

CUMBERLAND COUNTY FINANCE COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
MARCH 1, 2012 - 9:30AM
MINUTES

MEMBERS PRESENT: Commissioner Kenneth Edge, Chairman
 Commissioner Jeannette Council
 Commissioner Ed Melvin (arrived 9:33)

OTHER COMMISSIONERS
PRESENT: Commissioner Jimmy Keefe
 Commissioner Charles Evans

OTHERS: James Martin, County Manager
 Amy Cannon, Deputy County Manager
 James Lawson, Assistant County Manager
 Rick Moorefield, County Attorney
 Elizabeth Keever, District Court Judge
 Howard Abner, Assistant Finance Director
 Sally Shutt, Communication and Strategic Initiatives Manager
 Amy Hall, Public Utilities
 Gene Booth, Emergency Management Officer
 Candice H. White, Clerk to the Board
 Press

Commissioner Edge called the meeting to order at 9:30 a.m.

1. APPROVAL OF MINUTES – FEBRUARY 2, 2012 REGULAR MEETING

MOTION: Commissioner Council moved to approve the minutes.
SECOND: Commissioner Edge
VOTE: UNANIMOUS (2-0)

2. PRESENTATION BY JUDGE KEEVER REGARDING VETERAN'S TREATMENT
COURT GRANT SUBMISSION TO THE BUREAU OF JUSTICE

James Martin, County Manager, called on District Court Judge Elizabeth Keever who had requested an opportunity to discuss the veterans' treatment court initiative and the submittal of a grant application to the Bureau of Justice. Judge Keever stated the court system has a number of treatment courts designed to put more emphasis on court interaction with defendants who have substance abuse or mental health issues, and several years ago the Sheriff expressed concern for individuals who come in and out of the jail with what appear to be mental health issues. Judge Keever stated the mental health system continues to be somewhat problematic and a number of courts around the country have begun veterans' courts so they can work in collaboration with the Veterans Administration. Judge Keever stated Cumberland County has the Veterans Administration Hospital and a court can be created solely for these individuals so the services

they need can be provided at no cost other than what is provided by the federal government. Judge Keever stated the court system has decided to pursue a veterans' court to target those individuals in an effort to keep them out of jail. Judge Keever stated the whole purpose of veterans' court is to monitor those individuals needing to take medications and to make sure they are receiving services such as transitional housing and other benefits available to them through the Veterans Administration. Judge Keever stated the purpose is also to help them become productive citizens.

Judge Keever spoke to a week-long training conducted by the U. S. Department of Justice's Bureau of Justice that Deputy County Manager Amy Cannon and Veterans Services Director Sharon Sanders attended. Judge Keever stated the court system has asked the county to be the agent to apply for the \$350,000 36-month grant. Judge Keever stated if received, the effective date would be October 1, 2012 although the team wants to begin in July 2012. Judge Keever explained there would be a 25% match requirement with only 3% of that match being cash; the remainder of the match would be in-kind which the court system has provided in the past.

Judge Keever responded to questions and stated individuals with violent offenses would not be eligible for the veterans' court and discussion is ongoing as to whether individuals with domestic violence issues would be included. Judge Keever stated veterans' court will not only serve those coming through the court system, but will also get the word out about services provided by the Veterans Administration. Judge Keever stated the court system will be able to mandate that individuals go to the Veterans Administration and judges will be able to monitor every two to three weeks what individuals have done.

MOTION: Commissioner Council moved for the court system to go forward with the veteran's treatment court initiative.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (3-0)

3. CONSIDERATION OF REQUEST TO REIMBURSE LEGAL DEFENSE EXPENSES

Amy Cannon, Deputy County Manager, referenced the memorandum from Cumberland County Sheriff Earl Butler requesting reimbursement of legal expenses incurred in defending the Sheriff's Office in pending litigation. Ms. Cannon stated these expenditures have been paid out of the Sheriff's budget which did not include funds for these legal expenses. Ms. Cannon stated in July 2011, the Sheriff's Office hired legal counsel with courtroom experience and significant expenses in preparing for lawsuits and related activities have been incurred. Ms. Cannon stated when the county was paying local attorneys to defend the county and the Sheriff's Office, these type expenses were paid from the general litigation fund.

Ms. Cannon stated the request is to reimburse the Sheriff's budget for the amount incurred to date and any future litigation expenditures from the general litigation fund. Ms. Cannon also stated because the general litigation fund was created by authority of the Board, she felt the Board should grant authority to transfer expenses.

Mr. Moorefield advised the use of the funds has not changed; the issue is that the funds are no longer being used to reimburse payments made to local attorneys outside the county because

Ronnie Mitchell, legal counsel for the Sheriff's Office, is a county employee. Mr. Moorefield stated his suggestion is to transfer a portion of the fund to the Sheriff's Office for these expenses.

Ms. Cannon stated the current request is for \$10,700 which reflects expenses incurred from July 2011 through November 2011. Ms. Cannon stated her recommendation was that these expenditures to continue to be paid out of the Sheriff's budget and that there be a transfer of funds quarterly or semi-annually as reimbursement of legal expenses incurred in defending the Sheriff's Office. Concern was expressed that these expenses not become excessive. A brief discussion followed.

MOTION: Commissioner Council moved to approve \$25,000 for the entire year through June 30, 2012, and at budget time include in the Sheriff's budget \$25,000 to \$30,000 and that the Sheriff's Office be responsible for any overage.

SECOND: Commissioner Melvin

Mr. Moorefield stated as long as the Board is aware the funds are being expended in this manner, one option would be to leave the general litigation fund as is but authorize draws as long as funds are available. Commissioner Edge suggested that a motion be made to reimburse the Sheriff's budget in the amount currently being requested and that management bring a proposal to the Board during its budget discussions. Commissioner Edge stated should reimbursement requests be submitted prior to July 1, 2012, they could be considered. Commissioner Council requested that the amount of \$25,000 be included at budget time.

Commissioner Council withdrew her motion, to which Commissioner Melvin agreed.

MOTION: Commissioner Council moved to approve the request to reimburse the Sheriff's Office for legal defense expenses incurred in the course of defending legal actions against the county or the Sheriff's Office, and that county management put together a proposal for the Board to consider during its budget discussions.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (3-0)

4. CONSIDERATION OF REQUEST TO FORWARD BID APPROVAL TO THE CUMBERLAND COUNTY BOARD OF COMMISSIONERS FOR DISASTER MANAGEMENT RECOVERY SERVICES

Mr. Martin stated Disaster Management, Recovery and Consulting Services are services needed in the event Cumberland County experiences a disaster that results in the need for extensive clean up such as the April 2011 tornados. Mr. Martin explained these services would support the oversight and management of debris recovery contractors and provide a range of related services. Mr. Martin further explained the type of disaster and the severity of the event would determine which services may actually be needed.

Mr. Martin acknowledged the attendance of Gene Booth, Emergency Management Officer, who concurred with what had been presented. Ms. Cannon stated these services would also facilitate coordination to obtain FEMA reimbursement, and the management side of the contract would

help ensure the county has the appropriate documentation from the contractor level which is a piece the county is removed from on a day by day basis when dealing with disaster recovery. Commissioner Keefe asked if the county could also apply for reimbursement of the contract service. Mr. Moorefield responded in the event of a disaster the costs of the contract were reimbursable.

Commissioner Edge recognized the need to have these recovery services in place should they be needed and confirmed O'Brien's Response Management was the lowest responsive, responsible bidder.

MOTION: Commissioner Council moved to forward the bid for Disaster Management, Recovery, and Consulting Services to the full Board.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (3-0)

5. CONSIDERATION OF ADOPTION OF CHANGES TO THE KELLY HILLS/SLOCOMB ROAD RATE SCHEDULE AND ADMINISTRATION POLICY

Ms. Cannon stated after reviewing the Kelly Hills/Slocomb Road rates and the administration policy, it has come to the attention of management that the rate schedule has not been updated since it was initially adopted before project completion. Ms. Cannon advised the rate schedule has been updated to accurately reflect the rate the sewer service provider charges to Kelly Hill's customers and all other outside city limit customers.

Ms. Cannon called the committee's attention to the administration policy and the rate schedule in Appendix A-1. Ms. Cannon responded to questions and explained the language in the administration policy was revised to reflect the prevailing rate charged by the sewer service provider. Ms. Cannon further explained this will eliminate the need come back to the Board each time the sewer service provider changes rates. Ms. Canon advised the sewer service provider rates are outside the control of the county.

MOTION: Commissioner Melvin moved to approve the revised Kelly Hills/Slocomb Road rates schedule to agree with the administration policy.

SECOND: Commissioner Melvin

VOTE: UNANIMOUS (3-0)

6. REVIEW OF MONTHLY FINANCIAL REPORT

Howard Abner, Assistant Finance Director, reported for year-to-date obligations the county was at 56.35% of budget and the current spending rate would put year-end spending at around 96.5% versus 97% for the prior year. Mr. Abner stated spending for the four largest departments (Sheriff's Office, Health Department, Department of Social Services and the Library) were on target with current and historical averages.

Mr. Abner called attention to Category 10 and reported ad valorem taxes were on track to collect about 101.2% of budget. Mr. Abner stated this was a drop from last month's 101.6%, but with

motor vehicle tax collections growing in the 2% range. Mr. Abner called attention to Category 20 and reported sales tax distributions of \$2.8 million as collected in January were for sales in November. Mr. Abner stated collections for these November sales were up .8% from November 2010 and overall year-end estimates were projected at just .98% increase over budget. Mr. Abner called attention to Category 30 and reported the first quarter sales tax equalization dollars were in and just shy of 25%. With regard to Category 50, Mr. Abner reported both the Register of Deeds and inspection fees were below last year and not only was the percent of budget recognized lower than last year, but also the actual dollars collected were lower. Mr. Abner stated the first seven categories were at 72.69% of budget which is just .9% above the prior year.

With regard to the Crown Coliseum, Mr. Abner reported January was a good month for operating revenue with the total operating revenue starting to catch up to last year. Mr. Abner stated for non-operating revenues, the Prepared Food and Beverage Tax transfer totaled \$2.2 million. Mr. Abner stated the combined bottom line of \$530,000 was better than the prior year.

7. OTHER MATTERS OF BUSINESS

There were no other matters of business.

There being no further business, the meeting adjourned at 10:10 a.m.