

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

Monday, September 23, 2002

5:11 P.M. Special Session

MINUTES

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

Present: Chairman MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, Philip R. Cousin Jr., and Becky M. Heron

Absent: None

Presider: Chairman Black

Chairman Black opened the meeting.

Request from Board of Elections to Increase the Salary of the Elections Director

North Carolina General Statute 163-35(7)(c) provides that the Board of County Commissioners shall compensate the director of elections at an amount commensurate with the salary paid to directors in counties "similarly situated and similar in population and number of registered voters." The Board of Elections is requesting that the Board of County Commissioners increase the salary of the Elections Director from \$61,866 to \$68,288.

Resource Person(s): Ron Gregory, Chairman, Durham County Board of Elections

County Manager's Recommendation:

Discuss the request with the Board of Elections and approve the recommended salary for the Director of Elections from \$61,866 to \$68,288.

Chairman Black asked County Attorney Chuck Kitchen to address the issue. County Attorney Kitchen advised that the Board could discuss setting the salary of staff in open session, but any discussion of job performance must be held in closed session.

Mr. Ron Gregory, Chairman of the Durham County Board of Elections, introduced Mr. Terry McCabe, Secretary of the Durham County Board of Elections. The third member was absent. Mr. Gregory stated that the Board of Elections recommended that the annual salary of Elections Director Michael H. Ashe, be increased to \$68,288.

Chairman Black asked for questions or comments about the materials sent to the Commissioners.

Vice-Chairman Reckhow stated that the material she reviewed indicated that the request was reasonable. This would better align him with other election directors in the region.

Commissioner Cousin asked if the Board was mandated to pay a salary commensurate with similar county Boards of Elections. He was concerned that the requested increase exceeds 10 percent of the current salary.

County Attorney Kitchen affirmed for Commissioner Cousin that the statute directs this.

Human Resources Director Jackye Knight posed that a salary discrepancy was questionable. Durham County is in line in terms of the ranges and the actual salary, so that would not be a factor to justify an increase.

Commissioner Bowser stated his concern that the proposed salary increase exceeds ten percent. He said that if the Board approved this increase, it would send the wrong message to employees considering that two Commissioners disagreed during budget discussions over proposed employee salary and benefits. Added to this is the uncertainty of the County's budget due to the state's actions.

Commissioner Bowser asked Mr. Gregory to address his concern about problems that arose with the past election. Commissioner Bowser stated that he had been contacted and told that some persons living off Old Oxford Highway and in McDougald Terrace, whose polling places had been changed, had not been notified and could not go to the new locations to vote due to lack of transportation.

Mr. Gregory stated that no precinct lines had been changed. For years, some persons have voted in the wrong precinct based on their addresses. The Board of Elections has made a special effort to correct this, and notification has been sent to them. If provided a list, he offered for the Director to verify that notices were mailed. When a change of polling place has occurred, notices have been sent to those voters affected, as required by law. The notification problems of the past have been eliminated through a concentrated effort. The Board of Elections has hired a geographer, and the board is mapping the precincts better now.

In answer to Commissioner Bowser's comment that transportation was a problem for Old Oxford Manor residents who had been voting in the wrong precinct, Mr. Gregory stated that the Board of Elections is bound by law. Persons must vote in the precinct in which they live. The Board inadvertently broke the law by allowing persons in the past to vote out of precinct.

During discussion, Mr. Gregory affirmed that the Board of Elections draws precinct boundaries. If a change was made regarding Old Oxford Manor residents, it could be determined by supplying sufficient information to the Director.

Mr. Ashe, Board of Elections Director, verified that the voter information requested could be researched, given the proper data. He stated that the Board has spent the last two years correcting its database of 165,000 voters. This is the first time list maintenance has been performed on the voter database. Thousands of persons had been mismatched by precinct. Hiring a professional geographer has allowed the Board to accomplish this. Precinct lines in Durham have not changed since 1990. Approximately 8,000 corrections have been made with notification mailed to voters. Some polling locations have been moved for reasons of size needed or availability of site. The active voter database is now cleaner and stands at about 125,000.

Mr. Gregory added that Mr. Ashe has done an admirable job in correcting the deficiencies that existed in the Board's records. He has accomplished this in a very short time—only two years.

Commissioner Bowser asked the record to reflect his concern that the Old Oxford Manor residents, who have little or no access to transportation, had their polling place moved from a location within a block to a new location several miles away.

Commissioner Bowser asked if Mr. Ashe had received any bonus this year. Ms. Jackye Knight, Human Resources Director, stated that Mr. Ashe had received his annual performance review adjustment of 2.5% and a \$1,000 bonus for exceeding expectations. This brought his annual salary to \$61,866.

Commissioner Heron reported concern by a citizen that the requested salary increase might reflect negatively on the other employees and their raises. Their efforts in the Board of Election's overhaul should be compensated.

County Manager Mike Ruffin reported that this does not reflect badly on the other employees. He advised that the County is proud of the Board of Elections Director and employees. The past election is evidence of tremendous positive changes. All salaries are reviewed each year to evaluate salary ranges to ensure that Durham County is competitive with other communities (through a benchmark study).

The County Manager advised that one of the issues being raised is Mr. Ashe's salary in relation to other senior-level department managers in the County organization. The salaries of other Board of Elections employees will be raised through scheduled adjustments unless the benchmark study calls for salary alignment adjustments.

Commissioner Bowser referenced the agenda item's backup materials and expressed his concern that it appears Durham County pays its department heads more than Wake County, which serves three times as many people. He stated that this is difficult to justify.

A long discussion followed between the Commissioners, Human Resources Director, and County Manager. Items discussed were:

- Department heads being allowed to choose their salary comparison markets,
- Concern that the requested salary increase for the Board of Elections Director exceeds ten-percent,
- Concern that the in-County salary comparisons are skewed because some tenured second-level management personnel may earn more than department heads who have been employed only a short time, and
- Concern that department heads are more highly compensated than their employees who work to achieve the department's goals.

Mr. Gregory shared that the salaries for positions in the Board of Elections are currently under study by Human Resources.

Chairman Black asked the County Attorney whether another salary move could occur before next year if the Commissioners approved the requested salary increase for the Board of Elections Director. The County Attorney and County Manager advised that any future increase must be presented for the Commissioners' approval. Ms. Knight, Human Resources Director, advised that Mr. Ashe is currently on the County's pay plan. If the Commissioners approve the requested salary increase, Mr. Ashe would come off the pay plan.

County Manager Mike Ruffin explained that if the Commissioners approved the increase, a revision would be required to the memorandum of understanding concerning Mr. Ashe's employment. It would take him off the County's pay plan. Then the Commissioners would follow the state statute for approval of his salary.

The County Manager stated for Commissioner Cousin that the other administrators not under the pay plan are the County Manager, County Attorney, Register of Deeds, Tax Administrator, and Sheriff.

Chairman Black stated she was not opposed to the requested increase. She wanted a chance to review the memorandum of understanding to learn how it works with the County's pay plan before making a decision. Ms. Knight answered for Chairman Black that it does address benefits; they would follow County policy. If the Board of Elections Director is added to this group, his salary reviews would be handled on a regular basis with the other five administrators.

Commissioner Cousin suggested the item be moved to the regular session on October 14, 2002. This would give the opportunity to have various questions answered. It would also allow time for the entire Board to review the memorandum of understanding.

Chairman Black asked for the Board to receive the memorandum of understanding both as it currently appears and with its proposed changes in place. The changed version should reflect that the Director would not receive another raise until the request is put before the Board of County Commissioners.

Chairman Black asked the Board to submit any questions it may have to Mr. Gregory.

No formal action was taken on this item.

Closed Session

The Board of County Commissioners was requested to adjourn to closed session pursuant to N.C.G.S. 143.318.11(a)(5) to instruct the County staff concerning the position to be taken on negotiating a proposed contract for the acquisition of real property. The property is owned by Crown of Righteousness Community Church located at 6122 Barbee Road and the adjacent lot.

Vice-Chairman Reckhow moved, seconded by
Commissioner Cousin, to adjourn into Closed Session.

The motion carried unanimously.

Adjournment

There being no further business, the Special Session was adjourned.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

/SBP