

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

Wednesday, March 3, 2004

9:00 A. M. Worksession

Minutes

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

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

Absent: None

Presider: Chairman Ellen W. Reckhow

Excuse Commissioner Jacobs

Chairman Reckhow said the first item of business would be to excuse Commissioner Mary D. Jacobs from this meeting since she had a major conflict this morning.

Commissioner Heron moved, seconded by Commissioner Cousin, to excuse Commissioner Jacobs from this meeting due to a major conflict.

The motion carried unanimously.

Agenda As Revised

Chairman Reckhow said that we will proceed with the agenda as revised.

Legislative Agenda for Court Officials

Court officials in Durham County developed a legislative agenda for the short session and sought the support of the Board of County Commissioners in helping to articulate the systems' needs to members of the Durham County legislative delegation.

RESOURCE PERSON(S): Kathy Stuart, Court Administrator

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Board receive the report and advise staff if any additional action is necessary.

Chairman Reckhow said that the Board of County Commissioners heard from Judge O'Neal several months ago about resource needs. Since that time, the courts have put together a fairly comprehensive overview of the current situation and what their needs are.

Chairman Reckhow recognized Kathy Shuart, Court Administrator, to present the agenda.

Court Administrator Shuart thanked the County Commissioners for letting the court officials be on the agenda. Commissioner Reckhow had facilitated a meeting with our Legislative Delegation several weeks ago and this is the presentation we gave to them.

The presentation that was given was entitled, "Goals for Durham Courts for 2004". The program began by stating the Mission Statement for the North Carolina Judicial System.

The presentation dealt with the following areas of the court system in Durham County:

- Today's Situation
- Age of Pending Caseloads
- What Have We Done? – Worked smarter and harder
- Disposition Rates 1997-2003
- What Have We Done? (Continued) – Sought assistance
- Recommendation 1 – Need additional clerk positions
- Recommendation 2 – Need two additional Court Judges
- Recommendation 3 – Need one additional Magistrate
- Recommendation 4 – Need additional court reporting resources
- Recommendation 5 – Establish Durham's grant supported drug treatment courts
- Recommendation 6 – District Attorney's Office
- Recommendation 7 – Public Defender's Office

District Attorney Jim Hardin and Public Defender Bob Brown spoke about their respective offices to the Board of County Commissioners. They discussed the staffing needs they have in their offices. They asked the County Commissioners for help in providing adequate staffing for their offices.

Commissioner Heron wanted to know how much lobbying the court officials do in the legislature in order to get help from the state. That is where the help needs to come from. What are you doing about getting additional help other than coming to Durham County?

Chairman Reckhow said that she invited the court officials because she would like to incorporate their legislative needs into our request when we meet with our legislative delegation. That is why it is on our agenda because we want to work with them.

Chief District Court Judge Elaine M. O'Neal responded to Commissioners Heron's question by stating that the reason we do not go to Raleigh is that we do not have the time to go. We hold court every day beginning at 9:00 a. m. or 9:30 a. m. That causes problems for us. Judge O'Neal said that she does not know if we will ever be able to send a judge to Raleigh to lobby due to the workload in Durham.

Chairman Reckhow said the Commissioners will be discussing their legislative agenda at our April worksession and I hope we include this court request in our legislative agenda. We need to set up a meeting with our legislative delegation and I would suggest that Judge O'Neal and any other court officials be invited to that meeting in order to be resource people on this item. I am also going to ask Mayor Bell to include the court request in the city's request. We want to reinforce our effort as much as possible on this request. This is a very important matter for the court system and the citizens in this community.

Vice-Chairman Bowser said that most of the people know about the problems in the judicial system in Durham. We need to work on the problems to get more court personnel in the court system. I am on board to support a plan to solve the problems.

The Commissioners asked several questions about the court system. The court officials responded to the questions.

Chairman Reckhow suggested that Kathy Shuart work with the County Manager between now and early April to cull out the key resources that you need so we can get a one page "cheat sheet" with bullets to present to the legislative delegation as to what the request is. The remarks that were made today about the District Attorney's Office and the Public Defender's Office should be included.

No official action was taken on this agenda item.

Memorandum of Understanding with District Attorney and Public Defender

Each year, the County enters into an agreement with the Administrative Office of the Courts (AOC) to fund one assistant district attorney (\$38,754) and one assistant public defender (48,376) for the ADA Bond Hearing Project (AOC Contract). The main purpose of the attorney positions is to handle bond reduction motions at first appearance hearings, early identification of cases eligible for expedited disposition, and the enhancement of jail population management reduction in Durham County. The attorneys work under the supervisor of the District Attorney and Public Defender.

The implementation of results-based accountability and an escalating increase in jail health costs prompted the Board of County Commissioners to request the Manager to develop a memorandum of understanding. The memorandum requires semi-annual reports to the Board of County Commissioners regarding the effects that the initiative is having on the County's jail population.

RESOURCE PERSON(S): Jim Hardin, District Attorney; Bob Brown, Public Defender; Mike Ruffin, County Manager; Chuck Kitchen, County Attorney; Carol Hammett, Assistant County Attorney

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Board review the memorandum, make any desired changes, and authorize the placement thereof on the March 8, 2003 Consent Agenda.

Chairman Ellen Reckhow recognized the County Manager Michael M. Ruffin to present the agenda item.

We have in your packet two contracts with the Administrative Office of the Courts for the provision of an assistant district attorney and assistant public defender. Both of these positions will be responsible for helping us manage our jail population. Last May or June when we had our budget hearings the district attorney and public defender appeared before you to make a report. The Board asked that a report be presented twice a year. The Board also asked that we memorialize through some agreement and address a couple of issues in the jail population management arena. One in particular was the jail health cost that we have seen escalating in the last couple of years. District Attorney Jim Hardin and Public Defender Bob Brown are here today to present their semi-annual report. We have distributed information prior to the meeting today regarding the report. We are also going to discuss the language of the Memorandum of Understanding that we completed a couple of weeks ago for you to review and make changes as needed.

Mr. Bob Brown, Public Defender and Mr. Jim Hardin, District Attorney, were recognized by Chairman Reckhow to make their reports to the County Commissioners relative to their office responsibilities in the court system.

Public Defender Brown asked the Commissioners if they had any questions.

The Board of County Commissioners asked several questions that the court official responded to.

Chairman Reckhow suggested that the Memorandum of Understanding be placed on the March 8, 2004 Consent Agenda for approval.

No official action was taken on this agenda item.

Environmental Affairs Board Review of Wake County Air Quality

Commission Chairman Ellen Reckhow asked the Environmental Affairs Board (EAB) to review an Air Quality Task Force Report regarding local air-quality strategies under consideration in Wake County. The EAB completed its review and published its recommendations in a report dated February 11, 2004.

RESOURCE PERSON(S): Ellen Reckhow, Commission Chairman; Kathi Beratan, Chairman, Environmental Affairs Board; and Sig Hutchinson, Chairman, Wake County Air Quality Task Force

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Board review the report and advise staff if any additional action is necessary.

Chairman Reckhow recognized Sig Hutchinson, Chairman, Wake County Air Quality Task Force to make a presentation to the Board of County Commissioners concerning the "Wake County Air Quality Task Force Report".

Sig Hutchinson said what he planned to do today in some very brief comments is to give you some kind of understanding of where we have been, where we are, and where we are going. Along the way I would like to talk to you about the process we have use to provide a little information regarding some of the issues that we are dealing with regarding air quality.

Sig Hutchinson began the presentation with general comments about air quality.

He began his presentation by using his power point notes as follows:

- Pollutants of Concern
- Ozone=03
- VOC Emissions
- Nox Emissions
- A Pyramid of Effects
- Higher ozone levels means increased hospital admissions the next day
- Health Effects of Ozone
- Emerging Evidence of Ozone
- Groups More at Risk from Ozone
- Fine Particulate Matter – PM
- Health Effects of Fine Particulate Matter – PM
- Emerging Evidence of the effects of Particulate Matter
- Triangle Air Quality
- Is Air Quality Getting Worse?
- Wake County Air Quality Task Force Goals
- Air Quality Task Force recommended 43 strategies under 13 categories that can be taken by: Government, Businesses, and Individuals
- AQTF Recommended 43 Strategies—The Implementation Plan Reviewed
- Staff reviewed the 43 strategies recommended by Air Quality Task Force
- High priority Control Measures

Chairman Reckhow recognized Kathi Beratan, Chair, Durham County Environmental Affairs Board, for her remarks. Kathi Beratan was asked to introduce the two members of the Board present. They were Matthew Greenwolfe and Judy Kincaid.

Kathi Beratan said the Environmental Affairs Board was handed the Wake County Report in our September meeting. We were asked to review the report and to provide advice for the County Commissioners on which of the recommendations would be useful for Durham County. This presentation will be in two parts. Matthew Greenwolf will be talking about the process that we used in evaluating those thirteen strategies for Durham County. Kathi Beratan said she will give in summary, the bottom line recommendations.

II Assessment Process and Findings

Matthew Greenwolfe said the EAB identified approximately 30 people who professionally have some familiarity with causes, impacts, or mitigation strategies relevant to air pollution in Durham County. These people were asked to provide feedback on the Wake County recommended strategies. Specifically, they were asked which strategies they would recommend for Durham County, and which were already in place. They were also encouraged to provide explanatory comments. Thirteen people responded. The EAB members then submitted their own specific comments and recommendations based on input from the outside respondents and their own expertise.

All 13 strategies were recommended for Durham County by a majority of committee members and respondents to the survey. Some strategies were designated as a lower priority, reflecting the respondents' assessment of how to use limited money, and time and resources to have the biggest impact on air quality.

III. Recommendations

Matthew Greenwolfe reviewed the recommendations that were in the report submitted to the Durham County Board of Commissioners by the Durham City-County Environmental Affairs Board.

Summary

Kathi Beratan said her remarks will be a summary of the report. She delivered the summary to the Board of County Commissioners.

In summary, there are numerous excellent strategies available to Durham County for improving air quality. The first step is to establish political will and an institutional structure with dedicated staff within Durham County to develop these strategies.

The County Commissioners asked the presenters several questions about air quality.

The questions were responded to.

Chairman Reckhow suggested that we need to take this air quality matter very seriously and to come up with an action strategy for our Board to move forward. I would like the County Manager to meet with Kathi Berantan and our newly appointed air resources person to go over what has been presented and have the County Manager come back with some steps that he would recommend to the Board to authorize or sanction. We need to decide if we should have staff at the County level. We need to look at this and have a report to come back to us with the steps we need to take.

No official action was taken on this agenda item.

Forestry Management Regulations

No state regulations require submission and approval of forestry management plans to harvest or thin timberland. Forestry management plans are submitted on a voluntary basis; however, no permit is required, although some water quality and erosion and sedimentation control ordinances may impose other requirements that must be observed. Consequently, the Forestry Service does not currently regulate the practice commonly referred to as "clear-cutting".

RESOURCE PERSON(S): Wayne Williams, County Ranger, and Mark Bost, Water Quality Forester

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Board receive the report and advise staff if additional action is necessary.

Chairman Reckhow called on someone to take the lead on the presentation. John Howard, District Forester, with the North Carolina Forest Service, responded by making opening remarks to the presentation. He has the administrative responsibilities over eight Piedmont counties, of which Durham is one of those.

John Howard said that we are here to give you a short presentation on some of the things we are doing in the forestry area, not only locally, but regionally, and statewide. We wanted you to know some of the measures that we are taking to protect and enhance the forest in North Carolina. We are available to answer any questions the Board might have.

Wayne Williams, Durham County Forest Ranger, and Mark Bost, Water Quality Ranger, are present to assist in answering any questions. Barry Neu, Staff Forester, from Raleigh is also present.

John Howard recognized Mark Bost to begin the presentation. He spoke about the background information on what the department is doing in regards to timber harvesting and water quality in Durham and the state.

Commissioners Heron and Reckhow asked several questions about the clear cutting tracks of timber.

Wayne Williams responded to the questions that Commissioner Heron raised.

County Attorney Chuck Kitchen and County Engineer Glen Whisler responded to the clear cutting of timber.

Commissioner Heron and Chairman Reckhow suggested that County Attorney Chuck Kitchen, County Engineer Glen Whisler, and County Ranger Wayne Williams meet to decide what could be done to best address this problem of clear cutting timber. The Commissioners requested that a response be made to the Board within 30 to 60 days.

Lincoln Community Health Center Improvements

Lincoln Community Health Center's facility is owned by Durham County and is in need of renovations and repairs. The Lincoln Support Agreement with the Duke University Health System (DUHS) requires that DUHS pay for maintenance to the facility. DUHS has assessed the facility and developed a five-year schedule of improvements that require an expenditure of \$912,500 for renovations, repairs, maintenance, and replacement of equipment. The County Attorney reviewed that evaluation in the context of the Support Agreement and concurs that the Health System is responsible for \$340,000, leaving a decision by the County as to how to fund the remaining \$572,500.

RESOURCE PERSON(S): Dr. Evelyn Schmidt, Executive Director, Lincoln Community Health Center; Mr. Phil Harewood, Chief Financial Officer, Lincoln Community Health Center; Mike Ruffin, County Manager; and Chuck Kitchen, County Attorney

COUNTY MANAGER'S RECOMMENDATION: The Manager recommended that the Board review the request and advise staff if additional information is necessary to facilitate its understanding. (The Manager will consider using funds from the Community Health Trust Fund as a part of his FY 2005 Recommended Budget. Subsequent years' needs will also be routinely addressed, as with other capital needs, when the recommended budget is prepared.)

Chairman Reckhow said that there is a need for capital improvements at this facility which is owned by Durham County.

Chairman Reckhow recognized County Manager Ruffin to introduce the agenda item.

The County Manager said that Duke University undertook, at the request of Lincoln Community Health Center, an evaluation of the facility. After the evaluation was conducted, a five-year plan of improvements was developed. Based on the support agreement that exist Duke notified Lincoln Community Health Center the areas that they are responsible for with respect to capital improvements. County Attorney Kitchen

concur that the Health System is responsible for \$340,000 of improvement over the five-year period. Durham County is responsible for \$572,500 of the improvements. County Manager Ruffin said that he wanted to put in the FY04-05 and forward money to fund the improvements that are needed. This request is not in the current Capital Improvements program. The Manager believes a remedy can be developed to address this.

Dr. Evelyn Schmidt, Executive Director, Lincoln Community Health Center, came forward to answer questions and to tell the Commissioners about the condition of the facility. She spoke briefly about the equipment that needs to be updated such as the chiller, generator, elevator safety devices, air conditioner, and safety equipment.

County Manager Ruffin said that the staff will review the information to be more familiar with the request since Durham County owns the building.

The County Commissioners asked several questions about the facility and the contract with Duke Health System. An assessment will be done by the County staff to be sure that the repairs and replacement are described adequately in the contract.

Chairman Reckhow said this material is for our information. Staff should begin working on this and bring us a report as to how these needs will be addressed.

No official action was taken on this agenda item.

The Crisis Center Contract for The Durham/Local Management Entity (LME)

On January 8, 2004, following a formal RFP process, The Durham Center Area Authority awarded a Crisis/Emergency Services RFP to Telecare Corporation, which provides services in several states and has been providing Assertive Community Treatment Team (ACCT) services in Durham County for the past year.

The Crisis Emergency Services Contract is one of the most critical pieces in our community system of care. The contractor must provide 24-hour/7-days-a-week access, screening, and triage to all county residents either by phone or in person to facilitate entry into our services. The contractor must also provide immediate emergency intervention to persons with a mental health crisis or requesting substance abuse intervention such as detoxification. The contractor will also provide crisis stabilization and crisis residential services at the same location.

The Durham Center is finalizing the draft contract. Telecare is prepared to sign a lease for a facility located near Durham Regional Hospital that will accommodate this comprehensive program once the contract is approved.

The Durham Center Area Authority/Local Management Entity (LME) plans to request the Board's approval of the final contract with Telecare for FY-04-05 at the March 8, 2004 meeting.

RESOURCE PERSON (S): Ellen Holliman, Interim Area Director

COUNTY MANAGER'S RECOMMENDATION: The County Manager recommended the acceptance of this presentation as a matter of information.

Ms. Ellen Holliman, Interim Area Director, said that she had a short presentation to make to the Board of County Commissioners. She came to the Commissioners' meeting to make a presentation about the Crisis Emergency Services Contract. My goal is to give you an overview of the scope of work that is required in this contract. The contract entails about five different services including the following:

- Access & Triage
- Crisis Intervention
- Mobile Crisis
- Crisis Stabilization
- Crisis Residential

During Ellen Holliman's presentation she discussed the following Comprehensive Emergency & Crisis Services as follows:

- Request for Proposal
- Access Screening & Triage
- Crisis Intervention
- Mobile Crisis
- Crisis Stabilization
- Crisis Residential
- Crisis Residential: Clinical
- Cost Estimate

Ellen Holliman said the total cost estimate is \$2.4 million. The allocations of revenue are as follows:

- | | |
|---------------------|-----------|
| • State Categorical | \$584,000 |
| • State IPRS | \$276,000 |
| • Medicaid | \$552,000 |
| • LME Allocation | \$395,000 |
| • County of Durham | \$593,000 |

Ellen Holliman introduced two people with her. They were Doug Wright, Area Board Chair and Norman Cordell, CHE, Interim Team Leader of Contract Management.

The Commissioners asked several question about the agenda item.

Ellen Holliman responded to the questions.

Attorney Chuck Kitchen also assisted with the answers.

Chairman Reckhow suggested that within a month or so Mental Health should provide the County Commissioners with an outline of dollars committed to date, estimate of how many dollars will come in from other sources, and how many dollars you are expecting from Durham County.

Ellen Holliman said that you will have that information in the budget that is being prepared.

Chairman Reckhow said this agenda item will be moved to the March 8, 2004 meeting.

No official action was taken on this agenda item.

Adjournment

Chairman Reckhow adjourned the worksession at 12:15 p. m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board