

APRIL 26, 2010

MINUTES OF MECKLENBURG COUNTY BOARD OF COMMISSIONERS

NORTH CAROLINA
MECKLENBURG COUNTY

The Board of Commissioners of Mecklenburg County, North Carolina, met in Special Session in Conference Center Room 267 of the Charlotte-Mecklenburg Government Center located at 600 East Fourth Street at 7:30 a.m. on Monday, April 26, 2010.

ATTENDANCE

Present: Vice-Chairman Harold Cogdell, Jr. and Commissioners
Dumont Clarke, Neil Cooksey, George Dunlap and Daniel Murrey
General Manager Michelle Lancaster
County Attorney Marvin A. Bethune
Clerk to the Board Janice S. Paige

Absent: Chairman Jennifer Roberts and Commissioners Karen Bentley, Bill James,
and Vilma Leake

Also Present: State Representatives Jim Gulley, Tricia Ann Cotham, Becky Carney, Beverly Earle, Kelly Alexander, and Thom Tillis; State Senators Daniel Clodfelter, Charlie Dannelly, Malcolm Graham, and Robert Rucho

The meeting was called to order by Vice-Chairman Cogdell.

The Board met with members of the Mecklenburg County State Legislative Delegation. The purpose of the meeting was to discuss the County's Legislative Agenda and the 26th Judicial District Legislative Agenda.

Note: Prior to the legislative agenda presentations, the Delegation received an overview of the County's budget.

(1) COUNTY BUDGET OVERVIEW

Budget/Management Director Hyong Yi gave an overview of the County's FY10 and FY11 budget. The following was addressed:

- The budget from a historical perspective
- The impact of the recession on the County's budget
- The County's response to the impacts of the recession
- The County's budget outlook going forward.

There were no comments or questions asked.

(2) COUNTY LEGISLATIVE AGENDA

Assistant to the County Manager Brian Francis presented the County's Legislative Agenda. The specific Bill Requests were as follows:

1. Expand the membership of the Board of Equalization and Review to 15 members and make other changes to make the property tax appeal process more efficient. *(No comments or questions were asked.)*

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2. Grant Mecklenburg County the same authority previously granted to the cities of Raleigh and Winston Salem to enter leases of greater than 10 years when contracting for energy efficiency equipment. *(No comments or questions were asked.)*
3. Restore Charlotte Mecklenburg Library's status as an entity that is eligible to receive state sales tax refunds. *(No comments or questions were asked.)*
4. Allow Mecklenburg County to maintain local EMS protocols which reflect the best practices in emergency medical care. *(No comments or questions were asked.)*
5. Restore State-Aid to Counties for Department of Social Services. *(No comments or questions were asked.)*
6. Restore Funding cuts to Area Mental Health and reform the distribution formula for Mental Health funds. *(No comments or questions were asked.)*
7. Restore per diem payment for state prisoners housed in county jails. *(No comments or questions were asked.)*
8. Allow Mecklenburg County to publish names of delinquent taxpayers on its website in lieu of purchasing a newspaper advertisement.

Comments: Representative Kelly Alexander said a similar statewide measure failed in the long session. He said it was primarily opposed by the newspaper industry, especially those in smaller counties. Representative Alexander asked how the County would anticipate overcoming similar local opposition. Assistant Francis said it's not anticipated that the Press Association would be in support of this, but he hoped the Delegation would have this discussion with them nonetheless. Assistant Francis said with respect to the smaller counties, Mecklenburg County would be open to having the proposed legislation applicable to counties with a population of 900,000 or more.

Representative Alexander asked about the County's cost to advertise. Assistant Francis said he didn't have that information but would get it and share it with the Delegation.

Representative Thom Tillis said he tried to help put forth legislation similar to this in the past. He suggested staff meet with the Press Association and Charlotte Observer officials, if it wanted to proceed with this. Representative Tillis said the Press Association and the Charlotte Observer were suppose to have a task force looking into this matter to come up with a solution, but he's not sure where they were in that process.

9. Support legislation that provides incentives to local governments that develop Regional Planning Organizations.

Comments: Representative Kelly Alexander said there's a bill coming out of the Infrastructure Study Committee that specifically deals with regional structures, incentives and support. He suggested the County look into this.
10. Unfreeze magistrate positions to allow for the hiring of a magistrate in North Mecklenburg. *(No comments or questions were asked.)*
11. Restore funding for NCADAP (North Carolina AIDS Drug Assistance Program) *(No comments or questions were asked.)*
12. Support the request of the Charlotte Mecklenburg Board of Education for local flexibility regarding staff spending and the school calendar. *(No comments or questions were asked.)*

General Policy Positions

1. Support legislation that grants greater flexibility to counties.
2. Oppose legislation that restricts county flexibility.
3. Oppose legislation that creates unfunded mandates to counties.
4. Oppose legislation that shifts costs from state to county government.

(No comments or questions were asked.)

Commissioner Cogdell addressed restoring funding cuts to Area Mental Health and reform the distribution formula for Mental Health funds. He noted the County's contribution versus others in the state and where the County falls as far as funding received from the state.

Commissioner Cogdell addressed restoring funding for NCADAP (North Carolina AIDS Drug Assistance Program).

This concluded discussion of the County's Legislative Agenda. No action was taken or required.

(3) 26TH JUDICIAL DISTRICT LEGISLATIVE AGENDA

Trial Court Administrator Todd Nuccio presented the 26th Judicial District Legislative Agenda. The following was covered:

- Allocation of General Fund Appropriation, 2008-2009
- N.C. Quick Facts
- Mecklenburg Quick Facts
- Innovations that Improve Justice
- Statutory Requests
 - Judicial Selection
 - Magistrates
 - Establish Chief Magistrate Position
 - Juror Counseling
 - Structured Sentencing
 - Sex Offender Violation
 - Financial
 - Salaries
 - Juvenile Age
 - Juvenile Record
- Previous Allocation of Positions
- Programs Under Stress

A copy of the report, which outlines the details of the requests, is on file with the Clerk to the Board.

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

Comments

District Attorney Peter Gilchrist with respect to Judicial Selection addressed the need for merit selection. District Attorney Gilchrist said "we've got to get good, competent lawyers serving as judges in our district and superior court."

District Attorney Gilchrist spoke in opposition to raising the juvenile age and addressed the impact this would have on the judicial system.

Commissioner Dunlap with respect to Judicial Selection said he would be concerned about diversity on the bench if you go to a "supposedly" merit based selection. Commissioner Dunlap said there was no way to determine that one was better than the other. Commissioner Dunlap said "you could come

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up with a group of people and say select from among this group. They're all qualified." He said this might be a better process. Commissioner Dunlap said a truly merit based selection process would definitely be subjective.

Commissioner Dunlap said another point, based on the presentation, was "to suggest that the uninformed electorate makes that decision today, says a lot about the people who vote." Commissioner Dunlap said you're asking people who were selected by that "uninformed" voter, to now suggest that the selection be merit based. Commissioner Dunlap said "something doesn't seem right about that." Commissioner Dunlap said he was not suggesting there wasn't a better way, but it was just the way that this was presented.

Judge Richard Boner with respect to Judicial Selection said statistically it's been shown that most people that go out and vote "have no idea who they're voting for." He said there's a significant fall off when you look at the election results between the races for governor, U.S. senate, president, etc. to the judicial election. He said a lot of people just don't vote.

Judge Boner said there's really no way for people to become informed. He said the publicity on judicial races was very low key, if there was any publicity. He said judicial candidates can't campaign like "regular politicians." He said they can't go out and take positions on issues because the ethical canvass that governs judicial officials and candidates prohibits them from doing that. Judge Boner said they no longer have political party affiliation.

Judge Boner said qualified people were needed to do the job, "qualified by their education, training, and experience and not somebody who was basically the better politician of the folks on the ballot."

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

State Senator Rucho left the meeting and was absent for the remainder of the meeting.

Judge Lisa Bell said it didn't have to be "this extreme or the other extreme." She said you don't have to have a pure electoral system or a strictly appointment system. Judge Bell addressed how a seat was filled when created by the General Assembly. She also addressed how a federal magistrate was selected, which she said was a selection system the state court could benefit from. Judge Bell said in addition to that, you could consider a retention election. She explained what that was.

This concluded the discussion. No action was taken or required.

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

Vice-Chairman Cogdell thanked the Delegation for its attendance.

ADJOURNMENT

There being no further business to come before the Board the meeting was declared adjourned at 9:03 a.m.

Janice S. Paige, Clerk

Harold Cogdell, Vice-Chairman