000	\$ 36,000	\$ 431,000

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

This the 8th day of November, 2004.

DURHAM COUNTY, NORTH CAROLINA
 FY 2004-05 Budget Ordinance
 Amendment No. 05BCC000020

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

Revenue:

<u>Category</u>	<u>Current Budget</u>	<u>Increase/Decrease</u>	<u>Revised Budget</u>
<u>GENERAL FUND</u>			
Other Financing Sources	\$15,541,633	\$937,345	\$16,478,978

Expenditures:

<u>Activity</u>			
<u>GENERAL FUND</u>			
Public Safety	\$40,476,037	\$ 17,000	\$40,493,037
Other	\$ 3,228,291	\$920,345	\$ 4,148,636

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

This the 8^h day of November, 2004.

Consent Agenda Item No. e. Polyheme Study (approve the contracts to allow the County to participate in the study of the blood product [Polyheme©] use on EMS vehicles).

Ms. Nancy King, 2025 Englewood Avenue, Durham 27705, requested that the Board vote against the Polyheme study because of the following :

1. Insufficient community outreach.

2. The information made available about the proposed research is one-sided and misleading.
3. Research subjects will be denied whole blood or blood products for up to 12 hours upon arrival at the hospital.

County Attorney Chuck Kitchen addressed concerns 1 and 2 by stating that the Duke University Health System Institutional Review Board (IRB) protects citizens by considering ethical requirements and efficacy of the studies. No treatment of subjects may begin until Durham County receives written notice of IRB approval. Regarding requirement No. 3, Attorney Kitchen elucidated that EMS will not be involved subsequent to patients' arrival at the hospital.

Chairman Reckhow and Vice-Chairman Bowser were concerned as to whether Duke had satisfied the community outreach and consultation issue.

Attorney Kitchen responded that community outreach and consultation is a requirement and function of the IRB. He had personally observed one presentation at his Rotary Club meeting. Durham County's function is simply to participate in the study provided it is approved.

Commissioner Heron, Chairman Reckhow, and Attorney Kitchen discussed the length of time patients would be given Polyheme at the hospital.

County Attorney Kitchen referred to Mickey Tezai, EMS Director, and Mike Smith, Advanced Life Support Coordinator, to address a technical question by Vice-Chairman Bowser about EMS's involvement in the study.

Mr. Tezai responded that EMS was not involved in the public education portion of the study. However, based on his knowledge, Duke did attempt to educate a cross-section of the community. He could not speak to meeting attendance.

Mr. Smith informed Mr. Bowser that he was aware of at least four community meetings.

Commissioner Heron expressed that the use of Polyheme could be a life-saving procedure.

Due to a request by Commissioner Cousin, Chairman Reckhow further explained Durham County's partnership in the experiment and EMS's administration of Polyheme.

Attorney Kitchen responded to Commissioner Cousin's question regarding the County's liability. He stated that he was satisfied with the indemnity.

Commissioner Jacobs highlighted positive outcomes of the study.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the contracts to allow Durham County to participate in the study of the blood product [Polyheme©] use on EMS vehicles.

The motion carried unanimously.

Capital Project Amendment No. 05CPA000005—Durham Public Schools—2003 Bond Adjustments & Public School Building Capital Funding for Bond Projects

Mr. Hugh Osteen, Assistant Superintendent of Operational Services, Durham Public Schools, reported that Durham Public Schools Board of Education has approved adjustments to the distribution of phase one 2003 Bond projects. Due to requirements that all funding be available for contracts at the time of issuance, a redistribution of phase one funds was required by the Commissioners. This would neither change the scope or total budget for any project nor delay any project. However, because of these changes, coupled with the use of State funds, other critical projects with safety implications can be expedited. Several projects have already been completed under budget, and the resulting balance is available for redistribution. Furthermore, local bond funds may serve as the local match to access funds from the Public School Building Capital Fund (PSBCF). Nine applications to the PSBCF were included with the redistribution of bond funds. No new County funds are required. The Board of Education requests approval of the redistribution of phase one 2003 Bond funds and approval of the applications to the PSBCF. Mr. Osteen referred to the bond project spreadsheet, explaining it to the Commissioners.

Chairman Reckhow distributed pictures of school tennis courts that are in dire need of repair.

Dr. E. Lavonia Allison, P.O. Box 428, Durham, NC 27702, inquired about athletic field improvements at Hillside High School, criteria used to determine priorities, and ways in which leftover bond funds can be utilized.

Mr. Osteen replied that the tennis courts are being addressed first because of liability and safety reasons. Hillside High School athletic field improvements will be addressed in the near future. The entire bond referendum is high priority. Upon completion of the 2003 Bond Referendum programs, DPS will revisit the Board of Education and Commissioners with recommendations.

Commissioner Heron expressed appreciation for Mr. Osteen's prudence in expending bond funds.

Commissioner Heron moved, seconded by Commissioner Jacobs, to approve Capital Project Ordinance Amendment No. 05CPA000005 to redistribute a portion of phase one bond funds; appropriate an additional \$4,077,000 of Public

School Building Capital Funding to nine of the bond projects; and authorize the Chairman to sign the nine applications for PSBCF funding.

The motion carried unanimously.

DURHAM COUNTY, NORTH CAROLINA
2004-05 Capital Project Ordinance
Amendment Number 05CPA000005

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the 2004-05 capital project ordinance is hereby amended to reflect budget adjustments for the projects shown below.

<u>Project</u>	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
Pearson Elementary	\$374,000		\$74,000	\$300,000
Smith Elementary	\$210,000		\$25,000	\$185,000
New "D" Elementary	\$10,354,700	\$1,806,000		\$12,160,700
Githens Middle	\$2,048,000	\$400,000		\$2,448,000
Playgrounds	\$1,025,000	\$100,000		\$1,125,000
Mobiles	\$325,000		\$325,000	\$0
Burton Elementary	\$90,000		\$15,000	\$75,000
Chewing Middle	\$2,000,000	\$366,000		\$2,366,000
Spaulding Elementary	\$2,371,360	\$3,628,640		\$6,000,000
New "C" Elementary Land	\$675,000		\$625,000	\$50,000
New "E" Elementary Land	\$675,000		\$625,000	\$50,000
New "A" Middle Land	\$1,000,000		\$950,000	\$50,000
New "B" Middle Land	\$1,000,000		\$950,000	\$50,000
Durham School of the Arts	\$0	\$240,360		\$240,360
Hamlin Facilities/Trans	\$0	\$200,000		\$200,000
Hillside High School	\$0	\$70,000		\$70,000
Jordan High School	\$0	\$195,000		\$195,000
Northern High School	\$0	\$70,000		\$70,000
Riverside High School	\$0	\$70,000		\$70,000
Southern High School	\$0	\$70,000		\$70,000
Bond Management	\$0	\$450,000		\$450,000

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

This the 8th day of November, 2004.

Exit Procedure for BOCC Members and Board Appointees

Wendell Davis, Interim County Manager, conveyed that the Board of County Commissioners expressed the need for an exit policy or procedure to ensure the prompt return of County property, files, and documents when appointed or elected officials' terms end. Mr. Davis requested that the Board discuss and provide direction to staff regarding the policy.

Commissioner Jacobs stated that her initial goal for requesting implementation of an Exit Procedure/Policy was to ascertain that the four appointed officials (County Manager, County Attorney, Tax Administrator, and Clerk to the Board) return Durham County property upon their exit from duty. "BOCC members" was subsequently added to the policy.

Interim County Manager Davis replied to Vice-Chairman Bowser's inquiry that Procedure 5.1 (A current listing of property issued to Board Members and Board appointees shall be kept on file in the Clerk to the Board's Office) has not been practiced in the past. Mr. Davis also reviewed the employee policy relating to procedure if an employee does not return equipment, files, etc.

Mr. Davis explained, for Commissioner Cousin's benefit, that this policy is consistent with the one in place for Durham County employees with respect to the normal exiting process.

Vice-Chairman Bowser echoed comments of Commissioner Jacobs that the proposed policy was needed for the appointed officials, not the County Commissioners.

Chairman Reckhow asked for advise from the County Attorney regarding this agenda item and issues that may or may not be discussed in open session.

County Attorney Kitchen advised that the Board confer about the actual policy. Discussion of an individual employee or his/her performance must transpire in closed session.

Chairman Reckhow suggested that the policy be amended to include that the Deputy Clerk to the Board shall monitor the exit of the Clerk to the Board.

Interim County Manager Davis recommended that the procedure be revised to add "Tax Administrator" to 3.0 Applicability.

Commissioner Jacobs moved, seconded by Commissioner Heron, to approve the policy with the suggested changes.

The motion carried unanimously.

BOARD OF COUNTY COMMISSIONERS POLICY

EFFECTIVE DATE: NOVEMBER 8, 2004

Subject: EXIT PROCEDURE FOR BOCC MEMBERS AND BOARD APPOINTEES

1.0 PURPOSE:

Durham County recognizes the need to ensure an orderly and consistent exit process for Commissioners and Board Appointees. This process will facilitate the return of County property and initiate the final pay out procedure.

2.0 POLICY:

It shall be the policy of Durham County to require the timely and orderly return of County property immediately upon the end of either the term of office, contract, or appointment period.

Violation of this policy shall result in the application of all legal remedies available that will bring about the return of all County property.

3.0 APPLICABILITY:

County Commissioners, the County Manager, the County Attorney, the Clerk to the Board, the Tax Administrator, and any other exiting Board appointees that fall outside of the normal exiting process utilized by Durham County employees.

4.0 LEGAL REFERENCES:

N.C. General Statutes, Chapter 14, Subchapter VIII, Article 31, Section 14-231
N.C. General Statutes, Chapter 14, Subchapter VIII, Article 31, Section 14-241

5.0 PROCEDURE:

5.1 A current listing of property issued to Board Members and Board Appointees shall be kept on file in the Clerk to the Board's Office.

5.2 For an exiting Board Member, the Clerk to the Board shall be responsible for ensuring that all property is returned on or before the last day of the term of office.

5.3 For an exiting Board Appointee, the Clerk to the Board shall be responsible for ensuring that all property is returned on or before the last day of the appointment.

5.4 At the end of the appointment or term of office, the Clerk to the Board shall arrange for the return of all files and for subsequent distribution, shredding or disposal as appropriate.

5.5 At the end of the appointment or term of office, the Clerk to the Board shall notify, in writing, all other external boards to which Board members or Board appointees serve as members solely because of their designation as Durham County Representatives. New appointees will be designated by the Board of County Commissioners at the next regular meeting.

5.6 The Clerk to the Board shall notify the Information Technology Department that all passwords and other means of access to the County's database should be ended.

5.7 The Clerk to the Board will ensure that all membership dues, subscriptions, email and telephone accounts are discontinued at the time that the term of office or appointment ends.

- 5.8 Upon notification by the Clerk to the Board that all property has been returned, the Human Resources Department will approve the final pay out and ensure that all compensation and benefits are discontinued or continued as per contract specifications.
 - 5.9 Exiting appointees who continue to receive compensation after their tenure ends with the County will be cleared for payment after the Clerk to the Board has notified the Human Resources Department that all property has been returned.
 - 5.10 The Clerk to the Board shall keep on file, for a period of two years, a signed Property Log (See Appendix) indicating that all County property was returned.
 - 5.11 In the event that the Clerk to the Board is exiting, the Deputy Clerk shall be responsible for ensuring that all property is returned on or before the last day of the appointment.
- 6.0 RESPONSIBILITY:
- 6.1 It shall be the responsibility of the Board of County Commissioners and Board Appointees to fully understand and abide by this policy.
 - 6.2 It shall be the responsibility of the Clerk to the Board to keep a current record of all property issued and to make all appropriate notifications when Commissioners and their appointees leave the organization.
 - 6.3 It shall be the responsibility of the Human Resources Department to update the content of this policy as necessary.
- 7.0 APPENDIX
- 7.1 Property Log

Explanation of Personnel Privacy Act

County Attorney Chuck Kitchen commented that questions have arisen regarding the ability of County officials to explain and discuss personnel issues in public. Attorney Kitchen read G.S. § 153A-98, the Personnel Privacy Act, while expounding on particular points. The General Statute, which applies to county employees, follows:

N.C.G.S.A. § 153A-98

WEST'S NORTH CAROLINA GENERAL STATUTES ANNOTATED
CHAPTER 153A. COUNTIES
ARTICLE 5. ADMINISTRATION
PART 4. PERSONNEL
§ 153A-98. Privacy of employee personnel records

(a) Notwithstanding the provisions of G.S. 132-6 or any other general law or local act concerning access to public records, personnel files of employees, former employees, or applicants for employment maintained by a county are subject to inspection and may be disclosed only as provided by this section. For purposes of this section, an employee's personnel file consists of any information in any form gathered by the county with

respect to that employee and, by way of illustration but not limitation, relating to his application, selection or non-selection, performance, promotions, demotions, transfers, suspension and other disciplinary actions, evaluation forms, leave, salary, and termination of employment. As used in this section, "employee" includes former employees of the county.

(b) The following information with respect to each county employee is a matter of public record: name; age; date of original employment or appointment to the county service; current position title; current salary; date and amount of the most recent increase or decrease in salary; date of the most recent promotion, demotion, transfer, suspension, separation or other change in position classification; and the office to which the employee is currently assigned. The board of county commissioners shall determine in what form and by whom this information will be maintained. Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the board of commissioners may have adopted. Any person denied access to this information may apply to the appropriate division of the General Court of Justice for an order compelling disclosure, and the court shall have jurisdiction to issue such orders.

(c) All information contained in a county employee's personnel file, other than the information made public by subsection (b) of this section, is confidential and shall be open to inspection only in the following instances:

(1) The employee or his duly authorized agent may examine all portions of his personnel file except (i) letters of reference solicited prior to employment, and (ii) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.

(2) A licensed physician designated in writing by the employee may examine the employee's medical record.

(3) A county employee having supervisory authority over the employee may examine all material in the employee's personnel file.

(4) By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.

(5) An official of an agency of the State or federal government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of such records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.

(6) An employee may sign a written release, to be placed with his personnel file, that permits the person with custody of the file to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.

(7) The county manager, with concurrence of the board of county commissioners, or, in counties not having a manager, the board of county commissioners may inform any person of the employment or nonemployment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a county employee and the reasons for that personnel action. Before releasing the information, the manager or board shall determine in writing that the release is essential to maintaining public confidence in the administration of county services or to maintaining the level and quality of county services. This written determination shall be retained in the office of the manager or the county clerk, is a record available for public inspection and shall become part of the employee's personnel file.

(c1) Even if considered part of an employee's personnel file, the following information need not be disclosed to an employee or to any other person:

(1) Testing or examination material used solely to determine individual qualifications for appointment, employment, or promotion in the county's service, when disclosure would compromise the objectivity or the fairness of the testing or examination process.

(2) Investigative reports or memoranda and other information concerning the investigation of possible criminal actions of an employee, until the investigation is completed and no criminal action taken, or until the criminal action is concluded.

(3) Information that might identify an undercover law enforcement officer or a law enforcement informer.

(4) Notes, preliminary drafts and internal communications concerning an employee. In the event such materials are used for any official personnel decision, then the employee or his duly authorized agent shall have a right to inspect such materials.

(c2) The board of county commissioners may permit access, subject to limitations they may impose, to selected personnel files by a professional representative of a training, research, or academic institution if that person certifies that he will not release information identifying the employees whose files are opened and that the information will be used solely for statistical, research, or teaching purposes. This certification shall be retained by the county as long as each personnel file so examined is retained.

(d) The board of commissioners of a county that maintains personnel files containing information other than the information mentioned in subsection (b) of this section shall establish procedures whereby an employee who objects to material in his file on grounds that it is inaccurate or misleading may seek to have the material removed from the file or may place in the file a statement relating to the material.

(e) A public official or employee who knowingly, willfully, and with malice permits any person to have access to information contained in a personnel file, except as is permitted by this section, is guilty of a Class 3 misdemeanor and upon conviction shall only be fined an amount not more than five hundred dollars (\$500.00).

(f) Any person, not specifically authorized by this section to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of

a Class 3 misdemeanor and upon conviction shall only be fined in the discretion of the court but not in excess of five hundred dollars (\$500.00).

Chairman Reckhow inquired as to whether the County Commissioners are covered in the personnel privacy act.

Attorney Kitchen responded that performance of a County Commissioner must be discussed in an open meeting. The Courts have never addressed whether the personnel privacy act pertains to County Commissioners. Attorney Kitchen expressed his opinion that to a certain extent, the act applies to County Commissioners, as the County regards County Commissioners as employees for certain purposes (i.e., medical records, payroll deductions).

Pursuant to a question by Vice-Chairman Bowser, Attorney Kitchen advised that no topic resembling a personnel matter should be discussed in open session. He also advised Vice-Chairman Bowser that the Commissioners have no immunity where criminal liability is concerned. However, regarding civil liability, the Commissioners have a “qualified privilege” to discuss performance (i.e. third party contractors) involving County business.

Commissioner Jacobs asked County Attorney Kitchen, “Who is responsible for enforcing the statute, particularly as it pertains to section (e)—the employee or the person who’s rights were violated?”

Attorney Kitchen responded that any individual could file criminal charges with a magistrate. This criminal statute affords a criminal resolution, not a civil remedy.

Vice-Chairman Bowser inquired about whether the statute of limitation applies.

Attorney Kitchen responded in the affirmative but could not recall the exact amount of time.

Chairman Reckhow directed the County Attorney to supply copies of the statute to the incoming Board members, Attorney Lewis Cheek and Rev. Michael Page.

Discussion of the New Hope Creek Corridor and Right of First Refusal for Duke Property

Chairman Reckhow announced that the “Duke Tract” of Duke Forest is currently under contract to be sold by Duke University to Crosland Inc. for a new residential development (49 houses), and the City of Durham has been petitioned to annex the Duke Tract. The Erwin Area Neighborhood Group (comprising representatives from 19 neighborhoods in the Duke Tract area) has submitted a “Better Alternative” plan. Chairman Reckhow recognized area residents who had signed to speak on the issue:

The following citizens beseeched the Commissioners to endorse the “Better Alternative” plan to acquire the Duke Tract for public use, to make the Erwin Area more pedestrian friendly, and to improve access to the New Hope Creek Corridor for people throughout the region:

Ms. Hildegard Ryals, 1620 University Drive, Durham 27707, Director of the New Hope Creek Corridor Advisory Committee;

Mr. Jeff Fisher, 682 Erwin Road, Durham 27707, representing The Erwin Area Neighborhood Group; and

Ms. Wendy Jacobs, 142 Solterra Way, Durham 27705, Chairman, The Erwin Area Neighborhood Group.

Chairman Reckhow referenced a proposed draft Memorandum of Understanding Between Duke University and Orange County that has yet to be acted upon. The memorandum principally calls for Duke to:

- Offer the right of first refusal to the County to protect important Duke Forest natural resource lands should Duke consider the need for disposal of portions of the forest; and
- Register important natural sites within Duke Forest in the North Carolina National Heritage Program that will provide a higher level of protection.

Orange County proposes to collaborate with Duke in securing grant funds for the purchase and/or protection of areas adjacent to Duke Forest that might enhance Duke Forest. The county would also provide increased law enforcement patrols at the perimeter and parking areas of Duke Forest.

Chairman Reckhow informed the Commissioners that this issue would be discussed at tomorrow’s Joint City-County Committee meeting. She proposed that the memorandum of understanding be amended and applied to Durham County. She asked if the Board would be amenable to having staff review and suggest changes to the memorandum, if appropriate, and present it at a future meeting. Chairman Reckhow directed that Attorney Kitchen add a review period for Durham County.

Discussion of Memorandum Received from Interim County Manager Regarding Overcharges to County Employees for Benefits and Administrative Fees

Commissioner Jacobs requested that Interim County Manager Davis summarize the memo.

Interim County Manager Davis stated that the memo was to provide the Commissioners information regarding an issue he discovered while working through the County’s benefits package for 2005. He proceeded to summarize the following memo:

TO: The Board of County Commissioners
FROM: Wendell M. Davis
Interim County Manager

DATE: November 5, 2004
RE: Overcharges to County Employees for Dependant Life Insurance Benefits and Administrative Fees for Life Insurance and Short Term Disability.

Dependant Life Insurance Rates

The purpose of this memorandum is to advise you of a matter of critical importance. As you are aware, the Board at its October 11, 2004 meeting adopted rates for the employee benefits plan. The new rates will be effective January 1, 2005. As I've sat with the Human Resources staff over the past two weeks in an effort to understand the benefits package, and other HR matters related to benefits, I've discovered a problem with our current rates for Dependant Life Insurance. To be frank, County employees (as of this writing) continue to be overcharged for Dependant Life Insurance coverage. In short, the impact of this overcharge since January 1, 2004 means an average of 534 employees are paying \$1.10 per pay period, while the vendor charges the County .85 cents per pay period per employee. The overall impact on the employees during the course of the 2004 year is approximately \$3,204.

In an effort to put this matter in perspective, for the fiscal year ending June 30, 2003 our external Auditor Cherry, Bekaert & Holland issued their management letter. The initial observation in that letter stated that *"In reviewing the amounts remitted to insurance carriers, it was noted that the amounts calculated and remitted were less than the amounts the County was contractually obligated to remit."* This observation prompted a recommendation from Cherry Bekaert & Holland that the County; *"review the policies and procedures within the Human Resources Department that are currently in place for segregation of duties, performance and review of reconciliations, and approval of insurance remittances"*. In order to assure the County's external Audit firm that these matters would be addressed, the County's Management Response was; *"The County Manager has directed the Internal Auditor to conduct a review of the Human Resources Department with special emphasis on the following areas"*:

- 1) *Internal Controls*
- 2) *Adherence to Policy*
- 3) *Adequacy of procedures currently in place*
- 4) *Segregation of duties*
- 5) *Review of all service contracts,*
- 6) *Approval o Insurance Remittances*
- 7) *Review of rates charged to employees*
- 8) *Test the corrected Crystal report to insure that the correct billing information is being obtained for remittance*
- 9) *Any other matters that may come to the attention of the Internal Auditor during his review.*

In the course of the Audit (in regard to item 7), it was determined that County employees were being overcharged for health benefits. Specifically, the overcharges were thought to be in the areas of life insurance, long-term disability, and short-term disability. The overcharge to employees and the underpayment to the vendor, contributed to creating a surplus in Fund 150 that was used to pay retiree benefits. Upon this discovery, then County Manager Mike Ruffin stated that he ordered the overcharge practice to cease (see attachments) and went on to recommend a line item appropriation in the current year's budget in the amount of \$940,100 to cover health care benefits for retirees. According to the HR staff, they never received any written directives from the Manager but were advised that the overcharge practice was to be stopped as soon as possible. (see memo from Debbie Davidson)

For reasons unknown, overcharges for Dependant Life Insurance continues. Upon learning of this discrepancy, I had the clerks office transcribe the tape from the October 7, 2003 Board meeting when the Board approved the benefit rates for 2004. Furthermore, I also reviewed the attachments and back-up materials for the subject agenda item. There is no reference in the staff presentation to overcharges or premiums in either of these items.

As a matter of principal, I was so inclined to direct the Finance staff to make the necessary adjustment in the payroll deductions to eliminate the overcharges once and for all. Modifying the payroll system to accurately reflect the vendor rates will require us to simply change the rate in the applicable table by Finance. At this point, there are four pay periods remaining in the calendar year. However, because of where we are in the current pay cycle, only three pay periods would be affected by the rate change. Therefore, given the insignificant amounts and the limited number of pay periods remaining in the calendar year, I believe it to be in the County's best interest to wait until January 1, 2005 when all of the rates will be equal to the actual vendor charges.

Administrative Fees for Life Insurance and Short Term Disability Insurance

In the County's effort to equalize the employee charges with the vendor rates, I'd also ask that you be reminded that there was an administrative fee applied to Life Insurance in the amount of .005 per \$1,000 of coverage. There is also .05 cents added to Short Term Disability per \$10 of coverage. As I understand it, these charges insure that rate changes for salary increases and birthdays occurring after January 1st are covered. In other words, the rates for life insurance and disability are calculated and set based on the salary and age of the individual on January 1st of each year. The County does not increase the rate for the employee when the salary changes and the age increase. The rate and the benefit however, do increase based upon the new salary and age and the County pays the difference. The new rates beginning January 1, 2005 will eliminate this administrative charge.

Attachments: Graphic Illustration of the rates for benefits
Timeline provided by Debbie Davidson of Human Resources
Letter from Mike Ruffin
Letter from Debbie Davidson
Newspaper Article written by Michael Biesecker on April 22, 2004
Rate Table for Administrative Charges for Life Insurance and Short Term
Disability

Chairman Reckhow communicated that the chart attachments to Mr. Davis' memorandum reflect that corrections in most rates were made in 2003, not 2004. For some reason, dependent life insurance overcharges were overlooked. She found the material enlightening and confusing. Nevertheless, she expressed appreciation to Interim County Manager Davis for researching the issue.

Commissioner Jacobs asked why dependent life insurance overcharges were not corrected in 2004.

Interim County Manager Davis replied that he did not have the answer.

Commissioner Jacobs wished to know the revenue source for the \$1 million that was added to this year's budget for retiree benefits.

Chairman Reckhow responded that the Cafeteria Plan is funded 100%, as if every position is filled. Vacant positions create a surplus.

Commissioner Heron interjected that another revenue source occurs when employees, like her, do not utilize their flex benefit dollars.

Vice-Chairman Bowser asked for specifics about the overcharges and if any overcharges were corrected in 2004.

Chairman Reckhow restated that most of the corrections, according to the charts, were made in 2003. She had a conversation with the auditors regarding last year's audit and was told that they investigated the reason(s) that the fund balance had grown.

Vice-Chairman Bowser remarked that his understanding was that overcharges continued through 2003 and that corrections were to be made in January 2004.

County Attorney Kitchen shared that no "policy" was in effect until January 2004 to "fix" the overcharges.

Interim County Manager Davis interposed that the gap between employee charges and vendor payments was wider prior to the lower rates for 2003. This helped close the gap. His understanding was that the gap should have been closed completely beginning

January 1, 2004. The information he provided in the memo indicated that the gap would not be closed until January 1, 2005, per the Board's adoption of the benefit rates at the October 11, 2004 meeting.

Commissioner Cousin asked the Interim Manager when the Board could anticipate receiving an accounting of the employee benefits audit.

Interim Manager Davis replied that he has assembled a taskforce comprising six independent auditors throughout North Carolina to provide their expertise and insight with respect to how the County should proceed. After the taskforce report is received (within the next couple of weeks), he will be better able to answer Commissioner Cousin's question.

Update from Gotta Save Project Inc. Regarding Efforts to Provide Substance Abuse Treatment

Commissioner Cousin informed the Commissioners that he requested this update from Mr. Roland Staton and Rev. Thomas Bass Jr. about Gotta Save Project Inc. (a community development corporation chartered under Greater St. Paul Missionary Baptist Church). He hoped the Board could offer guidance or a resolution to Gotta Save's request for funding, which was identified as a priority at the beginning of Year 2004.

Mr. Staton and Rev. Bass appealed to the Commissioners, on behalf of Gotta Save Project Inc., to fund the startup cost and initial year of operation (\$341,030) for two continuing care residential facilities to provide 12 State-licensed beds (6 for women, 6 for men) in Durham County to be operational by January 2005.

Ellen Holliman, Interim Director, The Durham Center, reported that The Durham Center has been working with Gotta Save at the request of the Board of Commissioners. A proposal to send to the State for mental health trust fund monies has been delayed because the Center is awaiting a funding commitment and support letters from the churches represented by Gotta Save. The Center has made a commitment to refer patients on a fee for service once the facilities are licensed. Relative to startup funds for Gotta Save, the Center is attempting to obtain grant or foundation funding.

Chairman Reckhow pointed out that the operational costs are supplied by the fee for service for each patient.

Ms. Holliman concurred with Chairman Reckhow.

Chairman Reckhow, as liaison to the Mental Health Board, suggested that the request be referred to the Mental Health Board and that the board report back to the Commissioners as soon as possible. This is a high priority of the Mental Health Board, as it has set aside \$1.3 million for substance abuse programs this year. A needs assessment has been completed; a staff person was hired. Dr. Mooney is developing a systematic plan to

address those needs. She concluded that it would be improper for the County Commissioners to preempt the process.

Chairman Reckhow asked Ms. Holliman about the timing for this process.

Ms. Holliman responded that the substance abuse plan being created by Dr. Mooney and the Steering Committee should be complete by the end of the year.

Chairman Reckhow asked Commissioner Cousin if he would agree to this matter being brought back to the Board's January Worksession. She recommended that Ms. Holliman continue to work toward identifying startup funds and Commissioner Cousin work with Gotta Save to obtain support letters from the churches.

Commissioner Cousin expressed his concern about what will happen to patients after "crisis stabilization" has occurred and about the time element.

Vice-Chairman Bowser inquired about the amount of time Gotta Save will need to begin its substance abuse program once the necessary funding is obtained.

Mr. Staton gave a response of approximately four weeks.

Chairman Reckhow reiterated that Ms. Holliman is currently working on the grant process.

In answer to a question by Vice-Chairman Bowser, Ms. Holliman stated that The Durham Center has funds designated for substance abuse programs. The fund expenditure plan will be completed by the end of this year.

Chairman Reckhow presented a brief history of TROSA's beginning, which was started after much planning.

Vice-Chairman Bowser provided justification for approving Gotta Save's request.

Chairman Reckhow emphasized the importance of waiting to expend the funds until the plan for a system of care is complete (four to six weeks). She petitioned the Board of Commissioners to exercise patience.

Vice-Chairman Bowser mentioned that a small portion of the substance abuse population is provided adequate treatment.

Chairman Reckhow continued to petition the Board for patience in this matter.

County Attorney Kitchen opined that startup funding allocated to Gotta Save should be expended from Mental Health funds. Using County dollars may be regarded by the State

as additional funding for Mental Health services and in the long run, would be detrimental to Mental Health's future maintenance budget.

Chairman Reckhow requested that Ms. Holliman take a recommendation to the December Mental Health Board meeting regarding how to assist Gotta Save with startup funding.

Report on 911 Problems Over the Weekend

Deborah Craig-Ray, Interim County Manager, provided the following recap:

In the early morning hours of Saturday, November 4, area Nextel subscribers experienced phone problems that precluded them from reaching the 911 Center directly. The problem was discovered, and a patch was added by 3:00 a.m. so that calls from those subscribers were re-routed to a seven-digit number in the Center. From the subscriber standpoint, except for the first hour, there was **no** time when calls were not handled.

No other customers were affected. The situation lasted 20 hours. Full service for Nextel customers was restored within that period, along with Phase 2 service that reveals where calls originate. This system is currently running and providing efficient, reliable, courteous, responsive, and professional 911 communication services.

Interim County Manager Davis conveyed to the Commissioners that Director Jim Soukup, 911 Center, would be present at the Joint City-County Committee meeting tomorrow to answer questions.

Closed Session

Commissioner Heron moved, seconded by Commissioner Jacobs, that the Board adjourn to closed session to instruct the staff concerning the position to be taken on the terms of a possible acquisition of property known as the Preserve at Erwin Trace, PIN # 0801-03-12-7186, pursuant to G.S. § 143-318.11(a)(5).

The motion carried unanimously.

Reconvene to Open Session

Vice-Chairman Bowser moved, seconded by Commissioner Heron, to extend the meeting to 11:10 p.m.

The motion carried unanimously.

Chairman Reckhow announced that direction was given to staff in Closed Session.

Commissioner Heron moved, seconded by Commissioner Cousin, to authorize the County to exercise 120-day reservation for the Erwin Trace plan.

Vice-Chairman Bowser declared that he would not vote in favor of this plan because of legal ramifications it may impart to Durham County.

The motion carried with the following vote:

Ayes: Cousin, Heron, Jacobs, and Reckhow
Noes: Bowser

Adjournment

There being no further business, Chairman Reckhow adjourned the meeting at 11:07 p.m.

Respectfully submitted,

Vonda C. Sessoms
Deputy Clerk to the Board