

THE BOARD OF COMMISSIONERS OF THE COUNTY OF CRAVEN RECONVENED ITS RECESSED SESSION OF FEBRUARY 20, 2012 ON FEBRUARY 27, 2012 AT 8:30 A.M. IN THE COMMISSIONERS' ROOM OF THE CRAVEN COUNTY ADMINISTRATION BUILDING, 406 CRAVEN STREET, NEW BERN, NORTH CAROLINA. THE PURPOSE OF THE MEETING WAS TO MEET WITH THE SHERIFF ON ISSUES PERTAINING TO HIS DEPARTMENT.

MEMBERS PRESENT:

Chairman Lee Kyle Allen
 Vice Chairman Scott C. Dacey
 Commissioner Thomas F. Mark
 Commissioner Theron L. McCabe
 Commissioner Johnnie Sampson, Jr.
 Commissioner Jefferey S. Taylor
 Commissioner Steve Tyson

STAFF PRESENT:

Jack B. Veit III., County Manager
 Gene Hodges, Assistant County Manager – Operations/Facilities
 Richard F. Hemphill, Assistant County Manager – Finance/Administration
 Gwendolyn M. Bryan, Clerk to the Board
 Jim Hicks, County Attorney
 Jerry Monette, Sheriff

ALSO PRESENT FROM SHERIFF'S DEPT:

Captain Jesse Pittman
 Lieutenant Lee Thomas
 Captain Randy Fulcher
 Deputy Steve Wallace

Ben Alford, Senior Resident Superior Court Judge, and District Court Judges Walter Mills and Paul Quinn were present to speak on the Electronic Monitoring Program. Judge Mills stated that in his court the program is used most frequently in Child Support Court. The system allows the non-custodial parent to continue working and to have the ability to make payments. Violation of the program's conditions is a "self-executing" order, and the offender is detained.

EOMP Quarterly Report was presented, showing that the monthly average usage is 28 inmates per day, and the following figures and explanations were offered:

Quarterly Revenue	\$12,190
Year-to-date total	\$22,368
Fiscal year projection	\$18,000
Unrealized revenue	\$ 4,368

Twenty monitoring units in use over a 30-day period equals 600 "bed" days; however, orders are negotiated in individual cases, resulting in some skewing of the data. The Sheriff stated that there are no shelved units at present.

Judge Quinn stated that he uses the program for all courts except for civil domestic court and he also uses the program as one more chance for probation violators.

Sheriff Monette commented that the State cost reimbursement is \$40 a day. There is no compensation for probation violators, child support, and short detentions. These are County costs, plus any associated medical costs during detention.

Judge Alford commented that he uses the program for pre-trial diversion from jail stays.

Deputy Wallace stated that inmates may be charged \$10 per day. This is not always collected; however, the program saves more from keeping the offenders out of the jail.

Commissioner Dacey inquired if they are using video first appearances yet? Judge Mills has indicated an interest in it, but will take some time to get up to speed with it.

The Sheriff asked if the Board would be receptive to receiving proposed budget figures reflecting additional personnel to expand the EOMP, and the Board expressed an interest. He stated that he may be able to consider an emergency hire to help coverage when Deputy Wallace’s partner takes a planned medical leave. He agreed to prepare two sets of figures: one for the remainder of the fiscal year and one for the FY 13 budget. Commissioner Tyson stated that Finance Director, Rick Hemphill, needs to prepare a spreadsheet to help clarify figures.

Commissioner Taylor inquired if there are any underutilized personnel that can be transferred to the EOMP. The Sheriff responded that he will likely need any such staff for the Misdemeanant Program Contract, if approved by the Board.

At 9:55 a.m. the Board was declared in recess.

At 10:05 a.m. the Board reconvened.

Sheriff – Bullet Proof Vest Figures

The Sheriff explained that the funds needed for the 50% local match, in the amount of \$6,037, are proposed to be moved from Asset Forfeiture to the grant line. Commissioner Taylor moved to approve the following budget amendment for a grant match of \$6,037.50, seconded by Commissioner Tyson and unanimously carried in a roll call vote.

Sheriff’s

REVENUES	AMOUNT	EXPENDITURES	AMOUNT
114-0000-399-01-00	\$6,038.00	114-2001-410-97-00	\$6,038.00
Fund Balance Appropriation		Transfers to General Fund 101	
101-2005-366-14-00	\$6,038.00	101-2005-410-73-21	\$12,075.00
Transfer from Fund 114		C/O \$500-\$4,999	
101-2005-377-03-0	\$6,037.00		
Grant Bullet Proof Vest			

Justification: To cover the 50% match requirement for the purchase of 23 bulletproof vests at a total of \$12,075.00, at \$525.00 each.

Vehicle Expense

Sheriff Monette reported that vehicle expense constitutes 13.214% of the Sheriff’s Department budget, broken down as follows:

Regular Expense	5% of total Sheriff’s budget
Central Maintenance	2% of total Sheriff’s budget
Capital Outlay	6% of total Sheriff’s budget

The following accident vehicle replacements are needed (The Sheriff noted that window tinting is not included in any of the figures presented):

2008 Crown Vic (unmarked) - \$28,198.14 (received \$9,869 from insurance)

During discussion of accidents, the Sheriff reported in 2010 the Sheriff’s Department averaged one crash per month, compared to the NC Highway Patrol, which had 333 crashes.

Commissioner Taylor inquired if there is any training and/or disciplinary action involved following accidents. The Sheriff responded that he will discuss this matter individually, but not in open session, due to personnel issues and potential/pending litigation.

Commissioner Taylor inquired if some better vehicles can be reassigned from administrative personnel to on-road personnel, using the lesser vehicles for administration. Captain Pittman responded that this is already being done to some extent.

Commissioner Taylor asked that the Board review the countywide \$1,000 deductible policy as it applies to Sheriff's Department drivers' who are determined to be at fault in accidents.

At 11:20 a.m. the Board was declared in recess.

At 11:35 a.m. the Board reconvened.

Misdemeanant Confinement Program

Sheriff Monette explained that in lieu of a proposal to extend 90-day misdemeanor confinement to 120 days without compensation, the State reached a compromise with the State Department of Correction and the Sheriff's Association for a \$41 per day reimbursement for misdemeanor confinement above 90 days, there being no compensation up to 90 days. The availability of 20 male and 10 female beds in the Craven County Jail resulted in approximately \$100,000 in unrealized jail space revenue this year. Mr. Hemphill provided a rough figure of \$32.24 as the daily expenditure rate per inmate, excluding fixed cost of facilities, staffing, etc. He stated that the inmates in the Misdemeanant Confinement Program will not incur out of facility medical costs.

Commissioner Taylor asked that the Sheriff's Department report back to the Board periodically if the program is approved. It was the consensus that the Sheriff will report quarterly on the Misdemeanant Confinement Program and the EOMP. The Sheriff reported that he has also signed a contract for housing 50 federal prisoners at \$52 per day reimbursement; however, it has been a slow start and there are 100 vacant beds.

Commissioner Sampson moved to approve entering into an agreement to participate in the Misdemeanant Confinement Program, seconded by Commissioner McCabe and unanimously carried.

Training

Lt. Thomas reported that two staff members have left to participate in the Highway Patrol Driving Academy. The program is one week, Monday through Friday at a cost of \$300 per student. The program includes high speed chase training. For two deputies the cost for one week, including hotel, is approximately \$800. The Sheriff stated that he will evaluate the program after the first two deputies have completed training. The first ones sent are employees who have been involved in accidents and only two students per agency are accepted in each class, on a first come, first served basis. Classes are scheduled through June. There is a legal requirement of 24 hours per deputy and 16 hours per jailer for in service training annually.

Vehicle Use Policy

Commissioner Dacey shared an anonymous letter he received in January from a citizen who observed a Sheriff's Department employee in an unmarked vehicle which had been driven out of town to their child's band concert and graduation. The Sheriff acknowledged that this incident was clearly a violation of policy and will be addressed; however, since the letter was anonymous he considers the charges undocumented.

The Sheriff reported that there are still five-seven personnel still living outside the County who are grandfathered in the policy.

Commissioner Dacey recommended and the Sheriff agreed to additional language to the policy, as follows:

- Amendment to language on page 18 (E)...”If a Sheriff's Office employee is involved.....”

Commissioner Dacey inquired if this provision should apply to anyone who has been in an accident, notwithstanding assignment of fault and identify who makes that determination.

- Amendment to language on page 20 (XV.E.) – (itemize the four instances or off-duty employment locations)

He also noted that the policy does not include disciplinary response to violations of the policy. County Attorney, Jim Hicks, cautioned that being too specific could have drawbacks so that the Sheriff would not have latitude and flexibility in handling each situation appropriately.

Minority Hiring

Commissioner McCabe stated that there is a need for Hispanic and female officers in the department to deal specifically with those populations. The Sheriff responded that he hires the best qualified among applicants received in each instance. He stated that he brings people in as non-paid reserves and evaluates their potential for part-time paid positions, then hires out of this pool for full-time positions.

Jail Commissary Fund

In regards to the jail commissary money which has been found missing, there is an investigation assigned and underway.

Commissioner Taylor announced that Deputy Jones and Deputy Birch assisted with a Walk with Rhems on February 26 as the Rhems community kicked off its celebration of the County's 300th Anniversary. He commended them for a good job.

County Manager, Jack Veit, requested that a deputy be present at Commissioners' meetings.

At 12:40 p.m. Commissioner Sampson moved and Commissioner McCabe seconded, to go into closed session pursuant to NCGS 143-318.11(a)(3), following a brief recess, to discuss pending litigation.

At 12:55 p.m. the Board reconvened and voted unanimously to go into closed session.

At 1:00 p.m. the Board returned to regular session. It was reported that the Board discussed pending litigation concerning the Darden property and gave County Attorney, Jim Hicks, instructions on settling and closing the case.

Mr. Hicks stated that he has signed the contract on the high school site and closing is tentatively scheduled for May 1. The Board of Education has begun the due diligence process. Mr. Hicks stated that the County did not have the property appraised before making the offer but one year ago the property was appraised by Earl Jones at \$1,855,000 (\$36,000 per acre). The County's contract is for \$1.6 M (\$32,000 per acre). Mr. Veit asked if the Board would require an appraisal and it was the consensus of the Board to seek an independent appraisal. Commissioner Tyson asked that the County get a MAI appraiser. Mr. Veit recommended Hector Ingram from Wilmington.

New Inspection Code

Mr. Hicks reported on his conferencing with other county attorneys concerning a new residential inspections code that will go into effect March 1; however, a hard copy manual will not be available until June 1.

The attorneys discussed a plan to try persuading the State to enhance on-line information that is already available, so that it can be more useful.

Planning Director, Don Baumgardner, stated that he is trying to coordinate efforts with the City of New Bern for consistency in interpreting the code. He has issued a press release advising prospective homebuilding partners who know they plan to build, to submit applications. The Planning Department will stay open late on February 29 to accept applications.

On the basis of an e-mail received from a member of the General Assembly, Commissioner Dacey reported that inspection code changes are itemized on the State Fire Marshal's website and the written document will become available mid-April and on-line March 5. Mr. Baumgardner stated that he will report back to the Board with an update at the March 5 meeting.

At 1:25 p.m. the meeting was adjourned.

Chairman Lee Kyle Allen
Craven County Board of Commissioners

Gwendolyn M. Bryan
Clerk to the Board