

JANUARY 30, 2009

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session at The Lodge at Ballantyne Resort located at 10000 Ballantyne Commons Parkway, Charlotte, N.C. on Friday, January 30, 2009 at 8:00 a.m.

ATTENDANCE

Present: Chairman Jennifer Roberts and Commissioners Karen Bentley, Dumont Clarke, Harold Cogdell, Jr. Neil Cooksey, George Dunlap, Bill James, Vilma Leake and Daniel Murrey
County Manager Harry L. Jones, Sr.
Clerk to the Board Janice S. Paige

Absent: None

The purpose of the meeting was to continue the Board's Annual Strategic Planning Conference that began on January 29, 2009.

The meeting was called to order by Chairman Robert, who then turned the meeting over to Anne Udall, facilitator.

The Board continued with its discussion of Commissioners' Issues of Interest.

A copy of each item of interest is on file with the Clerk to the Board.

Growth Management & Environment

Air Quality (Chairman Roberts and Commissioner Murrey Presenters)

Comments

Commissioner Dunlap asked how does the County know if the air quality it is experiencing isn't coming from another part of the region since the County can't control the way the wind blows.

Chairman Roberts said it's known that it blows northeast and when you look at the areas of the region northeast of Mecklenburg County, they also did badly on air quality, which comes from Mecklenburg.

Chairman Roberts said part of it also comes from Tennessee and that there's a lawsuit going on with respect to that which the County is involved in. Chairman Roberts said Mecklenburg County is the only county where it's concentrated. She said even with the wind blowing, everyone around the County has gotten below 8 parts per billion.

Commissioner Dunlap raised the question of what was the County's responsibility as an agency to enact legislation or policies to have better control with respect to air quality.

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Commissioner Cogdell said this was an important issue. He said the Board should look to see what's within the County's purview to do to address this issue. Commissioner Cogdell said he thinks the matter should be referred to the Board's Natural Resources Committee for further evaluation and that the committee report back to the Board with recommendations.

Commissioner Cogdell said it defies logic when the federal government says it's going to cut highway trust funding when the number one reason for poor air quality is congestion on the streets and highways.

Commissioner Cogdell said he doesn't think the public understands the magnitude of some of these challenges. He said the County could play a crucial role in elevating the awareness of this issue.

Commissioner Cooksey concurred with Commissioner Cogdell's suggestion that the matter be referred to the Board's Natural Resources Committee. Commissioner Cooksey said he'd like to know more about the consequences for not being in compliance with federal standards.

Commissioner Cooksey said the County needs to balance what it does in terms of regulations against the economic impact of that regulation and do things that "make sense" for both air quality and for businesses.

Commissioner Bentley asked were the monitors being used to monitor air quality in the right place to get an accurate account.

Chairman Roberts said there were eight monitors in the region, but she couldn't recall the specific locations. Chairman Roberts said she thinks the locations are specified by the Environmental Protection Agency (EPA).

Commissioner James said discussion was taking place to cap the methane coming out of the Foxhole landfill and to look at putting in a power generating station, which is suppose to improve air quality.

Commissioner James also addressed carbon credits, which he thinks the federal government is getting ready to do something about. Commissioner James said he's not sure how the carbon credit business can positively impact the County, but the theory is someone that pollutes a lot could buy credits of some type, where they pay for the right to pollute some place else.

Commissioner James said as "bad" as Mecklenburg County is with respect to air quality, the County still has "pretty good" air.

Commissioner James said even though no one knows how the carbon offset process works, it may be a way to generate income for air quality programs that doesn't involve raising taxes.

Commissioner James said the alternative to implementing a local program would be to put a tax on cars, perhaps. Commissioner James said some places even tax how many miles are driven.

Commissioner James said he thinks the County should get information on the carbon credits concept.

Commissioner Clarke addressed the County's Air Quality Commission and the work they do. Commissioner Clarke said anything the Board may want to consider should go through the Air Quality Commission. He noted that the Chamber of Commerce has an interest in this issue also.

Commissioner James asked was it possible to calculate the Commissioners' individual carbon footprint. Commissioner James said a carbon footprint is not just whether you buy a hybrid vehicle; he said it's also based on how much you drive.

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Commissioner Cooksey said it may be a good idea for the Natural Resources Committee to meet with the Air Quality Commission to get briefed on what they're doing.

Commissioner Leake addressed the need to increase public awareness on the importance of this issue.

It was the consensus that this issue and comments made be referred to the Board's Natural Resources Committee in junction with the County's Air Quality Commission.

Support of Green Technology (Chairman Roberts Presenter)

Comments

Commissioner Murrey said he sees this issue as an economic development opportunity and one the County should study.

Commissioner Leake asked what impact would pursuing this have on the budget. *Chairman Roberts said it would depend upon what the County decided to do.*

Chairman Roberts referenced the County's Business Investment Program.

Commissioner Cogdell recommended this issue be sent to the Board's Economic Development Committee for further study.

Commissioner James referenced an effort by Duke Energy to put green technology energy facilities on top of houses (solar panels), but he said they've ran into a "snag." Commissioner James said he doesn't know if there's anything the County could do to help move this effort along or not. Commissioner James said he applied to participate in this effort, so he has an interest in wanting this program to get off the ground. Commissioner James said the way it would work is that Duke Energy would put the panel on your house and it generates, for example, two or three mega watts; it powers your house and the excess goes to the grid and Duke Energy gets to keep all of the excess energy and the homeowner basically gets their power for free. Thus, there's an incentive to do this.

Commissioner Murrey said part of the "snag" is that current regulations require that anybody who puts solar panels on their house and wants to feed that back to the grid has to be certified as an energy company, essentially, and go through the same regulatory process that Duke Energy has to go through.

Chairman Roberts asked was this a federal law. Commissioner Murrey said he didn't know if it was federal or state but since there's a regulatory piece, perhaps this is what the County could have an impact on because it's clearly an improvement.

Commissioner Cogdell said he would like for staff to either contact Duke Energy or on its own research this issue with regard to what it would take specifically so the County could determine if there were certain legislative issues that the County could potentially be involved with lobbying on the part of this bigger initiative.

It was the consensus to refer this issue to the Board's Economic Development Committee for further review, including, if there's a way the County can assist Duke Energy in their work.

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Chairman Roberts with respect to Air Quality and comments made by Commissioner James regarding capturing bio-gases from the landfill, said she would like the County to try and work with the City of Charlotte and Charlotte Mecklenburg Utility Department (CMUD) for bio-gas opportunities for alternative energy.

Social, Education, & Economic Opportunity

CMS Funding Framework (Commissioners Dunlap and James Presenters)

Comments

Commissioner Murrey said he wants to understand what the formula is, how it's structured and how staff goes about formulating CMS' budget and what the variables are. Commissioner Murrey said he'd also like to know how CMS constructs its budget. He said CMS needs to understand the County's process because it seems as if there are two processes going on that run parallel. Commissioner Murrey said if each entity understood the other's process then perhaps the two could come to some collaborative, consensual understanding as to what the budget should be. He said the Board's Education Liaison committee may be an opportunity for this to occur.

Commissioner Murrey said if Commissioners don't understand it well then it's hard to think outside of the "usual silos."

Commissioner Murrey suggested letting Park and Recreation be in control of the building and maintenance of athletic fields because that's the business they're in. Commissioner Murrey said it may also offer some savings.

Chairman Roberts said the formula was a starting point.

Commissioner Clarke said it's not a "formula" that it's a "starting point, a measuring stick." He explained that the County would get a request from the Board of Education for an increase in the County's appropriation for its operating budget; then look at the funding framework and put a lot of data into it, such as rate of inflation, state increases, etc.; then compare it to the request and determine how reasonable the request was.

Commissioner Clarke said it's useful to some extent, but you'll never be able to completely fix it. He said one of the factors that come into play was student growth, which no one knows until the "20th day" of school being in session, which is after the Board has adopted its budget.

Commissioner Clarke said the funding framework was put together in 2004.

Commissioner Leake said she worries about the budget from the perspective of federal, state and local funds and the usability of those funds by the school system. Commissioner Leake said she understands the County can't dictate how those funds are used.

Commissioner Bentley said she understands the County doesn't have the authority to require the school system to use a balance scorecard approach in their budgeting process but it would accomplish two things 1) provide transparency to the community and 2) provide transparency between the two boards with the ultimate goal of making the budget process less contentious. Commissioner Bentley said it would also allow them internally to tie their actions to desired results.

Commissioner Cooksey said there were three things that need to be kept in the forefront when discussing CMS 1) consultation and collaboration because everyone needs to be on the same page with respect to how funding is going to take place, 2) predictability, he said both sides of

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the equation need to know what that piece of the budget is going to look like going forward and being able to look two-three years in advance and have a pretty good idea about what the funding framework would look like, and 3) accountability.

Commissioner Cooksey said the balance scorecard recommendation noted by Commissioner Bentley was a good one.

Commissioner Cooksey said the County needs to find some way to know that county dollars being spent by CMS are really going to the best purposes possible.

Commissioner Cogdell said the \$90 million gap was a “crisis” for the County, but also there’s a “crisis” in some CMS schools with respect to student achievement and the drop-out rate. He said the equity and academic achievement was not there. Commissioner Cogdell said as a community this was something the community has to get its “hands around in an urgent way.”

Commissioner Cogdell suggested the two boards come together and have discussion regarding what the County’s budget crisis is and to understand what CMS’ priorities are and what they’re faced with.

Commissioner Cogdell said when you’re “writing the check” to any stakeholder, you have some influence and some “say so” over how those funds/resources are utilized. He said he understands the Board of Education is responsible for the operation of the school system but that “we can’t let too much more time past with the number of schools that are seeing the achievement gap that we’ve seen in the community, go idly by without the leadership in this community stepping up and saying it’s unacceptable.”

Commissioner Cogdell said the two boards need to come together. Secondly, the County needs to make it “very clear” that either the County is going to have to see some decisions made on the part of CMS (that may be very difficult politically) designed to try and address the achievement gap; or the County Commission will do what it has to do to put what restrictions and conditions it can do legally, to ensure that resources are being directed towards the achievement gap.

Commissioner Cogdell said he supports Commissioner Murrey’s earlier comments regarding Park and Recreation being in control of the building and maintenance of athletic fields.

County Manager Jones said he thinks Commissioner Murrey’s idea about Park and Recreation was a good one. County Manager Jones said given the environment that currently exists, it will create the opportunity for enhanced dialogue not only with the policy makers but between staffs around service provision.

County Manager Jones said there were additional things, other than athletics that the County might be able to provide on behalf of the school system. He said functional consolidation has been discussed but it’s been limited to what’s done with the City of Charlotte. He said there may be opportunities for functional consolidation with CMS. He noted as an example, CMS buys land, the County buys land and has a Real Estate Services department.

Commissioner James in response to Commissioner Cogdell’s comment, said there were statutory provisions that allow the County to take money appropriated to CMS and place it in restricted contingency and indicate what the funds are to be spent for. He said the Board just hasn’t done it.

Teacher Supplement (Commissioner Leake Presenter)

Commissioner Leake said she has been in communication with School Superintendent Dr. Peter Gorman regarding trying to schedule a meeting of the Education Liaison Committee.

Comments

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Commissioner James addressed how the teacher supplement was handled in the past. Commissioner James said the Board could provide a supplement and put the funds in restricted contingency but CMS would have to agree to spend it for that purpose.

Commissioner Leake said she wants staff to look into this and assist her with understanding this issue.

Chairman Roberts asked the County Manager to speak with School Superintendent Gorman regarding the fact that the last four or five years the County has tried to get out of micromanaging CMS' budget and not restrict or categorize where funds should be spent because it was felt the Superintendent and the Board of Education needed that flexibility. Chairman Roberts said it appears, however, that perhaps the new Board may want to change that and go back to restricting what funds can be used for. Chairman Roberts asked the County Manager to speak with the Superintendent regarding this possibility and to get his take on this.

Commissioner Dunlap said the County Commission shouldn't be micromanaging the school system. He said the Board was responsible for funding them. He said it's reasonable to have some accountability and measures, but that the Board can't run everything.

Commissioner Cogdell said the Board shouldn't micromanage CMS but "when you don't see results over a period of time, tangible benchmarks, you need to hold accountable anybody that you're writing a check to that you're funding." Commissioner Cogdell said the achievement gap needs to be addressed in a meaningful way and there needs to be some improvement in a short period of time.

Commissioner Leake said her intent for placing this issue of interest, Teacher Supplement, was not to micromanage CMS but the intent was to get "quality" teachers.

Improving Low Performing Schools (Commissioner Murrey Presenter)

Commissioner Murrey said he concurred with Commissioner Cogdell with respect to wanting to see some results. He said it's not about micromanaging.

Commissioner Murrey in addressing his Issue of Interest said he would like there to be some benchmarking. He'd also like to have performance reports provided to the Board in order to have an understanding of the goals that CMS has for the school system, specifically for the problem areas. Commissioner Murrey said the Board needs to focus on what are the worst problems. He said to him the worst problem is that there are too many schools that are "just not cutting it" and there are too many students dropping out.

Comments

Commissioner Cooksey said one thing that helped create this situation is that students are not given enough alternatives with respect to their education. Commissioner Cooksey said what has happened is that the focus has moved from vocational and technical education. He said somewhere along the line the idea that everyone was destined to go to college became the focus. Commissioner Cooksey said he doesn't think that's the case. Commissioner Cooksey said this needs to be discussed with CMS.

Commissioner Dunlap echoed Commissioner Cooksey's remarks regarding not everyone is destined to go to college. Commissioner Dunlap said he has had conversations with CMS and CPCC regarding this matter, although nothing has come out of it. Commissioner Dunlap said he thinks there's a way to do this at a cost savings to the County.

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Commissioner Dunlap said there needs to be a relationship between CPCC and CMS. He said CMS can take care of the curriculum part of it and that CPCC has the facilities already available for the vocational part.

Commissioner Dunlap said he hopes the Board would take more of an interest in what goes on in terms of educating children. He said everyone comments on what should happen but that there needs to be an understanding of what goes on and what the research says. He said otherwise, when you make suggestions or recommendations you're not doing them in a "vacuum."

Commissioner Leake referenced Phillip O. Berry High School which she said was built as a vocational and technical high school. Commissioner Leake said Phillip O. Berry was part of a concept from 32 years ago and was promised to the community after Second Ward High School closed. Commissioner Leake said the problem with Phillip O. Berry was that it was never equipped with the appropriate teachers to do what needed to be done. She said the school was fully equipped to provide vocational education. She said the State Board of Education came up with the idea that "every child needs to go to college." She said no one challenged the State Board of Education that every student was not going to college.

Commissioner Dunlap noted for the record that Phillip O. Berry was a technical high school.

Commissioner Clarke said he thinks the Board may be going down a "dangerous" path. He said the County has enough to do. He said he thinks the public knows who's accountable for what.

Commissioner James said improving low performance schools was a function of not just CMS but the Department of Social Services as well. He said the one piece of this that has not been discussed was "finding a way to link what the department of social services does that works at fixing the families that are broken." Commissioner James said there are programs that help people do all sorts of things and that CMS has programs for low performing schools.

Commissioner James said there are some schools in the country that operate 24-7. He said there are some families that are so "dysfunctional" that the only way to help these kids out, is to put them in a 24-7 environment. He said some people refer to it as boarding school, but that it has been successful. Commissioner James said he thinks the County can work with CMS and the DSS to create a school of this nature.

Facilitator Udall summarized what she gathered from the conversation regarding CMS. She said the issues of concern for future discussion were 1) accountability, 2) a deeper understanding of the budget, 3) a desire to work more closely with the Board of Education, and 4) how do you create and coordinate an existing relationship.

The Board recessed at 10:06 a.m. and reconvened at 10:31 a.m.

The Board then participated in an issue ranking exercise. The Board was asked to categorize fifty program categories into seven priority levels. Director Yi and Facilitator Udall addressed how this exercise would work. Director Yi said the end result would be that the Board would be identifying its priorities for FY2010.

Commissioner Cooksey suggested Legal Counsel be moved to a lower priority, 4. It was supported.

County Manager Jones said there were things that staff refer to as Business Imperatives, things the County has to do to run the business of government. He said the Board would need to consider organizational needs as well as community needs in going through this process.

Commissioner James suggested moving Child & Adolescent Mental Illness & Prevention & Treatment from 2 to 1. It was supported.

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Commissioner Dunlap suggested moving Homelessness Services from 4 to 1. Chairman Roberts suggested it be moved to 2. Commissioner Cooksey suggested 3. It was supported at 3.

Chairman Roberts suggested moving Parks, Fields & Recreation Centers from 5 to 4. It was supported.

Commissioner Leake suggested moving Diversity/Minority Affairs from 5 to 4. It was not supported.

Commissioner Murrey suggested moving Non-communicable Illness & Disease Prevention & Treatment from 5 to 3. It was supported.

Commissioner Clarke suggested moving Public and Employee Communication from 7 to 6. It was supported.

Commissioner Cogdell suggested moving Aging-In-Place Services from 3 to 2. It was supported.

Commissioner Cooksey suggested Job Training/Employment Assistance be move to 4.

Commissioner James suggested moving Substance Abuse Prevention & Treatment be moved from 3 to 1. It was not supported.

Commissioner James suggested making Substance Abuse Prevention & Treatment a 2 and Water Quality a 3.

Commissioner Murrey suggested making Substance Abuse Prevention & Treatment a 2 and Land Quality a 3 rather than Water Quality. It was supported as recommended by Commissioner Murrey.

Chairman Roberts suggested Adult Mental Illness Prevention & Treatment be placed in 1. It was supported.

Commissioner Cogdell said he would like to make Regional Planning a 3 and Library Services a 4. It was not supported.

Commissioner Cooksey suggested making Building Safety a 4. It was supported.

Commissioner Clarke suggested making Economic/Financial Assistance a 4. It was supported.

Commissioner Leake suggested making Personal Injury Prevention & Protection a 6. It was decided to place this in 7.

Commissioner Clarke suggested making Education Support Services a 6. It was supported.

Commissioner Cogdell suggested Job Training/Employment Assistance be placed in 2. Commissioner Murrey suggested swapping it out with Community Violence Protection & Prevention. Commissioner Cogdell suggested it be placed instead in 3. It was supported.

This concluded the first part of the exercise.

Note: The above is not inclusive of every comment, it is a summary.

Facilitator Udall said after lunch the Board would revisit all these items again for finality purposes.

The Board recessed at 12:22 p.m. and reconvened at 1:05 p.m.

Commissioner James was absent when the meeting reconvened and for the remainder of the meeting.

Commissioner Cooksey questioned the ranking of “business imperatives” functions.

Commissioner Dunlap concurred with Commissioner Cooksey with respect to business imperatives. He said these were things that have to be done anyway. Commissioner Leake also concurred.

Commissioner Murrey suggested consolidating all of those functions that staff view as staff efficiency and effectiveness functions into one category and then determines where they should be priority wise.

Commissioner Cooksey suggested “lumping” the business imperatives into one category and placing it in 2.

Motion was made by Commissioner Dunlap, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to place all of the “business imperatives” into one category as a group.

Discussion continued regarding the priority listing.

Motion was made by Commissioner Murrey, seconded by Commissioner Leake and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to place “Business Imperatives” in Priority Level 3.

Discussion continued regarding the priority listing.

Motion was made by Commissioner Cooksey, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to accept the ranking below as the Board’s FY2010 Preliminary Board Priorities.

Priority 1
<ol style="list-style-type: none"> 1. Adult Mental Illness Prevention & Treatment 2. Child Abuse/Neglect Prevention & Protection 3. Child & Adolescent Mental Illness Prevention & Treatment 4. CMS Schools Funding 5. Court Services Coordination 6. Debt Service 7. Economic/Financial Assistance
Priority 2
<ol style="list-style-type: none"> 1. Adult/Abuse/Neglect Prevention & Protection 2. Aging-In-Place Services 3. Air Quality 4. Community Violence Protection/Prevention 5. Domestic Violence Protection/Prevention 6. Substance Abuse Prevention & Treatment 7. Water Quality
Priority 3
<ol style="list-style-type: none"> 1. Business Imperatives¹ 2. Communicable Illness Prevention/Treatment 3. CPCC Education Funding 4. Homelessness Services 5. Jails & Detention Facilities 6. Job Training/Employment Assistance 7. Non-Communicable Illness Prevention/Treatment
Priority 4
<ol style="list-style-type: none"> 1. Building Safety

<ol style="list-style-type: none"> 2. Disability Prevention & Treatment 3. Economic Development 4. Library Services 5. Parks, Fields & Recreation Centers 6. Regional Planning
Priority 5
<ol style="list-style-type: none"> 1. Diversity/Minority Affairs 2. Greenway Development & Management 3. Land Quality 4. Nature Preserves & Open Space 5. Transportation
Priority 6
<ol style="list-style-type: none"> 1. Advisory Committee Management/Citizen Participation 2. Aquatic Programs 3. Athletic Programs 4. Education Support Services 5. Financial Planning 6. Recreation & Leisure Programs
Priority 7
<ol style="list-style-type: none"> 1. Historic Preservation 2. Morgue & Medical Examiner 3. Partnerships/ Underwriting Development 4. Personal Injury Prevention/Protection 5. Voting Services

Business Imperatives includes the following program categories:

1. E-Government/Technology Investments
2. Employee Resource Management
3. Financial Management/Fiscal Control
4. IT Resource Management
5. Land, Property, & Records Management
6. Legal Counsel
7. Property/Asset Management
8. Public & Employee Communication.

Wrap-Up

County Manager Jones said because something falls in a low priority level, doesn't mean that item won't receive funding. He used voting services as an example. He noted also that there may be an item that's a high priority, yet funding may have to be cut in that particular area.

Chairman Roberts said she thought the process the Board had gone through was a good one. She said these issues will be revisited as the Board goes through the budget process.

County Manager Jones thanked staff, which was echoed by the Board. Facilitator Udall was also thanked.

County Manager Jones closed by saying 1) he would keep the Board informed of the County's financial status, 2) the numbers will change, 3) he will be meeting with department directors and discussing directives about meeting the challenges of the budget for this fiscal year, in order to lessen the pain for next year to get the \$90 million gap down. County Manager Jones said he hopes the gap doesn't get any greater. He noted that the action taken by the Board with respect to the bonds on yesterday does get it down to \$70 million. County Manager Jones said he would be asking departments to find 15% in reductions out of non-salary accounts. He said he can't promise the Board what he may receive in response to that request. County Manager Jones said

he wanted to get the Board prepared for some suggestions that departments might make about

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some cuts that may occur this fiscal year. County Manager Jones said management would do all that it said to follow the principles of retaining jobs. He said he would also report back to the Board within a month with recommendations for some diversions from CMS and CPCC because they have to participate in this process as well.

A copy of the Strategic Planning Conference agenda is on file with the Clerk to the Board.

Note: The above is not inclusive of every comment but is a summary of key points/questions.

ADJOURNMENT

There being no further business to come before the Board that the meeting was declared adjourned at 2:20 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman