

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

Tuesday, September 3, 2019

9:00 A.M. Worksession

MINUTES

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

Present: Chair Wendy Jacobs, Vice Chair James Hill and Commissioners Heidi Carter,
Brenda Howerton and Ellen Reckhow

Presider: Chair Wendy Jacobs

Chair Jacobs reminded the Board that Commissioner Reckhow and she had an excused absence for the September 9th Regular Session.

Citizen Comments

The Board of County Commissioners provided a 30-minute comment period to allow Durham County citizens an opportunity to speak. Citizens were requested to refrain from addressing issues related to personnel matters.

There were no citizens signed up to speak.

Consent Agenda

The Board was requested to review the following Consent Agenda items for the March Regular Session meetings.

19-0364 Execution of Architectural Design Services Agreement with Moseley Architects for the New Durham County Youth Home Project No. 4400DC001

Peri Manns, Deputy Director of Engineering and Environmental Services, explained the reason behind the discrepancy between the total cost listed in the agenda and in the contract—the agenda specified an amount of \$1,577,825 whereas the contract showed \$1,732,258. He stated that, in reference to the Capital Improvement Plan (CIP), the County budgeted around \$19 million for this project.

General Manager Jodi Miller informed the Board that not much else was known regarding the State's possible partnership with the County to build the new Durham County Youth Home due to the State budget stalemate in the N.C. General Assembly. Deborah Craig-Ray, General Manager, explained where the County was with the State in terms of negotiation.

Commissioner Reckhow was concerned with the lack of progress in negotiations with State officials regarding their use of the new Youth Home. Ms. Miller stated that although the NC

Department of Public Safety did indicate an interest in using some beds in the new facility, they did not specify how many beds or what their financial relationship with the County would be. Staff did not have any commitment in writing and had not received any response since spring of 2019. Commissioner Reckhow felt it would be beneficial to have some evidence of a partnership from the State.

Chair Jacobs noted that Billy Lassiter, Deputy Commissioner of Juvenile Justice at the NC Department of Public Safety, was part of the committee that published the 2015 memo which detailed the best practices model for the new youth home. She encouraged staff to contact him for a commitment in writing.

Angela Nunn, Youth Home Director, confirmed that the 2015 design was still the best practice model and spoke about how the Moseley Architects would be tied to the new vision for what the youth home would be.

The Board agreed to move forward with the contract and have it on the September 9th Regular Session consent agenda but wanted staff to attempt getting a commitment from the State in writing.

Chair Jacobs questioned whether the County would ask contractors to make “solar-ready” roofs. Mr. Manns stated that staff was looking into this matter; he noted the builder had a wealth of knowledge regarding sustainability in buildings. Chair Jacobs questioned whether the Board needed to discuss a policy for this.

Directive: Staff to reach out to the NC Department of Public Safety again and try to get something in writing before the County committed to the multimillion-dollar architectural contract for the new Youth Home facility.

19-0379 Support for a County Application for the Environmental Enhancement Grant Program

Ryan Eaves, Stormwater and Erosion Control Division Manager, described the purpose of this grant. He stated that, while it was still uncertain, it appeared the County would be getting some credits for open space under the Falls Lake Rules, but only minimally. Mr. Eaves confirmed that he was working with Jane Korest, Open Space/Real Estate Manager; Tobin Freid, Sustainability Manager; and the City of Durham on this issue.

19-0389 Budget Ordinance Amendment 20BCC00008 for Durham County’s FY2020 Home and Community Care Block Grant (HCCBG) Funding Plan and the Department of Social Services to Recognize Additional HCCBG Funds in the Amount of \$115,624 which includes the required Durham County DSS Local Match of \$74,174. The local match will be funded with a fund balance appropriation

Directive: Gayle Harris, General Manager, to provide the Board with information regarding which programs would be recipients of additional funds and how many more people would be served as a result.

19-0399 Budget Ordinance Amendment No. 20BCC000013 - Approval of a Fund Balance Appropriation in the General Fund in the Amount of \$125,000 for Jail Medical Care

Directive: Gayle Harris to add wording to the agenda AAF to explain why it appeared that the County was responsible for \$150,000 but only being asked to appropriate \$125,000.

19-0404 Capital Project Amendment No. 20CPA000003 - Reducing the General Services On-going Roof Replacement Capital Project (4190DC073) by \$107,500 and General Services On-Going HVAC Replacement Capital Project (4190DC076) by \$160,000 and Appropriating \$267,500 to increase the Judicial Annex Renovations Capital Project No. 4730DC141

Chair Jacobs asked if the roof would be made “solar-ready.” Linda Salguero, Project Manager, described the thermal efficiency of the new roof system due to phase change material (PCM).

Commissioner Carter noted that while it was a good thing that the new roof would reduce the building’s energy consumption, it would not move the County closer to using renewable energy sources. She emphasized the importance of renewable energy. Mr. Manns stated that staff was working closely with Ms. Freid on this matter.

19-0413 Budget Ordinance Amendment No. 20BCC000012 - Recognize \$38,902 in US DOJ grant revenue for CJRC

Chair Jacobs announced that the Durham County Detention Center was one out of only 16 detention centers in the United States implementing Medically Assisted Treatment (MAT). She stated that this program aimed to address the high rates of overdose as experienced by people who resumed opioid drug use after leaving jail.

Gudrun Parmer, Criminal Justice Resource Center Director, explained what this grant revenue was for.

19-0417 Agricultural Lands Easement (ALE) Grant Award and 2019 Cooperative Agreement for the Len Needham Farm

Ms. Korest discussed the current method of communication with farmers and noted that previous mass distributions of information did not yield much response; farmers responded better to the personal communication that happened through their relationships with the Durham Soil and Water Conservation District.

There were no comments made for the items below:

19-0378 Request to award Contract for Purchase of a Mini-Caliber Hazardous Device Robot for Sheriff’s Office Hazardous Devices Unit

19-0383 Budget Ordinance Amendment No. 20BCC000007 - Move the Medical Examiner budget to the Department of Social Services budget

19-0388 Request to Award Contract for Sole Source Purchase of Online Public Catalog from BiblioCommons

19-0393 Budget Ordinance Amendment No. 20BCC00009 - Approval of a Fund Balance Appropriation in the General Fund in the Amount of \$225,579 for Epic Community Connect Hardware and Interfaces

19-0397 Budget Ordinance Amendment No. 20BCC000010 to Recognize \$5,000 from Duke University Division of Community Health

19-0398 Budget Ordinance Amendment No. 20BCC000011 to Recognize \$2,000 from Duke University Division of Community Health

19-0416 Design Services Amendment for Triangle Wastewater Treatment Plant Efficiency and Resiliency Improvement Projects

19-0424 Budget Ordinance Amendment 20BCC000014 - Recognize \$297,900 from CCTA Grant and approve contract for same amount with C3 Pathways, Inc.

Discussion Items

19-0415 Durham County Transit Plan Project Update

Representatives from the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO), GoTriangle, Durham County, City of Durham, and Triangle J Council of Governments formed a team to complete the Durham County Transit Plan at the beginning of Summer 2019. The City-County Planning Department would provide monthly updates to the Board of Commissioners.

Patrick Young, City-County Planning Department Director, reviewed the Transit Plan scoping and other key Transit Plan items such as “pipeline” transit projects and action recommendations; community engagement and associated communication; coordination with Wake and Orange counties; Interlocal Agreement (ILA) changes; TriMAP meeting; Untokening Conference; and the Resident Survey. He informed the Board that they would receive another presentation in November 2019.

Mr. Young confirmed staff would use the responses to onboarding passenger surveys administered by GoTriangle and GoDurham.

Mr. Young and Katherine Eggleston, Go Triangle Chief Operating Officer, discussed how regular meetings throughout the process would be coordinated and implemented. The timeframe for choosing the stops for the Commuter Rail was also discussed.

Commissioner Howerton requested a financial report detailing what happened to the money for the Durham-Orange Light Rail Transit project. Ms. Eggleston informed the Board that GoTriangle staff was actively working on an update to the financial memo explaining the spending on the Light Rail program and the closeout expenditures.

There was discussion regarding the NCDOT budget issues and how they would delay many projects. Chair Jacobs was concerned about losing the properties that were originally for the DOLRT as they could be used for the next iteration of regional transit between Durham and Orange County.

Vice Chair Hill hoped that GoTriangle would work towards helping the community fully understand the Durham County Transit Plan Project by not using difficult jargon.

Aaron Cain, DCHC MPO Senior Transportation Planner, updated the Board regarding their request to plug in the study of Bus Rapid Transit (BRT) into both the US 15-501 and NC 54 corridor studies.

Directives:

- **Katherine Eggleston to provide the Board with a full financial report which showed where monies were spent for the Durham-Orange Light Rail Transit (DOLRT) project and a report of the hub contracts providing information regarding who the subcontractors were and who received those contracts.**
- **Katherine Eggleston to provide the Board with more information regarding the status of the properties GoTriangle purchased for use in the DOLRT project.**
- **DCHC MPO to write a letter to the Federal Transit Administration (FTA) explaining their intention to use the properties originally intended for the DOLRT—they could be used for the next iteration of regional transit between Durham and Orange County.**

19-0434 Commuter Rail Project Update

The Board received an update from GoTriangle staff on the status of the Commuter Rail Transit (CRT) project and study. Durham County helped fund a consultant's study of the proposed CRT project and the study was well under way. GoTriangle was the project sponsor for this work.

Ms. Eggleston reviewed the existing rail corridor and shared corridor key requirements.

Patrick McDonough, Manager of Planning and Transit Oriented Development at GoTriangle, discussed the Major Investment Study (MIS) being completed by GoTriangle, DCHC MPO, Capital Area Metropolitan Planning Organization (CAMPO), and other partners. He used the following analogy to help simplify the complexity of the MIS:

The NC Railroad was a landlord who had a tenant named Norfolk Southern. This tenant was renting two upstairs bedrooms to Amtrak and CSX. GoTriangle showed up at the front door with money (i.e. sales tax) and asked to remodel the house while the three tenants continued to live there.

Mr. McDonough reviewed why the MIS was conducted, what was studied, what was learned, what was still unknown and the next steps via a PowerPoint presentation.

In the interest of time, Mr. McDonough was suggested to add definitions and explanations for the scoring system in the presentation slide titled "What We Learned."

Ms. Eggleston discussed the current study they were working on and stated the study was expanded to include areas from Mebane to Selma.

Commissioner Reckhow announced that representatives from NC Railroad were included in a workgroup meant to address any and all issues during the early stages of this project. This would provide decision-makers with the analytical data needed to decide whether there was a project the partners felt comfortable moving forward with into the next phase of development.

Chair Jacobs advocated for engaging the public throughout the entire process. She was excited about the possibility of an East Durham station. Chair Jacobs announced that Scott Saylor, President of the NC Railroad Company, would be present at a November meeting.

19-0422 Quarterly Update on Durham Pre-K

Durham Pre-K began its third year of expansion, with the eventual goal to make high-quality Pre-K accessible to all four-year old children in Durham. Child Care Services Association (CCSA) was Durham County's agent in this work and formed a Governance Committee to help provide expert guidance and assistance to this community project. The expansion work included expanding the talent pipeline, improving quality in both existing and expansion classrooms through a variety of means—including teacher professional development and close observation—and raising teacher pay.

County staff were in constant communication with staff from CCSA, held in-person meetings at least monthly to review contractual goals and troubleshoot issues, and CCSA also provided the Board with an in-person quarterly update and discussion on the program's progress.

Linda Chappel, Senior VP at CCSA, introduced the new Executive Director for Durham's Partnership for Children, Danielle Johnson.

Ms. Johnson addressed the incorrect information previously given to the Board regarding the number of NC Pre-K slots assigned to Durham.

Ms. Chappel clarified that 88 of the 149 allocated seats were brand new since last fall. She went over technical assistance in active sites, Classroom Assessment Scoring System (CLASS) observer training for directors, Making the Most of Classroom Interactions (MMCI) training for active site teachers, myTeachstone (professional development and data collection online tool to support teacher's coaching and professional development around CLASS dimensions and effective teacher-child interactions, the technical assistance pipeline, the Durham Pre-K Teacher Talk Newsletter and website, educational supports, and their partnership with Durham Technical Community College.

Discussions were held about the importance of monitoring improvements and comparing how much the needle moved in terms of kindergarten readiness versus where the needle needed to be.

Ms. Chappel described efforts to connect with marginalized, hard-to-reach communities. She confirmed they had not received the baseline data from when Durham Pre-K began—comparing this data to the Durham Public Schools (DPS) kindergarten entry screening data would allow the Board to see whether progress was being made. The Board and Drew Cummings, Chief of Staff, discussed the lack of data received from DPS and the Center for Child and Family Policy Director's interest in moving forward on Pre-K data. Mr. Cummings noted that there were many moving parts and clarified that the Board of Education was not holding up the data sharing.

Directives:

- **Danielle Johnson, Executive Director for Durham's Partnership for Children, to provide the North Carolina Association of County Commissioners (NCACC) with the correct number of NC Pre-K slots assigned to Durham.**

- **Linda Chappel and County staff to schedule a site visit for the Board to see some of the Durham Pre-K classrooms.**
- **Linda Chappel to provide the Board with the number of Latinx children enrolled in Durham Pre-K.**
- **Drew Cummings to add a discussion regarding data sharing to the agenda for the Joint Board of Education and Board of County Commissioners meeting on Tuesday, September 17, 2019.**

19-0414 Reclassification Request for the Sheriff's Office

The Board was requested to discuss and provide guidance to the County Manager and staff on Sheriff Clarence Birkhead's request to reclassify 11 detention positions approved in FY18-19 to staff a female mental health pod in the Detention Center. The purpose of the reclassification request was to meet current operational needs.

Based on the information provided by the Durham County Sheriff's Office (DCSO), additional recurring and non-recurring costs were associated with this request. A budget increase of \$171,025 would be needed if the reclassification was approved for the current fiscal year; it would also be a recurring cost in future fiscal years. The increase was due to salary differences between detention officer positions and law enforcement positions. Law enforcement positions also included vehicle and equipment costs which required an additional increase of \$596,351 to the reclassification request. Although not annual costs, equipment and vehicles would be replaced based on the County's replacement schedule in the future. Total new cost in the current fiscal year for the reclassification of the 11 positions was \$767,376. In the FY19-20 property valuations, this equaled 1/6 of a cent property tax rate increase. DCSO requested the County Fund Balance be used to fund the new expenses.

Budget and Vacancy Updates

As of August 28, 2019, Human Resources reported the DCSO and Detention Center had 39 vacancies, including the positions approved to staff the female mental health pod. Human Resources and DCSO staff were working to adjust positions that had multiple staff identified in one FTE number within the County's SAP system. As of August 28th, there were 17 vacancies within the DCSO/Detention Center, including the adjusted positions. Human Resources reported that a Basic Law Enforcement Training (BLET) Academy with 13 trainees began in July 2019. These positions were accounted for in the August 28th SAP vacancy data. Vacancy data was point-in-time data and could fluctuate daily.

Since FY15-16, 41 new FTEs (17 law enforcement and 24 detention positions) were approved for the DCSO/Detention Center. The County's investment in the DCSO and Detention Center since FY14-15 had increased by approximately \$7,720,000—a 24% increase during this time period bringing the total investment (positions and vehicles) to \$40,017,790 in the current fiscal year.

County Departments were asked to collectively reduce their FY19-20 budgets by \$4.2 million and DCSO reduced its FY19-20 operating costs by \$289,824.

Mental Health Pods in the Durham Detention Center

In the County's FY18-19 budget, 20 new FTEs were approved for the DCSO/Detention Center to address critical safety and security needs. Of the 20 positions, 13 were approved to provide staffing to create a female mental health pod in the Detention Center. In FY16-17, the Board approved funding for 10 new FTEs in the Detention Center for a male mental health pod. The female mental health pod opening was delayed due to safety projects at the Detention Center which were expected to be completed in early 2020. Although the annual number of jail intakes screened by medical decreased by almost 27% from FY16 to FY19 (7,604 to 5,572), the number of inmates referred to Jail Mental Health (JMH) increased by over 11% in the same time frame (1,767 to 1,964).

At the request of the DCSO, the Criminal Justice Resource Center's JMH was willing to attempt offering services inside the single female pod in the detention facility since the total number of female detainees decreased in recent months. However, since there were no alternate housing options for women who were disruptive, high-need, or had conflicts with other female detainees, security issues could override the opportunity for programming in the pod. Beginning October 2019, the CJRC would offer the following services weekly in the female housing unit: two education groups for all detainees (e.g. hygiene, substance use education, de-escalation, nutrition, mindfulness/relaxation), two mental health specific educational groups for females on the MH caseload, one social activity weekly if a detention officer was available to assist and the DCSO could provide incentives for participating detainees. This approach served as an interim solution until the female mental health pod was opened.

Since the Sheriff's request deviated from the Commissioners' original policy decision to fund mental health pods in the Detention Center and new funding totaling \$767,376 from County Fund Balance was being requested to implement the proposed reclassifications it was required and advisable for the Board to discuss and provide further guidance to the County Manager and staff on how to proceed.

Sheriff Birkhead discussed the needs which prompted his request for reclassification of the positions.

Discussions were held regarding the number of women currently in the Detention Center, how many had a mental health case load, and the difference between being in the mental health pod and having a mental health case load.

The Board, Sheriff Birkhead, and Ms. Miller discussed the possibility of repurposing the women's acute mental health pod into a juvenile housing pod (for 16 and 17-year-old offenders) as well as the study being completed on the feasibility of having a youth pod at the Detention Center.

Dara Richardson, Human Resources Manager, explained the vacancy numbers to the Board.

Gudrun Parmer, Criminal Justice Resource Center Director, addressed how the mental health needs of women would be met if the Detention Center did not have a women's mental health pod. She felt that the Sheriff's request was doable considering the trend in number of women detainees in the Detention Center and pointed out that another discussion could be had if those numbers doubled or tripled.

It was suggested to refer the issue back to staff to evaluate given the new information showing that a women's mental health pod may not currently be needed.

Commissioner Howerton urged the County to be cautious in order to prevent future detainee deaths due to suicide if the female mental health pod was removed.

Sheriff Birkhead clarified that he was not advocating that the Detention Center not have a women's mental health pod, rather he was attempting to address a critical need by reclassifying unfilled FTE positions. The mental health pod could be revisited at a later date once all preliminary work was completed for it.

The Board emphasized their preference for staff finding a way to cover the request cost without dipping into the fund balance.

Directives:

- **Manager Wendell Davis and Sheriff Birkhead to work together to figure out how far the County could go with the request before it was necessary to dip into the fund balance—i.e. Commissioners wanted to know how far reallocating all the staffing costs/value to the mental health pod (and any other ancillary costs) would get the County without having to draw from the fund balance. Staff was to bring this back before the Board during the Monday, October 7th Work Session.**
- **Staff to provide the Board with more information about the costs of the reallocation request by Monday, October 7th.**
- **Staff to provide the Board with options regarding adding the requested positions in a gradual manner (specifically the animal control positions) to deal with the capital costs by Monday, October 7th.**
- **Gudrun Parmer to provide the Board (by Monday, October 7th) with some type of analysis or plan as to how the needs of women detainees would be met without a women's mental health pod in the Detention Center.**

Closed Session

The Board was requested to adjourn to Closed Session to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged pursuant to G.S 143-318.11(a)(3) and discuss the matter of the following:

Marquetta Welton vs. Durham County, Durham Board of County Commissioners, Wendell Davis and Kathy Everette-Perry, Case Number 17-CV-258

Commissioner Reckhow moved, seconded by Vice Chair Hill, to go into Closed Session

The motion carried unanimously.

Reconvene from Closed Session

At 1:21 p.m. the Board adjourned from Closed Session and the Chair announced that direction was given to staff.

19-0421 Review Revised Economic Development Policy Draft

The Board was requested to review the draft of the revised Economic Development Policy and offer feedback prior to the potential adoption at the first Regular Session in September.

The revisions being considered were intended to further effectuate the County goals as informed by the County's Strategic Plan, the best practice of our North Carolina peers and working within Federal and State legal parameters all while maintaining the County's economic competitive and comparative advantage. Over the course of the last 18 months, the Board received several presentations and engagements to help shape and inform the revised policy. Those presentations include to the following:

1. Review of Current Policy - Board Feedback and Revision Goals (Spring Retreat, 2018)
2. School of Government Presentation - ED Fundamentals and Legal Parameters (June Worksession, 2018)
3. Policy Benchmarking of NC Peers - Identify Strategies to Revise Policy (Fall Retreat, 2018)
4. Policy Revision Phase I - Contract Strengthening, Criteria & Threshold Refinement (June Worksession, 2019)

Policy revisions were presented at the June Work Session. Since then, feedback was incorporated into the working draft and staff sought additional input before potentially bringing the policy to the first Regular Session in September for adoption. Additionally, integrating proposed policy strategies into recent project considerations helped further refine the policy document.

Andy Miracle, Economic Development Officer, reviewed the changes made to the revised Economic Development Policy since the last time it was presented.

Discussion was held regarding things the County desired as "valued" vs "required" in the Policy. Mr. Miracle stated that listing requirements could make Durham County less appealing to companies seeking incentives and therefore less competitive.

The Board wanted to clarification of the criteria to the following sentence: "For Company, please identify the partnerships that you are willing to engage in."

Chair Jacobs requested Mr. Miracle provide more information clarifying: how the scorecard would be used in terms of scoring a company using Criteria 1 and Criteria 2; how they would be integrated into the evaluation process; and how they would be memorialized within a contract. Mr. Miracle stated that such a system would not be advisable due to decreasing the County's comparative advantage to other local counties.

Mr. Miracle agreed to make the requested revisions in the Policy and email the completed draft to the Board for final input. The final draft would be added to the Monday, September 23rd Regular Session consent agenda.

Directive: Andy Miracle to revise the Policy as follows:

- **Add "contract criteria including community benefits" to the Community Engagement Standards to strengthen the policy's link to community benefits.**

- Ensure that it was clear that a reduction in jobs (layoffs) to the point of dipping below an agreed upon amount would trigger the clawback provision.
- Add “living wage” to the Criteria 1 list for incentive calculation.
- Add a bullet point to explicitly say the County would work with educational partners to develop or have input into necessary curriculum or certifications for their employment needs.
- Describe how the County would hold itself accountable to the community (e.g. tracking the incentive contracts on a website).
- Explicitly state that the Board of Commissioners would review and approve all incentive contracts before they were signed.
- Introduce the list under Criteria 1 with a positive statement to the effect that Durham County encourages companies to work actively to hire Durham County residents and contribute in other ways.

19-0429 Classification and Compensation Study Update

The Board was requested to receive an update from the Human Resources Staff regarding the Classification and Compensation study that was conducted by Management Advisory Group International (MAG), Inc.

In FY17-18, MAG conducted a Classification and Compensation study to address recruitment, retention and salary equity issues for the County. MAG concluded that salaries for the County employees and salary ranges for certain positions were below the market averages. As such, the County was suggested to implement the recommended employee salary changes and proposed General and Executive pay plans.

The Board approved the implementation of the General and Executive component and allocated \$3.2M in its FY19-20 budget.

Ms. Richardson addressed the list of questions the Board submitted.

Discussion was had regarding the ranges of pay bands. Ms. Richardson, Kathy Everett-Perry, Human Resources Director, and Tony Noel, Human Resources Manager, addressed the Board’s questions regarding the suggested pay band minimums being below the average market minimums and the maximums being above the average market maximums. The Board expressed concerns regarding the high salary band maximums for executive level positions in comparison to nonexecutive positions due to equity and affordability for the County.

Ms. Everett-Perry and Manager Davis discussed the Board’s deadline to provide employees with the 2.5% raise by the Friday, October 4th which would require payroll to make it effective Monday, September 9th.

Directive: Human Resources to provide the Board with a document that had the salary survey results average, current Durham County pay band, and the proposed pay band for different executive level employee positions.

19-0363 Resolution Establishing A Percent-For-Art Program

The Board was requested to approve the attached Resolution Establishing A Percent-For-Art Program.

In December 2017, staff was directed to investigate development of a Public Art Policy. A Public Art Study was presented in November 2018 and staff was directed to investigate the possibility of adopting a joint process with the City of Durham's Public Art Program while continuing to maintain separate funding resources.

County and City staff collaborated to develop a public art administration strategy that would serve both programs and provide a predictable process for any artist interested in creating public art in the community. As a result of the collaboration, revisions to the existing City of Durham Resolution to Establish a Public Art Policy, originally approved on November 21, 2011, were scheduled for adoption by the City Council on September 16, 2019.

The Durham County Percent-For-Art Program, Policy and Program Manual were reviewed by and received the support of the City of Durham Cultural and Public Art Program, the Durham Cultural Arts Board (CAB), the Durham Public Art Committee (PAC), Durham Arts Council, and the North Carolina Arts Council.

Commissioner Reckhow noted that public art did not need to be in front of every single new county facility—e.g. the EMS Stations or sewage treatment plants.

Commissioners Howerton and Reckhow left the meeting at 2:37 p.m.

Chair Jacobs was concerned the County could appoint only two of the 15 CAB members despite the CAB playing a critical decision-making role for the County through the newly created process. This resulted in the Board having very little direct control over who was on the CAB. Linda Salguero, Project Manager; Peri Manns, Interim Director of Engineering and Environmental Services; and Stacey Poston, City of Durham General Services Department; addressed Chair Jacobs's concerns.

Manager Davis discussed the problem with adding new duties and tasks for existing staff without hiring more staff people. He wanted the Board to be aware that this program might require a new staff position in the future.

Ms. Salguero and Ms. Poston discussed how the Board would be kept informed about the process and what would occur to the art in the event of an artist's death.

Directive: Staff to make the following edits to the Public Art Resolution:

- **Add wording that made it clear the County would spend up to one percent of the proposed General Capital Improvement Project (CIP) budget on public art.**
- **Add wording about supporting/strengthening the local artist community and ecosystem.**
- **Add wording to show the policy would not be changed by staff without the approval of the Board of Commissioners—staff would present proposed edits to the Board for approval.**

19-0401 Involuntary Commitment Transportation Agreement

Session Law 2018-33 revised many statutes in Chapter 122C concerning the involuntary commitment process, including GS 122C-251(g) and enacted a new statute, GS 122C-202.2. The revisions to GS 122C-251(g) required Durham County to adopt an “involuntary commitment transportation agreement” (Agreement) with the agency and persons who would be transporting individuals subject to the involuntary commitment procedure. This statute, as well as a few others, provided standards for the conduct of such transports, as well as training requirements for the persons performing them. The Sheriff’s Office traditionally performed these transports for the County and their procedures already comported with those established by the statutes, so they would not cause any disruption to ongoing operations. The Sheriff’s Office, as well as other local stakeholders were involved in the process of preparing the draft Agreement.

Following adoption, and execution, the Agreement must be sent to Alliance Health, the County’s LME, for inclusion in a “Crisis Services Plan” which was due to the Department of Health and Human Services no later than October 1, 2019. Because of that deadline, the Board was requested to suspend the rules and approve and adopt the Involuntary Transportation Agreement resolution.

Curtis Massey, Senior Assistant County Attorney, went over the agreement.

Commissioner Carter moved, seconded by Vice Chair Hill, to suspend the rules.

The motion carried unanimously.

Attorney Curtis addressed the Board’s concerns regarding the possibility of people getting hurt while being transported due to improper searching or insufficient training of the transporter.

Commissioner Carter moved, seconded by Vice Chair Hill, to approve the Involuntary Transportation Agreement resolution.

The motion carried unanimously.

19-0427 Review of BOCC Directives

Board directives from previous meetings and staff follow-up were reviewed. Staff strived to have all directives inputted into the system accurately and soon after they were issued and to follow-up with the Board and/or with other relevant parties in an appropriate time frame.

Discussion was had regarding the current system being used to mark directives as completed versus incomplete.

Manager Davis updated the Board on the County’s preparedness status for Hurricane Dorian. He announced that all the County’s utilities were operating under “weather advisory” conditions.

19-0431 Durham County Support for Refugee Resettlement

Directive: Staff to make the following edits to the Durham County Letter of Support for Refugee Resettlement:

- **Add a line to the letter to state that Durham community welcomes refugees and has strong partnerships with the two local refugee groups (she wanted at least one of them to be named).**
- **Send the person who requested this letter a signed copy of it.**

Commissioner Carter advocated for having two monthly Work Sessions as she felt that a second meeting would help reduce the length of meeting time by splitting one long meeting into two shorter meetings.

Adjournment

Commissioner Carter moved, seconded by Vice Chair Hill, to adjourn the meeting.

The motion carried unanimously.

The meeting adjourned at 3:41 p.m.

Respectfully submitted,



Tania De Los Santos
Administrative Assistant