

NOVEMBER 17, 2009

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Informal Session in the Meeting Chamber Conference Room of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 5:00 p.m. and in Formal Session in the Meeting Chamber of the Charlotte-Mecklenburg Government Center at 6:00 p.m. on Tuesday, November 17, 2009.

ATTENDANCE

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

Absent: None.

-INFORMAL SESSION-

The meeting was called to order by Chairman Roberts, after which the matters below were addressed.

(1) STAFF BRIEFINGS – NONE

(2A, B, C, D) CLOSED SESSION – A) BUSINESS LOCATION AND EXPANSION, B) LAND ACQUISITION, C) PERSONNEL MATTER AND D) CONSULT WITH ATTORNEY

Prior to going into Closed Session, Attorney Bethune announced the following Land Acquisition matter to be discussed in Closed Session:

Tax Parcels 080-063-01, 080-063-04, 080-063-08, 080-063-09, 080-063-10 and portions of 080-063-11 and 080-063-12 for approximately 2.5221 acres consisting of all tax parcels 080-021-08, 080-021-10, 080-021-11, 080-021-12, 080-021-13, 080-021-14, 080-021-15 and portions of 080-021-05 and 080-021-07 (or, in the alternative, for approximately 2.3858 acres consisting of all said properties except 080-021-10) all located in First Ward in Charlotte, Mecklenburg County.

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to go into Closed Session for the following purposes: A) Business Location and Expansion, B) Land Acquisition, C) Personnel Matter and D) Consult with Attorney.

The Board went into Closed Session at 5:11 p.m. and came back into Open Session at 7:05 p.m.

(3) REMOVAL OF ITEMS FROM CONSENT

The Board identified item(s) they wanted removed from consent and voted upon separately. The items identified were Items 10, 11, 15, and 16.

The Board then proceeded to the Meeting Chamber for the remainder of the meeting.

-FORMAL SESSION-

Invocation was given by Commissioner Bentley, which was followed by the Pledge of Allegiance to the Flag and introductions; after which, the matters below were addressed.

CITIZEN PARTICIPATION

AWARDS/RECOGNITIONS

(1B3) H. L. MCCROREY YMCA SENIOR AFRICAN DRUMMERS

The Board recognized and congratulated the H. L. McCrorey YMCA Senior African Drummers for receiving gold medals in the Silver Arts category of Performing Arts for the best large instrumental group in the State of NC regarding African drumming at the N.C. State Senior Games held in Raleigh, NC on September 25, 2009.

Commissioner Leake introduced the group.

The Board presented a Certificate of Achievement to the group, which was received by Deborah Scott, the group's leader.

Members of the group were present and rendered music.

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

PROCLAMATIONS AND AWARDS

(1A1) NATIONAL ADOPTION AWARENESS MONTH

Motion was made by Commissioner Cogdell, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to adopt a proclamation recognizing November 2009 as "National Adoption Awareness Month" in Mecklenburg County.

The proclamation was read by Commissioner Cogdell and received by Tamara Nelson with the Department of Social Services.

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

Commissioner Clarke left the dais and was away until noted in the minutes.

(1A2) HOMELESS AWARENESS MONTH

Motion was made by Commissioner Dunlap, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts

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voting yes, to adopt a joint proclamation designating November 2009, as “Homeless Awareness Month” in Charlotte/Mecklenburg County.

The proclamation was read by Commissioner Dunlap and received by Roxianna Johnson, Housing Resources Coordinator for Area Mental Health and chairperson of Homeless Services Network and Liz Clasen-Kelley with the Urban Ministry Center and Homeless Helping Homeless.

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

Commissioner Clarke returned to the dais.

AWARDS/RECOGNITIONS

(1B1) PARK AND RECREATION ACCREDITATION

The Board recognized the Park and Recreation Department for receiving Accreditation.

Director of Park and Recreation Jim Garges addressed the accreditation process.

Note: Accreditation is a distinguished mark of excellence that affords external recognition of an organization's commitment to quality and improvement. Accreditation has two fundamental purposes: to assure quality and to assure improvement. The National Recreation and Park Association administratively sponsor two distinct accreditation programs.

The Commission for Accreditation of Park and Recreation Agencies (CAPRA) provides quality assurance and quality improvement of accredited park and recreation agencies throughout the United States. CAPRA is the only national accreditation of park and recreation agencies, and is a valuable measure of an agency's overall quality of operation, management, and service to the community. Agencies accredited by the standards set forth by CAPRA have demonstrated not only that they meet the standards for a quality operation but also that they have the professional competence and commitment and the community support to complete the rigorous process of accreditation. Mecklenburg County Park and Recreation Department is one of only 88 recreation agencies in the U.S. to be accredited.

(1B2) PARK AND RECREATION ENVIRONMENTAL AWARD

The Board recognized the Park and Recreation Department for receiving the Barb King Environment Stewardship Award from the National Recreation and Parks Association (NRPA).

Director of Park and Recreation Jim Garges addressed the award.

Note: Mecklenburg County Park and Recreation Department became the first agency in America to win the Barb King Environmental Stewardship Award. This Award is presented by the National Recreation and Parks Association (NRPA). The Award recognizes outstanding efforts for environmental protection and energy-conservation.

COUNTY COMMISSIONERS REPORTS AND REQUESTS

(19) RECOGNITION OF THE BERLIN AIRLIFT AND THE UNIFICATION OF GERMANY (CHAIRMAN ROBERTS)

The Board received a presentation from the German business and cultural community recognizing the efforts of the United States of America during the Berlin Airlift and the

unification of Germany.

Note: The German business and cultural community in Mecklenburg County presented the Board tokens of appreciation from the German business and cultural community and all German citizens in Mecklenburg County.

(2) PUBLIC APPEARANCE

The following person appeared to speak during the Public Appearance portion of the meeting:

Christopher Harper addressed a program he's with called Job Exposure Talent & Training Institute (JETTI). Mr. Harper said JETTI began in 2002 to focus on brainstorming and mind mapping solutions to the community's educational challenges. Mr. Harper said JETTI believes based on all of its research and the things they've done, that the best way to take care of our students and address the problems in the educational system is through talent development coaching/talent development tutoring. He said it's academic tutoring with a twist. Mr. Harper said JETTI is currently in the process of raising funds to provide free talent coaching/tutoring to any student in the County regardless of where they go to school. Mr. Harper encouraged the Board to get involved with JETTI.

(3A) APPOINTMENTS

ADULT CARE HOME COMMUNITY ADVISORY COMMITTEE

Motion was made by Commissioner James, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to nominate and appoint Frances Huntley-Christopher to the Adult Care Home Community Advisory Committee for a one-year term expiring November 30, 2010.

She is replacing Carol Barry.

BUILDING DEVELOPMENT COMMISSION

Motion was made by Commissioner Clarke, seconded by Commissioner James and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to reappoint Trent Haston to the Building Development Commission as the National Association of Remodeling Industry representative for a three-year term expiring November 30, 2012.

HISTORIC LANDMARKS COMMISSION

The following persons were nominated for appointment consideration to the Historic Landmarks Commission:

Paula Lester
Raymond McGill
Michael Mulder
John Kenneth Pursley
Michael Schubert
Gerald Williams

Note: An appointment will occur on December 1, 2009.

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(3B) N.C. BLUMENTHAL PERFORMING ARTS CENTER BOARD OF TRUSTEES

Motion was made by Commissioner Leake, seconded by Commissioner Murrey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, James, Leake, Murrey and Roberts voting yes, to appoint Chairman Roberts as the Board member to serve on the N.C. Blumenthal Performing Arts Center (NCBPAC) Board of Trustees.

(4) PUBLIC HEARINGS – NONE

(5) ADVISORY COMMITTEE REPORTS – NONE

MANAGER'S REPORT

(6) MANAGER'S REPORT – REPORT AUDIT REVIEW COMMITTEE

County Manager Jones said his report would be the receipt of a report from the Audit Review Committee, per their meeting held today. He then called on Commissioner Murrey, chair of the Audit Review Committee.

Commissioner Murrey said the report would cover three areas: 1) The Single Audit Report by the County's outside Audit firm, Cherry, Bekaert and Holland, 2) Department of Social Services (DSS) Voucher Program and 3) the Giving Tree Program.

He then called on outside auditor Eddie Burke with Cherry, Bekaert and Holland to summarize the findings of the Single Audit. Mr. Burke was assisted by Collin Hill of his firm.

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

Comments

Commissioner Murrey asked was the following summary statements correct based on the larger report that was presented to the Audit Review Committee:

- There were some accounting issues that were not really material, that lead to some adjustments that were not material to the overall statements that they reported to the Board on.
- There were the previous issues that have been discussed extensively regarding DSS and disbursements.
- There was a new item that had to do with the Juvenile Crime Prevention Council Program that previously had been under the threshold that required monitoring, but is now above that threshold and requires monitoring but unfortunately that monitoring was not written into the contract once the amount crossed over the threshold.

Mr. Burke said Commissioner Murrey's statements were correct.

Commissioner Murrey thanked the Auditors for their work.

Commissioner Leake asked for clarity with respect to the WIC Program. Mr. Burke addressed the receipt of WIC funds by the County and how those funds are monitored. He also addressed their findings with respect to WIC funds.

Commissioner Leake asked about the findings with respect to disbursements. *The response was that the issue had to do with timing as it relates to compliance with policy.*

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Commissioner Cooksey asked how many areas of the County were authorized to make disbursements. *Finance Director Dena Diorio said the County has one checking account to make disbursements from and the Sherriff's Office has its own checking account.*

Commissioner Cooksey asked was it correct then that all disbursements go through County Finance. *Finance Director Diorio response was yes, all checks are cut by Finance.*

Commissioner James addressed cash receipts and disbursements across the county.

Commissioner James said he doesn't know how many other areas of the County have finance departments, but his understanding is that staff will be reporting on this in the near future.

Commissioner James said he thinks it's important for the public to understand that the County's review of cash receipts and disbursements goes beyond DSS. Also, that the County is following the external auditor's recommendation that it be reviewed from a county-wide perspective.

Commissioner James asked was it correct the County only has one checking account but there are a variety of departments that aren't necessarily under the control of Finance Director Diorio that make disbursements. *Finance Director Diorio said with respect to DSS, they had their own checking account but that has since stopped. She said in terms of processing disbursements, the County is decentralized in that area. For example, individual departments have their own finance functions, where they buy goods or services, they receive the invoices, process them, and send them to County Finance for approval and payment.*

Commissioner Murrey noted for the record that the Audit Review Committee accepted the Auditor's Report and Management's response.

Commissioner Murrey then called on Internal Audit Director Cornita Spears to report on the Youth and Family Services Voucher audit, a follow-up to a previous audit that was performed.

Internal Audit Director Cornita Spears addressed the scope of their audit and the findings.

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

Comments

Commissioner Murrey asked was it correct in terms of the Voucher program at this point, that everything has been reviewed and there was some bookkeeping that wasn't as good as it could have been, but no misappropriation of funds has been found. Also, that the Voucher program has been stopped. *The response was yes, that's correct.*

Commissioner Murrey then asked Director Spears to comment on the report/information given at the Audit Review Committee meeting regarding the Giving Tree Program.

Director Spears referenced a memorandum dated November 17, 2009, addressed to General Manager Michelle Lancaster regarding follow-up and clarification to the June 4, 2009 audit report, per a request from General Manager Lancaster. The following was noted and is included in the memorandum:

- "In its review, Internal Audit performed a reconciliation of \$162,289.74 in checks issued February 5, 2008 through December 23, 2008 to documents submitted by the employee as support for the expenditure of funds. The reconciliation disclosed a difference of \$23,310.90."
- "Documentation review indicates three official checks and cash, all totaling \$33,776.23, were remitted to the County in February and March 2009."
- "The employee indicated the payments were to return monies that were unspent; pay for

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personal purchases that were inadvertently included amongst receipts dated as far back as March 2008; and reimburse the ...”

- “According to the employee, the unspent funds that were remitted included \$10,000 for the check issued by the County on December 19, 2008, and an additional \$10,000 for the check that was issued by the County in January 2009 subsequent to the audit period.”
- “While Internal Audit adjusted out all items that were marked as personal when we did the audit so that the totals were comprised only of those transactions which were deemed business related by the purchaser, we did not apply the reimbursements received to the reconciling difference. Application of the payments results in a full accounting of the \$162,289.74 through either documentation or remitted funds.”
- “As a matter of clarification, our audit accounted for the \$30,000 donated to Salvation Army via documentation from the agency, but was unable to provide assurance to which the remaining funds were expended for the purposes intended or the extent to which misappropriation may have occurred due to the concealment and alteration of transactional information, unavailability of original receipts, inadequate control over the purchasing and inventory processes, and insufficiencies in recordkeeping.”
- The funds that were reimbursed by the employee do not impact the audit outcome.”

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

Director Spears concluded by saying the purpose of the memorandum was to inform the Board that as a result of information received last week, Internal Audit has gone in and reviewed its work and has adjusted the reconciling difference; and as a result of the reconciling difference, Internal Audit can now say it has an accounting of the dollars, but that overall Internal Audit still has issues relating to the documents that were submitted in support of the expenditures that were made to the various vendors.

Comments

Commissioner Murrey asked was it correct that the repayment occurred in February and March of this year. *The response was yes.*

Commissioner Murrey questioned why the statement was made that it was not until last week that this information became known to Internal Audit. *The response was that there was a clarification of those payments. Further, that when Internal Audit received this information they were informed that everything that had been repaid was for the repayment of personal purchases, and all those items had been denoted in the documentation they received. When Internal Audit went in to do their work they adjusted the transactions for all of the items that were denoted as personal purchases. When they received the information last week it was a “little bit” different. Director Spears said she then went back to revisit to make sure everything balanced and that when they did go through and add up all of the adjustments they had made to make sure it balanced out and it did not.*

Commissioner Murrey said as chair of the Audit Review Committee, he has to inform the Board that Director Spears’ conclusion that no material difference in the outcome of the audit is very different from the conclusion of the Audit Review Committee.

Commissioner Murrey for clarity purposes asked was it correct that there was \$162,000

disbursed to an employee and due to the suspicious nature of some of those transactions the audit was undertaken to review all of those disbursements. *The response was yes, that’s correct.*

Commissioner Murrey asked was it correct that at this point all of that money is accounted for. *The response was yes, that’s correct.*

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Commissioner Murrey asked was it correct that the report made by Internal Audit six months ago stating that the money was not accounted for was due to a failure to account for those repayments back in February and March. *The response was yes, that's correct, based on the information received today.*

Commissioner Murrey said thus, it was an error in the accounting in the analysis that lead the Board to report to the public that \$23,000 of that \$162,000 was in fact missing or unaccounted for when in fact that was never actually the case.

Commissioner Murrey asked if all of the big ticket items that have been previously reported on, such as, the DVD player, diamond earrings, leather jackets that were purchased for graduation presents for foster children and the like, that all of those items have been accounted for as well and are in the custody of the County. *Director Spears said that's her understanding. County Manager Jones' response was yes.*

Commissioner Murrey said the Audit Review Committee is “pretty disappointed” that this has happened.

Commissioner Murrey said he hopes Director Spears understands and Internal Audit as a whole, how significant this accounting error is. He said he realizes \$23,000 in the scope of a large budget may not seem like much, but when you have a previous report that states \$23,000 couldn't be accounted for and ended up “dragging” DSS and County government through a lot of scrutiny based on that, it's not a small matter.

Commissioner Murrey said the competency of DSS and the County's stewardship of public funds were called into question by the public and “rightly so.”

Commissioner Murrey said to find out now that this was never the case (unaccounted for funds) is sort of a “mixed blessing.” Commissioner Murrey said he's happy to report that after a thousand + hours of work that the funds are all accounted for and that appropriate authorities are pursuing an investigation of the only suspicious activity that was identified. He said the audit findings have been turned over to the authorities, the Charlotte/Mecklenburg Police.

Commissioner Murrey said he can't help but be “baffled” by Internal Audit's erroneous report. Commissioner Murrey said one finding that came out of the audit was that more staff was needed in Internal Audit. He said the County needs to have oversight and audits and needs to continue to improve, but “if we're going to cite County departments for mismanagement, we better be darn sure we got it right.”

Commissioner Murrey said when “wrong doing occurs we have to unearth it and provide transparency and clarity” and although the County has been making every effort to be transparent about this matter, he's afraid that what has happened is that the public has been made more confused; and it has further jeopardized their faith in County government.

Chairman Roberts asked since there is still an on-going investigation around the Giving Tree Program, can staff address the amounts of those checks and the amount of that cash and how that was reconciled. *Deputy County Attorney Tyrone Wade said it would not be appropriate to specify on the amounts, other than what has already been made available to the public.*

Commissioner Bentley said she shares the concerns expressed by Commissioner Murrey and is also disappointed that this new finding was not known until now. Commissioner Bentley said she doesn't understand the internal process that would allow this type of occurrence to happen.

Commissioner James said the Board is trying its best to get to the core of this issue.

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Commissioner James said it's not enough to just say the money was missing and it was repaid, because ultimately what has to be fixed is "why it was allowed to go missing in the first place."

Commissioner James said he is hopeful with the change in the control environment and the review of all cash receipts and disbursements that the County will be in a position to have some concrete answers and some concrete changes to how the County does business.

Commissioner Cooksey said he had a suggestion to propose to the Board that would hopefully help restore public confidence in the way the County does its business; but that first he would like to address the e-mail exchange from one of his constituents.

Commissioner Cooksey said recently there was an article in the newspaper concerning an e-mail that one of his constituents (Harry Lomax) sent regarding concerns he had around this DSS matter. Commissioner Cooksey said Mr. Lomax's e-mail was forwarded to his employer (Bank of America) by the County Manager asking the official to whom he sent the e-mail, if they knew who Mr. Lomax was.

Commissioner Cooksey said without further information it's impossible to determine the County Manager's motivation in sending that e-mail. Commissioner Cooksey said you can only speculate.

Commissioner Cooksey acknowledged that the County Manager has appropriately and properly apologized for sending the e-mail to Mr. Lomax's employer. However, Commissioner Cooksey said it remains a fact that there are a lot of issues coming out of DSS. Commissioner Cooksey said he, as well as other commissioners have received numerous anonymous letters and e-mails from persons claiming to be current and former employees of DSS concerning alleged improprieties in DSS under the tenure of the current DSS director Mary Wilson and prior to her arrival.

Commissioner Cooksey said from the number of complaints received, he feels many employees feel threatened or frustrated from asserting their complaints under the existing channels available to them.

Commissioner Cooksey said based on the report regarding the Giving Tree Program, there appears to be a lack of coherence and a lack of unified direction in investigations within the County. Commissioner Cooksey said the County has many people working in those directions but no single person in charge of those investigations.

Commissioner Cooksey said in light of these facts, he has drawn the following conclusions:

- The County Manager did not engage in a "witch hunt" to find the identity of Mr. Lomax , but regardless of the County Manager's motivation, it was wrong of the County Manager to forward Mr. Lomax's e-mail to his employer.
- The County Manager has apologized to Mr. Lomax, which was accepted by Mr. Lomax, and likewise, so should the Board.
- The County Manager's action of forwarding the e-mail has aspirated fear among employees that their complaints will not be properly investigated and that they may be subject to retaliation.
- The entire DSS situation continues to cause the citizens of Mecklenburg County to have doubts as to whether their tax dollars are being spent appropriately.
- Given these developments, the County has much work to do to restore the confidence of citizens and its employees.
- In many ways the County has acted appropriately. (Actions taken were noted.)
- The problem remains that these investigations have not been conducted in a coherent and unified manner. Further, there's no single person responsible for conducting investigations and reporting the results of those investigations to the Board.

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Commissioner Cooksey said given the points he outlined, he would like to propose consideration of establishing an ethics officer position that would report directly to the Board. The ethics officer's job would be to investigate and make a report of all allegations concerning abuse of the public's trust.

Motion was made by Commissioner Cooksey, seconded by Commissioner James, to adopt the following:

Whereas, recent financial irregularities in the Department of Social Services and the County's handling thereof have shaken the public's confidence in the County's handling of their tax dollars;

Whereas, it appears that there is reluctance on the part of some employees of Mecklenburg County to report concerns through the regular channels;

Whereas, the Board of Commissioners deems that it is of utmost importance that the citizens of Mecklenburg County have confidence that their tax dollars are spent wisely and that the affairs of government are run properly;

Whereas, the Board of Commissioners encourages all employees to report allegations of the misuse of County funds or other irregularities, and reaffirms its commitment that no employee should be retaliated against for doing so;

Whereas, the Board of Commissioners desires to have the Effective and Efficient Government Committee review the County's policies and procedures for handling "whistleblower" complaints and to make recommendations to the Board regarding the improvement of the same; and

Whereas, the Board of Commissioners desires to explore the possibility of appointing an Ethics Officer for the County.

Now Therefore, Be It Resolved, that the Effective and Efficient Government Committee address and consider the following issues and make a report and recommendations to the Board with respect thereto within eight (8) weeks of the date of this resolution:

1. The encouragement of reports to the Ethics Hotline and other methods of reporting potential ethics violations;
2. The handling of reports of ethics violations, including reports on the Ethics Hotline.
3. Designation and responsibilities of the Ethics Officer
4. Reporting relationship of the Ethics Officer
5. Resources available to the Ethics Officer

Commissioner Cooksey said his thoughts (which were not a part of the motion) with respect to the Ethics Officer would be as follows:

- The Ethics Officer should report directly to the chairman and the ranking member of the ethics committee.
- With the consent of these two members, the Ethics Officer would have authority to engage appropriate County or outside resources to conduct investigations.
- Although the Ethics Officer may delegate all or a part of investigations to others, the Ethics Officer would be ultimately accountable to ensure that the investigations have been conducted fairly and professionally.
- The selection in terms of employment of the Ethics Officer would be established by the Board.
- The Ethics Officer would periodically report its findings to the Ethics Committee, which would in its discretion, refer matters to the Board.

Commissioner Cooksey said he believes these steps are necessary to restore the public's trust and confidence in the efficiency and effectiveness of Mecklenburg County Government.

Commissioner Clarke said he thinks it's a good suggestion. He noted that it may cost somewhere

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in the range of \$150,000 to \$250,000 to add the position to the County's budget.

Commissioner Clarke noted that one of the problems the Board has is how to handle anonymous e-mails and letters that allege a lot of improprieties and state a lot of conclusions about peoples actions that are difficult to investigate or talk to the person about because you don't know who to respond to. Commissioner Clarke said hopefully an Ethics Officer would have the ability to investigate and respond.

Commissioner Clarke said he supports sending it to the Effective and Efficient Government Committee.

Commissioner Cogdell posed the question of whether the Board was "over reacting" or responding to something that does not need this degree of response. Commissioner Cogdell said he doesn't feel that he's heard anything to justify taking this type of action at this point.

Commissioner Cogdell noted that he too is disappointed regarding the recent discovery with respect to the unaccounted for funds. He said the Board should have found out about this months ago. Commissioner Cogdell said it's unfortunate and inexcusable, but none the less, when you put it into perspective, he feels the Board is responding to something because of the sensationalized media coverage of the Giving Tree Program incident.

Commissioner Cogdell said he thinks things should be kept in perspective. Also, that he has not seen evidence of pervasive unethical behavior in County Government as an organization. He said that's not to say the County can't be proactive in looking at a position of this nature, but he doesn't want it to be under the context that things are "so wrong" in County government.

Commissioner Murrey said he doesn't think the problem is necessarily one of a lack of ethics but rather a lack of compliance. Commissioner Murrey said the focus needs to be on how to handle lapses in compliance.

Commissioner Dunlap said he's not sure if an Ethics Officer is needed, because he concurs with Commissioner Murrey that the issue the County has is not one of ethics but of compliance.

Commissioner Dunlap said it is however a discussion worth having in terms of how to restore the public's confidence in how the County does business.

Substitute motion was made by Commissioner Dunlap, seconded by Commissioner Cooksey, to refer to the Effective and Efficient Government Committee consideration of steps necessary to restore public confidence in the ethics and competence of Mecklenburg County Government.

Commissioner Cogdell said the wording of the substitute motion implies that there's not public confidence in Mecklenburg County Government, which he disagrees with.

Commissioner Cogdell offered a friendly amendment to the substitute motion, which was accepted by the makers of the substitute motion, that it be worded to say ... steps necessary to address issues of public confidence, rather than to restore public confidence.

The vote was then taken on the substitute motion, which read as follows:

Substitute motion was made by Commissioner Dunlap, seconded by Commissioner Cooksey and unanimously carried with Commissioners Bentley, Clarke, Cogdell, Clarke, Dunlap, James, Leake, Murrey, and Roberts voting yes, to refer to the Effective and Efficient Government Committee consideration of steps necessary to address issues of public confidence in the ethics and competence of Mecklenburg County Government.

Note: The above is not inclusive of every comment regarding this item but is a summary.

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Commissioner James left the meeting and was absent for the remainder of the meeting.

County Manager Jones said staff made an unacceptable error, which he, too, just became aware of on yesterday. He said he's disappointed that this error was not caught earlier, because as a result, for the last six months the County has been ostracized, criticized and vilified. County Manager Jones said he was surprised to learn what he did from the Internal Audit Department and as County Manager his job is to work in such a way that he fixes the problems. He said he feels that's the expectation that the Board has of him.

County Manager Jones said the whole DSS issue has totally preoccupied management. He said it has forced him, his staff, County Finance, and others to focus their attention on that issue and ignore other critical issues.

County Manager Jones noted that a month ago the Board approve his management plan for next year, but that at this point, he's thinking that he may need to bring it back to the Board to say that he doesn't see how he can achieve any of those goals in the fashion that he should in light of the time that has been spent on DSS.

County Manager Jones concluded his remarks by saying "who does not want ethics in government." "Who does not want the citizens of this community to have confidence in what you do." He continues to believe that "we're working to achieve our goal, our mission, which is to be the best local government service provider; and we do "darn" good jobs." "We're the best in the country at flood mitigation." "We're the best in the country at greenways." He believes that "we are the best in the country at transparency in government, in spite of the criticism that we get."

County Manager Jones said Mecklenburg County has competent, professional, and committed staff.

CONSENT ITEMS

Motion was made by Commissioner Murrey, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to approve the following item(s) with the exception of Items 10, 11, 15, and 16:

(7) APPROVAL OF MINUTES

Approve minutes of Regular Meeting held November 4, 2009; Budget/Public Policy held October 13, 2009; and Closed Sessions held November 4, 2009, October 6, 2009, and July 7, 2009.

(8) STRUCTURED DAY PROGRAM BUDGET AMENDMENT (INCREASE)

Recognize, receive and appropriate \$34,598 in additional state funding for the Structured Day Program (SDP).

Note: Funds will be used to expand housing options, educational and vocational opportunities and psychiatric services for offenders. The Structured Day Program is a day reporting center for probationers residing in Mecklenburg County.

(9) RECORDS RETENTION AND DISPOSITION SCHEDULE – SHERIFF'S OFFICE

Approve Records Retention and Disposition Schedule Amendment for County Sheriff's Office.

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Note: The North Carolina Department of Cultural Resources has revised the records retention schedule for the Sheriff's Office specifically related to the retention of Sexual Offender Records (see table below). The Board is required to approve and sign off on the new schedule.

Sexual Offender Record	Current Retention	Proposed Retention
Records concerning sexual offenders living within jurisdiction	a) Destroy in office records of persons registered in the "Sex Offender and Public Protection Program" after court petition and review by the State, or when individual is known dead or moves from jurisdiction. b) Destroy in office records of persons registered in the "Sexually Violent Predator Program" when individual is known dead or moves from jurisdiction.	a) Destroy in office records of persons registered in the "Sex Offender and Public Protection Program" after court petition and review by the State, or after 30 years or length of court order, whichever is greater , or when individual is known dead. b) Destroy in office records of persons registered in the "Sexually Violent Predator Program" when individual is known dead or after 90 years .

(12) LITTLE SUGAR CREEK ACQUISITION IN PINEVILLE

Accept non-warranty deed from W.A. Yandell Rental & Investment Company for Tax Parcels 221-093-96, 221-091-98 and 221-091-09 (3.783 total acres) on Little Sugar Creek for a purchase price of \$5,000 instead of the previously approved purchase price of \$8,000.

(13) FLOODPLAIN LAND ACQUISITION – SHANNONHOUSE DRIVE

Authorize County Manager or his designee to execute an "OFFER TO PURCHASE AND CONTRACT & ADDENDUM" from National Default Servicing, LLC authorized Servicer for the property owner of 1744 Shannonhouse Drive, PID# 099-084-26 in the amount of \$9,500.

Note: This action is necessary to acquire a vacant lot in the Briar Creek floodplain, which is in the vicinity of numerous other properties acquired by the County or pending acquisition. This acquisition would mitigate future flood loss, increase open space, and provide opportunities to improve water quality through stream restoration and water quality features, and prevent any redevelopment on the lot within the floodplain.

(14) TORRENCE CREEK RESTORATION – FUNDING AMENDMENT

1. Amend budget for grant from the North Carolina Clean Water Management Trust (NCCMT) to reflect actual allocation.

2. Adopt *Torrence Creek Restoration Project Capital Project Ordinance*.

Ordinance recorded in full in Minute Book 44-A, Document # _____.

THIS CONCLUDED ITEMS APPROVED BY CONSENT

Commissioner Murrey left the dais and was away until noted in the minutes.

(10) ENERGY SERVICE COMPANY SELECTION

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to approve the policy to select Energy Service Companies for County projects.

Note: The purpose of this policy is to establish a process and committees for the selection of Energy Service Companies that can be utilized on current and future energy saving projects.

Commissioner Leake removed this item from Consent for more public awareness.

Policy recorded in full in Minute Book 44-A, Document # _____.

(11) JEFF ADAMS TENNIS CENTER COURT SURFACING GRANT APPLICATION

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 7-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, and Roberts voting yes, to approve application to the United States Tennis Association (USTA) for grant funding in an amount up to \$20,000 for court resurfacing and lining at the Jeff Adams Tennis Center, and if awarded, recognize, receive and appropriate the award.

Commissioner Leake removed this item from Consent for more public awareness.

Commissioner Murrey returned to the dais.

(15) PRISONER TRANSPORT BUS/VANS AND CARGO VANS PURCHASE – SHERIFF’S OFFICE

Motion was made by Commissioner Leake, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to approve unit price contracts for providing Prisoner Transport Bus/Vans and Cargo Vans based on appropriated funding through the American Recovery and Reinvestment Act (ARRA) of 2009 to the Sheriff’s Office department for a one-time purchase.

Commissioner Leake removed this item from Consent for more public awareness.

(16) NC DEPARTMENT OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION – JCPC FUNDING

Motion was made by Commissioner Leake, seconded by Commissioner Bentley and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey, and Roberts voting yes, to recognize, receive, and appropriate grant award from the NC Department of Juvenile Justice and Delinquency Prevention to the Mecklenburg County JCPC for the Gang of One Program.

Commissioner Leake removed this item from Consent for more public awareness.

Commissioner Leake requested a report on the Gang of One Program.

STAFF REPORTS AND REQUESTS

(17) MEDIC JOINT UNDERTAKING AGREEMENT

Motion was made by Commissioner Bentley, seconded by Commissioner Cogdell and carried

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8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a resolution approving the changes to the organizational documents as outlined in the attached Exhibit A, Summary of Primary Changes to Organizational Documents, and authorizes the County Manager to execute Amended and Restated Agreements which incorporate the changes outlined in the Summary of Primary Changes to Organization

Documents as follows:

(1) The Amended and Restated Joint Undertaking Agreement between Mecklenburg County and the Charlotte-Mecklenburg Hospital Authority;

(2) Approval of the Amended and Restated Affiliation Agreement between The Charlotte-Mecklenburg Hospital Authority and Novant Health Southern Piedmont Region, LLC (f/k/a Presbyterian Health Services Corporation); and

(3) The Amended and Restated Emergency Medical Services Agreement between Mecklenburg County and Mecklenburg Emergency Medical Services Agency, including changes to the EMS Performance Specifications (Exhibit A to the Emergency Medical Services Agreement).

Resolution, including Exhibit A recorded in full in Minute Book 44-A, Document # _____.

General Manager Michelle Lancaster, MEDIC director Joe Penner, and MEDIC attorney Mr. Pat Kelly presented this matter to the Board.

(18) FIRST WARD PARK LAND EXCHANGE

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, to adopt a resolution of intent to exchange approximately 3.0495 acres consisting of all of Tax Parcels 080-063-01, 080-063-04, 080-063-08, 080-063-09, 080-063-10 and portions of 080-063-11 and 080-063-12 for approximately 2.5221 acres consisting of all tax parcels 080-021-08, 080-021-10, 080-021-11, 080-021-12, 080-021-13, 080-021-14, 080-021-15 and portions of 080-021-05 and 080-021-07 (or, in the alternative, for approximately 2.3858 acres consisting of all said properties except 080-021-10) all located in First Ward in Charlotte, Mecklenburg County.

County Attorney Bethune addressed this matter.

Resolution recorded in full in Minute Book 44-A, Document # _____.

COMMISSION COMMENTS – General comments were made at this time by various Commissioners regarding upcoming events and/or events they attended, as well as, other matters which they deemed note worthy.

ADJOURNMENT

Motion was made by Commissioner Cogdell, seconded by Commissioner Dunlap and carried 8-0 with Commissioners Bentley, Clarke, Cogdell, Cooksey, Dunlap, Leake, Murrey and Roberts voting yes, that there being no further business to come before the Board that the meeting be adjourned at 10:48 p.m.

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Janice S. Paige, Clerk

Jennifer Roberts, Chairman