

DURHAM CITY COUNCIL WORK SESSION
Thursday, May 23, 2019 @ 1:00 p.m.
2nd Floor Committee Room – 101 City Hall Plaza

The Durham City Council held a Work Session on the above date and time in the City Council Committee Room located at 101 City Hall Plaza with the following members present: Mayor Steve Schewel, Mayor Pro Tempore Jillian Johnson and Council Members Vernetta Alston, Javiera Caballero, DeDreana Freeman, Mark-Anthony Middleton and Charlie Reece. Absent: None.

Also present: City Manager Tom Bonfield, Interim City Attorney Kimberly Rehberg and City Clerk Diana Schreiber.

Mayor Schewel called the meeting to order and welcomed all in attendance.

Kevin Lilley of General Services explained to Council the need for the Committee's Room new microphone system and how to use it.

[ANNOUNCEMENTS BY COUNCIL]

Mayor Schewel asked for announcements by Council.

Council Member Caballero stated that she and Council Member Reece attended the 'Fight for Fifteen' March and acknowledged that Presidential candidate Julian Castro came to visit Durham.

Council Member Middleton stated that was looking forward to the ongoing discussions with his colleagues in regard to combating gun violence in the city. He also expressed his condolences to victims and individuals affected by gun violence.

Mayor Schewel asked for Priority Items from the City Manager, City Attorney and City Clerk.

City Manager Bonfield requested that Council suspend the rules and vote on Item #33, 2019 National Police Athletic League (NPAL) Mentoring Initiative Grant Project Ordinance due to the timely nature of the item.

MOTION by Council Member Alston, seconded by Council Member Caballero, to accept the City Manager's priority item. Motion passed unanimously.

There were no priority items from the Interim City Attorney.

City Clerk Schreiber advised that the meeting was only being recorded and not live streamed due to technical issues.

Council Member Alston suggested that a communication be placed on the City website to inform residents that the live stream was not working.

Mayor Schewel read the agenda items on the printed agenda and pulled the following items for further comment and/or discussion: Items 7, 9, 11, 13, 15, 16, 17, 22, 23, 25, 29, 30, 32 & 33.

MOTION by Council Member Middleton, seconded by Mayor Pro Tempore Johnson, to suspend the rules and vote on Item #33 as requested by the City Manager. Motion passed unanimously.

MOTION by Council Member Alston, seconded by Council Member Middleton, to approve Item 33, 2019 National Police Athletic League (NPAL) Mentoring Initiative Grant Project Ordinance. Motion passed unanimously.

Mayor Schewel announced it was time for Citizen’s Matters.

CITIZEN’S MATTERS: DEBORAH FREIDMAN (ITEM 48/ PR 13254)

Deborah Friedman expressed concerns regarding Anti-Semitism and Homophobia.

CITIZEN’S MATTERS: CHRIS TIFFANY (ITEM 49/ PR 13255)

Chris Tiffany spoke to concerns regarding the City of Durham Police Department.

PUBLIC COMMENT: ROBERT BELCHER

Mr. Belcher spoke to his support of the Shot Spotter device and encouraged Council to purchase the technology.

**SUBJECT: RACIAL EQUITY TASKFORCE INITIAL REPORT
(ITEM 9/ PR 13120)**

Taskforce members, the Honorable Elaine O’Neal and Kaaren Halderman, introduced a presentation of the Racial Equity Taskforce’s initial report reflecting its first year of organization.

The speakers stated that the Taskforce would not be providing any recommendations at this time but would have them in the upcoming months. They also suggested that Council extend the Taskforce’s time together because the topic was ongoing.

The following members of the Taskforce discussed sections of the Initial Report:

Dan McKinney- Chapter 1: Tell it like it is Naming Whiteness- How whiteness is built into institutions.

Cecilia Polanco- Chapter 2: The water we swim in- The current state of racial equity
Chapter 3: Let the record show- Stories, data, transparency, and accountability

Jovania Lewis- Chapter 4: What’s in the tool kit- Building blocks for Racial Equity
Chapter 5: Put your money where your mouth is- The intentional reallocation of resources.

Jamal Moss- Chapter 6: Reimagining, Realigning, and Sustaining- Equitable Infrastructure.
Chapter 7: This is how we do it- Making a vision a reality

Mayor Schewel thanked the Taskforce for their work and suggested that they provide a proposal regarding what type of future resources they required to be effective. The remaining Council Members expressed gratitude for the presentation, looked forward to future recommendations and acknowledged their accomplishments and efforts in Durham.

Council Member Middleton responded that stated that he supported the Taskforce's charge being extended beyond a year due to the importance of their work and asked if everyone on the Taskforce had completed Racial Equity training.

Judge O'Neal advised that they had.

Council Member Freeman stated that she felt supported by the Taskforce through their work and stated that she had organized with some of the member over the years in other settings.

SUBJECT: OVERTIME PERFORMANCE AUDIT APRIL 2019 (ITEM 7/ PR 13211)

Council Member Reece asked for more clarification regarding how overtime was handled in the Police Department, specifically, how officers found out if overtime hours were available.

Germaine Brewington, Director of Audit services, stated that the process was voluntary and was offered on a first-come, first-served basis.

City Manager Bonfield stated that police officers were able to sign up for noticed overtime shifts depending on the assignment and elaborated that officers could not sign up for overtime if there was no specific assignment or shift available.

Council Member Reece asked if peer police departments had been assessed to see if a similar method of overtime had worked.

Ms. Brewington advised that other police departments had not been benchmarked.

Council Member Freeman asked how overtime shifts worked in regard to emergencies and referenced the Duke Street gas explosion.

City Manager Bonfield advised that police officers could be called in for emergency situations or were already on duty, these officers could be asked to stay on duty to assist with emergency incidents.

SUBJECT: AMENDMENTS TO THE CIVILIAN POLICE REVIEW BOARD (CPRB) PROCEDURE MANUAL (ITEM 11/ PR 13252)

Mayor Pro Tempore Johnson asked why members of the Civilian Police Review Board received payments as opposed to members of any other boards.

Karmisha Wallace, Senior Assistant to the City Manager, stated that no other boards, besides the CPRB, were being compensated for their service; and spoke to the background information on compensation to the CPRB's civilian members.

City Manager Bonfield responded that staff had debated the compensation of this particular board and broached the fairness aspect, noted that many other board members serving in alternative locations away from City Hall had access to free parking unlike the CPRB members, and questioned, did everyone get \$25 or no one; and stated that if Council had concerns about the compensation, now would be the time to clarify the practice prior to the new cycle of appointments taking place.

Mayor Pro Tempore Johnson expressed concern that only the CPRB received compensation and requested exploration of general compensation of all board members.

Ms. Wallace responded to the City Manager's remarks stating that it was quite possible for this board to meet and not have any materials to review, so the mere fact of them coming to a meeting allowed them to get that \$25.00 compensation.

Mayor Schewel recommended that when the item came before Council at the upcoming Council Meeting, that the \$25.00 compensation for board members not be included.

City Manager Bonfield responded that staff would take a look at the larger issue of whether boards should be compensated.

Council Member Caballero requested that the matter be addressed by the Council Procedures Committee.

Council Member Alston advised that the issue of compensation was of interest and noted that the members of City of Charlotte CPRB were not paid.

Council Member Freeman stated that she believed the Council was moving away from Mayor Pro Tempore's point of actually having the payment as opposed to not having it.

Council Member Middleton stated for the record:

"There are a lot of things I think we should look at while we do it. So I welcome always looking at things that we've done, kind of based upon inertia. I am curious though as to- is it our position that we are going to take the money away pending, like right now. Or are we going to let it stand until we review whether or not we're going to- because I have no idea what the original rationale was for it and at a cursory glance it does seem like there are some disparities to me. My friends in the legal profession, I think you have a term "Stare Decisis", let the decision stand as a standard. So I have no idea why the original thinking- so my question is, are we going to wait before we wake it away to see if we are going to bring everybody else up to parity and at the end of that period, then act. Or, are we just going to..."

Mayor Schewel responded that it would take Council some time to decide how to approach the issue of compensation and that in the meantime make members of the CPRB just like everyone else in regard to compensation.

Council Member Middleton expressed concern for the culture that had been established regarding the compensation made to the CPRB board members and their initial decisions to serve on the board. He suggested doing things in phases as it pertained to the compensation.

City Manager Bonfield suggested that a decision be made since the advertisements for upcoming vacancies would be happening soon and that board members would be cycling off at the end of June 2019; and asked if it made sense to have half the board compensated and half, not.

Ms. Wallace noted that some of the members had terms ending June 30, 2019 and others, June 30, 2022; stated that the board was invited to the meeting and aware of the changes would be on the agenda today; and did not think that compensation was what compelled the members to serve and participate.

Council Member Freeman noted that equitable treatment was not always equal or fair treatment.

Council Member Middleton requested that sufficient notice be given to the current board members before actual changes be made.

Council Member Alston asked for research as to the background of the \$25.00 compensation.

As per the consensus of the majority of Council, Mayor Schewel requested that the item be placed on the Consent Agenda at the June 3 Council Meeting without the \$25 compensation for CPRB members.

SUBJECT: APPROVAL OF DEDICATED HOUSING FUNDS TO THE COMMUNITY EMPOWERMENT FUND (CEF) TO PROVIDE SERVICES FOR LANDLORD ENGAGEMENT (ITEM 13/ PR 13228)

Council Member Alston asked for clarification regarding the incentive funds landlords could receive if for some reason the move-in was unable to happen due to no fault of their own.

Hanaleah Hoberman, Project Manager for Community Development, stated that Council Member Alston was correct in her understanding.

Council Member Reece asked how the City would know if the pilot program was successful.

Ms. Hoberman said that there would be specific criteria that would be evaluated to gauge how effective the project was.

Mayor Schewel thanked everyone for their work on the item and stated that the Department of Community development was doing a good job with the RFPs.

SUBJECT: RENTAL ASSISTANCE PROGRAM WITH WILLARD STREET, LLC (ITEM 15/ PR 13240)

Council Member Reece asked for clarification regarding if the City would be responsible for \$1.9 million if the rental subsidy transfer from HUD did not go into the project.

Reginald Johnson, Director of Community Development, stated that Council Member Reece's understanding was correct.

Karen Lado, Assistant Director of Strategy for Community Development, elaborated on the item and said that the item served as a backup plan to allow the Durham Housing Authority to go through with process that they needed to while still allowing the developer to get started.

SUBJECT: ENDORSEMENT OF ENCAMPMENT RESPONSE POLICY (ITEM 16/ PR 13244)

Council Member Alston suggested that the "personal property" should be used throughout the policy instead of being used interchangeably with "belongings".

**SUBJECT: AMENDMENT TO PART 17-107 PARKING FEE ORDINANCE
(ITEM 17/ PR 13151)**

Council Member Freeman asked about the engagement and outreach regarding the Ordinance.

Bill Judge, Interim Director of Transportation, advised that the only a technical change had occurred within the Ordinance.

**SUBJECT: \$95,000,000 GENERAL OBLIGATION BOND REFERENDUM
(ITEM 22/ PR 13220)**

Council Member Freeman asked if there would have been any harm in delaying the bond.

David Boyd, Director of Finance, advised that the item was the authorization for the city to borrow the money for the upcoming November election any time over the next seven years. The timing of when the city could borrow the money correlated to when the city needed to spend it and if it was not spent then the city would have to wait in order to use it. He further advised that the City was not obligated to borrow the money, but would be authorizing the money.

Council Member Freeman requested that the tax increase information associated with the bond, be shared with Council and the public before November.

**SUBJECT: SERIES RESOLUTION AND AMENDED AND RESTATED BOND ORDER OF
THE CITY OF DURHAM, NORTH CAROLINA AUTHORIZING THE ISSUANCE
OF NOT TO EXCEED \$263,000,000 WATER AND SEWER UTILITY SYSTEM
REVENUE BOND ANTICIPATION NOTES, SERIES 2019 (ITEM 23/PR 13221)**

Mayor Schewel asked what bond anticipation notes were.

Finance Director David Boyd advised that anticipation notes consisted of debt that the city was issuing in anticipation of borrowing some additional money to pay them back, essentially notes that were issued in anticipation of issuing bonds.

Mayor Schewel asked why the city was pursuing interim financing as opposed a fixed-rate revenue bond.

Director Boyd talked strategy by explaining that the water and sewer utility rate model structure was based on steady and predictable rate increases; one of the ways Finance staff was doing this was to structure a series of interim financings where interest was being paid only, rather than principle; this enabled the city to ease into the costs associated with the multi-million dollar capital project, instead of all at once.

**SUBJECT: PROPOSED LEASE WITH SWEETS BY SHAYDA COMPANY AT
MORGAN/RIGSBEE GARAGE (ITEM 25/ PR 13173)**

Mayor Schewel asked if the leasees were minority women.

Stacey Poston, Special Projects Manager, advised that they were born in Iran.

Mayor Schewel asked for recommendations on how to attract merchants of color.

Manager Poston advised that they were doing outreach and collaborating with other city

departments.

Council Member Freeman suggested utilizing a list of food vendors from the Office of the Mayor to locate other businesses owned by people of color.

Council Member Caballero suggested reaching out to the Hispanic Chamber of Commerce to locate other businesses owned by people of color.

Council Member Middleton thanked the City Manager for his help on the item and asked if some spaces were being reserved.

Manager Poston advised that the Department had strategically subdivided some of the space.

SUBJECT: MAYOR'S HISPANIC/LATINO COMMITTEE – BYLAWS (ITEM 29/ PR 13218)

Mayor Pro Tempore Johnson asked what it meant to be an official city committee.

James Davis, Human Relations Manager, advised that the board would be under the sanction of the City Council.

Mayor Pro Tempore Johnson asked how people came to be on the committee in the past.

Mr. Davis advised that people established themselves on the committee informally and usually were representatives of a group with affinity toward Hispanic and Latino rights.

Council Member Caballero asked if the current representatives could still be on the committee as *ex officio* members.

Mr. Davis responded affirmatively that they could.

Mayor Schewel noted that the absences section of the bylaws was more rigorous than that of other boards and that other boards only required 50% attendance.

Mr. Davis stated that he would look into it and report back.

Council Member Alston noted that the Procedures Committee intended to take the matter up at their next meeting to ensure there were no inconsistencies regarding absenteeism among the boards.

SUBJECT: PROFESSIONAL SERVICES CONTRACT WITH ALTA PLANNING + DESIGN FOR THE CITY'S TRAIL IMPLEMENTATION PROGRAM (ITEM 32/ PR 13249)

Mayor Schewel expressed concerns regarding the employment practices and workforce of ALTA Planning and Design.

Lindsey Smart of Parks and Recreation deferred to May Hayes, Planner with ALTA Planning and Design.

Mr. Hayes stated that diversity, inclusion and race equity were important to the firm and that they were actively conducting outreach and training.

Mayor Schewel asked if the company intended in participating with the city's YouthWorks program.

Mr. Hayes stated the company participated last year and looked forward to doing so again.

Council Member Caballero stated that having a recruitment plan for diversity usually worked better than doing it in-house.

Council Member Freeman asked if contractors could be asked on the contract if they have participated in the YouthWorks program.

SUBJECT: APPROVAL TO EXECUTE A MEMORANDUM OF AGREEMENT FOR THE WESTERN INTAKE PARTNERSHIP (ITEM 20/ PR 13219)

Don Greeley, Director of Water Management, gave the following presentation:

In March 2008, Durham City Council adopted a Resolution Supporting Regional Partnerships for Water Supply Planning and the Establishment of a Western Water Intake on the B. Everett Jordan Reservoir. Shortly thereafter, the City of Durham Department of Water Management began working informally with Chatham County, Orange Water and Sewer Authority (OWASA), and the Town of Pittsboro (the Western Intake Partnership, or WIP) to explore a Western Intake facility on Jordan Lake.

The City's allocation of Jordan Lake Water Supply Storage is an essential component of the City's future water supply and will require the construction of an intake and treatment facility on the western side of Jordan Lake at a sizeable investment. If we begin preliminary studies now, new regional facilities at Jordan Lake and the associated system connections could be online by 2031. Until now, the City of Durham Department of Water Management has taken the lead in advancing the Western Intake project and has born the total cost of the initial studies. The Memorandum of Agreement for the Western Intake Partnership establishes a formal mechanism for the City to accomplish the preliminary work and share the cost of that work with Chatham County, OWASA, and the Town of Pittsboro.

Council Member Middleton asked if the facility would create any odor.

Director Greeley stated that it would not.

Council Member Freeman asked how soon the city would include Jordan Lake.

Director Greeley responded that it could be the early 2030's.

SUBJECT: FY2018-19 THIRD QUARTER FINANCIAL REPORT (ITEM 37/ PR 13250)

David Boyd, Director of Finance, gave the following presentation:

Property Taxes: Collections are at \$97,340,552 compared to \$92,447,036 for the same period in FY2018 (positive variance of \$4,893,516 or 5.3%) primarily due to growth in the tax base and a slightly higher allocation of taxes to the General Fund this fiscal year. It is projected that property taxes will come in slightly above budget (positive variance of \$393,240 or 0.4%). The FY2019 budget assumes a 99.0% collection rate based on the collections at the 3rd Quarter FY2018. The final collection at June 30, 2018 was 99.84%. The 2018 tax bills have been

mailed. Property tax payments were to be paid in full by January 5th, 2019.

Sales Taxes: Collections were \$32.5 M, or 1.0% higher than the same period last year. It is projected that sales taxes will come in slightly below budgeted levels due to the timing of refunds.

Other Revenues:

- **Utility franchise taxes** at \$1,823,605 are down \$94,460 versus last year and are expected to be down \$207,344 versus budget for the full year. Note: this is for the telecommunications and video franchise taxes which continue to be negatively impacted by a growing reliance on cellphones in place of land lines and by the adoption of other technologies for video programming.
- **Occupancy tax collections** are up with \$2,019,919 collected compared to \$1,855,691 for the same period last fiscal year.
- **Powell Bill** revenues are essentially flat, up by \$19,432 (0.3%), for a total of \$6,313,103 compared to \$6,293,671 for the same period last fiscal year.
- **Charges for services** are up by \$2,081,004 (39.6%), totaling \$7,330,361, compared to \$5,249,357 for the same period last fiscal year. For the full year they are projected to come in very close to budgeted levels.

Inspections Fund

The Inspections Fund is a special revenue fund deriving all revenues from licenses and permits. This provides a summary of budgeted and actual revenues and expenditures for the Inspections fund. At the third quarter of FY2019, results show that revenues were 70.6% of the budgeted revenues while expenditures were 69.4% of budget.

Water & Sewer Operating Fund

At the end of the third quarter of FY2019, operating revenues were 75% of the budgeted operating revenue. Meanwhile operating expenses were 70% of the budgeted operating expenses. This is very similar to last year when revenues were at 75% and expenditures were at 69% of budget.

Operating expenditures are on target and that trend is expected to continue through June. Personal services are up slightly from FY2018 primarily from fewer vacancies. Total expenditures are 86% of budget due the annual transfer to Capital Improvement Program (CIP) and Fleet, which occurred in the first half of the year. Year-end projections are expected to be slightly under budget.

The Water and Sewer Fund is a self-sufficient enterprise fund deriving all revenues from charges to customers and receives no tax support. All excess funds of revenues over operating and debt expenditures are dedicated to capital projects. The fund has consistently finished each fiscal year in a positive financial position.

The rate increases over the past several years have stabilized the water and sewer fund and therefore ensured compliance with revenue bond covenants. Rate increases in each of the past five years have been less than initially projected due to favorable developments with the Capital Improvement Program (CIP). It continues to be the case that both water and wastewater capital needs are substantial with over \$63 million approved for projects in the FY2019 CIP.

Transit Operations Fund

Third quarter results show overall revenues collected at 82% of the budgeted revenues for FY2019, and expenses totaled 66% of the budgeted expenses.

Overall revenues are higher (up 10%) compared to the first nine months of FY2018. This is mainly due to increased grants and non-operating receipts. Fare receipts from fixed route through nine months are down slightly compared to this time last year. Fare receipts from paratransit through nine months have decreased significantly from last year. Through nine months in FY2019 approximately 60% of budgeted ridership revenues had been collected. These revenues are lagging and the Department is projecting a shortfall in revenues by the end of the year.

Expenses are trending lower (down 5%) versus last year. Debt service is included in this savings and year-to-date 79% of expenditures has been booked, while in this same period last year 100% of debt service had already been booked.

The Transit Operations Fund receives a significant amount of support from property taxes (3.56 cents per \$100 on the tax rate). These funds account for about 50% of budgeted fund revenues in the FY2019 adopted budget. State grants are another large funding source for the Transit Operations Fund. With fee increases last approved in FY2004, charges to system riders return approximately 14% of the cost of operations. The Transit Operations Fund is not inclusive of federal transit grants, about \$5.9M estimated for FY2019, which are also used to support the GoDurham transit system personnel and maintenance/capital costs.

Solid Waste Fund

Third quarter results show revenues at 94% of the FY2019 budget and expenses at 68% of budget. The Solid Waste Fund has collected 76% of all Charges for Services. This is trending slightly higher than last three fiscal years. Over the past three years, the first nine months of the year have accounted for 74%, 73%, and 74% of the full year Charges for Services.

Solid Waste personnel expenses through nine months are at 80% of the FY2019 budget and operating expenditures are at 72% of budget. Personnel expenses are currently projected to go over budget by \$382K at year-end due to overtime and contractual labor expenses.

Parking Fund

Third quarter results show revenues at 60% of the FY2019 budget and expenses at 72% of budget. The revenue amounts are trending significantly lower compared to prior year. Through the first nine months of FY2019, 52% of operating revenues have been collected and 57% of charges for services. Over the past three years, the first nine months of the fiscal year have counted for 69%, 70%, and 65% of total year operating revenue amounts, respectively. The operating revenue (monthly and hourly parking fees) shows a decrease (down 20%) over the same time period last year. Department staff are evaluating the reasons for revenue declines and implementing new procedures now that all parking operations are no longer managed by a contractor. Based on projections, the fund is anticipated to finish the year with an overall negative budget variance.

Storm Water Management Fund

The Storm Water Management Fund provides for the management and maintenance of operational expenses of storm water activities which include street cleaning. A transfer is also made from the operating fund to Storm Water Capital Improvement Program project funds for private property and watershed planning and design projects. The Storm Water fund is a self-sufficient enterprise fund and receives no tax support. At the end of the third quarter, the Storm

Water Fund has received 87% of projected operating revenues, which is relatively flat in comparison to the same time last year.

Ballpark Fund

The Ballpark Fund currently relies on the Debt Service Fund for 78% of budgeted funding. In January 2014, all operations became the responsibility of the Durham Bulls under the new agreement. The remaining budget items include debt service payments, the collection of interest, and the revenue sharing established in the most recent agreement. All items are projected to be above budget at year end.

Durham Performing Arts Center Fund

This fund was established for the Durham Performing Arts Center. At this point we expect the fund to be above budget at year end.

There were no questions by Council.

SUBJECT: 2019 EMPLOYEE ENGAGEMENT SURVEY (EES) RESULTS (ITEM 38/ PR 13246)

Timothy Howell, Human Resources Manager, gave the following presentation:

The biennial Employee Engagement Survey (EES) was administered to employees from February 25 – March 15, 2019. The purpose of the survey was to gather employee input to improve their work experience, and help shape the future of the organization.

The City of Durham entered into a contract with TalentKeepers for the purpose of administering the EES. The total cost of the contract was \$30,149.00. The contract started in the fall of 2018 (December 11, 2018) with pre-survey meetings and will end on December 11, 2019.

The EES provides a detailed analysis of the City's strengths and opportunities across the organization. It is important to measure Employee Engagement to understand the factors that contribute to engagement and empower leaders through building knowledge, awareness and coaching.

The 2019 EES employee participation rate was 74% (up from 73% in 2017). The overall engagement results showed progress in many areas and are outlined in the presentation.

Courtney Walsh, a representative of TalentKeepers gave the results of the Employee Engagement Survey. She advised that 64% of employees ranked Engaged. She also provided recommendations of keeping the momentum of the city going and sharing any new focus areas of the survey.

Mayor Pro Tempore Johnson asked what types of questions were used to determine engagement.

Ms. Walsh advised that questions regarding trust, team member scale, and measurement of duties were some of the types of questions that determined employee engagement.

Mayor Pro Tempore Johnson asked if all employees received the same questions.

Ms. Walsh confirmed that all employees received the same questions.

Mayor Schewel asked if there was more information regarding the Public Safety Survey.

Ms. Walsh directed Council to look at the Appendix in the report for a breakdown of those questions and results for Public Safety.

Mayor Schewel asked why the standard benchmarks for government entities was so low.

Ms. Walsh stated that due to the limited availability of advancement and limited pay increases consisted of the rationale behind why benchmarks for government entities was lower than that of the private industry.

SUBJECT: LANGUAGE ACCESS PLAN (ITEM 39/ PR 13238)

Director of Public Affairs Beverly Johnson and Human Relations Manager James Davis gave the following presentation:

Durham takes pride in being a culturally diverse and inclusive city, welcoming and serving residents of all ethnicities and races. Since 2010, the city has grown from about 229,000 people to more than 268,000 (*as of June 30, 2018*), a more than 17 percent population increase. Durham City government seeks to serve all communities, and as such, is committed to ensuring those communities feel included and have equal access to City services and programs.

The primary purposes of this Language Access Plan are to serve as a commitment, as well as a City administrative policy, to serve persons who speak a primary language other than English, in compliance with Title VI of the Civil Rights Act of 1964. Title VI prohibits recipients of federal financial assistance and their constituent departments from discriminating based on race, color or national origin in the provision of that federal financial assistance. The federal government interprets discrimination based upon national origin to include failure to ensure that persons who have "limited English proficiency" (LEP) can effectively participate in, or benefit from, federally assisted programs. Therefore, persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit or encounter.

The U.S. Department of Justice provides a guidance document, the Language Access Assessment and Planning (LAAP) Tool for Federally Conducted and Federally Assisted Programs (May 2011), to assist in the development of Language Access Plans. The City of Durham's plan and policy directives were developed using that guidance to ensure "meaningful access" to City programs and activities and to ensure that the City provides means to effectively communicate with members of the public in a "widespread and nondiscriminatory" manner.

As recommended in the federal LAAP tool, this plan provides guidance to meet the needs of populations that are considered to be a "substantial number" of LEP persons, which is defined

as 5 percent or 1,000 people, whichever is smaller, to be potential applicants or recipients of services and programs provided by the City. According to American Community Survey (U.S. Census Bureau), the most common limited English speaking households that meet the “substantial number” criteria are of Spanish speaking origin, which represents approximately 4,828 or 4.54 percent of Durham’s population. The next highest LEP languages are Mandarin and Cantonese, with a combined 385 households, less than 1 percent of Durham’s population.

In addition to identifying and assessing LEP communities, the City performed the following:

- A self-assessment to discover how often City departments serve LEP residents and their respective methods of communicating with these individuals.
- A focus group session with residents who primarily speak Spanish to gain insights on challenges they may have encountered when accessing or attempting to access City programs and activities.
- A benchmarking study with cities included in the ICMA Members of the Local Government Hispanic Network, and N.C. peer cities, including Greensboro, Charlotte, Cary and Raleigh.

Information obtained from these activities were used to inform the plan overall.

This plan serves to provide guidance on important actions that will help ensure compliance with Title VI, including providing general information about: responsibilities for plan oversight, implementation and compliance; locations of signage; provision of services to LEP applicants and recipients; interpreter and translation standards; documentation of applicant /recipient records; staff development and training on the plan and record-keeping; compliance procedures, reporting and monitoring; and, applicant/recipient complaint process.

A comprehensive implementation plan will be needed to ensure the following: all departments understand the City’s commitment to “meaningful access” to LEP individuals in Durham as defined by the U.S. Department of Justice; actions needed to ensure compliance and access to language service providers; training to use the providers; and ongoing compliance and reporting.

Council Member Caballero asked what year did Durham hit the population size needed for a Language Access Plan.

Ms. Davis stated that he believed it was 2001 based on the formulation of the Mayor’s Hispanic/Latino Committee.

Council Member Caballero asked for a timeline for implementation.

Director Thompson advised that it would take more time to make a coordinated plan.

Council Member Caballero asked out of the cities that were benchmarked to compile data, which ones had a Language Access Coordinator.

Director Thompson advised that the City of Greensboro had a Language Access Coordinator.

Council Member Caballero asked out of which department the plan and designated staff person would work.

City Manager Bonfield replied that it the item would be a collective responsibility and that the city would need to look at it in a more comprehensive way.

Council Member Middleton suggested using the term “individual” or “person” instead of “citizen” and “resident” and thanked Council Member Caballero for her work.

City Manager Bonfield noted that the language access plan would be an administrative policy and not something that Council would have to vote on.

Council Member Freeman noted that the language access plan arose out of some crisis situations as well as the need for interpretation.

Mayor Schewel thanked Council Member Caballero for advocating for the item.

Appointments

City Clerk Schreiber announced Council’s nominations to the following boards, committees and commissions:

Carolina Theatre of Durham Board of Trustees: Marc Lee

Durham Open Space and Trails Commission: Laura Stroud and Luis Suau

Citizens Advisory Committee: Jillian Riley, Ashley Robbins, Adam Satta, Alicia Smith-Freshwater and Ebony West.

Durham City-County Appearance Committee: Jenna Bailey

Durham Cultural Advisory Board: Katy Clune, Marcus Hawley, Mitchell Sava, Meg Stein

Mayor Schewel suggested that those appointed to the Citizens Advisory Committee with the most votes should be the members to serve the longest terms.

Settling the Agenda – June 3, 2019 City Council Meeting

City Manager Bonfield stated the Consent Agenda consisted of Items 1 through 32, 34, 35, 36 and 50; General Business Agenda Public Hearings Items 40 through 47.

MOTION by Council Member Caballero, seconded by Council Member Alston, to settle the agenda as stated by the City Manager. Motion Passed unanimously.

Being no further business to address, the Work Session was adjourned at 4:08 p.m.

Diana Schreiber, NCCMC, CMC
City Clerk

