

**MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS**

**JANUARY 9, 2007**

**3:00 P.M.**

**NORTH CAROLINA  
MECKLENBURG COUNTY**

The Board of Commissioners of Mecklenburg County, North Carolina, met in Budget/Public Policy Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center at 3:00 p.m. on Tuesday, January 9, 2007.

**ATTENDANCE**

**Present:** Chairman Jennifer Roberts and Commissioners Karen Bentley, J. Daniel Bishop, Dumont Clarke Norman A. Mitchell, Sr., Dan Ramirez and Valerie C. Woodard  
County Manager Harry L. Jones, Sr.  
Deputy County Attorney Sandra Bisanar  
Clerk to the Board Janice S. Paige

**Absent:** Commissioners H. Parks Helms and Bill James

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*Commissioner Clarke was absent when the meeting was called to order and until noted in the minutes.*

*The meeting was called to order by Chairman Roberts. The following topics were discussed.*

**(5) SELECTION OF VOTING DELEGATE**

Motion was made by Commissioner Ramirez, seconded by Commissioner Woodard and carried 6-0 with Commissioners Bentley, Bishop, Mitchell, Ramirez, Roberts, and Woodard voting yes, to appoint Commissioner Mitchell as the Board's voting delegate for the Annual North Carolina Association of County Commissioners (NCACC) Legislative Goals Conference to be held January 11-12, 2007 in Pinehurst, N. C.

**(1) OTHER POST-EMPLOYMENT BENEFITS (OPEB)**

The Board received information regarding Other Post Employment Benefits (OPEB).

Interim Finance Director Sarah Heasley addressed this matter.

It was explained that a new accounting pronouncement, GASB 45, which is effective for FY 2007-08, provides new accounting and reporting rules for benefits provided to retirees by state and local governments. For Mecklenburg County this liability is for retiree medical insurance. This liability is not new, but calculating and disclosing the amount in the year-end financial statements will provide meaningful new information about the current and future cost of these benefits. This requirement also applies to Medic, the Library and the Alcoholic Beverage Control Board.

Director Heasley reviewed the background, an assessment of this matter, and the County's strategy and next steps.

Staff recommends a legislative strategy that involves seeking the following from the State:

- Authority to invest in equities
- Authority to issue OPEB bonds
- Support the State Treasurer's proposed legislation to invest and manage individual local governments' trust funds.

It was noted also that the funds would be placed in an irrevocable trust.

The County Manager plans to budget for this increase. The amount to be budgeted in order to fund the liability in 07-08 is an additional \$11.9 million.

#### Comments

Chairman Roberts asked was this new requirement similar to what has occurred in the private sector. *The response was yes.*

Commissioner Bishop asked for clarification of the Financial Results noted on page 6 of the report distributed by Director Heasley.

*A copy of the report is on file with the Clerk to the Board.*

*Commissioner Clarke entered the meeting at this time.*

County Manager Jones said a tax increase may not be necessary to cover this cost because the County may be able to absorb the cost through growth revenue.

Commissioner Bishop asked about the private sector and how they have handled this. *The response was that many companies no longer offer retiree medical benefits.*

Chairman Roberts said some employers are also now requiring employees to pay more.

Director Heasley said requiring employees to contribute more is an option, as well as, extending the timeframe for when employees would be eligible for this benefit or a combination of both. Another option is the elimination of the retiree medical benefit for new hires.

County Manager Jones said staff believes the County has an obligation to continue to provide retiree medical benefits to current employees.

Manager Jones said another option that may be considered and is being done in the private sector is the establishment of health savings accounts and for the County this would be for new employees.

Manager Jones said staff will keep the Board updated on this issue.

It was the consensus of the Board to include the three legislative strategy items noted by Director Heasley in the Board's 2007 Legislative Agenda.

- Authority to invest in equities
- Authority to issue OPEB bonds
- Support the State Treasurer's proposed legislation to invest and manage individual local governments' trust funds.

County Manager Jones invited the Board to submit suggestions of possible options with respect to this matter to Deputy Attorney Sandra Bisanar. Staff will take suggestions submitted into consideration during its continued review of this matter.

## **(2) 2007 LEGISLATIVE AGENDA**

Deputy County Attorney Sandra Bisanar reviewed information for the Board's consideration for inclusion in its 2007 Legislative Agenda.

*Note: The N. C. General Assembly will convene on January 24, 2007.*

The County's proposed legislative items for 2007 are

### **Local Legislation**

1. Amend Session Law 2005-158 to enable Mecklenburg County to sell or lease real estate by private sale.
2. Amend G.S. 14-247 to allow County-owned vehicles to be used for carpooling by both Mecklenburg County employees and non-County employees to assist in the County's air quality improvement efforts.

*Note: Commissioner Woodard asked for clarification on this proposal. It was noted that the Board would have to establish a policy as to how this would work.*

Commissioner Woodard said whatever policy is developed must be fair to all employees who have access to a County vehicle.

*Commissioner Bentley asked about liability. It was noted that the County is self-insured, so it would be negligible.*

3. Adopt special legislation to allow Mecklenburg County to charge lower building permit fees for "green" buildings.

*Note: The Board was provided information on LEED (Leadership in Energy & Environmental Design).*

### **General Legislation**

Allow Boards of Health in counties with populations in excess of 600,000 to adopt ordinances regulating smoking in public places.

Attorney Bisanar said this would be amended so that it will only apply to Mecklenburg County.

*Note: County Manager Jones suggested this be reworded to say the largest populated county in the State as of July 1, 2007, rather than putting in a population figure.*

Commissioner Clarke said he heard that some members of the legislative staff feel this is health legislation and therefore would have to be statewide application. He asked staff to contact their legislative staff contacts to verify if this is true.

### **Appropriations**

1. Appropriate funds for new juvenile detention facility in Mecklenburg County.

Attorney Bisanar recommended that the Board not pursue this proposal at this time. Attorney Bisanar said this should not be pursued until plans are more concrete about what to do and where to locate a new facility. Attorney Bisanar said this was a matter that could be dealt with in the Short Session.

2. Appropriate sufficient funds for the General Court of Justice, including 25 additional positions for the Clerk of Superior Court in Mecklenburg County.

Attorney Bisanar recommended that the Board support this request.

3. Appropriate funds to provide school nurses at a ratio of one nurse per 750 students.

Attorney Bisanar recommended that the Board continue to support the request for additional nurses. It was noted also that this matter is in the Board of Education's requests.

**Other Legislative Matters of Interest** shared were proposed legislative agendas for the N. C. Association of County Commissioners, the City of Charlotte, Charlotte-Mecklenburg Board of Education, N. C. Tax Assessors/Collectors Association, and NCCBI.

Attorney Bisanar recommended that the Board support efforts of the State Treasurers Association.

Attorney Bisanar said she has not received any thing from the Administrative Office of the Courts to date.

The Board also received information regarding

- the suppression of public tax and Register of Deeds records
- 2007 Legislative Agenda Task Force Process
- the suppression of information in POLARIS (Property Ownership Land Records Information System) and other public records.

Chairman Roberts said some persons have said POLARIS is too accessible.

Attorney Bisanar said it was the feeling of other counties surveyed with respect to POLARIS, that the best way to address this is through a change in state law because if not the county would be subject to litigation.

Commissioner Woodard asked was there any data showing that crimes have occurred as a result of persons obtaining information from POLARIS. *The response was no. It was noted that the same information available on POLARIS is available through other electronic sources as well.*

It was the consensus of the Board that POLARIS was not a high priority.

Commissioner Clarke said he thinks this is something that needs to be statewide.

Commissioner Mitchell suggested also that the POLARIS issue be referred to the N.C. Association of County Commissioners and the League of Municipalities

Attorney Bisanar said it should also be referred to the Chiefs of Police Association and the Sheriffs' Association.

Chairman Roberts asked about the schools' alternative funding sources request and whether it should be a part of the County's legislative agenda. *The response was that it's a part of the N.C. Association of County Commissioners agenda.*

Commissioner Clarke suggested also that it would be best to wait and see what results from the Joint City/County Alternative Revenues Committee.

Commissioner Woodard asked about additional beds in the Shelter for Battered Women. *Attorney Bisanar said this was a part of the federal agenda.*

Commissioner Clarke suggested prioritizing the Board's top five 2007 Legislative Agenda items. He suggested the following order

- #1 The legislative strategy items noted by staff in the discussion of OPEB.
  - Authority to invest in equities
  - Authority to issue OPEB bonds
  - Support the State Treasurer's proposed legislation to invest and manage individual local governments' trust funds.
- #2 Amend Session Law 2005-158 to enable Mecklenburg County to sell or lease real estate by private sale.
- #3 Appropriate sufficient funds for the General Court of Justice, including 25 additional positions for the Clerk of Superior Court in Mecklenburg County.

Commissioner Mitchell suggested the following

#4 Appropriate funds for new juvenile detention facility in Mecklenburg County.

Commissioner Clarke also suggested the following

#5 Allow Boards of Health in counties with populations in excess of 600,000 to adopt ordinances regulating smoking in public places.

Motion was made by Commissioner Bishop, seconded by Commissioner Ramirez and failed 4-3 with Commissioners Clarke, Mitchell, Roberts, and Woodard voting no and Commissioners Bentley, Bishop and Ramirez voting yes, to remove priority #2 - Amend Session Law 2005-158 to enable Mecklenburg County to sell or lease real estate by private sale as suggested by Commissioner Clarke from the Board's 2007 legislative agenda.

Commissioner Bishop noted prior to the above vote that he supports the public bid process currently used by the County. Commissioner Bishop noted the following the record

- ❑ It's been a long standing policy that local governments have been required to use a public bid process when selling excess land.
- ❑ The City of Charlotte's ability to do this by private sale is a relatively recent phenomenon.
- ❑ He understands the idea of what appears to be a growing role for local governments to direct a lot of private economic development activity by deciding what's "good, bad, or indifferent," which is "hazardous within itself" because he doesn't think government is necessarily better equipped to do this than the private market.
- ❑ Another problem with this concept is that "the more government is going to go and pick favorite private bidders to deal with things that government has control over, the more likely there will be an environment of corruption "leaking" into the government process.
- ❑ If all people dealing with government are doing so on an equal and neutral basis, the less likely corruption will exist.

Commissioner Bishop said this is why historically this particular protection has existed for the taxpayers and for the cleanliness of and the tradition of good and corruption free governments that exist here.

Commissioner Bishop said to "start making these deals one by one is not a good thing."

Motion was made by Commissioner Clarke, seconded by Commissioner Mitchell, to have the following as the Boards' top five 2007 Legislative Agenda items out of the items presented by staff with the others being included but not in priority order.

- #1 The legislative strategy items noted by staff in the discussion of OPEB.
  - Authority to invest in equities
  - Authority to issue OPEB bonds
  - Support the State Treasurer's proposed legislation to invest and manage individual local governments' trust funds.
- #2 Amend Session Law 2005-158 to enable Mecklenburg County to sell or lease real estate by private sale.
- #3 Appropriate sufficient funds for the General Court of Justice, including 25 additional positions for the Clerk of Superior Court in Mecklenburg County.
- #4 Appropriate funds for new juvenile detention facility in Mecklenburg County.
- #5 Allow Boards of Health in counties with populations in excess of 600,000 to adopt

ordinances regulating smoking in public places.

Other items to be included

- ✚ Amend G.S. 14-247 to allow County-owned vehicles to be used for carpooling by both Mecklenburg County employees and non-County employees to assist in the County's air quality improvement efforts.
- ✚ Adopt special legislation to allow Mecklenburg County to charge lower building permit fees for "green" buildings.
- ✚ Appropriate funds to provide school nurses at a ratio of one nurse per 750 students.

Substitute motion was made by Commissioner Ramirez, seconded by Commissioner Bentley but failed 5-2 with Commissioners Bishop, Clarke, Mitchell, Roberts, and Woodard voting yes and Commissioners Bentley and Ramirez voting yes, to have the items as stated in the original motion as the Boards' top five 2007 Legislative priorities and with the others being included but not in priority order; but that #5 Allow Boards of Health in counties with populations in excess of 600,000 to adopt ordinances regulating smoking in public places be removed as a top five priority and instead include as #5 Appropriate funds to provide school nurses at a ratio of one nurse per 750 students.

Prior to the above vote Commissioner Ramirez said he doesn't think government should legislate behavior.

Commissioner Clarke said he doesn't think the State will fund nurses in Mecklenburg County. Also, that he feels this is a health issue.

The vote was then taken on the original motion and carried 4-3 with Commissioners Clarke, Mitchell, Roberts, and Woodard voting yes and Commissioners Bentley, Bishop, and Ramirez voting no, to approve the following as the Boards' top five 2007 Legislative Agenda items and that the other items be included but just not in the top five.

*Commissioner Bishop left the meeting and was absent for the remainder of the meeting.*

*A copy of the proposed legislative agenda information is on file with the Clerk to the Board.*

### **(3) TECHNOLOGY PROJECTS UPDATE**

The Board received information regarding technology investments and status of current projects.

Jerry Pinkard, Director of Information Services and Technology (IST) gave the report.

The following was covered in the report:

The status of major technology investment projects  
Project management and the oversight process

*A copy of the report is on file with the Clerk to the Board.*

Commissioner Clarke asked would the delay noted with respect to the Tax System Replacement impact revaluation. Director Pinkard said it should not if everything goes as planned.

Commissioner Ramirez asked about the CJIS project, which was addressed by Deputy County Attorney Sandra Bisanar.

Chairman Roberts thanked Director Pinkard for his report.

**No action was taken or required.**

#### **(4) TEN YEAR PLAN TO END HOMELESSNESS**

The Board received the Ten Year Plan to End Homelessness Report.

In FY 2006 Mecklenburg County and the City of Charlotte contracted with A Way Home, the non-profit organization planning for homeless services, to prepare a Ten Year Plan to end homelessness based on Federal and State guidelines. The plan, which follows the 2002 Out of the Shadows Report prepared for the BOCC, was developed with broad community input and addresses the challenges of ending chronic homelessness as well as one-time and episodic homelessness with an increased emphasis on preventing homelessness.

Chris Wolfe, Executive Director of A Way Home (Mecklenburg Council on Homelessness) gave the report.

Mr. Wolfe said there were other agencies in the community looking at this issue also for the purpose of coming up with solutions to address various parts of this report.

Mr. Wolfe noted that affordable housing is a critical issue needing to be addressed.

Mr. Wolfe said it's being recommended that a broad group of high level stakeholders, persons that can "make things happen" and bring resources together be brought together to address the issue of what happens to our community's economic engine if "we don't look at ways to house the working poor and those that are trying to come out of homelessness. He said Gloria Pace King, Executive Director of United Way of the Central Carolinas and Michael Marsicano, Executive Director of the Foundation of the Carolinas have volunteered to lead this effort to bring this group together.

Mr. Wolfe invited Board members to contact him if they any questions or would like a more in depth discussion of the report.

Commissioner Ramirez asked about collaboration with Habitat for Humanity, which Mr. Wolfe addressed.

County Manager Jones suggested that this matter be reviewed by the Board's Community Health and Safety Committee.

Chairman Roberts thanked Mr. Wolfe for his report.

Chairman Roberts said this will also be a topic of discussion at the Board's Strategic Planning Conference.

No action was taken or required at this time.

***A copy of the report is on file with the Clerk to the Board.***

*Note: The above is not inclusive of every comment and/or question asked but reflects key points and actions taken by the Board.*

#### **ADJOURNMENT**

Motion was made by Commissioner Woodard, seconded by Commissioner Ramirez, and carried 6-0 with Commissioners Bentley, Clarke, Mitchell, Ramirez, Roberts, and Woodard voting yes, that there being no further business to come before the Board that the meeting be adjourned at ? p.m.

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Janice S. Paige, Clerk

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Jennifer Roberts, Chairman