

NOVEMBER 10, 2009

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

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 located at 600 East Fourth Street at 3:00 p.m. on Tuesday, November 10, 2009.

ATTENDANCE

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

Absent: Commissioner Bill James

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

The meeting was called to order by Chairman Roberts.

Chairman Roberts noted the topic of discussion, the FY11-13 Strategic Planning-Community Health and Safety Review.

FY11-13 STRATEGIC PLANNING-COMMUNITY HEALTH AND SAFETY REVIEW

Prior to the start of the presentation, County Manager Jones took a point of personal privilege and made the following statement.

“Over the last several days there have been several media reports and understandably heated public reaction about my response to an e-mail inquiry regarding the DSS audit from Harry Lomax, a private citizen. There are several misconceptions surrounding my intent regarding the correspondence and this morning I spoke directly to Mr. Lomax by phone. I apologized to him for the confusion and he accepted my apology. We also agreed to meet in the near future to get to know each other better. I want to be very clear, that there was never any malicious intent in my action, but it was wrong of me to send a copy of Mr. Lomax’s e-mail to his employer. In my more than 35 years of public service this is yet another lesson learned and a mistake that I assure you will not be repeated. “

County Manager Jones then introduced the item for discussion. He said today’s meeting was the first of a series of workshops designed to prepare the Board for updating the three-year strategic business plan.

Commissioner Dunlap entered the meeting.

County Manager Jones then called on Director of Planning and Evaluation Leslie Johnson to give a report on the 2015 Performance Goals for Community Health and Safety and the FY 09 Results. The performance goals measured were:

- Child Abuse Rate
- Violent Crime Rate
- Mental Health Index
- Disabled Adult Abuse & Neglect Rate
- Health Index
- Trial Court Performance Index
- Functional Capacity of Jails
- Domestic Violence Index

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

Comments

Commissioner Clarke said he was concerned that there were no measureable results for the Trial Court Performance Index, especially since the Board approved an additional \$2.4 million for the criminal justice system. He asked staff to remind the Board of when that was done. *General Manager Michelle Lancaster said the funds were made available in January of this year, 2009. Also, that time has been a factor. She said there was a reorganization plan approved by the Board, but several components of that reorganization have not taken place. Further, staff was working with the court system to get those dollars moving in the direction so the County can see some change in the system, however, it's an extremely slow process.*

Commissioner Clarke suggested the “accelerator be mashed.”

Commissioner Murrey with respect to the Disabled Adult Abuse & Neglect Rate asked if it would make sense to reconstitute the measure and was that a legal process in the balance scorecard process. *Director Johnson said Commissioner Murrey's thought was in line with staff's thinking. She said staff was recommending the measure be revisited to determine what makes sense and if there's a need to adjust the target to be in line with the state. She said the state is actually asking that counties report more.*

Commissioner Murrey asked what the process would be to get that reconstituted. *The response was that staff would come back with recommendations at the Board's strategic planning conference.*

Commissioner Murrey said with respect to the Health Index that collaboration was needed with other entities, including private entities such as physician and hospital partners. He said this is not something the County can do alone. Commissioner Murrey said he met with the Medical Society Board and discussed the possibility of getting them more engaged in this process and picking out goals that the County and the medical community could work together on.

Commissioner Murrey said the County needs to get others involved or change the measure.

Commissioner Murrey said he was also concerned that there are no measureable results for the Trial Court Performance Index.

Commissioner Murrey said he's curious to know how active the courts are on a daily basis and would like to know the following: 1) How many judges and courtrooms there are, 2) Are the courtrooms active all day, 3) What are the hours of operation, and 4) Any other factors that may feed into this, so the Board can understand what the hurdles are.

Commissioner Cooksey with respect to the criminal justice system and problems with getting staff hired asked for an update on the hiring process. Further, he would like a report on how much of the money allocated to the criminal justice system has actually been used; as well as, information on what changes have occurred as a result of the allocation of these funds. *General Manager Lancaster said the largest portion of those funds was allocated to the District*

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Attorney's Office, about \$1.4 million for staffing. General Manager Lancaster said staff has had an extremely difficult time dealing with the Administrative Office of the Courts (AOC) to get positions approved. She said they were finally approved in October.

General Manager Lancaster said it's her understanding the District Attorney's Office has offers out there. General Manager Lancaster said staff would provide additional information to the Board regarding this.

Commissioner Cooskey asked was it correct to say the \$1.4 million hasn't been put to use. *General Manager Lancaster said that was correct.*

Commissioner Cooksey with respect to the Health Index asked had there been any improvement. *Director Johnson said yes. She said although the County hasn't achieved the 2015 goals, there has been progress.*

Commissioner Cooksey said the Health Index was an important index for the community and that perhaps the County was masking real data by having all of those different categories grouped into this one index.

Commissioner Cooksey said he would like to see a breakdown of this index showing more specific data.

Commissioner Dunlap with respect to the Health Index asked how staff came up with the goal when there were so many variables. *Director Johnson said the overall score was based on the twenty-four measures. She said staff looks at how many of those individual measures where the County has achieved that goal. She said there were nine measures out of the twenty-four where the County achieved what it stated in the 2015 Vision goal.*

Commissioner Dunlap said the way the Health Index results were being reported, it looks like the County was not doing well in this area, which was not the case. He said there were areas the County was doing well in. Commissioner Dunlap said he's concerned that an accurate picture was not being portrayed.

Commissioner Dunlap with respect to Functional Capacity of Jails asked what impact does staff project the new jail will have in regards to the County being more able to achieve the goal. *General Manager Lancaster said she expects that the County would be very close to a green light, meaning either the goal has been achieved or performance is at least 95% of the long-term target.*

Sheriff Chip Bailey said it's expected to stay pretty close to the functional capacity, which is 85%.

Commissioner Dunlap questioned whether the County comparing itself to other counties was the appropriate way to measure some of the goals. He said when you have reporting issues, how do you really capture how well you're doing if you simply compare to other counties. *Director Johnson said Commissioner Dunlap was correct to a degree because in essence you have "apples to oranges" in terms of resources and capacity that you can't control if it's a measure requiring those resources to help you get that quantifiable goal that you're trying to get to. Director Johnson said with more people you can reach more people and with fewer people it becomes more difficult to do the reporting of cases. She said there was one measure, the Child Abuse Rate, that staff based it on the state. She said the other one, the Disabled Adult Abuse and Neglect Rate, was provided for protectional purposes and the target was basically projection at a given point in time, saying where we wanted to never exceed that level.*

Director Johnson said the information presented was a snapshot, but it's important that it be looked at it from a wholistic approach. She said staff was looking at how the County compares to benchmarks, industry standards, and relative to its own trend line. She said she doesn't think

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it's one way or the other, that it's a wholistic assessment when that data is available to do that.

Commissioner Dunlap said he understands measuring against your own trend line, but in some of the areas, he questions whether or not the County really has the ability to control the actual impact. He said the County was measuring these things but realistically would the County really ever have the control to project the outcome. Commissioner Dunlap said if that's the case he questions why the County really measures them. He said perhaps the Board might want to look at some other types of goals that it might want to achieve.

Commissioner Dunlap with respect to the Mental Health Index said his concern was that when the County eliminated the 16 or 18 beds, it delayed things. Also, when the County realized it just obtained the 80% goal. He said the question has been raised regarding whether or not there ought to be a sense of urgency on the Board's part to do more dealing with our mental health issues and its impact on the jail. He said to him this should be an indication that rather than delaying, it's something that we should actually be moving forward.

Area Mental Health Director Grayce Crockett said part of the challenge is that the provider the County contracted with has ran into delays and will not be able to open those beds until May or June.

Director Crockett said there's a group actively working on trying to come up with what an appropriate continuum would be for that sector of the jail population in need of mental health services.

Commissioner Cogdell with respect to the Health Index said he supports Commissioner Murrey's comments regarding partnering with those in the Healthcare field and other organizations that work with specific populations.

Commissioner Cogdell with respect to the Trial Court Performance Index asked what was staff looking for to demonstrate the results. What criteria were being benchmarked to come to the conclusion that no results have been demonstrated. *Director Johnson said there were basically six areas where the funds were allocated out of the \$2.4 million. The biggest portion went towards the reorganization plan and when staff checks in with the respective court officials on implementation of various components of that plan for varying reasons there's a lag. Director Johnson said staff was looking for some type of progress or action that had been executed in some of these areas where funding was allocated.*

Commissioner Cogdell asked when was the first part of the \$2.4 million allocated. *General Manager Lancaster said the \$2.4 million was allocated by the Board in January of this year, 2009. General Manager Lancaster said she would love to see any movement on the use of those dollars that staff has not seen expended, especially in the District Attorney's Office. She said the Trial Court Index is a specific group of data that the Trial Court Administrator's Office identified as measures that should show us if the investment the County has made is making a difference around case disposition time. She said these were standards that they set for themselves and that they're not meeting any of those standards. General Manager Lancaster said she would get the Board the specific data regarding the entire index (Trial Court Performance Index) General Manager Lancaster said these were not things the County imposed upon the courts, but rather things the Trial Court Administrator's Office worked on with staff to say that according to industry best practices these were the things they should be doing.*

General Manager Lancaster noted that the measure is not directly tied to every component of funding for the court system.

General Manager Lancaster said the statement regarding no demonstrable results is related to the Trial Court Index.

Commissioner Clarke noted that the allocation of those funds was really not all Trial Court

Administrative requests. He said it was really the priority set by the Task Force. *General*

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Manager Lancaster said that was correct.

General Manager Lancaster reminded the Board that the \$2.4 million that's been discussed was not the total amount allocated to the court system, but it was an additional \$2.4 million.

Commissioner Leake said she would like to know how much of the \$2.4 million allocated for the Criminal Justice System has been spent. *General Manager Lancaster said staff would provide that information to the Board.*

Commissioner Leake asked about the Violent Crime Rate, the Domestic Violence Index and the Child Abuse Rate. *Director of Community Support Services Stacey Lowry said the components of the Domestic Violence Index are protective orders, youth risk behaviors, law enforcement, and a perpetrator or batterer number.*

Commissioner Leake asked for more clarity with respect to youth risk behaviors. *Director Lowry said the data comes from the Youth Risk Behavior Survey that's administered every other year to middle and high school students in Charlotte/Mecklenburg Schools (CMS). Further, that there are two questions included in the survey regarding domestic violence, those being whether the student has been a victim of physical violence and/or sexual violence. If a student answers positive, then they would be counted as part of the measure.*

Commissioner Leake asked why the survey was not administered on the elementary level. *Director Lowry said she didn't know why. She does know that it's a state administered survey.*

Health Director Wynn Mabry said it's possible that this was the population that CMS indicated they wanted to be surveyed.

Commissioner Leake asked what's done with the survey data once it's received. *Director Lowry said because the domestic violence index has been under development, thus far, the committee has determined that this will be one of the measures to track and to set targets for next year, this as well as the other components, in order to get a broader picture of how we measure the effectiveness as far as domestic violence and doing things to decrease it.*

Commissioner Leake asked in the years the survey has been administered and data gathered, what has been done to change behaviors. *Director Lowry said to her knowledge from the County's perspective nothing has been done with the data, but perhaps Charlotte/Mecklenburg Schools has. Director Lowry looked to Health Director Wynn Mabry for assistance in responding to this question.*

Health Director Mabry said this was an instance where the County's relationship with CMS is so "critical." He said a lot of these issues are basically conveyed to the school health program. He said from the Health Department's perspective once they get the new information and understand the trends that a joint meeting is held with the senior leaders of CMS, the Health Department, and Mental Health to discuss what the Health Department's analysis was.

Area Mental Health Director Grayce Crockett said the data was viewed also from a mental health perspective as it relates to the number of students that report being depressed and/or suicidal and that as a result, they have worked with CMS in conducting a campaign entitled "Ask Me How I Am." The goal of the campaign is to make sure that students know that it's okay to ask for mental health help and how to do it. Director Crockett said other things that have occurred is that a video was done in partnership with the Junior League entitled "Through My Eyes," which is part of a curriculum developed for ninth graders to help them understand mental health issues. She said there are also counselors in the school system and there will also be system of care intervention specialist that will be working in all of the Learning Communities to work with intervention teams to identify students that are at-risk to make sure they're getting appropriate services.

Commissioner Leake with respect to the Child Abuse Rate noted the information comparing the county with the state and asked for a breakdown with respect to race, gender, what section of the

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county was experiencing it more. *General Manager Lancaster said what's shown was all of the aggregate data that staff has but that staff would see what other data it may be able to provide as it relates to gender, age, etc.*

Commissioner Leake asked what constitutes Child Abuse, was it physical abuse, psychological or what specifically. *General Manager Lancaster said there's specific language in the law with respect to what's child abuse and that staff would provide that information.*

Commissioner Leake said her concern with respect to all of these matters is outcome.

Chairman Roberts noted that a lot of the measures were not things the County has control over. She said the County was part of the funding but not really part of the policy piece, thus it's challenging.

Chairman Roberts said the Board needs to assess whether its goals were realistically possible or just understand that when 2015 comes there still may be red lights, or should the goals be changed.

Chairman Roberts said the Board needs to ask itself as it goes into its Strategic Planning Conference and budget deliberations, how much are we stretching. What impact does it have on employees? Chairman Roberts said if you know that you're measured by, for example trial court performance, yet you don't really have any impact over what the state Administrative Office of the Courts says and the Chief Justice of the Supreme Court says and etc. She said how do you have real measureable results based on what we control in an environment that we know is broader.

Chairman Roberts asked for clarification on the components of the Domestic Violence Index, with respect to protective orders, law enforcement, and perpetrator which was explained by Director Lowery.

Chairman Roberts asked who was the County comparing itself to the state average. *Director Lowery and Helen Lipman with Community Support Services said the County was comparing itself to itself over time. Further, that there's no one else doing what Mecklenburg County was doing.*

Chairman Roberts said she would also like to receive more information regarding the Trial Court Performance Index.

Commissioner Dunlap asked about the renovation of the old courthouse. He said if we're basically operating the same number of courtrooms that were operated years ago, he thinks it would be a prudent use of resources to not renovate some of those existing courtrooms because as we grow instead of having two – three District Attorneys in a courtroom they would have one in a courtroom like they use to and convince the Administrative Office of the Courts to provide additional judges and you wouldn't really have a place to put them unless you put them in the old courthouse in the courtrooms that now exist. He said it wouldn't make sense to use that money to renovate.

Commissioner Dunlap asked whether the goals change with changes in the population. *Director Johnson said some do and some do not.*

Commissioner Dunlap said he concurred with Chairman Roberts that the Board may want to take a look at what its really asking staff to measure and determine if that's what it wants staff to do.

Commissioner Clarke said what the County was doing was measuring its own performance and also measuring where the community was relative to these measures. He said red lights sound

like a terrible thing, but that they tell you something, such as where we have work to do.

Commissioner Clarke with respect to the \$2.4 million allocated to the criminal justice system,

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said everyone was concerned about that and wants to know why it hasn't had some immediate effect but that's really not what the County was measuring. Further, the funds were allocated in January of this year, 2009 and that you really wouldn't have expected that the additional staff would be on board and able to begin to make a difference until at least six months after the funds were allocated. Thus, it's not even measureable in this year.

Commissioner Clarke asked was it correct that the Board was not really looking at the correct year when it comes to measuring the allocation of the \$2.4 million. *Director Johnson clarified that there are two pieces to this issue 1) there's been no progress on the Trial Court Performance Index, 2) there has been limited progress with regards to the spending of the \$2.4 million.*

Commissioner Clarke said spending the \$2.4 million sounds like it would be an easy thing to do, but that there's a state process that you have to go through, which can be difficult. Commissioner Clarke said it has to be kept in mind that there is no Mecklenburg County court system, that it's a state system.

Commissioner Clarke noted that one thing the Criminal Justice Committee was trying to come up with was a master agreement with the Administrative Office of the Courts, so that when the Board decides to put additional resources into the state court system, there is a pre-established procedure for that and that it's not a nod of approval process by the Administrative Office of the Courts each time.

Chairman Roberts asked would it require legislation. *Commissioner Clarke said it would not but it would be an agreement between the County and the Administrative Office of the Courts.*

The Board then participated in an exercise where they were asked to assign chips to specific program categories. Each Commissioner was allowed 28 chips.

Director of Budget/Management Hyong Yi explained the exercise. The Commissioners were instructed that if they could focus their energy on something or county government efforts on something, which program category or categories would they place their chips on.

When the Board completed the exercise, Director Yi went over the results. Director Yi said the results of the exercise tell staff what's important and what the Board wants staff to emphasize on. Director Yi said this information will help staff in developing information for the Board's Strategic Planning Conference.

Point of Personal Privilege

Commissioner Cooksey took a moment of personal privilege to respond to the County Manager's comments made at the beginning of the meeting regarding the e-mail about Mr. Lomax.

Commissioner Cooksey said he appreciated the County Manager's comments and his willingness to call Mr. Lomax to speak with him personally. Commissioner Cooksey said he thinks that addresses one of the grieved parties in this equation. He said it partially addresses another entity, the public at large. He said the public at large needs to know that the Board is accessible to them and is willing to listen to their concerns and grievances.

Commissioner Cooksey said he was the one who encouraged Mr. Lomax to come to the County Commission and speak his mind and that he encourages all citizens to do that when they have a concern.

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Commissioner Cooksey said he doesn't want anything in the County Manager's e-mail exchange to discourage any citizen from coming to the County Commission and speaking their mind.

Commissioner Cooksey said the third category of parties that he's concerned about is county employees. Commissioner Cooksey said county employees need to be encouraged and need to know that they have an avenue to express concerns about the way the County is managed. He noted that the County just set up an anonymous report line for those concerns to be expressed. He said staff has assured the Board that those concerns would be addressed appropriately.

Commissioner Cooksey said he would encourage the County Manager to reach out to the employees and reassure them that there's not retaliation for coming forward with concerns. He said he thinks this is an important message that should continue to be said.

Commissioner Cooksey thanked County Manager Jones for his opening comments, but that he can't help but emphasize that if wrong doing is seen on the part of other county employees that needs to be reported up through the chain and needs to be dealt with.

Commissioner Leake took a moment of personal privilege to respond to the County Manager's comments made at the beginning of the meeting regarding the e-mail about Mr. Lomax.

Commissioner Leake said her concern is that a lot of times there's a "witch hunt," meaning that people will perceive that there are problems when there are not. Commissioner Leake said "we can aggravate situations that are not there."

Commissioner Leake said she feels that if people are "big enough" to make a complaint or have an issue that they should sign their name. Commissioner Leake said anyone who doesn't sign their name is "file thirteen" for her. Commissioner Leake said when you have a large body of employees that everybody is never going to be "satisfied."

Commissioner Leake said she would hope that the Board would allow the County Manager to be the County's administrator and not "hold anything over his head," that would indicate that he then may be "strained" with, in dealing with issues, because of the perception something is going on when it really isn't.

Commissioner Leake said when change comes about "people always criticize and find something wrong."

Commissioner Murrey took a moment of personal privilege to respond to the County Manager's comments made at the beginning of the meeting regarding the e-mail about Mr. Lomax.

Commissioner Murrey said he agrees with Commissioner Cooksey that the message needs to "get out" that the Board is accessible, as well as, County staff and that there won't be retribution.

Commissioner Murrey said he appreciated the County Manager acknowledging his mistake and apologizing and speaking personally with Mr. Lomax. He said that was the right thing to do and that it shows good leadership. Further, that he appreciates that it won't happen again and that we all make mistakes from time to time and that this one, when you look in retrospect, it was. He said he feels the County Manager has taken the appropriate steps and that the Board should move on.

Commissioner Dunlap asked about the results of the survey and what does it mean for those program categories that received more or less chips and how that will impact the budget next

year. Director Yi said he couldn't answer that specifically at this time but that based on the exercise, that staff will go away with the impression that out of all of the program categories listed for Community Health and Safety, the three areas of emphasis for the Board are Adult Mental Illness Prevention and Protection, Jails and Detention Facilities, and Substance Abuse Prevention and Treatment.

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Commissioner Dunlap said the three program categories that received the most chips in his opinion could really be classified as one area because they're all interrelated. Thus, he would not want the Board to lose sight of some of the other areas that received lesser chips that may also be important.

This concluded the discussion.

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

ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner Leake and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, that there being no further business to come before the Board the meeting be adjourned at 4:55 p.m.

Janice S. Paige, Clerk

Jennifer Roberts, Chairman