

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

Monday, February 1, 2021

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 Brenda Howerton, Vice Chair Wendy Jacobs, and Commissioners Nida Allam, Nimasheena Burns, and Heidi Carter

Presiders: Chair Brenda Howerton

Citizen Comments

Monica Toomer, Clerk to the Board, read the following email submitted by Erik Landfried:

"My name is Erik Landfried. I am a former GoTriangle planner and the manager of the Transit Equity Campaign in Durham. I'd like to read our Mission Statement to you:

Durham has a transportation system created through a history of decisions that have led to inequitable outcomes along racial and economic lines. To promote anti-racism and equitable outcomes, the Transit Equity Campaign will hold the public agencies in charge of updating the Durham County Transit Plan accountable to make sure the needs of current transit riders, transit workers and low-wealth BIPOC (Black, Indigenous, and People of Color) communities are the first priorities in the Transit Plan.

The Campaign is excited about the opportunities the update to the Durham Transit Plan affords these populations and would like to praise the Durham Transit Team for the ambassador-based public engagement they have conducted. We look forward to seeing the full results of this effort. We ask that the Transit Team go beyond engagement to place some of the decision-making power directly in the hands of those who will benefit the most from this Plan update. Participatory Budgeting, a process that already occurs in Durham, could be a good tool to do so.

We must make it much easier for current and future transit riders to access jobs and services, both in Durham and the wider region. Today, it would take a person living at Oxford Manor, a Durham Housing Authority community in northern Durham, an hour to get to jobs and services at the Duke and VA Hospitals via transit. This trip takes 15 minutes by car. It only takes that person 45 minutes to get to downtown Raleigh by car!

Unfortunately, no specific goals or objectives for the Durham Transit Plan update have been communicated to the public. Is it important to improve transit access for people living in Oxford Manor and other low-wealth, BIPOC communities in Durham? How will this be prioritized against other goals for the Plan update?

Improvements in this type of access can and should be measured for each of the three transit scenarios that will be presented to the public this spring. Here is just an example of a goal and objective that could be used:

Sample Goal: Make more job opportunities accessible to low-wealth BIPOC communities via walking and transit.

Sample Objective: A 50% increase in the percentage of jobs reachable by low-wealth BIPOC neighborhoods within 45 minutes via walking and all-day transit by 2025.

Objectives such as the one above can then be compared across the three different transit scenarios the Durham Transit Team plans to present. This will provide the type of useful information Durham County residents, transit staff, and elected officials can use to make decisions about which projects to include in the updated Transit Plan.

Finally, we believe that any transit scenarios presented to the public must be based on realistic and current financial assumptions. For any scenario that includes the commuter rail project, the assumption should be that 1/3 of the local funding would need to come from Durham County unless another local funding source has been identified that could lower Durham County's contribution towards the project.

Thank you for your time and consideration. The Transit Equity Campaign looks forward to continuing to work with the Durham Transit Team and the County Commissioners to ensure the Transit Plan update meets the needs of those who face the greatest transportation barriers in Durham.

Erik Landfried
Transit Equity Campaign Manager
<https://bikedurham.org/transit>
transit@bikedurham.org

Rob Callus, World Relief Durham (WRD) Program Manager of Refugee and Immigrant Youth Services, presented information on the populations served by WRD and their work with youth in schools. The services offered to students included academic support, social-emotional and mental health services, and community integration. WRD served 13 DPS sites and had served a total of 150 youth. The backgrounds of the people served ranged from 10 different countries and 13 different languages.

Adam Clark, World Relief Durham Office Director, spoke on the funding equity for DPS LOTES students (students who spoke a language other than English or Spanish). He stated that WRD currently supported 25% of LOTES students and their families in Durham. Mr. Clark demonstrated, via an example budget on the presentation, that with the County's shared investment the gap could be closed over five years for LOTES learners.

Vice Chair Jacobs noted the Board was supposed to have visited on March 30, 2020 but the plans were cancelled due to the pandemic. Mr. Callus agreed to send the Board information about WRD's virtual tutoring sessions and invited Commissioners to "visit" one.

Consent Agenda

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

21-0028 Approval of Contract with WK Dickson for Nutrient Management Strategy Development and Implementation Support using funds allocated in the FY21 budget collected by the County Stormwater Utility Fee

General Manager Jay Gibson confirmed the new stormwater fee would be used to fund the study.

Ryan Eaves, Stormwater and Erosion Control Division Manager, clarified why no stakeholders, apart from the Soil and Water Conservation District, were specifically mentioned in the contract. He confirmed the guiding principles were identified as priorities for the program going forward.

21-0029 Capital Project Amendment No.21CPA000020 - Increasing the Leased Convenience Site Upgrades (Northern Convenience Site) Project 4190DC079 by \$3,624,510 with Funding Source of 2021 Issuance of Limited Obligation Bonds (LOBs) and Approve the Execution of the Construction Contract to Harrod and Associates Constructors, Inc. for the Northern Durham Convenience Site Construction Project.

Susan Tezai, Chief Financial Officer, confirmed the total amount was identical to what was in the CIP Plan, which was approved June 2020.

Chrissie Koroivui, Solid Waste Program Manager, provided more information about the project.

21-0044 Budget Ordinance Amendment No. 21BCC000068 to Recognize \$99,949 from the NC DHHS Division of Public Health Women's and Children's Health Section / Immunization Branch

Rod Jenkins, Public Health Director, noted the grant came with no stipulations so it could be used as a catch all for the Public Health Department's needs in terms of COVID-19 vaccinations.

Mr. Jenkins and the Public Health Department were commended for their work.

Mr. Jenkins addressed questions relating to transportation to vaccination sites. He noted the strong relationship with GoTriangle and did not believe transportation would be a hindrance to people receiving a COVID-19 vaccine.

21-0060 Approval of Contract with E-Plus to conduct routine lifecycle replacement of telework technology thereby strengthening County telework capabilities

Aaron Stone, Assistant Director of Information Technology - Infrastructure and Operations, confirmed the contract amount was for the entire five years of the contract.

21-0062 Approval to Amend Contract with Insight Global LLC for IS&T Technical Writer Contractor

Bert White, Information Technology Manager, stated this contract would fall only under the current fiscal year fund. Greg Marrow, Chief Information Officer, stated that if it was decided to keep the Technical Writer on staff, the position's salary would become part of the department's operational budget and IS&T would not request any new dollars. Staff was encouraged to include information regarding the time period and fiscal impact of the contract in the item's agenda action form (AAF).

Kudos were given to the IS&T Department for their efforts in cyber security. It encouraged other government entities to trust and be willing to do business with Durham.

21-0072 Budget Ordinance Amendment No. 21BCC000073 - Appropriate General Fund Restricted Fund Balance totaling \$1,853,393.16 for the Sheriff, Public Health, Library, CJRC and Social Services

Ms. Tezai clarified that these were restricted funds that were not spent and were now being reallocated.

David Ades noted the reference to CARES Act funding in the AAF was included erroneously. Staff would edit the information before the upcoming Regular Session.

There were no questions regarding the items below:

21-0018 Budget Ordinance Amendment No. 21BCC000072 to Recognize \$8,540 from the NC DHHS Division of Public Health Local Technical Assistance and Training (LTAT) Branch

21-0038 Budget Ordinance Amendment No. 21BCC000070 to Recognize Funds in The Amount Of \$43,657.00 from the NC Department of Health and Human Services Division of Public Health, Women's and Children's Health Section / Immunization Branch

21-0042 Budget Ordinance Amendment No. 21BCC000069 to Recognize \$150.00 from the NC DHHS Division of Public Health CDI/ Cancer Prevention and Control Branch

21-0047 Budget Ordinance Amendment No. 21BCC000067 for \$168,525 for Durham County's Housing Opportunities for Persons with AIDS (HOPWA) and to amend a contract with the City of Durham

21-0050 Approval of Budget Ordinance Amendment No. 21BCC000075 Appropriating \$150,000 of General Fund Fund Balance to Provide Additional Operating Funds for The Durham Convention Center

21-0054 Approval of Budget Ordinance Amendment No. 21BCC000065 Appropriating \$186,394.99 of General Fund Fund Balance for Padded

Cells Project in the Durham County Detention Facility, and Contract Approval with Cornerstone Detention Products Inc. for the Project

21-0061 Approval of contract with SHI International to purchase cybersecurity-specific licenses to strengthen security associated with Microsoft data.

21-0064 Approve the Final Budget for the Trails End Road Open Space Acquisition and Approve Capital Project Amendment No.21CPA000022 Decreasing the Open Space & Farmland Preservation Capital Project (4730DC083) by \$31,969 and Budget Amendment No.21BCC000071 transferring \$31,969 from Pay-As-You-Go Capital Project Fund to the General Fund as well as recognizing \$40,000 in grant funds for a total of \$71,969 to Support the Purchase of the Trails End Open Space Acquisition

21-0065 Capital Project Amendment No. 21CPA000021 - Increasing Capital Project No. 4730DC150 - 300 Block East Main Redevelopment Using an Appropriation of \$44,950 of Limited Obligation Bonds (LOBs) Funding, and Budget Amendment 21BCC000066 Reducing a Transfer of \$44,950 of Debt Service Fund Fund Balance to the General Fund for Lease Improvements to 410 W. Chapel Hill St. Related to this Project

21-0069 Execution of Design Consultant Contract with Obrien Atkins for the Detention Center Security Glass Replacement Project

21-0075 Amendments to the Durham County Women's Commission Bylaws

Discussion Items

21-0083 Durham City-County Racial Equity Commission

The Board was requested to receive a presentation on the proposed by-laws from community members in consideration of the establishment of the Racial Equity Commission.

Judge Elaine O'Neal, City of Durham's Racial Equity Task Force Co-Chair, and Kaaren Alderman, City of Durham's Racial Equity Task Force Co-Chair, discussed the vetting process the bylaws underwent. Kweli Rashied-Henry, Racial Equity Officer, spoke on how the creation of the commission would help further the racial equity work and goals within the County. General Manager Joanne Pierce noted how Durham was often seen as a leader across the country in terms of racial equity work by striving to advance racial equity using racial equity principles.

Commissioner Burns spoke on the importance of being open and receptive to learning about one's own problematic behavior when confronted as well as willing to learn more about systems of oppression in order to identify problematic behaviors in others.

Judge O'Neal discussed the importance of not only ensuring racial diversity and equity in terms of bureaucratic participants, but also socioeconomic and nonbureaucratic participants. Ms. Alderman emphasized the need to be intersectional and inclusive of the different marginalized groups people identified with (e.g. differently abled, LGBT, undocumented immigrants, etc.). She also stated it would be beneficial to incentivize members in some form—via stipend, parking passes, etc.—to encourage the attendance and participation of people who really needed to be a part of the conversation.

Vice Chair Jacobs spoke on how the bylaws could be adjusted to reflect the diversity the Task Force strived for in the Commission—the bylaws would translate the Task Force's wants into actionable items. She also noted how having more DPS members would be beneficial to having full buy-in from DPS into implementing any recommendations that could come from the Commission in the future. Regarding Vice Chair Jacobs' inquiry as to which boards and commissions were given stipends, Ms. Pierce stated they looked into this and she would provide the Board with the information they gathered.

Ms. Pierce shared what the next steps and expected timeline were.

21-0020 FY20 Durham County Transit Progress Report

GoTriangle managed the Triangle Tax District which consisted of the local-option half-cent sales tax and other fees that were dedicated to public transit improvements. As required by state legislation, the funding must be used for public transit improvements identified in the Durham County Transit Plan that was approved by the Board of Commissioners, GoTriangle Board, and the Durham-Chapel Hill-Carrboro Metropolitan Planning Organization (DCHC MPO) Board. GoTriangle was responsible for providing an annual report to Durham County on the progress

achieved toward implementation of the plan, the collection of revenues, the costs of projects and transit operations, and any other relevant issues.

Ellen Beckmann, Durham County Transportation Manager, emphasized the importance of three issues for Durham County:

- Transit plan – a lot of potential funding was on the table and the plan was not updated often so it was important to create a plan which addressed all or most of the County’s transit needs over the next 20 years that was also resilient and flexible to adapt to future conditions.
- Improving the oversight and accountability structures of administering the plan.
- Opportunity to rebuild trust with residents on transit.

Aaron Cain, DCHC MPO Planning Manager, provided a presentation on the FY20 Durham County Transit Progress Report. Jennifer Hayden, GoTriangle Assistant Director of Finance and Administrative Services, provided a presentation on the FY20 Durham County Transit Financial Report.

Directives:

- **Jennifer Hayden to provide the Board with an itemized report on the Durham-Orange Light Rail Transit project closeout.**
- **Staff to edit the AAF to reflect the County’s investments into GoDurham and GoTriangle.**

21-0013 Durham County Transit Plan Update

The Durham County Transit Plan was required by state legislation that enabled the local option half-cent sales tax for public transit improvements. The plan must be adopted by the Board of Commissioners, the GoTriangle Board, and the DCHC MPO Board. The plan was first adopted in 2011, with an update in 2017, and was centered around the Durham-Orange Light Rail Transit project. In 2019, GoTriangle discontinued the light rail project, and there was now a need for a new Durham County Transit Plan. The plan would guide the use of approximately \$1.05 billion in public transit improvements over the twenty-year horizon. The most recent update on the plan was provided to the Board on August 3, 2020. The plan was expected to be completed in summer 2021.

Mr. Cain discussed the Durham Transit Team structure, the project timeline for the Transit Plan, and the technical analysis of the of the existing conditions in Durham County. Brooke Ganser, Planner, discussed public engagement outreach efforts (completed in fall 2020) and key highlights; the efforts included an online survey and stakeholder meetings. Aidil Ortiz, engagement consultant for the Transit Plan, spoke on the Engagement Ambassador efforts.

Commissioner Burns highlighted the importance of considering which types of people were participating in surveys and how this could affect the responses and therefore project outcomes. It was essential to include marginalized communities—which made up a large percentage of public transit riders—in the surveys and engagement efforts.

Mr. Cain discussed the goals and objectives for creating the Transit Plan scenarios. The following three were being discussed but he did not believe the final decision would be any one of the scenarios, rather a combination of them:

- Scenario A: local bus improvements
- Scenario B: local bus improvements as well as regional route improvements
- Scenario C: Commuter Rail System from west Durham to Garner and potentially Johnston County

Mr. Cain stated staff would look into incorporating more information regarding affordable housing and employment density along the Commuter Rail.

Vice Chair Jacobs stated that it would be helpful to know the revenue projections over the next 20 years for the transit tax and other fees as well as the City's transportation funding budget. She also inquired about other innovative transit approaches besides the three scenarios Mr. Cain presented such as shuttle buses, on-demand transportation, and last mile connection.

21-0021 Greater Triangle Commuter Rail Project Update

The Greater Triangle Commuter Rail (GTCR) project would provide commuter-oriented passenger rail service between Durham, Wake, and Johnston counties in the existing North Carolina Railroad (NCRR) corridor. This project was in the adopted Durham County Transit Plan. In March 2020, the Board of County Commissioners approved a Memorandum of Understanding (MOU) between the regional partners to support continued development of this project. The MOU authorized a study led by GoTriangle that would provide information on the benefits, costs, risks, engineering challenges, public engagement, and stakeholder support to inform a decision by the regional partners on whether to continue development of this project.

The Board of Commissioners last received an update on this project on August 3, 2020. The study was expected to be completed in late 2021.

Jay Heikes, GoTriangle Senior Transportation Planner; Elisabeth (Liz) Raskopf, GoTriangle Public Engagement Specialist; and Elise Bielen, Simpson Engineers and Associates Transportation Planning Project Manager, provided a presentation on the current activities of this study. The information included downtown Durham engineering challenges and an overview of public engagement methods and results.

Regarding studying whether the Commuter Rail transit advanced racial equity and addressed environmental concerns, Mr. Heikes discussed the tangential technical work that was being explored and could contribute to the bigger picture. The technical work included transit travel market analysis, affordable housing analysis, land use considerations, and job creation impact.

Mr. Heikes confirmed the land use studies would investigate station location and impact.

GoTriangle President and CEO Charles Lattuca addressed questions regarding how the project would be financed.

21-0081 Durham County Proclamation to Establish a new County Holiday in Recognition of Juneteenth

Ms. Rashied-Henry presented a proclamation that would allow Durham County to provide the same recognition and opportunity for staff to reflect and honor the achievements of the African American community and celebrate the end of slavery on June 19th, known as Juneteenth. She stated research was performed in terms of fiscal impact and confirmed there would be no additional financial impact to the County or to the annual budget.

General Manager Deborah Craig-Ray discussed the collaboration and work performed to create the proclamation for Durham County after reviewing similar proclamations from other jurisdictions across the state and nation.

Chair Howerton noted this was being pushed through at the State level but had not yet been recognized.

Kathy Everett-Perry, Senior Assistant County Attorney, noted that most of the County's surrounding communities already passed a similar proclamation recognizing Juneteenth as a holiday.

Directive: Staff to include language in the proclamation to explain why there was a two-year gap between the Emancipation Proclamation (1863) and Juneteenth (1865).

21-0053 Durham County Resident Satisfaction Survey Presentation

For the sixth consecutive year, Durham County partnered with the City of Durham to conduct a resident survey. The survey was conducted in late Fall 2020.

The survey data, which included trends from the past several years, would be used to help Durham County make service improvements in the spirit of the County's continuous improvement model, Managing for Results. The survey also enabled Durham County to compare itself to other similar-sized communities across America.

Jason Morado, ETC Institute, presented the 2020 resident survey results which included information about service quality and resident prioritization of services.

Mr. Morado discussed how the questions in the survey were formatted and the purpose they served. He spoke on the County being rated low on "ease of website navigation" and citizens' feelings of engagement with the County.

The Board discussed which organizations would benefit from reviewing the survey results and noted the racial disparity present in the results from the question regarding spending more than 30% of income on housing.

Drew Cummings, Chief of Staff, confirmed the survey report was provided to the DPS Superintendent and he was invited to share with the Board of Education and staff.

21-0080 Commissioner Comments

The Board was requested to allow each Commissioner three minutes to report on conferences or make comments regarding issues that may be of interest or concern to the Board.

Commissioner Allam had nothing to report.

Commissioner Burns discussed the \$1.4 million awarded to Durham for rent payments and stated she hoped most, if not all, of those funds would go directly towards paying for residents' rent payments to prevent evictions in a racially and geographically equitable way.

Commissioner Carter had nothing to report.

Vice Chair Jacobs inquired as to whether additional funding was mentioned in the latest Situation Report. Ms. Pierce believed it was, but she would confirm and get back to the Board. Discussion was held regarding the different pots of money that were available in COVID relief funds and the importance of being mindful about the community's highest needs and priorities.

Chair Howerton raised the topic regarding the commitment made to the public regarding the independent investigation report and concerns raised by the County Manager on behalf of the County staff on their experience of racial bias by Commissioners. She believed the County must actively pursue racial equity and antiracism priorities that would allow the Board to grow together as leaders and community members. There were three high level priority areas that would guide the Board with the cultural shift:

1. Receive ongoing board development and governing support. The Board and leadership staff were invited to enroll and attend the Working Better Together: Governing Guidance course offered through the UNC School of Government.
2. Participate in racial equity and cultural competency training for learning and development.
3. Develop an Antiracism Racial Equity Action Plan for the Board that included appropriate evaluation measures for transparency and accountability.

The Board was in support of Chair Howerton's suggestion and thanked her for her leadership on this topic.

County Attorney Siler stated that, after the racial bias investigation report was published, he was charged with the responsibility of assembling some training to take place in the area of racial equity as well as training between the Board and the County Manager. He provided an update on the process for the related trainings and agreed to provide more detail in writing. Attorney Siler thanked the Board for being willing to attend and participate in the training sessions.

21-0073 Follow-Up on Commissioner Directives

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

The Board did not have any questions.

Closed Session

21-0077 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 to G.S. 143-318.11(a)(3).

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

The motion carried unanimously.

Reconvene from Closed Session

Chair Howerton announced that direction was given to staff.

Adjournment

Commissioner Burns moved, seconded by Commissioner Allam, to adjourn the meeting.

The motion carried unanimously.

The meeting was adjourned at 3:25 p.m.

Respectfully submitted,



Tania De Los Santos
Administrative Assistant