

WAKE COUNTY BOARD OF COMMISSIONERS

Regular Meeting

November 7, 2011

2:00 P.M.

Room 700, Wake County Courthouse

Members present were: Chairman Paul Coble, Vice Chair Phil Matthews, Joe Bryan, Tony Gurley, Betty Lou Ward, Ervin Portman

Absent: James West

Others attending were: David C Cooke, County Manager, Scott Warren, County Attorney, Susan J Banks, Clerk to the Board; Denise Hogan, Deputy Clerk; and Deputy County Managers Joe Durham and Johnna Rogers.

Meeting Called to Order: Chairman Paul Coble

Pledge of Allegiance

Invocation: Commissioner Betty Lou Ward

Items of Business

Approval of Agenda

Tony Gurley motioned, seconded by Phil Matthews, to approve the agenda as presented. The motion was unanimously approved.

**Approval of the Minutes of the Commissioners' Regular Meeting of
October 17, 2011**

Betty Lou Ward motioned, seconded by Phil Matthews, to approve the Minutes of the Commissioners' Regular Meeting of October 17, 2011. The motion was unanimously approved.

Retiree Recognition

Mr. David Cooke recognized Ms. Nancy Cashion for 27 years of service to Wake County. She was presented a plaque for her service as highlights of her career were reviewed.

Consent Agenda

Betty Lou Ward motioned, seconded by Phil Matthews, to approve the consent agenda as presented. The motion was unanimously approved.

Accept \$150,000 of Funding from the North Carolina Department of Juvenile Justice and Delinquency Prevention Program

Betty Lou Ward motioned, seconded by Phil Matthews, to accept and appropriate to the Grants and Donations Fund, Department of Juvenile Justice and Delinquency Prevention grant funds in the amount of \$150,000 to fund Haven House Services, Inc. to implement an alternative to the detention program. The motion was unanimously approved.

Accept and Appropriate \$14,000 in Revenue and Expenditures to Reflect a Donation from Oak Grove Technologies for Wake County Sheriff's Office to Purchase Canines

Betty Lou Ward motioned, seconded by Phil Matthews, to accept and appropriate the \$14,000 donation from Oak Grove Technologies within the Grants and Donations Fund to purchase canines for the Sheriff's Office canine division. The motion was unanimously approved.

Adoption of an Ordinance which Regulates Begging, Solicitation, and Vehicle Interference in Public Places (Second Reading)

Betty Lou Ward motioned, seconded by Phil Matthews, to adopt a Resolution enacting an Ordinance which Regulates Begging, Solicitation, and Vehicle Interference in Public Places as attached to be effective December 1, 2011. The motion was unanimously approved.

A RESOLUTION INTRODUCING AN ORDINANCE WHICH REGULATES BEGGING, SOLICITATION, AND VEHICULAR INTERFERENCE IN PUBLIC PLACES

Adopted November 7, 2011

WHEREAS, the County of Wake recognizes that begging, solicitation, and vehicular interference occur within the County;

WHEREAS, the County of Wake recognizes that begging, solicitation, and vehicular interference present unique challenges to the health, safety, and welfare of its citizens due to the personal and immediate nature of the contact;

WHEREAS, the County of Wake has a significant governmental interest insuring that any lawful protected activities occur in a manner that does not interfere with the health, safety, and welfare of its citizens by presenting unwanted danger, harassment or traffic hazards;

WHEREAS, pursuant to N.C.G.S. §153A-126 the County of Wake has the authority to regulate by ordinance begging or other canvassing for the private benefit of the solicitor;

WHEREAS, adopting the proposed ordinance will improve the health, safety, and general welfare of Wake County Residents by providing reasonable regulation of the identified activities;

NOW, THEREFORE, BE IT ORDAINED AND RESOLVED by the Board of Commissioners (the “Board”) for the County of Wake, North Carolina (the “County”) as follows:

The foregoing ordinance is hereby added to Title IX: GENERAL REGULATIONS of the Wake County Code of Ordinances (Zoning Ordinances):

AN ORDINANCE WHICH REGULATES BEGGING, SOLICITATION, AND VEHICULAR INTERFERENCE IN PUBLIC PLACES IN WAKE COUNTY
Chapter 94. BEGGING, SOLICITATION, AND VEHICULAR INTERFERENCE

§ 94.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) *Aggressively beg* means begging which intimidates or is intended to intimidate another person into giving money or goods.
- (2) *Beg* means to ask for money or goods as a charity, whether by words, bodily gestures, signs, or other means.
- (3) *Intimidate* means to intentionally say or do something, or to say or do something that a reasonable person should know, would cause a person of ordinary sensibilities to be fearful of bodily harm. For the purposes of this article, it is not necessary to prove that the victim was actually frightened, and neither is it necessary to prove that the behavior of the person was so violent that it was likely to cause terror, panic or hysteria.
- (4) *Obstruct pedestrian traffic or vehicular traffic* means to walk, stand, sit, lie, or place an object in such a manner as to block passage by another person or vehicle, or to require another person or a driver of a vehicle to take evasive action to avoid physical contact. Acts authorized pursuant to the county’s picketing and parade ordinances and regulations are exempt from the coverage of this article.
- (5) *Panhandle* means to ask for money or goods as a charity, whether by words, bodily gestures, signs, or other means in a public place.
- (6) *Public place* means an area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks, and streets open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

(7) *Soliciting* means the act of asking for money or objects or value, with the intention that the money or object of value be transferred at that time, and at that place. Soliciting shall include travelling from place to place taking or offering to take orders for the sale of any goods, including but not limited to wares, merchandise, food, or periodicals for future delivery, or for personal services to be performed in the future, whether or not samples are displayed or money is collected in advance; and/or using or occupying any building, location, or public right of way for the sole purpose of asking for money or objects of value whether or not the proposed taking is in exchange for goods or services or solely for the personal benefit of the solicitor.

§ 94.02 PROVISIONS; EXCEPTIONS.

- (A) It shall be unlawful for any person to beg, panhandle, or solicit for personal benefit of the solicitor upon the streets or any other public property in the unincorporated areas of Wake County without obtaining the written permission of Wake County, as evidenced by obtaining a permit from the Department of Environmental Services. A permit shall be valid for seven days from the date of issuance. In the event a holder violates any provision of this Article, Wake County may revoke the holder's permit.
- (B) It shall be unlawful for any person to stand, sit, or loiter in the right-of-way of any street, with the intent to approach any motor vehicle for the purpose of soliciting employment, business, or contribution from the driver or occupant of a motor vehicle.
- (C) This section shall not apply to:
 - (1) The lawful solicitation of contributions from the public for charitable or eleemosynary purposes if in areas and a manner otherwise permitted by law;
 - (2) The promotion or expression of views concerning political, social, religious, and other like matters if in areas and a manner otherwise permitted by law;
 - (3) Licensees, employees, or contractors of the Department of Transportation or of any municipality engaged in construction, maintenance, or in making traffic or engineering surveys;
 - (4) Distribution of newspapers on the non-traveled portion of any street or highway except when those distribution activities impede the normal movement of traffic on the street or highway.

§ 94.03 PERMIT APPLICATION.

A person seeking issuance of a permit to engage in begging or panhandling in Wake County shall apply in person or by mail between 8:30 a.m. and 5:00 p.m. Monday- Friday (excluding holidays) to the Department of Environmental Services, Waverly F. Akins Wake County Office Building, 337 S. Salisbury Street, Raleigh, North Carolina 27601, phone (919) 856-7400. The application shall be on a form provided by the Department, signed by the applicant, notarized, and shall set forth the following information:

- (1) the name, permanent address (or if no permanent address a temporary address in the vicinity of Wake County), a phone number (if available), and next of kin (if available) of the applicant;
- (2) proof of date of birth, address, and identification of the applicant, to be provided through presentation of an original driver's license or other legally recognized form of photo identification and proof of social security number (a copy of which shall be submitted with the application);

- (3) a brief description of the activity to be conducted, including if applicable, any items or services to be sold or offered for sale;
- (4) the age, height, weight, and other identifying information of the person proposing to engage in the peddling or panhandling.

§ 94.04 PERMIT APPLICATION FEE.

There shall be no fee for this permit application.

§ 94.05 PERMIT ISSUANCE, DENIAL, AND APPEAL.

(A) **Procedure for application review.** Within five (5) business days of receipt of an application, Wake County or designee (hereafter "County") shall issue a permit unless the applicant:

1. has not submitted a completed application;
2. has submitted false information;
3. is under eighteen (18) years of age.

(B) **Possession of Permit.** Any person authorized by permit to engage in begging or panhandling shall at all times that he or she is engaged in the permitted acts carry the issued permit and a photo identification in his or her possession. In addition, a permittee shall exhibit his or her permit when requested to do so by any prospective customer or law enforcement officer. It shall be unlawful for any person to alter or falsify a permit issued under this section; and/or for any person other than the permittee to use a permit issued under this section.

(C) **Denial.** In the case of denial, the County's denial and the reasons for denial shall be noted on the application, and the applicant shall be notified that his application is denied and no permit shall be issued. Notice shall be mailed to the applicant at the last known address shown on the application form if given.

§ 94.06 PERMIT EXPIRATION AND RENEWAL.

Unless renewed, all permits issued pursuant to Section §94.05 shall expire seven (7) days from issuance. A permit may be renewed for an unlimited number of seven (7) day periods provided that the applicant completes a current application and that the applicant continues to be in compliance with the provisions of this Ordinance.

§ 94.07 PERMIT REVOCATION.

(A) A permit issued under Section §94.05 may be revoked or suspended by the County for the following reasons:

1. Fraud, misrepresentation, or false statement contained in the permit application;
2. Begging or panhandling in a manner inconsistent with the provisions in the issued permit;
3. Conviction of a crime or existence of any circumstance that would have prevented issuance of the permit under this Section;
4. Conducting begging or panhandling in such a manner as to create a breach of the peace or endanger the health, safety, or general welfare of the public.

(B) Upon revocation, the permit issued must immediately be surrendered to the County.

§ 94.08 APPEAL OF DENIAL OR REVOCATION.

Any applicant who has been denied issuance of a permit under Section §94.05 or who has had a permit revoked pursuant to Section §94.07 may appeal such action by within ten (10) days of the date of denial or revocation delivering a written notice of appeal, specifying with particularity the ground(s) for the appeal to the Wake County Manager, Waverly F. Akins Wake County Office Building, 337 S. Salisbury Street, Raleigh, North Carolina 27601 (phone (919) 856-6160) Upon receipt of the notice, the County Manager shall fix a reasonable time for the hearing of the appeal, shall give due notice to the appealing party and the Wake County Department of Environmental Services, and shall render a decision within a reasonable time. The decision of the County Manager shall constitute the County’s final action.

§ 94.09 STANDARDS OF CONDUCT FOR BEGGING AND PANHANDLING WITH A PERMIT

The following requirements shall apply to begging and panhandling with a permit:

- a. Begging or panhandling shall only be permitted between the hours of 8:00 a.m. and 8:00 p.m.
- b. Begging or panhandling shall not be permitted within one hundred (100) feet of any automatic teller machine or any other machine at which money is dispensed to the public.
- c. Begging or panhandling shall not be permitted within one hundred (100) feet of any financial institution open for business.
- d. Begging or panhandling shall not be permitted in the travelled portion, including the shoulders and the median, of any street, highway, or right of way.
- e. Begging or panhandling shall not be conducted in such a way to obstruct vehicular or pedestrian traffic.
- f. It shall be unlawful for any person holding a permit to be aggressive, threatening, or intimidating to a person while begging or panhandling.
- g. It shall be unlawful for any person holding a permit to approach an individual or individuals in groups of three or more.
- h. It shall be unlawful for any person holding a permit to make a false or misleading representation in the course of soliciting, including but not limited to representing himself or herself in any manner whatsoever as blind, deaf, dumb, or crippled, or otherwise physically defective, including wearing an indication of physical or mental disability when the solicitor does not suffer the disability indicated.

§ 94.10 PENALTY.

- (A) It shall be unlawful to violate any provision of this Ordinance. Violations shall be punishable by not more than 30 days imprisonment or \$50 fine, or both, in the discretion of the presiding judge.
- (B) In addition to any criminal enforcement, the County or any aggrieved person may pursue any available civil remedies deemed appropriate and necessary.

Upon motion of Commissioner Betty Lou Ward, seconded by Vice Chair Phil Matthews, the foregoing resolution entitled **A RESOLUTION INTRODUCING AN ORDINANCE**

WHICH REGULATES BEGGING, SOLICITATION, AND VEHICULAR INTERFERENCE IN PUBLIC PLACES IN WAKE COUNTY was passed by the following vote:

Ayes: Joe Bryan, Paul Coble, Tony Gurley, Erv Portman, Phil Matthews and Betty Lou Ward.

Noes: N/A

Absent: James West

* * * * *

I, Susan J. Banks, Clerk to the Board of Commissioners for the County of Wake, North Carolina, DO HEREBY CERTIFY that the foregoing is a true copy of so much of the proceedings of said Board for said County at a regular meeting held on November 7, 2011 as it relates to the passage of a new ordinance for Wake County regulating **BEGGING, SOLICITATION, AND VEHICULAR INTERFERENCE IN PUBLIC PLACES IN WAKE COUNTY** and that said proceedings are recorded in the minutes of said Board for said County.

I DO HEREBY FURTHER CERTIFY that proper notice of such regular meeting was given as required by North Carolina law.

WITNESS my hand and official seal of said County this 9th day of November, 2011.

Clerk to the Board

[SEAL]

Tax Committee Recommendations for Value Adjustments, Late Filed Applications, Collections Refunds and Tax Collections

Betty Lou Ward motioned, seconded by Phil Matthews, to approve the Tax Committee Recommendations for Value Adjustments, Late Filed Applications, Collections Refunds and Tax Collections as listed. The motion was unanimously approved.

1. Report Collections – Wake County Only – September 2011
2. Wake County In-Rem Foreclosure Progress Report – September 2011
3. Consideration of Requests for Value/Special Situations: (Wake County and Town of Apex), (Wake County and Town of Cary), (Wake County and Town of Morrisville), (Wake County and City of Raleigh)
4. Consideration of Requests for Adjustments, Rebates and/or Refunds of Penalties:

(Wake County and Town of Cary), (Wake County and Town of Garner), (Wake County and Town of Holly Springs), (Wake County and Town of Morrisville), (Wake County and City of Raleigh)

5. Consideration of Requests for Exemptions: (Wake County and Town of Knightdale), (Wake County and Town of Morrisville), (Wake County and City of Raleigh)
6. Consideration of Requests for Tax Relief Exclusions: (Wake County and Town of Cary), (Wake County and Town of Fuquay-Varina), (Wake County and Town of Garner), (Wake County and City of Raleigh)
7. Consideration of Refund of Taxes, Interest, and Penalties: (Wake County Only), (Wake County and Town of Apex), (Wake County and Town of Cary), (Wake County and Town of Fuquay-Varina), (Wake County and Town of Garner), (Wake County and Town of Holly Springs), (Wake County and Town of Knightdale), (Wake County and Town of Morrisville), (Wake County and City of Raleigh), (Wake County and Town of Rolesville), (Wake County and Town of Wake Forest), (Wake County and Town of Wendell)
8. Rebate Details: (Wake County and Town of Apex), (Wake County and Town of Cary), (Wake County and Town of Fuquay-Varina), (Wake County and Town of Garner), (Wake County and Town of Holly Springs), (Wake County and Town of Knightdale), (Wake County and Town of Morrisville), (Wake County and City of Raleigh), (Wake County and Town of Rolesville), (Wake County and Town of Wake Forest), (Wake County and Town of Wendell), (Wake County and Town of Zebulon)

Regular Agenda

Wake Technical Community College 2007 Building Program Reallocation Request

Mr. Wendell Goodwin, Wake Technical Community College Facilities Operations Manager, explained the request to use county dollars in the amount of \$2,000,000, which was appropriated to the Holding Hall Renovation, to be used to fund the construction of the Main Campus Office/Classroom building. This request was made following the change in Section 8.19 of S.L. 2011-145 which authorizes colleges to manage projects funded in total with non-State funds regardless of the projects estimated costs. With this change Wake Tech will use identified state funds originally planned to fund a portion of the Main Campus office/Classroom Building towards the expended scope of the Holding Hall Renovation. Wake Tech intends to submit for special construction delegation authority from the State Board for the New Office/Classroom Building at their November 18 meeting.

Funds are requested below:

	<i>Project</i>	<i>Current Budget</i>	<i>Adjustment</i>	<i>Proposed Budget</i>
From:	Holding Hall	\$4,654,570	(\$2,000,000)	\$2,654,570
To:	New Office/Classroom Building	\$4,000,000	\$2,000,000	\$6,000,000

Tony Gurley motioned, seconded by Phil Matthews, to adopt the Resolution supporting the reallocation of \$2,000,000 from the Holding Hall Renovation to the Main Campus Office/Classroom Building as part of the Wake Technical Community College 2007 Building Program. The motion was unanimously approved.

Resolution R-2011

2007 Building Program Appropriation, Reallocation and Budget Adjustment

WHEREAS, Wake Technical Community College is engaged in the 2007 Building Program approved by voters in October 2007; and

WHEREAS, Wake Technical Community College has requested a reallocation of 2007 Building Program funds from the Holding Hall Renovation to the Main Campus Office/Classroom Building project;

NOW, THEREFORE, BE IT RESOLVED that the Wake County Board of Commissioners hereby appropriates, reallocates, and makes budget adjustments to Wake Technical Community College 2007 building program projects as follows:

REALLOCATE

	<i>Project</i>	<i>Current Budget</i>	<i>Adjustment</i>	<i>Proposed Budget</i>
From:	Holding Hall	\$4,654,570	(\$2,000,000)	\$2,654,570
To:	New Office/Classroom Building	\$4,000,000	\$2,000,000	\$6,000,000

Adopted this the 7th day of November 2011.

Wake Technical Community College Land Acquisition Request

Mr. Wendell Goodwin, Wake Technical Community College Facilities Operations Manager, spoke of the request to purchase a 7.02 acre tract in the southwest corner of the Western Wake property for \$1,000,000 or \$142,450 per acre. The property has been appraised by Martin L. Wachtel, MAI, Appraiser with Worthy & Watchel, Inc. with an appraised value of \$2,005,000 or \$285,613 per acre. The tax value of the property is approximately \$173,000 per acre. With the addition of the 7.02 acre tract, the campus will total 89.4 acres.

This acquisition will allow for access to Chapel Hill Road which will allow traffic through the entire development. After this acquisition, approximately \$1.03 million will remain for remaining assemblages. It is anticipated that Wake Tech will bring assemblages for acquisition as they becomes available.

The real estate checklist was included for purchases of property. Wake Tech has addressed each of the items on the checklist. Items to note include: a complete geotech survey, usual and customary traffic improvements, and no identified conflict of interest.

Commissioner Bryan suggested that in light of the good negotiation made on this property, Wake Tech staff could help those who negotiate land acquisitions for the Wake County Public Schools. He asked Mr. Goodwin to explain how the price was negotiated. Mr. Goodwin said that Mr. Mort Congleton helped with the negotiation. The current economy helped in purchasing the property at the price.

Betty Lou Ward motioned, seconded by Phil Matthews, to approve the acquisition of 7.02 acres at RTP for Wake Technical Community College (Western Wake) Campus located at 10908 Chapel Hill Road, Morrisville, NC 27560. The motion passed unanimously.

Commissioner Ward asked Dr. Stephen Scott, WTCC President, to explain an instructor that rec'd recognition. Dr. Scott said that the instructor took two students to the White House to talk about the automotive hybrid industry. He said the CIP (Curriculum Improvement Project) called for support in working on hybrid vehicles.

Decrease Human Services Mental Health, Developmental Disabilities, and Substance Abuse Services (MHDDSAS) Appropriation by \$1,279,874 and 6.25 FTEs Due to State Reductions

Mr. Bob Sorrels, Wake County Human Services, came forward with a joint recommendation from the Human Services Board and the Wake Local

Management Entity (LME) for how to meet the state funding reduction. Mr. Sorrels said that Human Services reduced the expenditure budget to align with the reduction in revenues. The reductions were realized in the Wake County Behavioral Health Division (\$400,000), LME Systems Management (\$60,000) and LME Purchase of Service units (\$819,874).

REVENUES:

Description	FY12 Amended Budget	State Budget	Change- Favorable/ (Unfavorable)
LME Systems Management	7,858,943	7,858,943	0.00
MHDDSAS State Allocations	22,281,139	21,001,265	(1,279,874)
Total	30,140,082	28,860,208	(1,279,874)

EXPENDITURES:

WCHS Behavioral Health Division:				
Program Description	FY12 Amended Budget	Proposed Change	Change- Favorable/ (Unfavorable)	FTEs
620H Inpatient	2,863,865	2,537,063	(326,802)	(4.25)
637H Adult Treatment	1,511,072	1,437,874	(73,198)	(1.00)
Total WCHS Behavioral Health Division	4,374,937	3,974,937	(400,000)	(5.25)

LME Systems Management:				
Program Description	FY12 Amended Budget	Proposed Change	Change- Favorable/ (Unfavorable)	FTEs
917H LME Geriatric Specialty	198,199	138,199	(60,000)	(1.00)
Total LME Systems Management	198,199	138,199	(60,000)	(1.00)

LME Purchase of Services:				
Program Description	FY12 Amended Budget	Proposed Change	Change-Favorable/ (Unfavorable)	FTEs
920H ASA POS Adult Substance Abuse Age/Disability Group; approx. 75 consumers will be impacted out of 1,037 served.	2,068,837	1,943,229	(125,608)	0.00
922H AMH POS Adult Mental Health Age/Disability Group; approx. 170 consumers will be impacted out of 2,339 served.	13,125,987	12,927,498	(198,489)	0.00
924H CMH POS Child Mental Health Age/Disability Group; approx. 62 consumers will be impacted out of 428 served.	2,382,628	2,249,335	(133,293)	0.00
926H CSA POS Child Substance Abuse Age/Disability Group; (consumer impact combined w/CMH POS)	118,228	119,417	1,189	0.00
928H DD POS Adult/Child Developmental Disability Age/Disability group; estimating 104 consumers will be impacted out of 769 served.	7,818,261	7,454,588	(363,673)	0.00
Total LME Purchase of Service	25,513,941	24,694,067	(819,874)	0.00

Total Expenditures	30,087,077	28,807,203	(1,279,874)	(6.25)
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Mr. Sorrels said minimization of the impact on services was the goal. He said there has been an effort to rightsize the staff at the WakeBrook Campus.

Dr. Carlyle Johnson, Wake LME, said that data has been gathered for the past two years to establish criteria. He said what was most important was preserving services for the most needy. Working with providers to reduce the impacts of cuts has been a priority.

Phil Matthews motioned, seconded by Betty Lou Ward, to reduce the Human Services Mental Health, Developmental Disabilities, and Substance Abuse Services (MHDDSAS) expenditure and revenue budget by \$1,279,874 due to decreased allocations from the NC Division of MH/DD/SAS; and reduce the Human Services FTE authorization by 6.25 FTEs.

Commissioner Ward asked if the reductions would be recovered by the State Mental Health program in the future. Dr. Johnson said that it is unlikely the cuts will be recovered.

Commissioner Portman asked about the number of people needing services. Dr. Johnson said the total was yearly based and those that will be waiting for services will go to their family physicians, wait longer, or go without care.

The motion to reduce the Human Services Mental Health, Developmental Disabilities, and Substance Abuse Services (MHDDSAS) expenditure and revenue budget by \$1,279,874 due to decreased allocations from the NC Division of MH/DD/SAS; and reduce the Human Services FTE authorization by 6.25 FTEs was approved unanimously.

Accept \$45,000 of Funding from the North Carolina Department of Health Human Services and Establish a 1.0 FTE Human Services Program Specialist

Ms. Sue Lynn Ledford, Human Services Health Director, asked the board to accept additional funding of \$45,000 from the North Carolina Department of Health and Human Services. The additional funds would be used for a new fulltime position to work in HIV screening of patients. This is a cooperative effort between Wake County and WakeMed Hospital.

Commissioner Ward noted that cuts in Human Services are continuous. It is hard to find services for all that need it.

Joe Bryan motioned, seconded by Phil Matthews, to accept and appropriate \$45,000 of additional funds from the North Carolina Department of Health and Human Services, Communicable Disease Branch, and establish a 1.0 FTE

Human Services Program Specialist (time-limited). The motion passed unanimously.

Appropriation of \$6,459.05 and Acquisition of a 5-Acre Perry Property in the Little River Watershed for Inclusion in the County's Open Space Program

Mr. Chris Snow, Parks and Recreation Director, said that the county was the only bidder for the 5-acres of property. The property would be combined and used for open space. The total cost is \$6,459.05. The property is adjacent to the 563-acre Procter open space the County purchased in 2008.

Commissioner Bryan asked about the upset bid process. Mr. Snow said the 10-day upset bid process had occurred. Commissioner Gurley asked if this property was part of an estate. Mr. Snow said the heirs that owned the property do not live in North Carolina. Commissioner Gurley asked if acquiring property through tax foreclosure was a frequent occurrence for the county. Mr. Marcus Kinrade, Wake County Revenue Director, said that it is rare that heir property comes forward to be sold and only around 20 properties a year are sold this way. Vice-Chairman Matthews asked if the property was landlocked. Mr. Kinrade said the property was landlocked.

Mr. Snow said that the source of funding was the Recreational Land Contribution (RLDO) fees.

Phil Matthews motioned, seconded by Betty Lou Ward, to appropriate \$6,459.05 for acquisition of 5-acres of Perry Property in the Little River Watershed; and, approve acceptance of the property deed to be included into the County's Open Space Program. The motion was unanimously approved.

Wake County Public School System CIP 2006 Appropriation and Reallocation Request (Second Reading)

Mr. Joe Desmoreaux, Wake County Public Schools System Facilities and Operations, said this was the second reading of the reallocation request to use CIP 2006 reserve and other funds within CIP 2006. The request includes:

1. Approves in concept the Board of Education plan to use CIP 2006 Reserve and other funds within CIP 2006; and
2. Reallocates \$5,945,000 from start-up design to appropriate start-up design funds for six new projects in CIP 2006; and
3. Reallocates \$4,529,764 of savings from seven projects to offsite improvements at new schools within CIP 2006.

Mr. Desmoreaux said the commissioners had some questions at the last meeting which were addressed in the agenda package.

Chairman Coble asked for more detail on the answers to the questions. Mr. Desmoreaux said that each of the life cycle replacement projects were planned in CIP 2006 for seven schools at an estimated cost of \$10.2 million, however WCPSS is evaluating whether larger renovation projects are more appropriate for these schools. In order to avoid completing work and installing new equipment that could be subsequently impacted by a larger renovation project, these life-cycle plans were put on hold. The \$3.8 million in deferred life-cycle replacements fall within this group of projects. Chairman Coble expressed concern about moving funds from life-cycle replacement projects. Chairman Coble asked what would happen to these life-cycle projects if they were delayed and then the bond did not pass. He asked how much time they have to address these issues. Mr. Desmoreaux said they have enough time.

Following is a table that summarizes the additional scope of projects to be added to CIP 2006 and the source of funds within CIP 2006.

From:	(in Millions)		To:	(in Millions)
CIP 2006 Reserve	\$ 61.8		E-25 (Design and Construction) to open in 2014	\$ 21.3
Program Contingency	11.2		H-10 (Design and Construction) to open in 2015	59.8
Current Project Savings	26.4		Hillburn K-8, Academies, Cary High Renovation	19.3
Land Acquisition (\$9M Contingent Upon Sale of Assets)	12.0		Additional funds for early start E-20 and E-25, Modulares at Athens Drive High, Holly Springs High, and Middle Creek High	1.3
Early Start Design	9.9		9th Grade Centers in Cary and Garner	13.8
Mobiles	5.2		Offsite Infrastructure at Rolesville Middle and Rolesville High	4.8
Life Cycle Replacements (Contingent Upon Sale of Assets)	3.8		E-20 Infrastructure per MOU (NW Landfill)	2.5
			Program Management through 2014	7.5
TOTAL	\$ 130.3			\$ 130.3

Mr. Desmoreaux provided the following list of life-cycle projects that were planned for the CIP 2006 and now recommended to be put on hold.

School Name	Activity Description	Current Status	\$ 10,073,906
Apex HS	Paint, Ceiling, Fire Alarm	Hold	\$ 478,775
Brooks ES	Windows, HVAC	Hold	\$ 1,160,450
East Wake MS	Fire Alarm	Hold	\$ 157,500
Fuquay-Varina HS	HVAC	Hold	\$ 5,033,958
Garner HS	Windows, Flooring, HVAC, Asphalt	Hold	\$ 1,161,844
Green ES	Windows, HVAC	Hold	\$ 997,500
Stough ES	Windows, HVAC	Hold	\$ 1,083,879

Commissioner Bryan asked if the shifting of \$10 million in this bond that was planned for maintenance, was being shifted to do other things and these life cycle projects are to be funded in a future bond. Mr. Desmoreaux said he would rather say, if a future bond was decided to do major renovations, this \$10 million would be used instead to do other life cycle maintenance and repair projects on the list. Commissioner Bryan then stated this \$10 million was not going to be used in the \$130 million being proposed. Mr. Desmoreaux stated Commissioner Bryan was correct. Commissioner Bryan said this means they would not be doing the renovations that were included in the CIP 2006 but would be done later with future monies of the Wake County citizens. Mr. Desmoreaux agreed with Commissioner Bryan's statement but said the life-cycle projects are being put on hold because major renovations are planned for these schools in future bonds. They do not want to do the work now which may have to be torn out when major renovations are done. Commissioner Bryan stated it meant that these projects were being put off until the future with future funds.

Commissioner Portman said this action would mean they were taking funds from the DIP 2006 bond and re-purposing them, consequently the funds would not be available in this bond. Mr. Desmoreaux said the funds could be used in other projects in this bond but these particular schools would be put off until the next bond. Commissioner Portman clarified that the \$10 million in this bond is being re-purposed to build other schools. Chairman Coble said this would mean the board was taking these funds and putting it towards what they consider a higher priority, which was building other schools.

Commissioner Ward asked about the new academies that will open at Peace College. Mr. Desmoreaux said that there would be two academies opening at Peace College next fall.

Commissioner Bryan stated the Rolesville High School construction cost was \$72 million and the Apex High School would cost \$60 million. He questioned the drop from \$72 million to \$60 million for the cost of construction of the Apex High School and the plans for a 15% savings due to strategies in this construction. He asked about the certainty of saving \$12 million and what items are prioritized out of the \$130 million to generate the savings.

Mr. Desmoreaux said new structures provide for leasing using geo-thermal methods which would help reduce the up-front cost of the school, steel structures which were used in construction have gotten more expensive so they are looking at masonry load bearing walls to reduce cost as well as looking at less expensive exterior structure tools, and savings from day lighting. Reduction of non-programmable space, stormwater design changes, and HVAC technology improvements could generate savings. They could shift some of these expenses to the next bond program.

Commissioner Portman asked about the school site maps and shortages of capacity by 2015. Using the maps, he stated that capacity would not be met in the northern zone by 2015. He said that shortages are significant in other areas, so what would they do. Mr. Desmoreaux said these areas would be the priority areas in the next bond. Mr. Desmoreaux said if the startup design was already done previously then construction takes one year for an elementary school and 2 years for middle and high schools to be constructed and opened. Commissioner Portman asked if the design start-up had been done on the schools in the current bond. Mr. Desmoreaux said that they have some of the schools' start up designs. Commissioner Portman asked about the schools in the northern part of the county that will be out of capacity. Mr. Desmoreaux said there was enough start-up design in place to move forward on the school. Commissioner Portman asked if enough has been done to ensure there will be enough seats for the students. Mr. Desmoreaux said that enough seats will be available two years out.

Mr. David Cooke said that the projects in the CIP 2006 \$970 million bond were decided upon after months of discussion on assumptions and then agreement by the Board of Education and the Board of Commissioners. Once an agreement was reached, then decisions could be made on the bond amount. Mr. Cooke said decisions on debt versus cash financing would have to be made. Citizens would decide by voter referendum.

Commissioner Portman asked which organization starts the process. Mr. Cooke said that conversations between county staff and school staff have

already begun. Commissioner Portman expressed his concern that by 2013 there will be a shortage of capacity.

Commissioner Bryan noted that Eastern Wake County has been overlooked in the building program. He said everywhere else, the county looks in good shape.

Commissioner Gurley said when the two boards met on the bonds they didn't talk about seats for the elementary, middle or high school, but just seats in general. The Board of Education has the flexibility to identify under-enrolled schools and identifying policies and programs to utilize the existing seats. He said to give them credit for being able to make adjustments to the program.

Commissioner Bryan said that the re-purposing of funds under consideration is not going to meet current needs but going to new types of programs. This is setting the stage for overcrowding and busing as a solution. Commissioner Gurley clarified saying he meant that the Board of Education could look at balancing between the elementary school and the middle schools. He said he in no way suggested busing children would balance the overcrowding.

Commissioner Bryan asked where the 1340 students over capacity in the far east district in the county were going to go to school. Chairman Coble said the board could not answer that question at this time and it was off track for this agenda item. He said the question was if this was an appropriate use of re-purposing the funds. They discussed which schools were part of CIP 2006 and if this was a proper use of these funds.

Tony Gurley motioned, seconded by Paul Coble, to:

1. Approve in concept the Board of Education plan to use CIP 2006 Reserve and other funds within CIP 2006;
2. Reallocate \$5,945,000 from Start-Up Design to appropriate start-up design funds for six new projects in CIP 2006; and
3. Reallocate \$4,529,764 of savings from seven projects to Offsite Improvements at New Schools within CIP 2006.

Commissioner Ward said that she was aware there were no plans to build more schools in her area because of the watershed. She asked what the solution was to this problem. Mr. Desmoreaux said they continue to look for sites that are not in the watershed to serve her area.

Commissioner Portman said they were discussing moving bond money around to do other things, and that school capacity versus school program needs is relevant. He asked when the bond issue needs to be approved in order to meet the needs in the eastern and northern part of Wake County since there is a shortage in that area. This is relevant to reassignment and the taxpayers expect seats for their children. He noted that the issue is large by a shortage of

3600 seats and lack of funding to address the seats. He said that reassignment has gone on too long, gotten too critical and citizens are upset because it has not been addressed in time.

The motion was approved with a four to two vote to:

1. Approve in concept the Board of Education plan to use CIP 2006 Reserve and other funds within CIP 2006;
2. Reallocate \$5,945,000 from Start-Up Design to appropriate start-up design funds for six new projects in CIP 2006; and
3. Reallocate \$4,529,764 of savings from seven projects to Offsite Improvements at New Schools within CIP 2006;

AYES: Paul Coble, Betty Lou Ward, Phil Matthews, Tony Gurley

NOES: Ervin Portman, Joe Bryan

Commissioner Ward said that the Board of Education makes the decisions about the academies.

Chairman Coble said that Board of Commissioners and Board of Education work together. The Board of Commissioners helps find the funding and the Board of Education decides how the funds are used. Chairman Coble said the issue is whether appropriate funding is being used correctly.

Commissioner Bryan said that the re-purposing of the funds is concerning and poses challenges by the two boards. He said the \$130 million is good, but other areas of savings may be necessary.

Chairman Coble said that other towns do need to be involved in purchases. Sometimes municipalities can make changes.

Resolution R-2011 Reallocate CIP 2006 Funds

WHEREAS, the Wake County Board of Education is engaged in a Long Range Building Program; and

WHEREAS, the Wake County Board of Education has duly requested that the Board of Commissioners approve the reallocation and appropriation of \$5,945,000 from CIP 2006 Start-up Design to newly identified projects in CIP 2006; and

WHEREAS, the Wake County Board of Education has duly requested that the Board of Commissioners approve the reallocation of prior appropriation of \$4,529,764 to fund Offsite (Public) Improvements as shown below.

NOW, THEREFORE, BE IT RESOLVED that the Wake County Board of Commissioners hereby reallocates and appropriates funds as follows:

Reallocate				Appropriate
FROM (CIP 2006)	AMOUNT	TO (CIP 2006)	AMOUNT	
Start-up Design	\$5,945,000	H-10 High (Apex)	\$2,300,000	\$2,300,000
		E-25 Elementary (Wake Forest)	\$925,000	\$925,000
		Cary High Renovation	\$1,300,000	\$1,300,000
		Garner and Cary 9th Grade Centers	\$910,000	\$910,000
		Boys Leadership Academy	\$100,000	\$100,000
		Program/Facility Conversions	\$410,000	\$410,000
Total	\$5,945,000	Total	\$5,945,000	\$5,945,000

Reallocate			
FROM (CIP 2006)	AMOUNT	TO (CIP 2006)	AMOUNT
Herbert Akins Rd. Elem.	\$679,258	Offsite (public) Improvements	\$4,529,764
River Bend Elementary	\$39,555		
Aversboro Elementary	\$15,211		
Banks Road Elementary	\$436,446		
East Wake High	\$799,489		
Wendell/East Cary Conv.	\$128,521		
Rolesville Middle	\$2,431,284		
Total	\$4,529,764	Total	\$4,529,764

Adopted this the 7th day of November 2011.

Public Comments:

Mr. Kent Goddard commended Mr. Joe Durham and Mr. David Cooke for attending the Wake CFAC meeting. Mr. Goddard said that Dr. Johnson is a psychologist and not an LME Director.

Mr. Goddard invited the board to Club Horizon luncheon meeting on January 18, 2012 at 11:00 a.m. in Knightdale, NC. He stated that Club Horizon saves Medicaid money.

Mr. Frank Edwards, 7408 Spyglass Way, Raleigh, said that he has served on the Wake CFAC as Chair, the State CFAC and a past president of NAMI. He also ran a provider agency for about fifteen years. Mr. Edwards said supports the merger in light of the county not being able to be a single county program. Durham and Wake counties both have an interest in what is best for the consumers. He believes the merger would be a good decision for both counties.

Mr. Richard Foy said that he was born and raised in North Carolina, an ECU graduate, and a Veteran. He said that he has bi-polar disease. His father had a mental illness. He said that he has volunteered over 2,000 hours for the mentally ill. He gave a couple of examples of how groups have successfully helped two mental health patients. He spoke of the Walk of Hope and how a lady that suffers mental health issue sold over 400 tickets for this charity. Mr. Foy said that when treatment services declined, so did her health. Mr. Foy spoke of another patient that could not get the medications they needed.

Dr. Sharon Foster, 8800 Hometown Dr., Raleigh, serves on the Human Services Board and also practices at Raleigh Pediatrics. She spoke of an editorial on infant mortality and the record numbers indicating improvement in this area. She circulated the article to the board members. She said that Dr. Betsy Tilton has contributed some information to her. She gave the numbers for infant mortality. She said that her office has 1800 Medicaid and Health Choice patients.

Dr. Foster said that the Health Department serves a much needier population and more difficult patients. She asked for the support of the board.

Commissioner Gurley noted that one of his businesses is located in the Growing Child program.

Commissioner Ward noted that the pediatricians in Wake County have collaborated to help with improved medical care for children. Dr. Foster said that only 75% of Pediatricians accept Medicaid.

Consideration of the Purchase of Property Declared Surplus by the Wake County Board of Education

Mr. Mark Edmonson, Facilities Design and Construction, said that the Board of Education declared two properties (80.802 acres of land on Forestville Road and 21.50 acres of land at Rolesville High School, H-6) surplus and that they would not be used for education. County Staff has worked with Ms. Betty Parker of Wake County Public School System and has determined that the county does not have a use for the properties.

Joe Bryan motioned, seconded by Tony Gurley, to confirm that the County has no interest in acquiring the properties (80.802 acres of land on Forestville Road and 21.50 acres of land at Rolesville High School, H-6), which have been declared surplus by the Wake County Board of Education and directs that the funds received from the sale of these properties be applied to reduce the County's bonded indebtedness for schools or for future land acquisitions for schools. The motion was unanimously passed.

Merger Proposal Between Wake County and Durham County Area Authority Operations

Mr. David Cooke introduced the following representatives from Durham County, Deputy County Manager Marqueta Welton, Deputy County Attorney Brian Wardell, and representatives from The Durham Center, Director Ellen Holliman, Deputy Director Rob Robinson, Mr. Lascel Webley, Chairman of The Durham Center Area Board. He also recognized Mr. Marc Jacques, representing Wake County Consumer and Family Advisory Committee (CFAC), Mr. Glenn Harsh, representing Community Provider Advisory Committee (CPAC) (the providers) and Mr. Carlyle Johnson, LME Director for Wake County.

Mr. Cooke said a meeting was called by the Secretary of Health and Human Services three weeks ago and informed them that Wake County's application to be a Single County Managed Care Organization would not be approved by the State. Mr. Cooke said over the last three weeks they have been working with groups following that meeting and shared the information with consumers, providers, advocates, and employees to determine the best plan to move forward. When meeting with the Secretary, there were two options discussed: obtaining a single-county program or partner with an existing managed care organization. The single-county option would require legislative changes to allow Wake County to extend the county's timetable. They were not willing to extend the implementation date of the Medicaid Waiver which was January 1, 2013. The only extension given would have been for the application deadline.

Mr. Cooke said if Wake County had succeeded in obtaining the single county program, it would have been smallest or next to the smallest program in the state. It appears that bigger is better in the Managed Care Organizations. Mergers and Partnership options have been reviewed. He said that Dr. Carlyle

Johnson and his staff have determined criteria for evaluating the different options.

Looking for:

- Shared Vision and Values for consumers/services for MH/DD/SA
- A "partner" as opposed to "one of many"
 - Governance
 - CFAC Representation
 - Financial
- Local presence for consumers and providers
- Meets expectations of consumers and providers and other community partners

A lot of input from consumers and providers has been received. Mr. Cooke spoke of the Merger/Partnership option and the different organizations that are in the process of becoming a MCO. After evaluation of the options, staff recommended a merger proposal between Wake County LME and the Durham Center. The following list of benefits was noted for this recommendation:

- Geographical proximity, similar urban compositions and county commitment will enable both organizations to make a more natural transition to a new organization,
- Similar organizational values, systems of care philosophies and use of evidence-based practices will enable a more seamless, transparent transition for consumers,
- Shared provider networks will enable greater efficiencies for community providers,
- Joint development of corporate responsibilities of finance, human resources, information technology, etc., will achieve efficiencies in a combined organization.

Mr. Cooke said Wake County Staff recommends the merger with the Durham Center to create the new MCO. Mr. Cooke said this would be the largest MCO by population and the second largest of Medicaid clients. Mr. Cooke said there would be a partnership between two organizations. Mr. Cooke gave an overview of the Proposed Merger Terms.

Joint Merger Proposal Durham County and Wake County Area Authority Operations

Background

Durham County and Wake County recognize the benefits for citizens, consumers, providers, and taxpayers by merging their existing Local Management Entities (LMEs) to operate a Managed

Care Organization (MCO) to serve individuals with mental health, developmental disability and substance abuse issues under a Medicaid 1915 (b)(c) Waiver.

The Durham County Area Mental Health, Developmental Disabilities and Substance Abuse Authority (The Durham Center) has been selected by the NC Department of Health and Human Services to operate as an MCO effective January 1, 2013, serving Durham, Cumberland and Johnston counties. A merged Area Authority serving the four-county region including Wake County would serve a population of over 1,600,000 residents and over 185,000 Medicaid-eligible individuals, making it the largest MCO in the state based on population. One of the goals of the merger is to provide a seamless, transparent transition for consumers.

Significant similarities make The Durham Center and the Wake County LME logical partners for merger. These include shared organizational values and missions and proven historical commitments to system of care philosophies and the use of evidence-based practices. The leadership and staffs of the two organizations have significant familiarity and existing working relationships with each other.

Geographical proximity and similar urban compositions of both counties result in the potential for pooling of resources to address common challenges such as homelessness, crime and violence, and dropout rates – all issues that can cause behavioral health costs to explode. The counties share common experience in dealing with service access, network development and utilization of crisis services in an urban setting. Both have refined approaches to reducing State hospital utilization and establishing creative and best practice services.

There is significant overlap of provider agencies serving consumers of both counties who frequently cross county lines. Our proximity will allow for more efficient utilization of staff in regards to both care coordination and provider/network management, as a shared provider pool serving a larger area reduces the monitoring burden placed on providers serving both counties as well as on LME staff responsible for monitoring. And importantly, a merged Area Authority would replace competition for the best in the Triangle workforce with collaboration and shared expertise.

Moreover, The Durham Center and the Wake County LME share similar working relationships with Central Regional Hospital and employ the Netsmart management information system.

Terms

The parties intend that this document shall serve as a guide in the negotiation of the terms of a proposed Merger on mutually satisfactory terms and conditions. Nothing herein shall be construed to prevent the amendment of additional terms herein.

- I. The Durham County Area Mental Health, Developmental Disabilities and Substance Abuse Authority (The Durham Center) and the Wake County LME propose to create a multi-county area authority consistent with the governance outlined in *G.S. 122C-115*.

- II. The intent of the parties is to establish an Area Authority that will be comprised of the leadership and staff of both organizations with the transaction to be completed on or before July 1, 2012.
- III. The new Area Authority will commence formal Medicaid Waiver operations effective January 1, 2013.
- IV. A transitional team will be selected by the LME Directors and County Management on or before November 10, 2011 to make operational decisions pending the completion of the formal merger documents and to develop an Interlocal Agreement on or before January 5, 2012 for consideration by the Durham and Wake county Boards of Commissioners.
- V. The existing Area Board of The Durham Center shall be the governing body of the new Area Authority and shall be expanded to include members appointed by the Wake County Board of Commissioners. The Area Board will consist of 15 members. Area Board members shall be appointed by the Durham County Board of Commissioners and the Wake County Board of Commissioners. Following approval of the Interlocal Agreement, three (3) members from Wake County will be appointed to the Area Board of The Durham Center. In July 2012, four (4) additional Area Board members from Wake County will be appointed. The appointment process will be consistent with those currently followed by The Durham Center. As of July 1, 2012, the board will consist of eight (8) members appointed by the Durham County Board of Commissioners and seven (7) members to be appointed by the Wake Board of Commissioners. Appointment criteria, terms of service and other Area Board requirements will be jointly developed consistent with the requirements of 122C. Significant actions to be approved by the new Area Board will require a super majority of votes.
- VI. The Chief Executive Officer of the new Area Authority will be Ellen Holliman, currently Area Director of The Durham Center.
- VII. Key positions as identified by The Durham Center in its response to The Department of Health and Human Services Medicaid Waiver Request for Application (RFA) will transition from The Durham Center to the new Area Authority. These positions include Deputy Director, Director of Business Operations, Director of Clinical Operations, Chief Information Officer and Medical Director. All other positions in the new Area Authority will be filled by the determination of the CEO and her designees. Preference will be given to employees of The Durham Center, Wake County LME, Cumberland County LME and Johnston County LME. All hires within the new Area Authority will be considered employees of the new Area Authority.
- VIII. The parties will agree on a suitable name for the new Area Authority and The Durham Center will take all necessary steps to change its name, image identity and brand to reflect the same. Offices shall be located central to both Durham and Wake County and will consider establishing offices in both counties.
- IX. A single MCO CFAC will be organized for the new Area Authority. Each county may establish a local CFAC with designated members serving on the MCO CFAC with representation proportionate to the number of Medicaid-eligible population. The new Area Authority will provide financial, technical and administrative support for each local CFAC and the MCO CFAC.

- X. All costs associated with the implementation of the merger and MCO requirements shall be shared equally not to exceed four (4) million dollars per county and will be reimbursed over a period of time once the new Area Authority is in full operation.
- XI. Each county will enter into an agreement with the new Area Authority concerning the management of “local funds” provided by the county governments for specific programs or services for each county.
- XII. An evaluation of the governance structure will be conducted by January 1, 2016, prior to expiration of the Medicaid Waiver contract with the State of North Carolina.

This _____ day of _____ 2011.

Durham County Area Mental Health, Developmental
Disabilities and Substance Abuse Authority

By: _____
Lascel Webley, Jr., Area Board Chairman

Wake County Government

By: _____
Paul Coble, Chair, Wake County Board of Commissioners

Mr. Cooke provided the following highlight of the merger terms.

- I. Create multi-county area authority
- II. Merge effective July 1, 2012
- III. Begin Managed Care Operations by January 1, 2013
- IV. Utilize joint implementation team to define details of Interlocal Agreement by January 2012
- V. Governing Board - Options

Option A: 15 members

8 Durham
7 Wake

Durham’s current members would complete their terms.

Wake – Appoint 3 members January 2012
Appoint 4 members July 2012

Option B: 15 Members

7 Durham
6 Wake
1 Johnston
1 Cumberland

Durham's current members would complete their terms.

Wake – Appoint 3 members January 2012
Appoint 3 members July 2012

Johnston and Cumberland – To be determined

Criteria would be determined in Interlocal Agreement.
Significant Actions would require a super majority vote.

- VI. CEO: Ellen Holliman, Current Durham Center Director
- VII. Key Positions filled by Durham Center; others to be filled competitively; all employees of new Area Authority
- VIII. New name; central location; presence in each county
- IX. Single MCO CFAC (representation from CFACs in each county); support from MCO
- X. Costs shared equally -up to \$4 million each; will be reimbursed
- XI. "Local funds" managed by contract with MCO
- XII. Evaluate governance by January 2016

He said that a multi-county authority is being recommended. The merger should take place by July 1, 2012 and Managed care Operations by January 1, 2013. Teams would be formed to work out the details.

Mr. Cooke said that the Durham Center has already had an application approved by the state. Mr. Cooke said that the details of the terms would come back before the Board of Commissioners in January 2012. Mr. Cooke stated the next steps were:

- Durham Board of Commissioners – Nov 14
- Discuss Proposal with NC DHHS
- Develop Interlocal Agreement –Board approvals – January 2012
- Update and Proceed with Waiver Implementation Plan
- Modify Consolidated Human Services Legislation in Short Session

Mr. Mark Jacques, Chair of Wake CFAC, said that he helped choose the waiver sites. He assisted Durham to assess their consumer site. He agreed about the alignment of steps. He said that Wake CFAC feels like the Durham merger is a good choice.

Commissioner Bryan asked of Wake CFAC includes the consumers and NAMI. Mr. Jacques said that consumers in Wake County are in favor of the decisions.

Mr. Glenn Harsch, Chair of Wake County Community Provider Advisory Committee, said that discussions have been made between Wake and Durham Counties. He said he sent the proposal out to the provider community. Mr. Cooke will be attending their next meeting where there will be additional feedback. He said the county provider group is in support of the merger. He said the Wake County LME staff know them as providers, know the community, and their consumers and he feels they will represent them well.

Mr. Harsch said that the programs he works for have business in both counties.

Commissioner Ward asked how the numbers of people represented to serve on the board were decided. Mr. Cooke said that a group gathered and a proposal was made that both sides could agree upon.

Mr. Cooke said that a partnership has always been in the forefront.

Commissioner Bryan complimented senior staff and the Durham Center staff on their efforts towards working out a partnership.

Joe Bryan motioned, seconded by Ervin Portman, to approve the terms of a merger proposal between Wake County Local Management Entity (LME) and the Durham Center, including two options regarding governance, and authorize the County Manager to negotiate an Interlocal Agreement to be considered by the Board of Commissioners in January 2012.

Commissioner Gurley said that since 1984 he has had a drugstore with a pharmacy in Durham. His practice did supply medication for the Durham Center, but he sold the store about a year ago. He said there is no conflict of interest for him to vote on this item but mentioned it for full disclosure.

Commissioner Ward thanked Wake County staff and the Durham Center staff for their work.

The motion to approve the terms of a merger proposal between Wake County Local Management Entity (LME) and the Durham Center, including two options regarding governance, and authorize the County Manager to negotiate an Interlocal Agreement to be considered by the Board of Commissioners in January 2012 was approved unanimously.

Ms. Holliman, Duham Center Director, said that she spoke to the Durham Board of Commissioners this morning. She said that it is about the numbers. She thanked the board for their confidence and willingness to work together.

Appointments

Wake County Council on Fitness and Health

Chairman Coble nominated the following for reappointment with suspension of rules regarding term limits:

1. Mr. Leon Dexter Bullard (Youth Groups)
2. Ms. Susan Carter (Youth Groups)
3. Ms. Beth Collins (Nutrition)
4. Ms. Monica Quechol-Bradley (Parks and Recreation)
5. Ms. Kathy K. Olevsky (Private Fitness)

Chairman Coble nominated the following individuals for appointment:

6. Ms. Susie Davis (Public Health)
7. Mr. Robert Martinez (Professional Sports)
8. Mr. Kevin Hedley (Business)
9. Ms. Marie Edwards (County Government)
10. Art Dexter Hebert (Corporate Wellness)

Vacancies remain in Civic, City Government, Amateur Sports and Attorney positions.

Juvenile Crime Prevention Council

Chairman Coble nominated the following individuals for appointment as recommended by the Executive Committee of the Juvenile Crime Prevention Council: Mr. John Noble, Chief of Police designee and Mr. Donald Pinchback, Chief Court Counselor designee.

Wake County Library Commission

Chairman Coble nominated Ms. Moni Singh and Ms. Patricia Brake-Ludwig for two at-large positions.

Durham Highway Fire Department Board of Trustees Firemens Relief Fund

Upcoming Vacancies

Chairman Coble noted the upcoming vacancies list.

Betty Lou Ward motioned, seconded by Phil Matthews, to accept the nominations by acclamation and the motion passed unanimously.

Other Items

Closed Session

County Attorney Scott Warren stated there was a need for closed session pursuant to G.S. 143-318.11(a)3 to consult with the County Attorney in order to preserve the attorney-client privilege between this board and its attorney.

Paul Coble motioned, seconded by Joe Bryan, to go into closed session pursuant to G.S. 143-318.11(a)3 to consult with the County Attorney in order to preserve the attorney-client privilege between this board and its attorney. The motion passed unanimously.

Chairman Coble called the meeting back to order. He stated there was no closed session action to report.

Adjourn

Betty Lou Ward motioned, seconded by Tony Gurley, to adjourn the meeting at 4:45 p.m. and the motion passed unanimously.

Respectfully submitted,

Susan J. Banks, NCCCC
Clerk to the Board
Wake County Board of Commissioners