

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

Tuesday, September 8, 2020

9:00 A.M. Virtual Work Session

**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

**Citizen Comments**

Citizens were requested to email their comments to the Clerk no later than Sunday, September 6<sup>th</sup> at 12 noon. Monica Toomer, Clerk to the Board, read three minutes' worth of each citizen comment. At the Board's request, verbatim comments are included below.

**Robin Watson**

I'm a citizen of Durham since I was 14yo. I come from Rhode Island. At an early age I recognize the differences in education, housing, entrepreneurship. I volunteered as a youth to try and understand my new cumbersome world. My education was basically provided by mom who was well read. I've experienced the hatred of being different without a voice. I now understand as an adult who raised a daughter and 3 sons to be successful college educated productive citizens, self-knowledge and understand what makes young black boys and men tick is beginning. To unlock these future men's potential is to offer a magnitude of tools that 'only' people of color are trusted to provide. The trust of community is eroding. However, the MLK Board would be on target to implement the Local Action Plan that would provide a springboard to move the agenda of saving our black men with black men. Durham professes to be progressive in communities, entrepreneurship, and service. Put your hearts where your mouths are. This country is under attack from within. And we POC are the target. I employ you to move this agenda forward.

**Kaitlin Strauss**

I am writing in support of the Safety and Wellness Task Force. This task force is essential to the safety and well-being of our county residents and has already been enacted by the City Council and Board of Education. The recent incident at Rochelle Manor where police drew weapons on a group of children shows the need for this Task Force, and that it is essential that it not include law enforcement participation who will stifle community voices. I urge Commissioners Howerton, Hill, and Reckhow to join Commissioners Jacobs and Carter in supporting this project.

**Millie Rosen**

My name is Millie Rosen and I'm a public school teacher here in Durham. I strongly urge you to move forward immediately with seating members of the new Safety and Wellness Task Force, as well as passing bylaws. The Durham City and Board of Education have already enacted these bylaws; why is it taking the County Commission so long?

Here is what I'd like to say about the bylaws:

1. Members of law enforcement do NOT need to be on the task force. This needs to be a group that has the space to dream about what our community could look like without police brutality and the presence of law enforcement officers would make that impossible. As we've seen lately, even Durham is far from free from over-policing and police brutality.
2. You must include at least one or two under-18 Durham residents to give input on this task force. Many of my students in middle school have already had negative interactions with the police and we need to include their voices to prevent this from continuing to happen.
3. As a teacher, I can tell you firsthand how important it is for students and their families to have access to healthcare, social services, mental health services, and other programs that make everyone's lives better. Right now, many of these needs are being met solely by public school workers outside of their job descriptions. We love our students and communities and want these services to be better funded and available as wraparound services run through our schools, instead of the haphazard way we are currently trying to meet our students' non-academic needs. We need funding for this, and it should be one of the main priorities of the Task Force once it's seated.
4. Finally, the Task Force should also include at least one trauma-informed specialist, at least one educator from a public school here in Durham, and at least one member of a local justice-oriented organizing group. I highly recommend the leaders of the strong work by Durham Beyond Policing.

I commend Wendy Jacobs and Heidi Carter for openly committing to the bylaws; I urge Brenda Howerton, James Hill, and Ellen Reckhow to commit as well.

Thank you for your time.

Rev. Dr. Helen Svoboda-Barber

After reading the Durham Beyond Policing report, I write with thanks for the \$1 million investment in the Community Safety and Wellness Task Force. As a priest in our city, and a mother of two teens, I am watching with hope about what we can become.

In my role as priest, three times this summer I counseled families dealing with mental health crises. All of them stated their fear of the possibility of needing to call police in order to get their loved ones to the hospital. They feared escalated violence and possible death of their loved ones. Every family wished there was a way to have a crisis social worker come to the house to facilitate hospitalization rather than a police officer.

I write asking you to ensure at least two Community Safety and Wellness Task Force members are teens. Durham does much to foster teen's leadership through programs like iNSIDEoUT 180, Kids Voting and more. Please make sure the wisdom of our youth are a presence on this Task Force.

It is inappropriate to have a member of law enforcement on this lay Task Force. The presence of a law enforcement officer could stifle creativity and honesty which will be crucial to the work of this group. Please keep this group non-law enforcement, allowing them to decide when and how to connect with law enforcement to have discussions, share ideas, etc.

Thank you to Commissioners Jacobs and Carter who are supporting this work. I urge Commissioners Howerton, Hill and Reckhow to add their support.

Kenneth Webb

As of the writing of this email in support of the creation of the My Brother's Keeper Durham Advisory Board, 4 people have been shot within the past 24 hours.

We have a critical opportunity to continue to support solid and proven programs to turn the lives of our youth around, particularly the lives of our black young men.

Given how critical closing achievement gaps are at the moment, an advisory board dedicated to that awesome task is very much needed. Please consider creating this board.

#### Page McCullough

I urge you to vote to enact the bylaws of the Safety and Wellness Task Force at your Tuesday work session. As you know, these bylaws have already been approved by the Durham City Council and the Board of Durham Public Schools. I appreciate that Commissioners Jacobs and Carter have already indicated their willingness to support the bylaws of the task force. The task force was an entirely community driven idea, led by a coalition of groups under the aegis of Durham Beyond Policing. To remain community driven, and to ensure voices of the community are centered, I think it is appropriate to exclude all elected officials as well as employees of respective governing bodies as voting members of the task force. I think that having such people named to a resource panel for the task force to call on would be very valuable to the process.

While Durham has initiated several progressive measures in regards to community safety, recent events indicate that we are far from enacting holistic programs that can help us sustain safe and healthy communities. Durham needs the Safety and Wellness Task force and needs it NOW.

#### Sherri Zann Rosenthal

I join with my friends and neighbors to thank you for creating the Safety and Wellness Task Force. I do believe it should predominantly be a community group, but with full and complete, so far as possible, representation of our community.

The ideas generated by this Task Force will likely be pivotal in reinventing public safety in our community, and that it will not simply be a brainstorming group. That is why I support some representatives of our county sheriffs office and our City police to participate.

To really understand the safety and wellness issues that need to be addressed in our community, it is important to understand where we are now. Understanding what our police and sheriffs face and how it unfolds are important to a practical effort to address those needs with more effective and humane institutional responses. There are some in our current public safety organizations that I believe are able to participate in such a task force with both honesty and an understanding that this effort can not orbit around their organizations.

I also hope you will ensure representation by mental health professionals from our community who have 'hands on' experience with people--especially teens and young adults--during mental health crises. I recently had a conversation with someone who had headed up our state's response to and treatment of teens and children facing mental health crises, who was frustrated that safe hold and restraint techniques do not appear to be taught to and implemented by police in our state. Mental health providers experienced in crisis response are clear that restraining someone during a violent crisis can be done safely for both the person in crisis and the mental health responder. These people have an important perspective for an effort to reinvent public safety and wellness.

#### Sammi "Sephora"

I work at Sephora at Southpoint Mall and we do not feel safe at work. Please consider a local ordinance mandating the removal of testers. We have started allowing people to swatch testers on themselves at our beauty studio once they have been "sanitized" (sprayed with alcohol and wiped). It is impossible to get them to keep their masks on properly. They lower or remove them to try on lipsticks, foundation, etc. They lower them constantly to smell fragrances. Clients who are not at the studio see others trying the

product on so they start swatching themselves or trying the product on their own and do not “sanitize” the product. This is putting everyone at risk. Please consider an ordinance to help keep us and our clientele safe.

### Brandon Williams

I write in support of the proposed MBK Durham Advisory Board. Durham has great organizational leadership when it comes to serving young people but could benefit from greater strategic coordination. This advisory board would bring accountability and direction to our current MBK Durham initiative so that we can better understand current impact and outcomes of programs working with boys and young men of color and target the appropriate systemic reforms needed to bring about broader change. At a time when the future of our society and economy is rapidly changing, we need to make sure that our efforts to enhance the quality of life for all are keeping pace.

### DeWarren Langley

I recommend the Durham Board of County Commissioners create a MBK Durham Advisory Council to ensure stakeholder engagement and accountability in identifying innovative solutions to eliminate gaps and increase achievement opportunities for boys and young men of color in Durham County. With COVID- 19 and the consistent rise in gun violence having a disproportionate impact on communities of color, we can only expect the academic, opportunity and professional gaps facing young men of color to grow unless we are proactive in our data assessment, collaboration and strategy development and execution.

The MBK Durham Advisory Council should consist of government, community, philanthropic and youth representatives with a history of and commitment to eliminating the gaps in opportunity and achievement and work toward improving the lives of boys and young men of color through violence prevention, education, health and education aligned with the local action plan.

The first priority of the MBK Durham Advisory Council should be the revision of the Local Action Plan through engagement with community stakeholders and boys and young men of color to serve as a roadmap for collaboratively advancing progress and tackling the barriers effectively facing boys and young men of color in Durham through better coordination, systemic reforms with clear goals and measurable outcomes.

The MBK Durham Advisory Council should create a local action plan with annual reports submitted to the Durham Board of County Commissioners on yearly activities, progress toward goals and outcomes accomplished.

The economic landscape in Durham is changing rapidly and we must ensure we have a vision, plan, strategy and capacity to provide the needed leadership, services and support to position our young boys and men of color for long-term competitive advantage in the classroom and workplace or we risk them opting for alternatives such as gangs and drugs.

We can stop the violence in Durham by equipping our black boys and young men with the education, skills and experience necessary to obtain high paying employment opportunities or to lead their own entrepreneurial ventures. We have the capability and resources to create a new reality if we make the proper investments in providing pathways to viable opportunities for socioeconomic success.

In order for stakeholders who are working to advance black male success and achievement in Durham to learn, think and act strategically, we must first have a transparent and accurate evaluation of data as it relates to the entire population of black males ages 11 to 24 in Durham County.

We must focus on addressing these gaps from cradle to career, using evidence-based interventions from the community, private, public, and social enterprise sectors. The singular work of individual organizations working with boys and young men of color is insufficient without system change through collective strategy and impact.

Thank you for your time and consideration. I am excited to engage further and look forward to hearing from you soon regarding the recommendation for the creation of the MBK Durham Advisory Council and revision of the Local Action Plan.

Vice Chair Hill provided the Board with an update regarding his meeting with representatives from Durham Beyond Policing and noted their goal seemed to be the abolition of law enforcement.

The Board was encouraged to read a blueprint for police reform written by Bob Melville distributed via email by Commissioner Reckhow.

The Board discussed staff follow up of the Citizen Comment suggestion related to testing in retail stores for the safety of customers and employees.

Chair Jacobs announced that a member of the Racial Equity Task Force contacted her and requested to present their report at the Board's October 26<sup>th</sup> Regular Session. The request was forwarded to the Clerk.

### **Consent Agenda**

The Board was requested to review the following Consent Agenda items for the September Regular Sessions.

#### **20-0372 Budget Ordinance Amendment No. 21BCC000022 to Recognize Funds in The Amount of \$190,797 For The Durham Dental Hope Project Grant**

Rod Jenkins, Public Health Director, discussed the implementation of this program in the current school year during the COVID-19 pandemic. He noted this opportunity was presented to the County in February 2020, but staff held off on presenting it to the Board due to the pandemic.

Staff was encouraged to consider backup plans such as serving at learning centers or meal pick-up locations in order to reach children from the most vulnerable populations.

#### **20-0417 Budget Ordinance Amendment No. BCC000018 to Recognize an increase of \$22,639 from Durham County Juvenile Crime Prevention Council (JCPC)**

**Directive: Joanne Pierce to look into connecting the Project BUILD director with the Durham HOPE Center leadership. The Centers were the product of a DPS partnership with the DPS Foundation, Student U, YMCA, and other community organizations.**

#### **20-0418 Budget Ordinance Amendment No. 21BCCC0000017 to Recognize \$419,458 from the NC DHHS Division of Public Health Epidemiology/ Communicable Disease Branch**

At the Board's request, Mr. Jenkins discussed what other things he believed the County needed help within terms of the activities the grant would cover.

**20-0422 Budget Ordinance Amendment No. 21BC000016- Recognizing Dominion Energy Grant Funds for My Brother's Keeper (\$100,000)**

Chair Jacobs noted the background documents specified that the grant funds would be focused towards course tuition for the Durham Tech Back-to-Work Initiative, but the press release mentioned a needs assessment. She requested clarification regarding what the grant funds and program were going to be used for.

At the County Manager's suggestion, the Chair opted to hold off discussion until the MBK Durham item was presented later in the agenda.

**20-0425 Board of Elections Nighthawk Security Services Amendment**

Manager Davis announced that it was too early to tell whether this was an expense that could be reimbursed by other grants.

Derek Bowens, Director of Elections, and General Manager Claudia Hager discussed the lack of a set deadline for the elections grant application.

**20-0445 Amendment to the Durham County Public Art Program Manual**

Linda Salguero, Project Manager, discussed the intersection of public history and public art. She clarified that this item was meant to help staff with the process of temporary installations. In the case of something being time sensitive to the point of not being able to go through this process, Ms. Salguero stated the Board could make the decision for the public art program. She noted a request was typically processed within one to two weeks.

**20-0453 Budget Ordinance Amendment No. 21BCC000029 Appropriating \$81,569 of General Fund Balance and Transferring \$214,767 to Support Early Childhood Services**

Keith Lane, Budget Director, clarified the purpose of this item and how it was an administrative reconciliation of the funds.

Commissioner Reckhow provided the Board with an update regarding Jess Bousquette, the County's new Adverse Childhood Experience and Resilience Coordinator.

**20-0457 Budget Ordinance Amendment No 21BCC000031 recognizing \$16,000 in grant revenue from the Burt's Bees Foundation and Supporting the Expenditure for an Ecological Modeling Study in Durham County's Upper Neuse River basin**

The Board expressed their gratitude to Burt's Bees. Jane Korest, Open Space and Real Estate Division Manager discussed the grant and purpose of the study.

**20-0467 Execution of Contract Agreement with EcoShift Consulting, LLC for the Development of a Renewable Energy Plan for County Operations**

Discussion was held regarding holding a meeting between EcoShift Consulting, LLC and the architect for the new parking deck on the 300 and 500 Block of E. Main Street. The parking deck was currently in the design phase and it would be proactive to consider how the deck could be designed to be as energy efficient as possible by using solar panels on the upper levels.

Peri Manns, Deputy Director of Engineering and Environmental Services, confirmed the current design did include the infrastructure necessary to support solar panels. He discussed community engagement efforts.

**20-0473 Approval of a Proposed Property Transaction between TROSA and Central Park School for Children (CPSC) and Enter a Finding that the Proposed Transaction does not Breach nor Violate a Reversionary Clause found in an Earlier Deed**

Willie Darby, Senior Assistant County Attorney, clarified the purpose of the property transaction. Discussion was held regarding the history of the transaction.

**20-0477 Budget Ordinance Amendment No. 21BCC000032 Community Development Block Grant for COVID assistance, U.S. Department of Housing and Urban Development (HUD) to address the Coronavirus Aid, Relief and Economic Security Act (CARES Act) and for the Department of Social Services to Recognize Funds in the amount of \$1,077,601**

Ben Rose, Department of Social Services Director, and Drew Cummings, Chief of Staff, discussed how county residents could seek rental assistance as only city residents were eligible under this grant.

Staff was encouraged to seek and apply for grants of this nature and to keep the Board informed of how they could support this effort.

**20-0485 Extend Current Agreement for Durham ACCESS with GoDurham Transit**

Sean Egan, Transportation Department Director, clarified that when City Manager Bonfield wrote “given the uncertainties of this program” he was referring to the pending contract award for the new operations and maintenance contract with National Express Transit.

Mr. Egan provided a status update on the Riders’ Advisory Council.

There were no questions regarding the items below:

**20-0370 Budget Ordinance Amendment No. 21BCC000021 to Recognize Funds in the Amount of \$5,384 From The Centering Healthcare Institute**

**20-0374 Budget Ordinance Amendment No. 21BCC000020 to Recognize Funds in the Amount of 5,000 From the United Way of the Greater Triangle’s Rapid Response Fund**

**20-0375 Budget Ordinance Amendment No. 21BCC000023 to Recognize \$15,000 Increase Medicaid Revenue and Approve Fee Schedule Changes for Public Health**

**20-0416 Budget Ordinance Amendment No. 21BCC000019 to Recognize Funds in the Amount of \$7,500 from North Carolina Department of Health and Human Services (NC DHHS)**

**20-0421 Budget Ordinance Amendment No. 21BCC000026 to Recognize \$7,500 in Additional Grant Funds from Durham County ABC Board for Durham Drug Treatment Court**

**20-0423 Budget Ordinance Amendment No. 21BCC000027: Approve a \$50,000 Grant from the NC Justice Center to the Criminal Justice Resource Center**

**20-0441 BOCC Review of 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Application**

**20-0449 Approval of Durham County ABC Board Chair**

**20-0451 BOCC approval of the FY 2021 Governor’s Highway Safety Program (GHSP) Grant Application**

**20-0454 Budget Ordinance Amendment No. 21BCC000030 adjust revenue source for OES CARES ACT funding**

**20-0462 Approve a Special Military Project Cooperative Agreement between Durham County and the Army National Guard for financial funding support for conservation easements**

**20-0463 Approve the acquisition of three lots at 1112, 1114 and 1116 Trails End Road located adjacent to the Little River for open space and water quality protection**

**20-0476 Capital Project No. 20CPA000007 - Appropriating \$87,500 of Public School Building Capital Fund Lottery Funds for Little River Elementary School Roof Replacement**

### **Discussion Items**

#### **20-0460 Durham County Sheriff's Office Presentation on Mass COVID-19 Testing Inside the Detention Center**

Durham County Sheriff Clarence Birkhead and Chief Anthony Prignano provided the Board with an update on strategies for the implementation, associated costs, and recommendations for mass COVID-19 testing inside the Durham County Detention Center. In coordination with Health and Human Services, Risk Management and WellPath the following recommendations were suggested:

- Re-Test all those housed within the facility until “0” cases were reported
- Re-Test all employees who worked with the detention center
- In the future, test all residents transferring from the quarantine POD to general population—on average 73 residents per month.
- Place residents who leave the confines of the Detention Center for any reason, including for court appearances, under a 14-day quarantine upon return
- Require a negative test result for all new detention employees, employees of vendors, contractors, and all other persons who work within the confines of the secure area, who have tested positive, or, new-hires, at least seven days prior to the first day of work
  - Conduct periodic testing of 20 of these workers every two weeks

Discussion was held regarding how long the testing would occur, how the testing would take place while keeping everyone safe, whether Public Health could provide the testing to reduce costs to the County for detainees and employees, and the difference in effectiveness of the pricier Option 1 (mass testing) as opposed to Option 2 (surveillance testing).

Commissioner Reckhow described how Duke bundles tested students in an effort to be cost-effective.

Sheriff Birkhead emphasized his goal of keeping everyone safe within the Detention Center. He preferred the more aggressive option.

Mr. Jenkins discussed how different funding sources, such as grants, could be used to fund a portion of the proposal (detainees only).

Janelle Owens, Safety and Risk Manager, confirmed that employees could be tested at the same price point Public Health was offered (roughly \$100 per test). The issue with this method, she



explained, was that workers' compensation funds could not be used to cover preventative testing because workers' compensation was for injuries or exposures an employee encountered at the workplace. Ms. Owens confirmed Risk Management could cover the testing through a contract, but funding would need to be determined (i.e. funds would need to be transferred to Risk Management from somewhere).

Kathy Everette-Perry, Human Resources Director, discussed the employee Wellness Clinic's hesitation to offer COVID-19 testing due to the small space and staff available. She confirmed the Clinic switched to telehealth and expected more employee participation with this service. Commissioner Reckhow suggested distributing an advisory to employees regarding the Wellness Clinic's telehealth services.

Chief Prignano and Sheriff Birkhead discussed the increase in the average daily population as well as why the State was not intaking sentenced inmates (i.e. felons) due to backlogs and various other factors. Chief Prignano stated the State was providing \$40 per diem per inmate and covering any medical costs.

The Board supported asking the State to cover the full daily cost of the people who were still in the Detention Center awaiting transfer.

**Directives:**

- **Sheriff Birkhead to provide the Board with a report with the number of convicted people in the Detention Center who should have been transferred to the State prison system. This report was requested by Monday, September 14<sup>th</sup>.**
- **Chief Prignano to revise the recommendations with what the final recommendation was based on this meeting's discussion as well as the total costs and possible funding mechanisms.**

**20-0459 Annual Reporting Updates from Downtown Durham, Inc and Greater Durham Chamber of Commerce**

The Board was requested to receive a presentation on annual reporting from Nicole Thompson, Downtown Durham Inc. President and CEO, and Geoff Durham, Greater Durham Chamber of Commerce President and CEO.

As noted in DDI's and the Chamber's scope of services, both agencies presented to the Board annually. Typically, this occurred during the budget process but with the prioritization given to urgent pandemic-related matters this year, conversations around small business support, biotechnology workforce development, and EDA funding took place instead. Alternatively, both organizations opted to present at the September Work Session to satisfy the annual reporting requirement by providing a joint presentation on FY19-20 activity.

Ms. Thompson's presentation included information regarding the growth in downtown Durham, what could be done to support the downtown area during the pandemic, and DDI's Organization Strategic Plan. At the Board's request, Ms. Thompson discussed commercial rents and the Durham Delivers program.

Mr. Durham's presentation included information regarding the Chamber's five strategies for economic development, projections, and the number of jobs created in Durham that did not require advanced educational degrees. He discussed community awareness efforts for the various programs he mentioned (e.g. Bulls Initiative, Durham Tech Back to Work Initiative, etc.)

The Board expressed appreciation for all the work being done to strengthen Durham's economy and workforce to the benefit of its residents.

Commissioner Reckhow advocated for apprenticeships and other forms of on-the-job trainings. She stated 60% of the employers surveyed by the NC Department of Commerce mentioned apprenticeship trainings as something they would value along with professional certifications. Commissioner Reckhow described Wake Works, a collaboration between Wake Technical Community College and Wake County to fund the cost of an apprenticeship program for Wake County citizens of all ages.

**Directive: Andy Miracle to investigate the Wake Works model and provide the Board with information via email.**

#### **20-0394 Naming Opportunities in Durham County Main Library**

The Board was requested to approve the recommendation from the Durham County Library Board of Trustees to proceed with naming opportunities in Durham County Library's renovated Main Library.

In accordance with the Durham County Public Library Facilities Naming Policy—approved by the Board of County Commissioners on May 9, 2005—the Durham Library Foundation was requesting approval to name the following areas in Durham County Library's renovated Main Library:

##### **First Floor/Ground Level:**

Teen Gaming Area, Room 1025 - Kiwanis Club of Tobaccoland  
Maker Space, Room 1049 - Sue and Bob Otterbourg  
Forum, Room 1051 - GlaxoSmithKline  
Study Room, Room 1053 - Johnson Lexus

##### **Second Floor/Street Entrance:**

Reading Lounge, Room 2109 - Friends of the Durham Library  
Children's Technology Hub, Room 2115 - Vines Architecture  
Children's Study Room, Room 2118 - Ruth and John Caccavale  
Children's Study Room, Room 2119 - In Memory of Andrew Goodridge  
Children's Collection, Room 2120 - Ann and Rhodes Craver  
Children's Study Booth, Room 2126 - Phillip Clark Custom Builders  
Children's Study Booth, Room 2127 - In Honor of Harper, Luke and Lila Biswas  
Children's Study Booth, Room 2128 - Gloria and George Quick  
Lactation Room, Room 2137 - Leta and Roger Loyd

##### **Third Floor:**

Maker Space, Room 3200 - In Memory of James D.B.T. Semans  
Reading Lounge, Room 3207 - SunTrust Foundation

Study Room, Room 3212 - Carolyn and Will London  
Conference Room, Room 3214 - Fox Family Foundation  
Study Booth, Room 3219 - The Literate Ladies  
Study Booth, Room 3220 - In Memory of Dennis Enberg  
Study Booth, Room 3221 - In Honor of Tina Ray "A Great Reader"  
History Lounge, Room 3222 - Anna, Leonard and Sylvianne Roberge  
North Carolina Room, Room 3238 - E.T. Rollins, Jr. and Frances P. Rollins  
Foundation  
Benjamin Powell Room  
North Carolina Collection - Leona and Willis P. Whichard  
Map Room - Ann and Bill Kirkland

Fourth Floor:

Study Room, Room 4310 - AKA/Alpha Zeta Omega Chapter/The Ivy Community Center  
Study Booth, Room 4323 - Peggy and Floyd Hardy  
Study Booth, Room 4324 - Holt Brothers Construction  
Administrative Conference Room, Room 4337 - In Memory of MaryAnn Black  
Meeting Room, Room 4347 - Elizabeth and Doug Townsend  
Reading Room and Rooftop Terrace, Room 4348 - In Memory of Jenny Semans Koortbojian

The Durham Library Foundation would honor the naming of the above areas with appropriate plaques in designated locations.

Durham Library Foundation submitted the appropriate Durham County Library Public Facility Naming application, for the individuals named above, to the Durham County Library Development Officer. The Library Director oversaw the verification of information contained in the applications. All information was verified as correct. After the completion of the verification process, the Director forwarded the applications to the Chair of the Board of Trustees and, at the July 16, 2020 meeting, the Board of Trustees voted and approved the naming of designated Main Library areas as outlined above.

Discussion was held regarding necessary updates to the Naming Policy to reflect the process that was used for the naming of the above areas.

Karen Wells, Durham Library Foundation Executive Director, stated that the highest level for donations was \$100,000 and the lowest was \$2,500. Tammy Baggett, Durham County Library Director, acknowledged the efforts made to ensure everyone who donated was represented.

The Board looked forward to acknowledging everyone who contributed at a future event.

**20-0474 Review and Discussion of Durham County COVID Funding Support from FY 2019-20 Through FY 2020-21**

The Board was requested to review and discuss a summary overview of Durham County COVID related funding and expenditures. This review focused on direct County support and grant related COVID support over two fiscal years.

The review only included budget changes related to COVID needs. Actual COVID related expenditures continued to be cataloged and calculated; that data would be provided to the Board once it was available.

Commissioner Reckhow asked staff to file for FEMA reimbursement for Hazard Pay and related expenses for Fiscal Year 2020 as soon as possible.

Discussion was held regarding the possibility of discontinuing the 10% hazard pay increase in order to avoid a future situation in which the County was forced to lay-off employees due to financial circumstances. Commissioner Howerton and Vice Chair Hill advocated for finding other ways to reduce expenses.

Chair Jacobs stated that, according to the Coronavirus Relief Fund (CRF) paperwork, the County spent over three times the amount the City spent in hazard pay even though the City had more employees. She discussed the importance of understanding how funds were being used at the departmental level and believed a reassessment of revenues was necessary for the Board to make informed policy decisions. She also noted the gravity of knowing and understanding the implications of severely impacting the fund balance as they could reduce school funding and capital projects, to name a few.

General Managers Jodi Miller and Claudia Hager addressed concerns regarding the CRF funding for personnel and payroll costs which allowed the County to cover base salaries in addition to overtime and hazard pay. Ms. Miller clarified that the numbers the County put into the CRF plan were not just hazard pay costs, they included overtime and base salaries. Ms. Hager stated that the County was paying around \$123,000 in hazard pay each month.

Ms. Hager confirmed staff was fairly confident that the County would be reimbursed by FEMA for expenses under the hazard pay category but had no information as to when the funds would be released at the federal level. Staff was urged to file for the reimbursement of last year to see if they would be reimbursed. Ms. Hager stated that staff's intention was to be among the first counties to file for reimbursement.

Staff was encouraged to examine contracts—such as janitorial or security—to determine if costs could be reduced considering that many buildings and offices were currently unused due to buildings being closed to the public and employees working from home during the pandemic.

**Directive:**

- **Staff to provide the Board with information regarding hazard pay which included:**
  - **What was the current policy in place?**
  - **How much was paid in hazard pay to date?**
  - **How much was paid in hazard pay and overtime per month?**
  - **Who qualified for hazard pay?**
  - **What were the positions of the employees receiving hazard pay?**
  - **How many people were receiving hazard pay?**
  - **What are the projections and options for the future?**
- **Staff to provide the Board with information regarding a strategy around trying to receive FEMA reimbursement as soon as possible.**

- Staff to provide the Board with Finance Department reporting regarding what was happening within County Departments covering COVID-19 expenses.
- Staff to file for FEMA reimbursement for Hazard Pay and related expenses for Fiscal Year 2020 as soon as possible.
- Staff to provide the Board with information regarding what strategies, plans, and policies regarding decisions the Board had to make.
- Any future funding requests for COVID-19 related expenses (whether coming from inside the County or not) should include a summary status report on where the County was in terms of funds—particularly the \$1.2 million in the COVID-19 Supplement Expenditure fund—as well as a staff recommendation that took into account current information (on revenue and such) which positioned the Board to make the most responsible decision possible. This directive applied to the request made under item 20-0460 Durham County Sheriff's Office Presentation on Mass COVID-19 Testing Inside the Detention Center. Staff was to include information regarding expected expenditures over the next four months and how much remained in the funds as a result for the request.

#### **20-0466 Durham County's Amended Coronavirus Relief Fund (CRF) Plan**

The CRF was established under the federal CARES Act and administered by the North Carolina Pandemic Recovery Office (NC PRO). HB 1023/S.L. 2020-80, Section 3.3(2), appropriated an additional \$150 million to be distributed to county governments, based on their population according to 2019 Vintage Year Census Bureau estimates.

S.L. 2020-80 made a significant change to the language regarding the municipal share of these funds. In previous legislation (HB 1043/S.L. 2020-4), counties could choose to share these funds with their municipalities. S.L. 2020-80 changed that language directing counties to give a minimum of 25% of their total allocation to municipalities. Durham County was required to give the City of Durham \$2.9 million, this represented 25% of the County's total CRF allocation.

The County submitted its first round CRF plan in the amount of \$5,480,715 in early June 2020. The County's second funding allocation was \$3,309,388 bringing the County's total CRF allocation to \$8,790,103. The County was required to amend its' plan to include the second funding allocation.

The expenditure categories remained the same for round one and two of CRF funding. Eligible expenses included:

- **Medical expenses**, such as the COVID-19 related expenses of public hospitals and clinics, the establishment of temporary medical facilities, COVID-19 testing, emergency medical response expenses, and public telemedicine capabilities.
- **Public health expenses**, such as communication and enforcement expenses, the acquisition of personal protective equipment and other medical supplies, disinfection of public areas and facilities, technical assistance to help mitigate the virus, expenses for public safety measures, and expenses for quarantining.
- **Payroll expenses** for public safety or public health employees.
- **Expenses of actions that facilitate compliance with COVID-19 related public health measures** such as teleworking, distance learning, food delivery, paid sick, family and

medical leave for public employees, expenses for maintaining prisons and jails, and expenses for protecting the homeless population.

- **Expenses associated with the provision of economic support** in connection with the COVID-19 public health emergency such as provision of grants to small businesses, expenditures related to government payroll support, and unemployment insurance costs.
- **Any other COVID-19 related expenses reasonably necessary** to the function of government.
- **Grants to municipalities and nonprofits.**

These funds could not be used for damages covered by insurance, payroll or benefits for employees not substantially dedicated to responding to, or mitigating the COVID-19 health emergency, or to reimburse for revenue losses. CRF funds were required to be spent by December 30, 2020 and counties and municipalities could amend their plans after the September 15<sup>th</sup> deadline should the need occur.

The County's amended CRF plan was drafted using the following framework:

1. Assist in covering the County's unanticipated and unbudgeted expenses related to the COVID-19 pandemic to the greatest extent possible.
2. Leverage all state and federal funding available to the County to ensure maximum allocations and reimbursements.
3. Use FEMA reimbursement before CRF funding for COVID-19 related expenses as recommended by NC PRO.

A copy of the County's amended plan was provided to the Board. The City of Durham submitted its plan to the County by the September 1<sup>st</sup> deadline. A copy of the City's plan was provided and incorporated into the County's amended plan. Counties and municipalities were liable to the State for the misuse or mishandling of funds and were subject to clawback.

Ms. Miller requested the Board suspend the rules and take action to approve the amended Durham County Coronavirus Relief Fund (CRF) plan required to be submitted by September 15, 2020.

Commissioner Carter moved, seconded by Commissioner Howerton, to suspend the rules.

The motion carried unanimously.

Commissioner Howerton moved, seconded by Commissioner Reckhow, to approve the plan.

The motion carried unanimously.

\*\*\*\*\*

**Proposed Amended Durham County CRF Plan with Expenditures From March 1 through Dec. 30, 2020**

<b>Framework for Durham County Coronavirus Relief Fund (CRF) Funding Plan</b> <ul style="list-style-type: none"> <li>Assist in covering the County's unanticipated and unbudgeted expenses related to the COVID-19 pandemic to the greatest extent possible.</li> <li>Leverage all state and federal funding available to the County to ensure maximum allocations and reimbursements.</li> <li>Use FEMA reimbursement before CRF funding for COVID-19 related expenses aligning with the revised guidance provided by NCPRO on May 26, 2020.</li> <li>Amend the County's CRF plan as needed to address the ongoing costs associated with COVID-19 response in an effort to spend the County's full allocation by December 30, 2020.</li> </ul> <p>*Note 1: The State Auditor shall conduct a preliminary financial audit and a final performance audit of the Coronavirus Relief Fund created by this act no later than March 1, 2021.</p> <p>*Note 2: The July 30, 2020 letter from NCSBM states that Durham County allocation for CRF funding totals \$6.23 million, with 25% of the allocation going to the City of Durham per S.L. 2020-80.</p>					
<b>Categories as identified by the CRF Plan Template</b>	<b>Projected Expenditures</b>	<b>CRF Plan Round 1 Submission</b>	<b>CRF Round 2 Amendment</b>	<b>Notes</b>	<b>CRF and FEMA-PA</b>
<b>1. Medical expenses such as:</b> <ul style="list-style-type: none"> <li>COVID-19-related expenses of public hospitals, clinics, and similar facilities.</li> <li>Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.</li> <li>Costs of providing COVID-19 testing, including serological testing.</li> <li>Emergency medical response expenses, including emergency medical transportation, related to COVID-19.</li> <li>Expenses for establishing and operating public telemedicine capabilities for COVID-19 related treatment.</li> </ul>	\$315,000	\$60,000	\$255,000	1. \$60k used to upgrade the PANTHER machine to process COVID tests and 2,000 test kits purchased. 2. \$255k will be used for testing at Detention Center and for staff through Dec. 30, 2020.	Both the CRF and FEMA-PA could be used to support this category. For any testing and costs beyond December 30, 2020, staff will solicit State and Federal guidance on FEMA PA reimbursement.
<b>2. Public health expenses such as:</b> <ul style="list-style-type: none"> <li>Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.</li> <li>Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.</li> <li>Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.</li> <li>Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.</li> <li>Expenses for public safety measures undertaken in response to COVID-19.</li> <li>Expenses for quarantining individuals.</li> </ul>	\$3,289,921	\$1,433,019	\$1,856,902	Expenses include: Partial funding for Community Health Ambassador Program (\$89K), Janitorial/Sanitization for public facilities, HHS building public screening and PPE	Only CRF can be used for Community Health Ambassador program. Other expenses could use CRF and FEMA-PA funding. The CRF could be used to cover this expense for immediate relief to the General Fund.
<b>3. Payroll expenses</b> for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.	\$1,814,141	\$1,814,141	\$0	The payroll expenses include base, benefit, and 10% differential. The amount included in the proposed CRF-Plan (Round 1) make up the difference between all operational costs in categories 1, 2 and 4.	The CRF authorizes all salary and hazard pay for all employees substantially working on COVID-19 response and mitigation activities. The FEMA-PA will cover base salary overtime and hazard pay for non-exempt those employees performing tasks that are not typical of their day to day function, or overtime and hazard pay for permanent full time employees conducting emergency protective measures.

<b>4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:</b> <ul style="list-style-type: none"> <li>• Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.</li> <li>• Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.</li> <li>• Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.</li> <li>• Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.</li> <li>• COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.</li> <li>• Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.</li> </ul>	\$2,988,943	\$2,173,555	\$815,388	Expenditures include food security task force, other feeding, Marriott hotel, and Urban Ministries through December 2020. Teleworking expenses for DSS and program support. Not included in the Round 2 CRF plan are the Carolina Duke Inn, COVID+ duplexes, and Reinvestment Partners solutions which will be submitted through NCEM State-centric non-congregate housing program.	Both the CRF and FEMA-PA could be used to support this category. The CRF could be used to cover this expense for immediate relief to the General Fund. Non-congregate housing expenses will be submitted through the new NCEM State-centric non-congregate housing program for reimbursement.
<b>5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:</b> <ul style="list-style-type: none"> <li>• Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.</li> <li>• Expenditures related to a State, territorial, local, or Tribal government payroll support program.</li> <li>• Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.</li> </ul>	\$ 382,098	\$0	\$ 382,098	Expenditures include funding County's portion of the media buy for the Back on the Bull campaign (\$132,098) and business mitigation grant program (\$250,000) as requested by RRTF.	CRF permits the use of financial assistance to businesses. The FEMA-PA does NOT cover the expenses in this category. Other DIRECT federal assistance to businesses include the Small Business Administration and grants from other federal departments.
<b>6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.</b>	\$0	\$0	\$0		
<b>7. Grants to municipalities and nonprofits. List each planned subaward.</b>					
<i>City of Durham, NC (required 25% of total allocation)</i>	\$2,930,034		\$2,930,034.00	See attached City of Durham CRF Plan submitted to NCPRO on 9/1/2020.	
<b>TOTAL</b>	<b>\$11,720,137.00</b>	<b>\$5,480,715.00</b>	<b>\$ 6,239,422.00</b>	CRF allotment for Durham	CRF allotment for Durham

\*\*\*\*\*

## **20-0478 Overview of Services Provided During COVID-19 by Durham County Department of Social Services**

Durham County Department of Social Services leadership provided the Board a brief overview of services provided during the COVID-19 pandemic, including federal and state special services that were authorized.

## **20-0487 Review and Discussion of Durham County Non-Profit Process Beginning January of 2021**

The Board was requested to review and discuss a summary overview of the Durham County Non-Profit process proposal scheduled to begin in January 2021.

The FY 2020-21 budget development process allocated \$753,000 to support the nonprofit funding. Of that amount, \$352,000 was allocated for existing nonprofits through December 31, 2020. The remaining amount was a placeholder for an RFP process. Due to current budget constraints resulting from COVID-19, the RFP categories were scaled down from previous fiscal



years to address highest priorities. Further, the refinement aligned with a changed approach to allocate dollars more strategically to increase the overall community impact.

The four proposed RFP categories included dollars to support food security, housing security, children and youth enrichment, and enhanced workforce development. The RFP was scheduled to begin mid-September with grant applications being awarded in early December.

Discussion was held regarding recommendations made by the Board for priorities or goal areas identified during the 2019 November executive summary.

Ms. Hager described the new process and how the Board's input was included. She stated staff was still working on the timeline, but they could review the possibility of accelerating the decision process to the point of being able to notify nonprofits of their January awards in December. Keith Lane, Budget and Management Services Director, added that it was their intention to transition the Non-Profit process to a calendar year schedule as opposed to a fiscal year. All non-profits would undergo a review process which included a subject matter expert (SMEs) overview on performance.

The Board was in support of the four proposed categories.

#### **20-0469 My Brother's Keeper Program Report**

Edmund P. Lewis, Durham County's My Brother's Keeper Manager, presented the Board with a comprehensive report on activities and accomplishments of My Brother's Keeper (MBK) Durham.

Mr. Lewis discussed the recent citizen request, made by DeWarren Langley, to create an MBK Durham Advisory Board. He had not spoken to Mr. Langley regarding the request and was open to suggestions but did not believe it was necessary to create the board. The Board encouraged him to meet with Mr. Langley. General Manager Deborah Craig-Ray confirmed she would arrange a conversation between Mr. Lewis, Mr. Langley, and herself to find where they could align before bringing something forward to the Board.

Mr. Lewis confirmed the \$100,000 from Dominion would be focused on the education-to-jobs pipeline. Chair Jacobs suggested, with the grant program, Mr. Lewis return to MBK Durham's Milestone Advocacy Teams to receive input as to where the gap funding would be most effective during the pandemic. She pointed out that the scholarship was a long-term strategy, but people were facing immediate critical needs. Mr. Lewis was encouraged to consider ways to help people during the crisis, such as the Back-to-Work Initiative.

Commissioner Reckhow spoke on Durham's passion for community engagement and involvement. She noted a significant benefit of creating the advisory group was the increase of bandwidth, so to speak. Widening the net would capitalize on the wealth of interest and expertise in the community as well as expand the discussion. Commissioner Howerton concurred and looked forward to the outcomes of the conversation regarding the advisory board.

**Directive: Staff to update and keep the Board in the loop in terms of the grant program and the conversation regarding the advisory board.**

#### **20-0465 Discussion of proposed 2021 Legislative Goals for NCACC**

This item was postponed to the Monday, September 14<sup>th</sup> Regular Session for the sake of time.

#### **20-0458 Removal of Citizen Board Member Due to Poor Attendance**

The Board was requested to remove the following member in keeping with the Attendance Policy approved by the Board of County Commissioners in August 2014. "If an appointee has absences (excused or unexcused) which constitute more than 50% of the meetings in any calendar year or three (3) consecutive unexcused absences or five (5) consecutive excused absences in any calendar year, he or she is obligated to resign."

- Adult Care Home Community Advisory Committee - Tamario Howze

The Clerk's Office was notified of the absences and made attempts to contact the board member. There was no response.

Commissioner Carter moved, seconded by Commissioner Reckhow, to suspend the rules.

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Commissioner Howerton, to remove Tamario Howze from the Adult Care Home Community Advisory Committee.

The motion carried unanimously.

#### **20-0471 Follow-up on BOCC Directives**

This item was postponed to the Monday, September 14<sup>th</sup> Regular Session for the sake of time.

#### **Closed Session**

##### **20-0475 Closed Session**

The Board was requested to adjourn into 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).

Commissioner Carter moved, seconded by Commissioner Reckhow, to adjourn to Closed Session.

The motion carried unanimously.

#### **Reconvene from Closed Session**

Chair Jacobs announced that direction was given to staff and requested a motion to approve the release agreement disclaiming the County's interest in the bequest of Ms. Karen Griffin to the

Durham County Public Library in favor of the Durham County Library Foundation and authorizing the Chair to execute the same on behalf of Durham County.

Commissioner Reckhow moved, seconded by Commissioner Carter, to suspend the rules.

The motion carried unanimously.

Commissioner Reckhow moved, seconded by Vice Chair Hill, to approve the motion as stated by Chair Jacobs.

The motion carried unanimously.

### **Adjournment**

Commissioner Carter moved, seconded by Commissioner Reckhow, to adjourn the meeting.

The motion carried unanimously.

The meeting was adjourned at 3:21 p.m.

Respectfully submitted,



*Tania De Los Santos*  
*Administrative Assistant*