

**PITT COUNTY BOARD OF COMMISSIONERS
GREENVILLE, NORTH CAROLINA
JULY 15, 2002 MINUTES**

The Pitt County Board of Commissioners met on Monday, July 15, 2002, at 9:00 AM in the Commissioners' Auditorium, Pitt County Office Building, 1717 W. 5th Street, Greenville, North Carolina.

Commissioners present:

Mark Owens, Jr., Chairman
Tom Coulson, Commissioner
David Hammond, Commissioner
Randy Royal, Commissioner
Glenn Bowen, Commissioner
Terry Shank, Commissioner
Eugene James, Commissioner
Tom Johnson, Commissioner

Commissioners Absent:

Beth Ward, Vice Chairwoman

Staff present:

Susan Banks, Clerk to the Board
Melonie Bryan, Director of Financial Services
John Bulow, Assistant County Manager
JoAnne Burgdorff, County Attorney
Glenn Cutrell, Tax Assessor
Scott Elliott, County Manager
Florida Hardy, Director of Human Resources
Bobby Joyner, EMS Director
Jeff Niebauer, Tax Collector
James Rhodes, Planning Director
Michael Taylor, MIS Director

Call to Order

Information Provided with the Agenda

Chairman Owens called the meeting to order.

Invocation and Pledge

Information Provided with the Agenda

The invocation was offered by Commissioner Bowen.
The Pledge of Allegiance was led by Commissioner Johnson.

Approval of Agenda

Motion:

Motion to remove item for Decision #16 (Board Appointment Policy) from agenda.

Motion made by Commissioner Tom Johnson.

Motion seconded by Commissioner David Hammond.

Commissioner Coulson asked why the delay of this item and was told that this was due to one commissioner not being present.

Vote Record:

Tom Coulson	No
David Hammond	Yes
Glenn Bowen	Yes
Eugene James	Yes
Tom Johnson	Yes
Mark Owens, Jr.	Yes
Randy Royal	Yes
Terry Shank	Yes

Total Yes Votes: 7

Total No Votes: 1

Motion Passed.

Motion:

Approve agenda as amended.

Motion made by Commissioner Randy Royal.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Employee Service Awards - *Florida Hardy*

Information Provided with the Agenda

Chairman Owens and County Manager Scott Elliott presented service awards to the employees. Following the presentations, a reception was held in honor of these employees.

EMPLOYEE SERVICE AWARDS

5 Years

Lisa Y. Artis	MIS
Kimberly C. Cherry	Health
Marie F. Farrar	Mental Health
Portia N. Hall-Wilkins	Mental Health
James W. Heath	Farmer's Market
Tula B. Miller	Mental Health
Katrina L. Moore	Sheriff
Wanda B. Oakley	Social Services
Christopher Chad C. Singleton	Detention Center
Wanda S. Streeter	Health

10 Years

Kristine W. Adams	Social Services
Elaine Black	Social Services
Barbara L. Faulkner	Social Services
Ramona J. Netznik	Social Services

15 Years

program. She said she had checked to see if the letter had been received by Ms. Odom and she alleged it had not been received. She spoke about the Board intentionally delaying the action to hold a public hearing on this matter. She said that Ms. Dihoff is aware that as of December 1, a new Board of Commissioners will be in place and she will have the opportunity to influence the new commissioners. She said she has contacted Legislators about the draft House Bill 381 and it does not preclude the County taking over the Mental Health program as a single County program. She said that the business plan that is required by the State is a separate issue. She said the materials on Mental Health that the Board has in their agenda packages is not new. She said they have had access to this information since February and were aware of all four options and the ramifications of these actions. She asked what the reason was for delaying the public hearing on Mental Health. She said the sooner the County moves forward, the sooner we will know if the proposal will be accepted or turned down. The County may contest the State's decision. She said for the Board to remember about the mismanagement of the Mental Health program and how things were squandered. She said the County has complied with the Mental Health program for a long time. The most important issue today is not other items on the agenda but the Mental Health program and the \$1.6 million contributed to the Pitt County Mental Health Program. She questioned why that item was last on the agenda.

Items for Report

Manager's Report - Scott Elliott

Information Provided with the Agenda

- Update on Senate Education Proposal
- Update on Article 44 Sales Tax (Resolution)
- Policy regarding copies and agenda packages

Meeting Notes

Mr. Elliott said that the Senate Education Proposal was to take building funds, which would be \$836,000 of Pitt County revenues from debt service which would not be received in the new year. He said he is contacting the Legislative Delegation about this proposal.

He said that he hoped to have action on Article 44 Sales Tax proposal. He stated that he received an email about a meeting of the North Carolina Association of County Commissioners trying to get all commissioners to come to Raleigh on Wednesday, July 17. This is an effort to go to the General Assembly building to lobby members on the additional half -cent sales tax. For Pitt County, it will provide a fund to replace the \$2.9 million of reimbursements that may be lost because the State may withhold those reimbursements.

Mr. Elliott stated that he wanted to inform the Board that there is a charge on copies but agenda packages are not being charged for because of a Board decision some years ago.

Commissioner Shank said she would like to recommend that the County go "on-line" with the agenda package. She spoke about the amount of paper being used and suggested that each commissioner could have a laptop computer and there would be no need for all the copies. In addition, the information would be available to citizens on a computer at the library. Mr. Elliott said that the agenda is in an electronic format now and staff is working to get it on the County website on the Internet. He said we could give out diskettes instead of paper copies. He said he anticipates it will take thirty to sixty days to get the agenda package on the County's website.

Tax Collector's Monthly Report and Annual Tax Settlement - Jeff Niebauer

Mr. Niebauer provided the Board with the following report:

TAXING UNIT	June 2002	TOTAL TO DATE
Pitt County		

Current Taxes	448,620.30	40,719,767.37
Prior Years	113,503.12	1,875,344.14
Interest/Cost	66,235.91	572,090.16
Prepay	118,433.90	363,905.59
Total Collected	746,793.23	43,531,107.26
Landfill Fees	32,981.68	3,383,233.34
Ayden Rescue	322.18	7,073.12
Ayden Fire	978.00	43,989.36
Bell Arthur Fire	1,107.97	45,660.87
Bell Arthur Rescue	268.02	7,688.46
Black Jack Fire	434.94	17,600.08
Clarks Neck Fire	417.81	18,004.74
Eastern Pines Fire	1,443.61	94,892.61
Eastern Pines Rescue	402.10	19,858.86
Falkland Fire	591.27	52,421.63
Farmville Fire	511.12	30,048.86
Fountain Fire	374.35	14,398.06
Grimesland Fire	419.33	22,826.35
Pactolus Fire	573.75	36,873.63
Red Oak Fire	499.26	44,929.12
Simpson Fire	955.05	49,496.86
Staton House Fire	710.64	106,149.96
Stokes Fire	295.02	26,396.48
Winterville Fire	1,235.84	71,119.83
Grifton Fire	1,575.72	47,450.01
Gardnerville Fire	358.20	24,304.89
Ayden Town	9,417.42	146,644.57
Bethel Town	3,839.55	268,721.94
Falkland Town	23.09	11,137.32
Farmville Town	8,784.68	139,587.01
Fountain Town	976.48	14,847.59
Greenville City	332,648.48	17,824,152.25
Grifton Town	4,259.06	72,573.63
Grimesland Town	1,359.39	42,197.65
Simpson Village	1,165.74	67,852.79
Winterville Town	10,534.66	141,990.09
GRAND TOTAL	1,166,257.64	66,425,229.22

COMPARISON OF PERCENTAGES COLLECTED

Jun-02	Jun-01
95.05%	95.06%

OCCUPANCY FOR MAY 2002 - 99,939.06

BANKRUPTCY FOR JUNE 2002 - 9,631.39
GARNISHMENTS FOR JUNE 2002 - 152,611.11
GROSS RECEIPT FOR MAY 2002 - 13,477.03

SUMMARY OF 2001/2002 INFORMATION:

SUMMARY OF 2000/2001 FOR COMPARISON:

				Difference	% Chg
Tax collection activity Pitt County:					
Total June 2002 Collections:	\$746,793	Total June 2001 Collections:	\$660,960	85,833	12.99
Total to Date 2001/2002:	\$43,531,107	Total to Date 2000/2001	\$42,469,858	1,061,249	2.50
Pitt County Levy:					
June 2002 Levy:	\$43,399,920	June 2001 Levy :	\$42,093,619	1,306,301	3.10
June 2002 Percent Collected: 95.05					
Original Levy 97.2					
Supplemental & Vehicle 84.5					
June 2001 Percent Collected: 95.06					
Original Levy 97.3					
Supplemental & Vehicle 85.4					
Total collection activity all units including Pitt County:					
Total June 2002 Collections:	\$1,166,258	Total June 2001 Collections:	\$1,016,729	149,529	14.71
Total to Date 2001/2002:	\$66,425,229	Total to Date 2000/2001	\$62,998,718	3,426,511	5.44
Garnishments for June 2002:	\$152,611	Garnishments for June 2001:	\$186,434	(33,823)	-18.14
Bankruptcy for June 2002:	\$9,632	Bankruptcy for June 2001:	\$4,544	5,088	
Occupancy for May 2002:	\$99,939	Occupancy for May 2001:	\$102,288	(2,349)	-2.30
Occupancy Total to Date 01/02:	\$933,805	Occupancy Total to Date 00/01:	\$961,035	(27,230)	-2.83
Gross Receipts May 2002	\$13,477	Gross Receipts May 2001	\$14,689	(1,212)	-8.25
Gross Receipts total to Date	\$140,439	Gross Receipts total to Date	\$145,920	(5,481)	-3.76

ANNUAL TAX SETTLEMENT

2001/2002

TOTAL TAX LEVIED	\$43,399,920.12
TOTAL DISCOUNT	\$342,382.14
TOTAL COLLECTED / RELEASED	\$40,909,035.98
TOTAL OUTSTANDING RECEIVABLE	\$2,148,502.00

Motion:

Approve as report submitted
Motion made by Commissioner David Hammond.
Motion seconded by Commissioner Eugene James.
Motion Passed Unanimously.

Information Provided with the Agenda

Staff will provide an update on the flood recovery efforts and the effects the State's budget shortfall is having on the completion of related activities. Attached are status reports on the State's Crisis Housing Assistance Fund and Hazard Mitigation Grant ("buyout") programs (see Attachments 1 & 2).

As of mid-June, approximately \$265 million of the original appropriation of \$836 million was available for the Crisis Housing Assistance Fund (CHAF) programs. However, the Governor recently removed \$150 million to cover current budget shortages and the Senate's proposed FY 02-03 budget includes an additional \$100 million cut. If the Senate's budget were to pass the House, the State's CHAF programs will be halted.

Due to concerns over the possible program cuts, Representative Edith Warren coordinated a meeting among several legislators, local government officials and Redevelopment Center Staff on June 26th. County Attorney JoAnne Burgdorff and Planning Director James Rhodes attended the meeting and provided insight on current program activities and the amount of monies needed for project completion. As a result of the meeting, the Redevelopment Center has requested similar information from all local governments to more accurately determine how much funding should be reserved for the CHAF programs. Less than \$1.4 million is needed to complete Pitt County's Repair and Replacement Housing programs and to provide relocation assistance for individuals participating in the buyout program (see Attachments 3 & 4).

**PITT COUNTY HMGP
STATUS REPORT (JULY 2, 2002)**

Buyout Project	Closed	Pending	Withdrawn	Totals	Project Status
Phase I (HMGP)	20	4	7	31	Closeout on 07-31-02
Phase I (Supp.)	87	1	61	149	Closeout on 07-31-02
Phase II	5	-	6	11	Project Closed
Phase III	1	-	2	3	Project Closed
Phase IV	5	-	3	8	Closeout on 07-31-02
Totals	118	5	79	202	

STATE ACQUISITION AND RELOCATION FUNDS

- Provides "Gap Funds" for Homeowners and Tenants in HMGP project
- Budget: \$4.0 million
- Grant Agreement Executed June 7, 2000
- Anticipated Completion Date: July 31, 2002
- SARF Payments Made: 41
- Total Awarded: \$870,605
- Avg. Award: \$21,234

Project Funding

	\$ Funded	\$ Spent/Obligated
HMGP	\$18,703,150	\$8,411,634
SARF	\$3,991,075	\$ 882,706
Total		\$9,294,340

Homes Demolished 96

Total Acres Acquired 281 acres

Items for Consent

Approval of consent agenda - Susan Banks

Motion:

Motion to approve items for consent with numbers 8 and 9 removed. (Removed Approval of Shell contract and Emergency Medical Services Agreement between Pitt County, Bell Arthur, Bethel and Pactolus.)

Motion made by Commissioner David Hammond.

Motion seconded by Commissioner Terry Shank.

Motion Passed Unanimously.

Releases and Refunds Greater Than \$100 - Glenn Cutrell

Information Provided with the Agenda

June 2002 - Total County Releases (Greater Than \$100) - 70 - \$13,737.56

June 2002 - Total City Releases (Greater Than \$100) - 26 - \$ 3,945.53

Total Refunds (Greater Than \$100) - 2 - \$ 241.79

Artis, Titania Fiona - \$ 105.76

Flores, Sergio - \$ 136.03

TCL0440

DATE 6/29/02

PITT COUNTY

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TAX RELEASE FORM
GREATER THAN \$100

NAME RELEASED	ACCOUNT #	PARCEL #	RELEASE #	TOTAL
ADCOCK JR, CARLTON LEWIS NOTE: 1997 - PRORATE TAXES ON VEHICLE.	7060114/6		79475	123.14
ADCOCK, CARLTON NOTE: 1997 - MOBILE HOME CHARGED IN ERROR.	1166529/0		79478	195.26
ADCOCK, CARLTON NOTE: 1998 - MOBILE HOME CHARGED IN ERROR.	1166529/0		79479	217.67
AHAD, MOHAMMED A HEIRS	72659/0		79377	447.37

NOTE: 1995 - RELEASED MOBILE HOMES. CORRECT OWNER IS ZELBE
WAWANDRA MAYE.

AHAD, MOHAMMED A HEIRS 72659/0 79376 587.47
NOTE: 1996 - RELEASED MOBILE HOMES. CORRECT OWNER IS ZELBE
TAWANDRA MAYE.

AHAD, MOHAMMED A HEIRS 72659/0 79374 530.38
NOTE: 1998 - RELEASED MOBILE HOMES. BILLED ON ACCOUNT NUMBER
11968360, MAYE, ZELBE TAWANDRA.

AHAD, MOHAMMED A HEIRS 72659/0 79375 578.94
NOTE: 1997 - RELEASED MOBILE HOMES. BILLED ON ACCOUNT NUMBER
11968360, MAYE, ZELBE TAWANDRA.

BACKLANDER, KATHY 1181309/0 79544 178.02
NOTE: 2000 - MOBILE HOME FLOODED IN 1999.

BLOUNT, SHANTE ANDREAS 2030902/0 79591 149.60
NOTE: 2002 - VEHICLE CHARGED IN ERROR.

BRADLEY, DON C. 1187646/0 79366 259.53
NOTE: 2000 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER
11763490, LUCIANA SPENCER.

BROOKS, EDNA AYERS 1145164/0 79369 130.52
NOTE: 2001 - RELEASED MOBILE HOME. NOT ON PARK REPORT AND NOT
LISTED ON DMV REPORT UNDER THIS NAME.

CAROLINA SYSTEMS TEGY INC 2020648/4 79489 144.30
NOTE: 2001 - VEHICLE CHARGED IN ERROR.

CARREON, PATRICIA EXUM 1182948/0 79367 227.92
NOTE: 2001 - RELEASED MOBILE HOME. NOT LISTED ON PARK REPORT
AND NOT LISTED ON DMV PRINT OUT IN THIS NAME.

NAME ACCOUNT # PARCEL # RELEASE # TOTAL
RELEASED

CLAYTON, HOMES 1181431/0 79575 226.22
NOTE: 2000 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER
11875090, JACKSON, GAUTRELL CLAYWOOD.

CLAYTON, HOMES 1181431/0 79576 269.48
NOTE: 1999 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER
11875090, JACKSON, GAUTRELL CLAYWOOD.

COASTAL CHEMICAL CO 2010471/9 79492 101.45
NOTE: 2002 - VEHICLE CHARGED IN ERROR.

COWARD, JAMES 1199329/0 79407 176.19
NOTE: 2001 - RELEASED MOBILE HOME. NOT ON DMV AND NOT ON MOBILE
HOME PARK.

COX, DANIEL T. & 1184106/0 79465 162.97

NOTE: 2001 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER
11763940, WORTHINGTON, PEGGY B. (JONES).

COX, MONTRESSA 1199220/0 79462 256.73
NOTE: 2001 - RELEASED MOBILE HOME. LISTED IN THE NAME OF DIJA
BOOKER, ACCOUNT NUMBER 11984330.

CREEK SIDE NURSERY 2010280/4 79381 185.83
NOTE: 2002 - VEHICLE CHARGED IN ERROR.

CUNNINGHAM, PAUL RAYMOND 2020191/9 79430 116.94
NOTE: 2001 - PRORATE TAXES ON VEHICLE.

DALMAN, BRENDA 1110121/4 79383 184.88
NOTE: 2001 - PRORATE TAXES ON VEHICLE.

DANIELS, CARLTON 1182037/0 79432 290.34
NOTE: 1999 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER
11819200, CARLTON J. DANIELS.

DAVIS, JOYCE 1181565/0 79500 162.43
NOTE: 1999 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER
11815650, RANDY DAVIS.

DAVIS, PATRICIA L. 1198757/0 79371 190.50
NOTE: 2001 - RELEASED MOBILE HOME. NOT ON MOBILE HOME PARK
REPORT. NOT ON DMV PRINT OUT UNDER THIS NAME.

DUNN III, GEORGE T 8070553/5 79394 113.97
NOTE: 1998 - VEHICLE CHARGED IN ERROR.

NAME ACCOUNT # PARCEL # RELEASE # TOTAL
RELEASED

EARTH, DELORES 1199060/0 79370 132.03
NOTE: 2001 - RELEASED MOBILE HOME. NOT LISTED ON PARK REPORT
AND NOT LISTED ON DMV UNDER THIS NAME.

EDEN, CHARLIE JUNIOR 1198611/0 79448 236.41
NOTE: 2001 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER
11917480, CHARLIE JUNIOR EDEN.

EVERETT, BRIAN 1181761/0 79445 279.52
NOTE: 2000 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER
11810830, BRENDA MCGOWAN.

EVERETT, BRIAN 1181761/0 79444 313.31
NOTE: 1999 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER
11810830, BRENDA MCGOWAN.

GMAC LEASECO LIMITE 1070342/2 79499 109.91
NOTE: 2001 - PRORATE TAXES ON VEHICLE.

GREENE, RODNEY & 1187372/0 79408 246.09
NOTE: 2001 - RELEASED MOBILE HOME. NOT ON PARK REPORT AND MAIL

RETURNED.

GREENVILLE TOYOTA-T 2030645/0 79568 101.83
NOTE: 2002 - VEHICLE CHARGED IN ERROR.

GREENWAY, GARY WAYNE JR 1181947/0 79532 186.04
NOTE: 2001 - RELEASED MOBILE HOME. REPOSSESSED BEFORE JANUARY
1,2001.

GRISSOM, EMILY HARRIS 2030217/7 79621 136.04
NOTE: 2002 - VEHICLE CHARGED IN ERROR.

HAMSTEAD, STEVEN LYNN 2010940/7 79361 119.94
NOTE: 2001 - PRORATE TAXES ON VEHICLE.

HARRIS-TEETER SUPERMKT. #142 1117084/0 79390 112.20
NOTE: 1996 (2000 LEVY) - CORRECTED DEPRECIATION SCHEDULE ON
BUSINESS PERSONAL PROPERTY.

HARRIS-TEETER SUPERMKT. #142 1117084/0 79392 261.60
NOTE: 1994 (2000 LEVY) - CORRECTED DEPRECIATION SCHEDULE ON
BUSINESS PERSONAL PROPERTY.

HARRIS-TEETER SUPERMKT. #142 1117084/0 79393 215.23
NOTE: 1993 (2000 LEVY) - CORRECTED DEPRECIATION SCHEDULE ON
BUSINESS PERSONAL PROPERTY.

NAME ACCOUNT # PARCEL # RELEASE # TOTAL
RELEASED

HARRIS-TEETER SUPERMKT. #142 1117084/0 79391 202.27
NOTE: 1995 (2000 LEVY) - CORRECTED DEPRECIATION SCHEDULE ON
BUSINESS PERSONAL PROPERTY.

HARRIS, CURFEW 1182880/0 79368 265.13
NOTE: 2001 - RELEASED MOBILE HOME. NOT ON PARK REPORT AND NOT ON
LIST FROM DMV.

HARTMAN, DARLENE GILBERT 99466/0 79563 142.13
NOTE: 1997 - RELEASED MOBILE HOME. SOLD IN 1996.

HAWKINS, CEDRIC LA KEITH 1199154/0 79406 227.09
NOTE: 2001 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER
11876630, TANIKA KNIGHT.

HERNANDEZ, JOSE 1181044/0 79460 161.05
NOTE: 2000 - RELEASED MOBILE HOME. FLOODED IN 1999. LOCATED IN
CLARKS MOBILE HOME PARK. NOT ON PARK REPORT FOR 2000.

HERNANDEZ, JOSE 1181044/0 79461 145.25
NOTE: 2001 - RELEASED MOBILE HOME. FLOODED IN 1999. LOCATED IN
CLARKS MOBILE HOME PARK. NOT ON MOBILE HOME PARK FOR 2000.

JOHNSON, THEODORE ALSTON & 1187424/0 79447 192.98
NOTE: 2001 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER
11988140, PATRICIA ANNE EBRON.

JORDAN, LISA 1187246/0 79442 237.33
NOTE: 2000 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER
11659750, RALPH DALE JORDAN.

JORDAN, LISA 1187246/0 79443 196.17
NOTE: 2001 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER
11659750, RALPH DALE JORDAN JR.

LANGLEY, DAVID EARL 1010411/5 79427 238.57
NOTE: 2001 - ADJUST VALUE ON VEHICLE.

MACEDONO, GILARDO SANCHEZ 1187444/0 79372 186.22
NOTE: 2001 - RELEASED MOBILE HOME. NOT ON PARK REPORT AND NOT
ON DMV PRINTOUT UNDER THIS NAME.

MAYE, DARRELL 1157158/0 79440 108.06
NOTE: 1996 - RELEASED MOBILE HOME. TAXPAYER DID NOT OWN.

MAYE, DARRELL 1157158/0 79439 103.88
NOTE: 1997 - RELEASED MOBILE HOME. TAXPAYER DID NOT OWN.

NAME ACCOUNT # PARCEL # RELEASE # TOTAL
RELEASED

MAYO, DAWN 1187227/0 79533 133.04
NOTE: 2001 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER
11813160, JAMIE DAWN MAYO JOYNER.

MAYO, DAWN 1187227/0 79535 158.48
NOTE: 2000 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER
11813160, JAMIE DAWN MAYO JOYNER.

MODLIN, CHRISTOPHER RYAN 2030867/6 79607 165.75
NOTE: 2002 - VEHICLE CHARGED IN ERROR.

MOERCK, RUDI ERWIN 1110121/8 79385 208.89
NOTE: 2001 - PRORATE TAXES ON VEHICLE.

PHILLIPS (ROBINSON), DONNA L. 1187570/0 79484 112.26
NOTE: 2001 - MOBILE HOME DOUBLE LISTED ON ACCOUNT NUMBER
1165113/0 (ROBINSON, DONNA L. PHILLIPS).

PHILLIPS (ROBINSON), DONNA L. 1187570/0 79485 130.51
NOTE: 2000 - MOBILE HOME DOUBLE CHARGED ON ACCOUNT NUMBER
1165113/0 (ROBINSON, DONNA L. PHILLIPS).

ROBERSON, DEBORAH 1189442/0 79498 128.78
NOTE: 2001 - RELEASED MOBILE HOME. JOINT OWNERSHIP. WILL BILL
IN NEW OWNERS NAME.

RODGERS, JEFFREY 1060150/3 79505 162.56
NOTE: 2001 - PRORATE TAXES ON VEHICLE.

SHARPE, SABRENA ELAINE 1198635/0 79384 265.13
NOTE: 2001 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER
11969040, SHARPE, JOHNNIE WAYNE AND SEBRENA ELAINE.

SPIVEY JR, RICHARD LIVERMAN	80176/8	79610	120.28
NOTE: 2000 - PRORATE TAXES ON VEHICLE.			
STONE, BARBARA THOMAS	2030400/2	79586	117.84
NOTE: 2002 - VEHICLE CHARGED IN ERROR.			
TART, TANYA GAYLE	1050460/1	79574	122.18
NOTE: 2001 - VEHICLE CHARGED IN ERROR.			
TYNDALL, MARSHA MURPHEY	1040875/5	79365	102.18
NOTE: 2001 - VEHICLE CHARGED IN ERROR.			
TYSON, SHONELL	1198927/0	79373	227.13
NOTE: 2001 - RELEASED MOBILE HOME. NOT ON PARK REPORT AND NOT ON DMV LISTING UNDER THIS NAME.			

NAME	ACCOUNT #	PARCEL #	RELEASE #	TOTAL
RELEASED				

WILSON & PROCTOR HOINC	2020271/8	79416	130.83
NOTE: 2001 - VEHICLE CHARGED IN ERROR.			

WILSON & PROCTOR HOINC	2020571/9	79417	112.00
NOTE: 2001 - VEHICLE CHARGED IN ERROR.			

WOOTEN, LAYTOYA	1199178/0	79564	167.81
NOTE: 2001 - RELEASED MOBILE HOME. NOT ON DMV OR PARK REPORT.			

WORTHINGTON, MICHAEL A	2020841/8	79616	107.58
NOTE: 2002 - VEHICLE CHARGED IN ERROR.			

TOTAL RELEASES: 70 13737.56

THE RELEASE (G.S. 105-381 OR 382), CORRECTIONS (G.S. 105-325), OR REFUNDS (G.S. 105-381 OR 382) OF TAX BILLS OUTLINED ABOVE ARE APPROVED BY THE PITT COUNTY BOARD OF COMMISSIONERS.

CHAIRMAN OF THE BOARD

DATE APPROVED

TCL0440

DATE 6/29/02

CITY OF GREENVILLE

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TAX RELEASE FORM
GREATER THAN \$100

NAME	ACCOUNT #	PARCEL #	RELEASE #	TOTAL
RELEASED				

BLOUNT, SHANTE ANDREAS	2030902/0	79591	155.30
NOTE: 2002 - VEHICLE CHARGED IN ERROR.			

BROWN III, IVAN WILLARD	1010044/3	79379	114.97
NOTE: 2001 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.			

CLAYTON, HOMES	1181431/0	79576	160.01
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NOTE: 1999 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER
11875090, JACKSON, GAUTRELL CLAYWOOD.

CLAYTON, HOMES 1181431/0 79575 125.42
NOTE: 2000 - RELEASED MOBILE HOME. LISTED ON ACCOUNT NUMBER
11875090, JACKSON, GAUTRELL CLAYWOOD.

DUNN III, GEORGE T 8070553/5 79394 118.39
NOTE: 1998 - VEHICLE CHARGED IN ERROR.

E R LEWIS CONSTRUCT INC 2011120/3 79526 171.09
NOTE: 2002 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.

E R LEWIS CONSTRUCT INC 2011120/0 79523 171.09
NOTE: 2002 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.

E R LEWIS CONSTRUCT INC 2011120/1 79524 171.09
NOTE: 2002 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.

E R LEWIS CONSTRUCT INC 2011120/2 79525 171.09
NOTE: 2002 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.

E R LEWIS CONSTRUCT INC 2011119/8 79521 171.09
NOTE: 2002 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.

E R LEWIS CONSTRUCT INC 2011119/9 79522 171.09
NOTE: 2002 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.

GMAC LEASECO LIMITE 1070342/2 79499 100.47
NOTE: 2001 - PRORATE TAXES ON VEHICLE.

GREENVILLE TOYOTA-T 2030645/0 79568 112.10
NOTE: 2002 - VEHICLE CHARGED IN ERROR.

HARRIS-TEETER SUPERMKT. #142 1117084/0 79392 214.51
NOTE: 1994 (2000 LEVY) - CORRECTED DEPRECIATION SCHEDULE ON
BUSINESS PERSONAL PROPERTY.

HARRIS-TEETER SUPERMKT. #142 1117084/0 79393 176.45
NOTE: 1993 (2000 LEVY) - CORRECTED DEPRECIATION SCHEDULE ON
BUSINESS PERSONAL PROPERTY.

NAME ACCOUNT # PARCEL # RELEASE # TOTAL
RELEASED

HARRIS-TEETER SUPERMKT. #142 1117084/0 79391 165.87
NOTE: 1995 (2000 LEVY) - CORRECTED DEPRECIATION SCHEDULE ON
BUSINESS PERSONAL PROPERTY.

HARRIS, CURFEW 1182880/0 79368 180.49
NOTE: 2001 - RELEASED MOBILE HOME. NOT ON PARK REPORT AND NOT ON
LIST FROM DMV.

HOBLITZELL, JEFFERIS EDWARD 1120673/2 79590 310.97
NOTE: 2001 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.

JAMES A EVANS CONSTN INC 2020383/5 79583 176.27

NOTE: 2001 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.

STONE, BARBARA THOMAS	2030400/2	79586	126.58
NOTE: 2002 - VEHICLE CHARGED IN ERROR.			
TART, TANYA GAYLE	1050460/1	79574	120.13
NOTE: 2001 - VEHICLE CHARGED IN ERROR.			
TYNDALL, MARSHA MURPHEY	1040875/5	79365	103.83
NOTE: 2001 - VEHICLE CHARGED IN ERROR.			
WESCO ENTERPRISES I	1080813/6	79542	126.27
NOTE: 2001 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.			
WEST, RICKY KELVIN	2030474/8	79555	100.50
NOTE: 2002 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.			
WILLIFORD, SHERRY BULLOCK	2020381/2	79423	113.17
NOTE: 2001 - VEHICLE CHARGED IN CITY LIMITS IN ERROR.			
WORTHINGTON, MICHAEL A	2020841/8	79616	117.29
NOTE: 2002 - VEHICLE CHARGED IN ERROR.			
TOTAL RELEASES:	26	3945.53	

THE RELEASE (G.S. 105-381 OR 382), CORRECTIONS (G.S. 105-325), OR REFUNDS (G.S. 105-381 OR 382) OF TAX BILLS OUTLINED ABOVE ARE APPROVED BY THE PITT COUNTY BOARD OF COMMISSIONERS.

CHAIRMAN OF THE BOARD

DATE APPROVED

Motion:

**Approve as releases as submitted.
Motion made by Commissioner David Hammond.
Motion seconded by Commissioner Terry Shank.
Motion Passed Unanimously.**

Request Public Hearing for August 5, 2002 to close-out Pitt County's Community Development Block Grant (CDBG) Project. - Glen Moore

Information Provided with the Agenda

As you are aware, Pitt County received a CDBG grant in the amount of \$379,000 in November, 1999. The funds were used to rehabilitate eight homes and provide replacements of two homes in Pitt County's planning jurisdiction. The flood of September 1999 delayed the commencement of the FY 2000 program, however the project is now complete. As part of the CDBG grant close-out requirements of the North Carolina Division of Community Assistance, the county must now have a public hearing to officially close-out the grant and for the purpose of reviewing and assessing the performance of the CDBG program.

Motion:

Set a Public Hearing for the Board of County Commissioners during the regular board meeting on August 5, 2002.

**Motion made by Commissioner David Hammond.
Motion seconded by Commissioner Terry Shank.**

Motion Passed Unanimously.

*NCDOT Request For Addition to State Maintained Secondary Road System
Sheffield Drive in Sheffield Subdivision and Greenmeade Court in Ivy Court Subdivision - James Rhodes*

Information Provided with the Agenda

The North Carolina Department of Transportation (NCDOT), after receiving a petition for road addition to the State Maintained Secondary Road System, investigates the situation to determine if the road meets their requirements. If after this investigation it is determined that the road meets certain criteria, the NCDOT District Engineer will request the County's endorsement for the addition by way of a resolution.

Attached are letters from Danny R. Taylor, District Engineer, requesting the additions of Sheffield Drive within Sheffield Subdivision and Greenmeade Court within Ivy Court Subdivision to the state system. Included with the letters are resolutions for your endorsement as well as copies of the NCDOT Investigation Reports, the petitions from the property owners and a map illustrating the location of the roads.

Motion:

**Approve the request and adopt the resolutions for Sheffield Drive in Sheffield Subdivision and Greenmeade Court in Ivy Court Subdivision.
Motion made by Commissioner David Hammond.
Motion seconded by Commissioner Terry Shank.**

Motion Passed Unanimously.

Approval for Educational Leave - DSS - Heather Pearce and Bobby Heath - Edward L. Garrison

Information Provided with the Agenda

The Department of Social Services requests permission to grant educational leave to two employees: Ms. Heather Pearce and Mr. Bobby Heath.

Mr. Heath is requesting three hours of educational leave each week to take classes during the fall semester at East Carolina University. He plans to take "Social Work with Families & Children" and "Social Work 6100". He will be working toward a Masters in Social Work, and these courses are directly applicable to his current position with the Department as a Child Protective Services. Mr. Heath will use his personal leave to make up the class hours that are not covered by his Educational Leave.

Ms. Pearce is requesting three hours of Educational Leave each week to attend summer school at East Carolina University. Ms. Pearce plans to take "Administration of Programs for Young Children". She is working toward a Masters Degree in Child Development and Family Relations, and this course is directly applicable to her current position. Ms. Pearce will use her personal leave to make up the class hours that are not covered by her Educational Leave.

Motion:

**Staff recommends approval of educational leave for Heather Pearce and Bobby Heath.
Motion made by Commissioner David Hammond.**

**Motion seconded by Commissioner Terry Shank.
 Motion Passed Unanimously.**

Social Services - Budget Amendment - United Way - Edward L. Garrison

Information Provided with the Agenda

The Department of Social Services is scheduled to receive the final, \$3,000.00 installment of a grant from FEMA distributed by United Way. The amendment is to bring the appropriated line item up to the total available grant. The Department is requesting an appropriation of \$2,900, which along with funds already appropriated, will equal to the available funds. The Department is also requested the remaining grant funds of \$57.75 be re-appropriated in FY 02/03. The total budget amendment is \$2,957.75. These funds will be used to provide energy and other assistance to clients that meet the guidelines in the grant.

These are 100% Federal funds and additional County funds are not requested.

Department: SOCIAL SERVICES

Date of Request: 07/02/02

FY Budget: FY 02/03

ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
165488-560502	UNITED WAY ENERGY	2,957.75	
162400-433065	UNITED WAY EMERGENCY SHELTER	2,900.00	
162900-499100	FUND BALANCE APPROPRIATED	57.75	

Department Justification:

The Dept. is scheduled to receive the second installment of the grant for FY 02/03. The county will receive .

Motion:

**Staff recommends approval
 Motion made by Commissioner David Hammond.
 Motion seconded by Commissioner Terry Shank.**

Motion Passed Unanimously.

Social Services - Budget Amendment - Smart Start Funds - Edward L. Garrison

Information Provided with the Agenda

The Department of Social Services has received a notification from the Pitt/Martin Partnership for Children that Pitt County will receive an initial grant of \$300,614.00 to fund the first six months of Smart Start. These are 100% State funds and will be used to continue children that are currently receiving day care and to provide day care services to children that are on the Department of Social Services' waiting list.

No additional County funds are required.

Department: SOCIAL SERVICES

Date of Request: 07/02/02

FY Budget: FY 02/03

ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
165421-531403	DAYCARE SMART START	300,614	
162400-423401	SMART START	300,614	

Department Justification:

The Dept. has received notification of the initial grant to fund Smart Start for FY 02/03.

Motion:

Staff recommends approval.

Motion made by Commissioner David Hammond.

Motion seconded by Commissioner Terry Shank.

Motion Passed Unanimously.

Social Services - Budget Amendment - Adoption Funds - Edward L. Garrison

Information Provided with the Agenda

The Department of Social Services received advanced funds from the N. C. Division of Social Services to expand the Department's adoption programs. These are 100% State and Federal funds. These funds will have to returned to the NC Div. of Social Services if they are not spent. The Department is requesting a total budget amendment of \$63,777.52 to re-appropriate these funds in FY 02/03. These funds will be spent on client's education, treatment and other services. Other expenses may include recruitment of prospective adoptive parents, consultants and training. The requested funds along with the funds already appropriated will bring the total appropriation up to the total of the remaining funds.

Special Child Adoption fund - \$44,351.46
Adoption Incentive fund - \$19,426.02

Department: SOCIAL SERVICES

Date of Request: 07/02/02

FY Budget: FY 02/03

ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
165421-540108	SPECIAL CHILD ADOPTION	44,351.46	
165421-540111	ADOPTION INCENTIVE	19,426.06	
162900-499100	FUND BALANCE APPROPRIATED	63,777.52	

Department Justification:

These are 100% State & Federal funds that were advanced to the County. The funds will have to be returned to the State if they are not spent. Funds need to be reappropriated in FY 02/03.

Motion:

Staff recommends approval
Motion made by Commissioner David Hammond.
Motion seconded by Commissioner Terry Shank.

Motion Passed Unanimously.

Approval of Minutes - Susan Banks

Information Provided with the Agenda

- June 10, 2002, workshop
- June 11, 2002, workshop
- June 12, 2002, workshop
- June 17, 2002, regular meeting

Motion:

Approve minutes from June 10, 11, 12, and 17, 2002 board meetings.
Motion made by Commissioner David Hammond.
Motion seconded by Commissioner Terry Shank.

Motion Passed Unanimously.

Disposition of County Records - Melonie Bryan

Information Provided with the Agenda

Each year, the Financial Services Department requests the authority to dispose of old records in accordance with the North Carolina Records Retention Laws. The attached list itemizes the records we wish to dispose of at this time.

MEMORANDUM

DATE: July 15, 2002
TO: Pitt County Board of Commissioners
FROM: Melonie T. Bryan
Director of Financial Services
SUBJECT: Disposition of County Records

In keeping with the guidelines set forth in the "Records Retention and Disposition Schedule" published by the North Carolina Department of Cultural Resources, the following records have been scheduled to be destroyed. We request this information be reflected in the minutes of the

Board.

Prior to FY 99/00 (3 yr. Retention)	Cash Receipt Books Bank Statements/Canceled Checks/Investment Files Reconciliations/Deposit Slips Invoices and Paid Check Copies Cash Receipt Reports/Files Journal Entries Daily & Monthly Reports* Audit Workpapers Employee Insurance Files Payroll Deduction Files (401(K), Sick Leave Longevity, NACO, Garnishments) Local Government Employees Retirement System Report File Recipient Check & Calculation Registers (DSS) Landfill Daily & Monthly Tickets, Reports & Statements Departmental Correspondence CVA Records Tax Collection Reports Grant Files Accident Reports & Vehicle Maintenance Files Property & Equipment Inventory Records Payroll Check Registers, Edits, Monthly & Yearly Work Papers Credit Card Receipts
Prior to FY 98/99 (4 yr. retention)	IRS Files including W2's (Payroll copy only) Employee Time Sheets 1099 Files
Prior to FY 97/98 (5 yr. retention)	Budget Amendments Annual Budget Workpapers
Prior to FY 92/93 (10 yr. retention)	Year End Expense & Revenue Statements Year End Trial Balance

*Except reports held for 10 year retention

Motion:

**Approval of disposition of records as listed on attached memorandum.
Motion made by Commissioner David Hammond.
Motion seconded by Commissioner Terry Shank.**

Motion Passed Unanimously.

Budget Amendment - Rollover of FEMA Project Balances - Melonie Bryan

Information Provided with the Agenda

As the County continues to finish the buyout and demolition projects related to Hurricane Floyd, we have to reestablish the budget each year. We handle this as a rollover to avoid overestimating the amount left at the end of each fiscal year. Most of these projects should be wrapped up during Fiscal Year 2002-03.

Department: Solid Waste

Date of Request: 06/28/2002

FY Budget: 02-03

ACCOUNT NO.	TITLE OF ACCOUNT	INCREASE	DECREASE
602300 432021	FEMA Reimbursement	1,578,615	
609100 589000	Hurricane Floyd	1,578,615	

Department Justification:

Approximate budget required to fund buyout demolition projects 4065, 4114, 4116, 4119, 4132, 4385 and 4387 for the next fiscal year.

PW	Budget	Expended	Available
4065	1,807,248.55	869,993.16	937,255.39
4114	281,737.00	121,173.17	160,563.83
4116	129,746.00	29,338.26	100,407.74
4119	435,224.00	334,836.51	100,387.49
4132	250,000.00	-	250,000.00
4385	25,000.00	-	25,000.00
4387	5,000.00	-	5,000.00
	2,933,955.55	1,355,341.10	1,578,614.45

Projects 4065, 4114, 4116, & 4119 are expected to be completed within the budget set by FEMA, so the difference between the amount budgeted and the amount expended should be carried forward into the next year. Project 4132 has currently overrun the unrealistic budget set by FEMA in the amount of \$400K, and is estimated to cost an additional \$250K in the next

year. An interim final inspection has been performed by NCDEM to increase the budget for project 4132. Projects 4385 and 4387 budgets have been de-obligated from the County of Pitt and obligated to the City of Greenville. Pitt County remains responsible for completing a portion of the demolition, estimated at \$30K, and seeking reimbursement from the City of Greenville.

Motion:

**Approve Budget Amendment as presented.
Motion made by Commissioner David Hammond.
Motion seconded by Commissioner Terry Shank.**

Motion Passed Unanimously.

Resolution Opposing Global Transpark Authority/Kinston Regional Jetport Request for Federal Funds - Scott Elliott

Information Provided with the Agenda

The Board instructed staff on June 17, 2002, to prepare a resolution opposing the Global Transpark Authority's intention to submit a proposal under the Small Community Air Service Development Pilot Program to re-establish their passenger jet service in Kinston.

**RESOLUTION
OPPOSING GLOBAL TRANSPARK
AUTHORITY/KINSTON
REGIONAL JETPORT
REQUEST FOR FEDERAL FUNDS**

WHEREAS, the good citizens of Pitt County supported Lenoir County and the City of Kinston to be designated as the site for the Global TransPark, supported their efforts when they proposed to be an all-cargo airport, supported their efforts when they proposed to be a just-in-time manufacturing complex, supported their efforts when they proposed to be the designated central point for the deployment of our military forces from Eastern North Carolina, and supported their proposal to be the staging area for the world wide distribution of fruits and vegetables; and

WHEREAS, North Carolina Global TransPark Authority/Kinston Regional Jetport has submitted a proposal under the United States Department of Transportation Small Community Air Service Development Pilot Program; and

WHEREAS, North Carolina Global TransPark Authority and the Kinston Regional Jetport have requested \$1 million from this Pilot Program to implement their proposal to establish passenger airline service in Kinston, North Carolina; and

WHEREAS, the Global TransPark Authority proposal further intends to provide the resources of this State and tax supported facility (Kinston Regional Jetport) on a gratis basis, including rents, landing and operational maintenance fees; and

WHEREAS, Global TransPark's stated mission and focus has, since its inception, been the movement of cargo, and assurances were given that the Global TransPark would not be in competition with regional commercial air service; and

WHEREAS, communities in Eastern North Carolina are currently served by three (3) strategically spaced passenger air terminal located in New Bern, Greenville and Jacksonville, all rapidly developing areas; and

WHEREAS, Federal and/or State subsidization provided for Kinston to establish air service would not only be an unfair advantage to those existing airports who rely on airline generated revenue so as not to be a burden on its community's taxpayers, but would also be the cause for the detriment or demise of the Pitt-Greenville Airport, Craven Regional Airport and the Albert J. Ellis Airport; and

WHEREAS, Global TransPark's assets represent a major public investment by state and federal governments, and of thirteen (13) member counties for the purpose of helping, not hurting, the member counties; and

NOW, THEREFORE, the Pitt County Board of Commissioners rejects the Global TransPark Authority and Kinston Regional Jetport's efforts which would utilize any federal and state public funds or resources as well as any monies generated in Pitt County for the support of the Global TransPark Authority, which will threaten existing passenger air service in eastern North Carolina to favor non-existing service.

FURTHER, the Pitt County Board of Commissioners registers its opposition to the proposal submitted by Global TransPark Authority/Kinston Regional Jetport specifically, and general opposition to the concept of utilizing public funds in the proposed manner.

Adopted this 15th day of July, 2002.

Mark W. Owens, Jr., Chairman

Attest:

Susan J. Banks, CMC

Clerk to the Board

Motion:

Approve Resolution Opposing Global Transpark Authority/Kinston Regional Jetport Request for Federal Funds.

Motion made by Commissioner David Hammond.

Motion seconded by Commissioner Terry Shank.

Motion Passed Unanimously.

Letter of Support - Weyco Credit Union - Melanie Bryan

Information Provided with the Agenda

The Weyco Credit Union (Weyerhaeuser) is asking the County for a letter of support to open a branch in Greenville. Their main branch is at the Weyerhaeuser site in Plymouth, NC. Two additional branches are located at the Ayden and Craven County facilities. They are seeking letters of support from all of the surrounding counties. Letters have already been issued by Martin County and Bertie County (copies attached).

The establishment of this credit union requires nothing from the County but affords another choice in banking options to our citizens. The credit union provided a list of reasons why they were seeking a community charter and again, a copy is attached.

Motion:

Endorse letter of support and direct staff to prepare for Manager's signature.

Motion made by Commissioner David Hammond.

Motion seconded by Commissioner Terry Shank.

Motion Passed Unanimously.

Resolution for County Line Survey Between Pitt County and Greene County. - Glenn Cutrell

Information Provided with the Agenda

Greene County has asked Pitt County to support their efforts in obtaining funding to survey their entire county line. The North Carolina Geodetic Survey has been designated and funded by the North Carolina General Assembly to assist with the resurvey at no cost to the county government.

**RESOLUTION
APPROVING AND SUPPORTING GREENE COUNTY'S RESOLUTION
AUTHORIZING COUNTY LINE SURVEYING**

THAT WHEREAS, the North Carolina Geodetic Survey has been designated and funded by the North Carolina General Assembly to assist with the resurvey of ambiguous or uncertain county boundaries; and

WHEREAS, the work can be done at the invitation of the counties involved at no cost to the county government; and,

WHEREAS, Pitt County has previously initiated this process to identify Pitt County's ambiguous or uncertain boundaries; and

WHEREAS, Pitt County had been made aware that Greene County is desirous of implementing this process to identify Greene County's ambiguous or uncertain boundaries; and

WHEREAS, Greene County adopted a Resolution to that effect on May 6, 2002.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Pitt County that:

1. The Pitt County Board of Commissioners approves and supports Greene County's Resolution dated May 6, 2002, requesting that Greene County's lines be surveyed by the North Carolina Geodetic Survey.
2. This Resolution shall be in full force and effect upon its adoption this the 15 day of July, 2002.

MARK W. OWENS, JR., CHAIRMAN

ATTEST:

SUSAN J. BANKS, CLERK

Motion:

Adopt Resolution for Greene County's boundary resurvey.

**Motion made by Commissioner David Hammond.
Motion seconded by Commissioner Terry Shank.
Motion Passed Unanimously.**

Items for Decision

Approval of Shell Contract - Emergency Medical Services - Bobby Joyner

Information Provided with the Agenda – (This item was moved from the consent agenda to Items for Decision during approval of consent items.)

The attached contract shell has been drafted to define the roles and responsibilities of both the County and each Volunteer EMS Squad next fiscal year. It has been reviewed by staff and with the squads. Each squad was sent a draft in late May and given the opportunity to make comments. The proposed contract was also reviewed in final form with the squad captains at a meeting held on June 27, 2002.

Additionally, a second contract template is used with the City of Greenville as this is not a volunteer squad and therefore, the language is slightly different. This contract is the same as the contract currently in force with the City.

**NORTH CAROLINA
PITT COUNTY**

**CONTRACT TO PROVIDE
EMERGENCY MEDICAL SERVICES
BETWEEN PITT COUNTY**

AND

This contract, made and entered into this 1ST day of July, 2002, by and between Pitt County, hereinafter referred to as "County" and the _____ Emergency Medical Services Squad, (chartered as _____), a non-profit corporation organized pursuant to the laws of the State of North Carolina, hereinafter referred to as the "EMS Squad" or "Squad", shall commence upon execution by both parties and shall continue in force and effect until terminated immediately "for cause" upon written notice or by either party hereto "without cause" upon 60 days written notice to the other party.

That for and in consideration of the mutual benefits to be derived, and pursuant to the mandate of N.C.G. S. 143-517 effective January 1, 2002; the County and the Emergency Medical Services Squad enter into the following agreement;

WHEREAS, the County hereby contracts with the EMS Squad to provide continuing emergency medical service protection in the County under the following terms and conditions:

THE COUNTY SHALL:

- 1) Provide funding, as identified in Attachment A attached hereto and made a part hereof for all purposes, to the EMS Squad to assist in covering operating and maintenance costs as follows:

_____ appropriation for the EMS Squad. These funds will be disbursed to the Squad in monthly payments equal to 1/12th of the annual amount, upon receipt of the monthly run reports. The billing copy of all run reports shall be in the County Office of Emergency Services by the 5th of the month following service delivery, for payment by the 10th of the month. If these reports are not in by the 5th of the month, the Squad will not be paid by the County until all reports due are received.

- 2) Provide worksheets/electronic media for transmission of quarterly expenditure information.
- 3) Cause the squad to be inspected annually through the County Emergency Medical Services Advisory Commission, including its equipment, personnel, organization, and method of operation to determine that the Squad meets the standards required under North Carolina law. This inspection may be performed by the County Emergency Services Director or his designee; and
 - (a) The Squad shall be given at least forty-eight (48) hours advance notice of said inspection;
 - (b) If during any inspection, it is determined that the Squad is not meeting the minimum standards as set forth in this Ordinance, the County shall give written notice of specific deficiencies to the EMS Squad Captain and at least two active members in good standing of the EMS Squad. This notice shall specify that a period of fifteen days shall be allowed to correct the specific deficiencies. At the end of the fifteen day period, a re-inspection shall be made to determine if the deficiencies have been satisfactorily corrected.
 - (c) If the specific deficiencies have not been satisfactorily corrected, the County Emergency Medical Services Advisory Commission shall notify the Board of County Commissioners and the Squad that this contract shall be held in abeyance until the Squad has satisfactorily corrected the deficiencies and has passed a re-inspection to certify that the Squad can now meet these minimum standards. Upon this notice, the Squad shall immediately cease operation and County financial assistance shall cease. The EMS Squad, upon meeting the minimum standards, can apply to reinstate this Contract along with County financial assistance.

- (d) If deficiencies are found in an EMS Squad which has previously met the requirements of the N.C. Office of Emergency Medical Services, the N.C. Department of Insurance or guidelines/standards adopted by the County and the County Medical Director, the N.C. Office of Emergency Medical Services shall be notified, outlining the deficiencies that were found to exist in the EMS Squad.
- 4) Provide Workers Compensation insurance coverage for all Squad members who qualify as active members in good standing, and whose names and current required data are on file with the County Emergency Services Department. However, the County shall not be responsible for any claims for accident, illness, disability, or hospitalization not covered by Workers Compensation Insurance. An "active member in good standing" is defined as: a member who has completed or is in the process of completing 36 hours of annual: training, meetings, or drills, and is actively involved in the operation of the EMS Squad.
- 5) Ensure that when the County Emergency Services Director asks an EMS Squad to answer a call, the Director will see that the district of such EMS Squad answering the call is not left unprotected.
- 6) Through the 911 Emergency Communication Center dispatch emergency medical calls within a given emergency medical district based upon the availability of a single EMS unit. Calls received when the primary unit has previously been dispatched will be directed to the assigned mutual aid EMS Squad. Simultaneously, notice of the call will be sent to the original EMS Squad in the event that personnel are available to respond. It is the responsibility of the EMS Squad designee to notify the Pitt County 911 Emergency Communication Center that the EMS Squad is not "in service" so that primary calls will be directed to the appropriate mutual aid EMS Squad.
- 7) Provide billing for all services rendered through a countywide contract with an outside billing provider or through in house County billing.
- 8) Provide an outside auditor to perform an annual audit of the Squad's financial records at County expense.
- 9) Provide all active members in good standing with a picture identification card to identify them as bonafide EMS Squad members.

THE EMS SQUAD SHALL:

- 1) Answer calls by dispatching equipment operated by personnel adequately trained to operate the equipment that meets the standards established by the North Carolina Office of Emergency Medical Services and the County.
- 2) Be responsible for maintaining current knowledge of all local ordinances, state and federal statutes, rules and regulations, and standards governing the provision of emergency medical services.
- 3) Be incorporated under the laws of the State of North Carolina as a non-profit corporation, or as a municipal EMS Squad organized under an ordinance of the governing body of the incorporated city or town.
- 4) Maintain tax exempt status from the U. S. Internal Revenue Service with proof submitted to the County Emergency Services Department.
- 5) Designate an Emergency Medical Services Captain and other necessary officers and personnel, including a Lieutenant, Secretary and Treasurer.

- 6) Maintain a list of all active members including each; address, telephone numbers, social security number, drivers' license number, and date of birth, along with a copy of each member's NC certification. This information must be provided to the County Emergency Services Department within five (5) days of their becoming members of the EMS Squad, and shall be kept current at all times.
- 7) Ensure that only active members in good standing are allowed to have County EMS identification in his/her possession, by requiring the return to County Emergency Services Director of all identification cards when individual is no longer an active member of the Squad in good standing.
- 8) Provide the minimum equipment specified by the N. C. Office of Emergency Medical Services.
- 9) Provide a policy of general liability insurance in the amount of at least \$1,000,000 with a combined single limit with contractual coverage endorsements, a policy of vehicle liability with insurance limits covering bodily injury, death and property damage claims in the amount of at least \$1,000,000 with combined single limits, and a policy of errors and omissions for each member of the EMS Squad which holds the County harmless of any liability. Copies of each such insurance policy with original, signed, insurance certificates noting that the County shall be notified 30 days prior to any cancellation of any such insurance coverage shall be provided to the County Emergency Services Department prior to any payments of financial assistance being made by County.
- 10) Carry out an organized training program, which shall include:
 - (a) The training and qualifying of emergency medical services truck drivers; to ensure that only qualified drivers shall drive an emergency medical services truck. A list of those qualified drivers shall be posted at the station and furnished to each member of the EMS Squad. Drivers shall exercise caution at all times, allowing no one other than active members in good standing of a Pitt County EMS Squad to ride the truck when responding to an emergency, unless a Waiver of Liability form is secured from anyone not a patient or patient family member.
 - (b) The participation in a minimum of one drill each month with each member having a minimum of 36 hours of training per fiscal year.
- 11) Through the Captain of each EMS Squad stress "safety" throughout the squad and in all Squad activities.
- 12) Emphasize safe driving habits of the members using their own automobiles to get to the scene of an emergency, as well as safe practices while at the scene of an emergency.
- 13) Agree that the EMS Squad Captain or crew chief within whose area the emergency is located shall be in charge of the care of all injured persons at the scene.
- 14) Keep adequate and accurate records of all calls and other records and reports required by the County or the State of North Carolina.
- 15) Maintain _____ level of service.
- 16) Strive to be on the scene of any call in fourteen (14) minutes, and shall continually strive to improve response time to eight (8) minutes per call.
- 17) Ensure that all paid personnel are at the station when on call.
- 18) Be a participant in the Mutual Aid Agreement in Pitt County.

- 19) Account for all funds received, and adopt the following accounting policies and guidelines:
- (a) Annual budget will be presented to the County Emergency Medical Services Advisory Commission by March 1st of each year showing anticipated income and expenses for the coming fiscal year.
 - (b) An annual financial statement, Attachment B herein, showing revenues and expenditures, to be presented to the County Emergency Services Department by September 1st of each year.
 - (c) All checks require two signatures and shall be completely filled in before being signed.
 - (d) No checks shall be written to "cash".
 - (e) Deposits shall be made in a timely manner to help maintain cash flow, increase interest earnings, and to avoid loss of check and need to reissue.
 - (f) Receipts attached to each deposit slip shall show source of revenue.
 - (g) A journal showing receipts and disbursements by date and item shall be maintained.
 - (h) Excerpts of minutes of meetings, which amend the original budget of the Squad, shall be presented to the County Emergency Services Department within 60 days of the event.
 - (i) The County Emergency Services Office shall be furnished with and kept current with, names of those individuals authorized to sign checks on behalf of the Squad.
 - (j) A fidelity bond in the amount of \$50,000 on persons authorized to sign checks shall be maintained at all times, with a current copy of the bond furnished to the County Emergency Services Director prior to said persons signing any checks.
 - (k) Make all financial records available, upon request by County, to outside auditor, provided by the County on an annual basis.
 - (l) Expense statements shall be submitted to the County Emergency Services Office by the 10th of October, January, April and July. These reports will show the expenses of the squad for the quarter. No additional funds will be appropriated to the Squad until each quarterly report is filed evidencing that the funds were spent in accordance with budget.
- 20) Present all run reports to the County by the 5th day of the month for the preceding month. Run reports received by the County after the 5th day of the month will cause a delay in the payment made to the Squad by the County.
- 21) Prohibit the disclosure of any patient-related information to unauthorized members of the public. Failure to comply with this requirement shall result in the Squad receiving written notice that this Contract is terminated for cause; resulting in the loss of County financial assistance and the loss of Workers Compensation insurance for Squad members.
- 22) Call the Pitt County 911 Emergency Communications Center when the Squad is unable to respond to calls at any given time. Upon notice, the status of that EMS Squad will be changed to "unavailable" until further notice to the 911 Emergency Communications

Center by the Captain or designated shift leader. By written agreement, each EMS Squad will be considered to have only one unit available to respond to calls regardless of the number of members or vehicles that Squad may possess. Calls received when the primary EMS unit has previously been dispatched will be directed to the assigned mutual aid EMS Squad. Simultaneously, notice of the call will be sent to the original EMS Squad in the event that personnel are available to respond. It is the responsibility of the EMS Squad designee to notify the County 911 Center that an EMS Squad is not "in service" and thus primary calls will be directed to the appropriate mutual aid EMS Squad.

- 23) Provide all necessary documentation to County or County's third party billing provider so that all services rendered can be billed at the rate of \$400.00 per call or at the prevailing rate as established by County; and to ensure that both insurance and Medicare/Medicaid reimbursements are sought to enable the State of North Carolina to receive their fair share of reimbursements from both State and Federal government sources available.

IT IS FURTHER AGREED BETWEEN THE PARTIES:

Breach of Contract and Failure to Respond:

- 1) That failure to respond to a call by the EMS Squad will be considered a breach of contract and the appropriate Squad Captain and two (2) active members in good standing will be notified by mail of any such breach.
- 2) Should the EMS Squad fail to respond to a call or fail to notify the County 911 Emergency Communications Center of their inability to respond to a call, the Captain and two (2) active members in good standing of the EMS Squad shall receive a warning letter from County. Upon a second incident within thirty (30) days of the previous incident the EMS Squad shall be fined \$200.00. These fines shall be deducted from the monthly payment by County. Should the EMS Squad feel that there are extenuating circumstances justifying the failure, they may appeal the fine to the EMS Advisory Commission.
- 3) Continuation of failures to respond shall be considered a breach of contract between the Parties, which justifies termination of this contract "for cause" and termination of any funding or other benefits by the County.

In WITNESS WHEREOF the _____ EMS Squad has caused this Contract to be signed in its name by its President, attested by its Secretary, and its corporate seal to be affixed, and County has caused this Contract to be signed in its name by its Chairman, and attested by its Clerk, its seal to be affixed, all by authority duly given, the day and year first above written.

_____ Emergency Medical Services Squad	S E A L
_____ Attest:	_____
President	Secretary
PITT COUNTY	S E A L
_____ Attest:	_____
Chairman, Board of Commissioners	Clerk to the Board

"This instrument has been preaudited in the manner required by the Local Government Budget and Fiscal Control Act."

Director of Financial Services

Approved: _____
Pitt County Attorney

Motion:

Approve shell contract for volunteer squads and the City of Greenville and direct staff to complete a separate contract for each squad that contains their appropriate funding information.

Motion made by Commissioner David Hammond.

Motion seconded by Commissioner Terry Shank.

Motion Passed Unanimously.

Emergency Medical Services Agreement Between Pitt County, Bell Arthur, Bethel and Pactolus - Bobby Joyner

Information Provided with the Agenda

Attached is an agreement that will be signed between Pitt County and each of the following squads, Bell Arthur, Bethel and Pactolus Emergency Medical Services to place paid personnel in each of these squads. This agreement also allows the County paid personnel to use the squad's facilities and equipment.

NORTH CAROLINA

INTERLOCAL AGREEMENT TO PROVIDE

PITT COUNTY PERSONNEL - BETWEEN PITT

COUNTY AND BELL ARTHUR EMS SQUAD

THIS AGREEMENT, is made and entered into this the _____ day of July, 2002, by and between PITT COUNTY, a political subdivision of the State of North Carolina established and operating pursuant to the laws of the State of North Carolina, hereinafter referred to as "COUNTY", and BELL ARTHUR EMS SQUAD, a non profit corporation organized under the laws of the State of North Carolina, for the purpose of providing Emergency Medical Services to a defined geographic area of Pitt County, hereinafter referred to as "EMS SQUAD", is for the purpose of defining the Agreement of COUNTY to provide certified personnel to EMS SQUAD.

WITNESSETH:

NOW THEREFORE, for and in consideration of the mutual benefits, covenants, and promises contained herein, the parties hereto agree as follows:

THE COUNTY SHALL:

- 1) Provide and pay compensation for certified paramedic or EMT level personnel to cover all shifts not covered by volunteers, or as needed to provide adequate emergency medical services to the geographic area served by the EMS Squad.
- 2) Provide supervision of the personnel provided under this Agreement.

- 3) Recruit, screen, hire and fire all County personnel who will be under the County personnel policies.
- 4) Provide Workers Compensation coverage for all personnel.
- 5) Be responsible for assuring that all shifts are covered with trained, certified personnel.

THE EMS SQUAD SHALL:

- 1) Provide the building and all necessary equipment , vehicles, and supplies necessary to enable County personnel to provide emergency medical services to the geographic area within Pitt County assigned to the EMS Squad.
- 2) Maintain all vehicles and equipment in good working order and incur all costs associated with the maintenance.
- 3) Follow all policies, procedures, regulations and other matters as set out in the Contract to provide EMS Services between County and the EMS Squad.
- 4) Provide and maintain all supplies necessary to provide patient care.
- 5) Encourage all volunteers and to make very effort to supply volunteers to cover as many shifts as possible.
- 6) Require that all volunteer members continue to work a minimum number of shifts each month to maintain their active member in good standing status with the EMS Squad.
- 7) Discourage volunteers who are not working a shift from remaining in the station between the hours of 11:00 p.m. and 6:00 a.m.
- 8) Require that all volunteers and paid personnel maintain the station clean and in good order at all times.
- 9) Discourage the presence of family members in the station, unless in an emergency related to the individual on duty at the time.
- 10) Adopt the County guidelines for uniforms for all individuals while on duty.
- 11) Encourage the understanding that the station is a workplace and as such is not a social gathering place.
- 12) Acknowledge that the person with the highest certification level is in charge while on duty.

Effective Date. The effective date of this Interlocal Agreement shall be July 1, 2002, for a period of one year. It may be renewed annually upon agreement of the parties.

IN WITNESS WHEREOF, EMS Squad, has caused this Agreement to be signed by its President, attested to be its Secretary and its Official Seal to be affixed and Pitt County has caused this Agreement to be signed in its name by the Chairman of the Board of Commissioners and attested by the Clerk of its Board and its Official Seal to be hereunto affixed, the day and year first above written.

PITT COUNTY

By:

32

8/9/2002 5:45 PM

ATTEST:

Susan J. Banks, Clerk to the Board

EMS SQUAD

By: _____
President

ATTEST:

Secretary

Motion:

**Recommend approval of the Agreement.
Motion made by Commissioner David Hammond.
Motion seconded by Commissioner Terry Shank.**

Motion Passed Unanimously.

Unlawful Workplace Harassment Policy - Florida Hardy

Information Provided with the Agenda

This is an update of the current Sexual Harassment Policy which is part of the Administrative Policies. This revised policy broadens the protection of employees to include sexual harassment as well as unlawful workplace harassment which protects employees from a hostile or abusive work environment. Unlawful Workplace harassment resulted from Senate Bill 78 and is mandatory for the human services agencies subject to the State Personnel Act. Approving this policy for all County employees allows the same protection to general government employees as those in the human services agencies.

UNLAWFUL WORKPLACE HARASSMENT

Purpose.

The purpose of this policy is to establish that Pitt County Government prohibits unlawful workplace harassment of employees and ensure that Pitt County work sites are free of unlawful workplace harassment. This policy also prohibits retaliation against employees.

Policy.

It is the policy of Pitt County Government that employees are prohibited from engaging in conduct that falls under the definition of unlawful workplace harassment. No personnel decisions shall be made on the basis of race, sex, creed, religion, national origin, age, color or handicapping condition. All employees have the right to work in an environment free from unlawful workplace harassment and retaliation. Unlawful workplace harassment is a form of discrimination prohibited by North Carolina law. When a supervisor or department head learns of

any action, which may constitute unlawful workplace harassment, he/she is required to provide that information immediately to the Human Resources Director.

Definitions.

- (1) **Unlawful Workplace Harassment** is defined as unsolicited, and unwelcome speech or conduct based upon race, sex, creed, religion, national origin, age, color, or handicapping condition that creates a hostile work environment or circumstances involving sexual harassment.
- (2) **Hostile Work Environment** is one that both a reasonable person would find hostile or abusive and one that the particular person who is the object of the harassment perceives to be hostile or abusive. Hostile work environment is determined by examining all of the circumstances, including the frequency of the allegedly harassing conduct, it's severity, whether it is physically threatening or humiliating, and whether it unreasonably interferes with an employee's ability to do their work.
- (3) **Sexual Harassment** consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when: (A) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or (B) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- (4) **Retaliation** is adverse action or treatment taken because of opposition to unlawful workplace harassment.

Complaint Procedure.

Any employee or former employee who feels he/she has been the victim of unlawful workplace harassment in violation of this policy may file a complaint. .

- (1) *Alternative 1.* The employee should tell the person who is offending him/her that the behavior is offensive and should stop. (Because offensive behavior is often not intended as harassment, letting the individual know that the behavior is offensive and to stop the behavior will often resolve the problem). EMPLOYEES ARE NOT REQUIRED TO COMPLAIN FIRST TO THE PERSON THEY BELIEVE IS HARASSING THEM.
- (2) *Alternative 2.* The employee should notify the immediate supervisor of the situation. The immediate supervisor is responsible for investigating the situation and taking corrective action.
- (3) *Alternative 3* If the harassment is coming from an immediate supervisor, the employee should report the situation to the department head. The department head is responsible for investigating the situation and taking corrective action. If the harassment is coming from the department head, report the situation to the County Human Resources Director.
- (4) *Alternative 4.* If, at any point in the process, the employee prefers to do so, (s)he may report the situation to the County Human Resources Director who will investigate the situation and take immediate and appropriate action.

All employees should respect the rights, opinions and beliefs of others. No reprisal, retaliation, or adverse action will be taken against any employee for filing a complaint or an appeal in good faith or for assisting in good faith in the investigation of any appeal or complaint.

Pitt County Government will take prompt remedial action and/or disciplinary action up to and including dismissal if the investigation reveals any violation of this policy.

Motion:

Approve the policy as submitted effective July 1, 2002.

Motion made by Commissioner Terry Shank.

Motion seconded by Commissioner Randy Royal.

Motion Passed Unanimously.

Inter-local Agreements with the Town of Falkland - James Rhodes

Information Provided with the Agenda

The Town of Falkland is requesting to enter into an inter-local agreement with Pitt County for administration of the County's Subdivision Ordinance within the Town Limits and the Extraterritorial Jurisdiction (ETJ) (see Attachment 1). The Town of Falkland previously entered into an inter-local agreement with the County on February 1, 1995 for Subdivision administration. This inter-local agreement was cancelled by the Town during 2000 in order for the Town to administer its own Subdivision Regulations through the assistance of a Planning Consultant. Due to budget constraints, the Town is requesting that the County take over Subdivision administration through the use of the County Subdivision Ordinance as a cost-savings measure for the Town. The County currently provides the Town with Soil Erosion and Sedimentation Control administration, E-911 Addressing Ordinance administration, and Building Code enforcement.

In addition, the Town of Falkland is requesting to enter into an inter-local agreement with Pitt County for zoning administration (see attached Letter of Request). The Town is requesting that the County serve as the Town's Zoning Administrator by administering the existing Town of Falkland Zoning Ordinance. As drafted, the County Planning Department would issue zoning permits in accordance with the Town's Zoning Ordinance. Those items requiring special approval, such as Conditional Use Permits, Variances, Rezoning, Text Amendments, etc, would be forwarded by the County to the respective Town Board or Commission for approval as required by the Town's existing Zoning Ordinance. Though the County administers several of its Ordinances within various municipal jurisdictions, this is the first time a municipality has formally requested that the County administer municipal zoning regulations. Since several municipalities have recently shown interest in the County administering municipal zoning regulations within the respective jurisdiction, the Town of Falkland request would serve as a pilot project.

Meeting Notes

Mr. Rhodes reported the following:

- Both Pitt County and Town of Falkland attorneys have reviewed and approved the interlocal agreements.
- The Falkland Town Council has approved these interlocal agreements.
- This is the first time for the County to administer a Town's zoning ordinance. They asked for the County to assist in these ordinances.
- The County's ordinance will be implemented in this Town of Falkland.
- Fees will remain with the County.

Special permits would require staff to make recommendation to the town. They recommend entering this agreement and establish August 1 as the effective date for administering the ordinance. These citizens already come to the County planning office for other permits. Fees are set up to offset staff time.

Motion:

- 1) Authorize Chairman to sign inter-local agreement (see Attachment 2) for Subdivision Ordinance enforcement once the Town Board holds the required public hearing to adopt the County's Ordinance.
- 2) Authorize Chairman to sign inter-local agreement (see Attachment 3) allowing the County to administer the Town of Falkland Zoning Ordinance within the Town's Planning Jurisdiction.

**Motion made by Commissioner Eugene James.
Motion seconded by Commissioner Randy Royal.**

Commissioner Bowen wanted to make an **amendment** to this motion to include any other municipalities that would like to be included in this service. The motion died due to lack of a second.

Motion Passed Unanimously.

**Pitt County
North Carolina**

**INTERLOCAL AGREEMENT BETWEEN
FALKLAND & PITT COUNTY REGARDING
SUBDIVISION ORDINANCE ENFORCEMENT**

THIS Interlocal Agreement is made and entered into this the ____ day of _____ 2002, by and between the Town of Falkland, a municipal corporation and Pitt County a body politic and corporate of the State of North Carolina.

WITNESSETH

THAT FOR AND IN CONSIDERATION of the mutual covenants hereinafter contained and pursuant to the authority granted by North Carolina General Statutes 160A-461, the Town of Falkland and Pitt County hereby covenant and agree as follows:

FIRST:

That the Town of Falkland hereby contracts with Pitt County to use the services of the Planning Department of Pitt County to administer the County's Subdivision Ordinance within the corporate limits and extra-territorial jurisdiction of the Town of Falkland.

SECOND:

That the Pitt County Subdivision Ordinance and any amendments thereto are hereby adopted by the Town of Falkland, through execution of this Interlocal Agreement, as well as by Resolution of the Town Board, and the same shall apply within the corporate limits and extraterritorial jurisdiction of the Town of Falkland.

THIRD:

That the Town of Falkland's Zoning Ordinance, or any amendment thereto, will supersede the Pitt County Subdivision Ordinance relative to setbacks, lot area, and lot width and all other requirements pertinent to the division of land, provision of land and provision of services, provided that such ordinance or amendment is duly adopted by the Town Board.

FOURTH:

That the services of the Pitt County Planning Department shall be performed at no cost to the Town of Falkland. However, should any claims arise, the Town of Falkland agrees to indemnify and hold Pitt County, its employees, agents and contractors harmless from any and all claims for liability, loss, injury, damages to persons or property, costs or attorney's fees resulting from any actions brought against Pitt County, its employees, agents, contractors, and Commissioners arising as a result of these services performed on behalf of the Town of Falkland that are the subject matter of this Agreement.

FIFTH:

That all fees and charges for subdivision review as adopted by the Board of County Commissioners, shall be collected by Pitt County, shall be the sole property of Pitt County, and no part thereof shall be payable to the Town of Falkland.

SIXTH:

That no preliminary subdivision plat for a parcel(s) located within the Town of Falkland's corporate limits or extra-territorial jurisdiction shall be accepted for review by the Pitt County Planning Department until or unless: 1) a zoning compliance form, which identifies the appropriate requirements for setbacks, lot area and lot width, is completed by an authorized individual for the Town and is submitted with the plat; and 2) the zoning designations(s) for the parcel(s) to be subdivided and the applicable requirements for setbacks, lot area, and lot width for the zoning designation(s) are shown on the face of the plat.

SEVENTH:

That during the subdivision review process for a proposed activity within the corporate limits or extra-territorial jurisdiction of the Town of Falkland, a copy of the preliminary subdivision plat shall be sent to the Town of Falkland for review. The Town is responsible for verification of compliance with the Town's Zoning Ordinance during the allotted review period. The preliminary plat shall be disapproved by Pitt County if the parcel(s) on which the subdivision is proposed is not zoned to accommodate such use, as interpreted and certified in writing to the Pitt County Planning Department by the Town of Falkland.

EIGHT:

That the Pitt County Planning Department will use every effort to enforce the Subdivision Ordinance, except that if any civil or criminal action becomes necessary, the Town of Falkland shall bring any legal action and bear all costs involved as may be required to effectively enforce said Ordinance, upon written notice from the Pitt County Planning Department of such violations.

NINTH:

That this Agreement shall continue until such time as either the Town of Falkland or Pitt County resolves to discontinue the Agreement and presents 60 days written notice to the other party of said termination or upon mutual agreement of both parties.

TENTH:

This Agreement may only be modified in writing, executed by both parties.

ELEVENTH:

That the effective date of this Interlocal Agreement shall be August 1, 2002.

IN WITNESS WHEREOF, the Town of Falkland has caused this Agreement to be signed in its name by its Mayor attested by its clerk, and its Official Seal to be affixed, and Pitt County has caused this Agreement to be signed in its name by the Chairman of the Board of Commissioners and attested by the Clerk of its board and its Official Seal to be affixed, the day and year first above written.

COUNTY OF PITT

TOWN OF FALKLAND

BY: _____
Chairman, Pitt County Board of
Commissioners

BY: _____
Mayor

Attest:

Attest:

Clerk

Clerk

**Pitt County
North Carolina**

**INTERLOCAL AGREEMENT BETWEEN
FALKLAND & PITT COUNTY REGARDING
ZONING ORDINANCE ENFORCEMENT**

THIS Interlocal Agreement is made and entered into this the ____ day of _____ 2002, by and between the Town of Falkland, a municipal corporation and Pitt County a body politic and corporate of the State of North Carolina.

WITNESSETH

THAT FOR AND IN CONSIDERATION of the mutual covenants hereinafter contained and pursuant to the authority granted by North Carolina General Statutes 160A-461, the Town of Falkland and Pitt County hereby covenant and agree as follows:

FIRST:

That the Town of Falkland hereby contracts with Pitt County to use the services of the Planning Department of Pitt County to administer the Falkland Zoning Ordinance within the corporate limits and extra-territorial jurisdiction of the Town of Falkland.

SECOND:

That the Falkland Zoning Ordinance has been adopted by the Town of Falkland, through the requirements of North Carolina General Statute 160A-364, and the same shall apply within the corporate limits and extraterritorial jurisdiction of the Town of Falkland.

THIRD:

That the services of the Pitt County Planning Department shall be performed at no cost to the Town of Falkland. However, should any claims arise, the Town of Falkland agrees to indemnify and hold Pitt County, its employees, agents and contractors harmless from any and all claims for liability, loss, injury, damages to persons or property, costs or attorney's fees resulting from any actions brought against Pitt County, its employees, agents, contractors, and Commissioners arising as a result of these services performed on behalf of the Town of Falkland that are the subject matter of this Agreement.

FORTH:

That all fees and charges for zoning administration as adopted by the Town of Falkland Board of Commissioners, shall be collected by Pitt County, shall be the sole property of Pitt County, and no part thereof shall be payable to the Town of Falkland.

FIFTH:

That the Pitt County Planning Department shall serve as the Town of Falkland Zoning Administrator, as required and described in the Town of Falkland Zoning Ordinance, Section 10.01.

SIXTH:

That the Pitt County Planning Department shall be responsible for the review and evaluation of all Zoning Permits and/or Certificates of Compliance to determine compliance with the Town of Falkland Zoning Ordinance, and shall take official action on all Zoning Permits and/or Certificates of Compliance as required by the Town of Falkland Zoning Ordinance. The Pitt County Planning Department will be responsible for all Zoning Compliance Certifications required for Subdivision Plat approval submissions.

SEVENTH:

That the Town of Falkland Planning Board shall continue to serve in its advisory capacity for all rezoning and text amendment requests as described and required in the Town of Falkland Zoning Ordinance, Section 12.03; and the Town of Falkland Board of Adjustment shall continue to serve in its decision making capacity for all variance requests, appeals, and conditional uses as described and required in the Town of Falkland Zoning Ordinance, Section 11.03; and the Town of Falkland Board of Commissioners shall continue to serve in its decision making capacity for all rezonings and text amendments, as described and required in the Town of Falkland Zoning Ordinance, Section 12.01.

EIGHT:

That the Pitt County Planning Department shall forward to the appropriate Town Board(s) all requests for rezonings, text amendments, appeals, variances, and conditional uses and make recommendations to the appropriate Board(s) regarding these issues.

NINTH:

That the Town of Falkland shall provide administrative assistance to the Pitt County Planning Department by organizing, setting up, and recording minutes of the Town's Planning Board, Board of Adjustment, and Town Council meetings as deemed necessary to carry out the requirements of the Town of Falkland Zoning Ordinance. The Town of Falkland shall be responsible for all advertising and public notification of all public meetings and shall be responsible for any costs related to such advertisement and notification.

TENTH:

That the Pitt County Planning Department shall keep a record of all Zoning Permits and/or Certificates of Compliance, and any other permit or documentation related to the administration of the Town of Falkland Zoning Ordinance, and shall forward a copy of all Zoning Permits and/or Certificates of Compliance to the Town of Falkland for appropriate filing in the Town's records.

ELEVENTH:

That the Pitt County Planning Department will use every effort to enforce the Town of Falkland Zoning Ordinance, except that if any civil or criminal action becomes necessary, the Town of Falkland shall bring any legal action and bear all costs involved as may be required to effectively enforce said Ordinance, upon written notice from the Pitt County Planning Department of such violations.

TWELFTH:

That this Agreement shall continue until such time as either the Town of Falkland or Pitt County resolves to discontinue the Agreement and presents 60 days written notice to the other party of said termination or upon mutual agreement of both parties.

THIRTHEENTH:

This Agreement may only be modified in writing, executed by both parties.

FOURTHEENTH

That the effective date of this Interlocal Agreement shall be August 1, 2002.

IN WITNESS WHEREOF, the Town of Falkland has caused this Agreement to be signed in its name by its Mayor attested by its clerk, and its Official Seal to be affixed, and Pitt County has caused this Agreement to be signed in its name by the Chairman of the Board of Commissioners and attested by the Clerk of its board and its Official Seal to be affixed, the day and year first above written.

COUNTY OF PITT

TOWN OF FALKLAND

BY: _____
Chairman, Pitt County Board of
Commissioners

BY: _____
Mayor

Attest:

Attest:

Clerk

Clerk

Extension of Contract for Beaver Management Assistance Program - James Rhodes

Information Provided with the Agenda

At its November 5, 2001 meeting, the Board authorized expansion of the United States Department of Agriculture's Beaver Management Assistance Program by contracting with the agency to provide a full-time employee for a six-month period (January-June 2002). The agency extended the contract through the month of July as a result of losing the employee working under the cost-share portion of the program.

Through May, the program has saved participating landowners over \$76,000 (see Attachment 1). In addition to unincorporated Pitt County, beaver management activities have been performed in several municipalities including Farmville, Fountain, Greenville and Ayden.

Numerous landowners have expressed a desire to continue the program throughout the 2002-2003 fiscal year.

The Beaver Management Oversight Committee has also seen the benefits of the program and at its June 19th meeting recommended the continuation of the program through the 2002-2003 fiscal year. Approximately \$34,000 has been included in the Planning Department's budget for the Beaver Management Assistance Program. To maximize the use of these funds for the remainder of FY 2002-2003, the committee recommends contracting with the USDA for a .66 full-time equivalent position (approximately 26 hours/week). Staff recommends adopting USDA's new fee schedule of \$15.00 per site visit and \$75.00 for removal of a beaver dam for the new contract period (currently \$10.00/site visit and \$75.00 for explosive removal of the dam). Pitt County will retain all fees collected for these services.

	January	February	March	April	May	Total
Total Number of Jobs	7	10	11	8	10	46
Number Completed	3	4	4	4	3	18
Number of Target Animals Controlled	44	85	36	30	34	229
Number of Acres Saved	19	26	11	13	8	77
<u>Amount Damaged by Beaver Activity</u>	\$32,102	\$98,030	\$31,700	\$31,900	\$6,135	<u>\$199,867</u>
<u>Amount Saved by Beaver Control</u>	\$11,464	\$18,254	\$11,470	\$21,785	\$13,360	<u>\$76,333</u>

Meeting Notes

Mr. Rhodes stated that this service is provided through the United States Department of Agriculture's Beaver Management Assistance Program. The county contracts with the USDA for a full-time employee for a six-month period (January – June 2002). Mr. Rhodes presented a map of the areas where beaver trapping has been done with his report. Oversight committee has also provided a recommendation. There has been around \$76,000 saved by this beaver control program.

Mr. Rhodes stated that funds have been cut for this year and they are trying to spread the funds out. The staff recommended a new fee schedule of \$15.00 site visit and \$75.00 for removal of a beaver dam for the new contract period. The County will retain the fees. He said they are coordinating this program with the Department of Transportation and drainage districts. Mr. Rhodes recognized Mr. Tim Etheridge, Mr. Sutton and others in the program that were in the audience. He stated that \$25,000 was used last year and they had recommended \$34,000 for the full twelve months.

Commissioner James said that some people are doing their own and contracting with individuals on their own. He said as this money is collected it needs to be turned in. Mr. Rhodes said the funds are being collected through the Finance Office and those numbers can be provided.

Mr. Rhodes was asked if this service was bid out. Mr. Rhodes stated that it was not done through a bidding process. The United States Department of Agriculture staff is working on the beaver management program. The \$75.00 fee for removal of dams is for using explosives.

Motion:

- 1) Authorize the chairman to execute the contract with the USDA for a maximum contract amount of \$34,000 to provide beaver management services through June 2003 (see Attachment 2).**
- 2) Adopt new fee schedule of \$15 per site visit and \$75 for removal of dams for the new contract period.**
- 3) Coordinate activities with NC Department of Transportation and Drainage Districts.**

**Motion made by Commissioner Tom Johnson.
Motion seconded by Commissioner Eugene James.**

Motion Passed Unanimously.

Sharp Point Fire Department Request For Tax District - Bobby Joyner

Information Provided with the Agenda

The Sharp Point Fire Department has submitted verified signatures of 35% of the resident free holders in their district and have petitioned the Pitt County Board of Commissioners to call for an election in said district for the purposes of submitting to the qualified voters therein the question of levying and collecting a special tax on all taxable property in said district, in an amount not exceeding \$.15 (fifteen cents) on the \$100.00 (one hundred dollars) valuation of property for the purpose of providing fire protection in said district. In order to implement this special tax, the Board of Commissioners has to request the Board of Elections to hold a referendum with the next election. The Board of Elections anticipates setting November 5, 2002 as an election date.

Meeting Notes

Mr. Joyner presented the petition for Sharp Point to hold a referendum. He said he had verified the signatures on the petition as required. He said they have twelve signatures and they are only required to have nine signatures. It is a very small area of Pitt County.

Motion:

Approve adoption and recommend the referendum be held to establish the Sharp Point Fire Tax District with the regular election on November 5, 2002.

**Motion made by Commissioner Terry Shank.
Motion seconded by Commissioner Tom Coulson.**

Mr. Joyner said the legal requirements have been met. This fire department is split between Pitt County and Edgecombe County.

Motion Passed Unanimously.

Amend the Request for FY 2002-03 for EMS Districts (Emergency Services) New Positions - Bobby Joyner

Information Provided with the Agenda

During the budget process, it was determined that the most appropriate route to solving staffing problems at the three EMS squads identified as "critical" would be to hire County employees. As a part of budget, the Board of Commissioners allocated funding of \$884,931 for these services. At that same time, 10 full time positions were approved.

As staff has worked on scheduling, it has been determined that we would be better served with 18 positions - four paramedics per squad (12) and two EMT-Is (6). This staffing pattern along with hourly part-timers should provide these squads with the coverage they need.

This can be accomplished within the allocated funding as we had originally used this staffing pattern in our original analysis.

Meeting Notes

Mr. Joyner said that ten positions were originally proposed for these rescue units but staff feels that eighteen positions are needed. He asked for the Board to increase the number of positions from ten to eighteen. No additional funds were requested.

Motion:

**Approve increase in the number of budgeted EMS positions from ten to eighteen and identify and classify the positions as twelve Paramedics and six EMT-Intermediates.
Motion made by Commissioner Tom Johns on.
Motion seconded by Commissioner Terry Shank.**

Motion Passed Unanimously.

Reappointment of Tax Collector - Jeff Niebauer - Melonie Bryan

Information Provided with the Agenda

In accordance with North Carolina General Statute 105 and the Machinery Act, the County has to appoint a tax collector. Mr. Niebauer was originally appointed to a two-year term in August 2000. That original appointment is now expiring. Mr. Niebauer meets all the State requirements for reappointment. He has completed the annual continuing education requirements and has had satisfactory job performance.

Motion:

**Reappoint Jeff Niebauer as Tax Collector for a two-year term.
Motion made by Commissioner Glenn Bowen.
Motion seconded by Commissioner Eugene James.**

Motion Passed Unanimously.

Ordinance revising the Pitt County Emergency Medical Services Advisory Commission - JoAnne Burgdorff

Information Provided with the Agenda

The ordinance establishing the Pitt County Emergency Medical Services Advisory Commission has been revised to reflect the change in membership as directed by the Board of Commissioners at their June 17, 2002 meeting. Additionally, it has been reviewed in conjunction with the Emergency Medical Services contract to ensure both documents mirror the same language. These changes are also included.

**ORDINANCE ESTABLISHING THE PITT COUNTY
EMERGENCY MEDICAL SERVICES ADVISORY COMMISSION AND
GUIDELINES FOR PITT COUNTY EMERGENCY MEDICAL SERVICES**

WHEREAS, G.S. 153A-149 authorizes a Board of County Commissioners to levy property taxes to provide ambulance services, rescue squads and other emergency services. G.S. 143-517 clarifies that county governments are responsible for ensuring that Emergency Medical Services (EMS) are available to citizens in their County.

WHEREAS, the Board of Commissioners of Pitt County has determined that it is necessary in order to provide Emergency Medical Services to all the citizens of Pitt County to encourage and financially assist in providing the organization, equipment, maintenance and government of the EMS squads in Pitt County;

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF PITT COUNTY DOES HEREBY ORDAIN, THAT:

Section 1. There is hereby created the Pitt County Emergency Medical Services Advisory Commission. Membership on the Commission shall consist of:

1. Eleven (11) EMS members. One member representing each of the existing EMS Squads in Pitt County. There are currently eleven (11) Emergency Medical Services squads in Pitt County. If the number of squads changes, the number of representatives in this category will change accordingly. One (1) of these members must be a paramedic.
2. Six (6) citizen at large members.
3. One (1) Town Administrator/Town Manager employed in Pitt County.
4. One (1) Emergency Medical Services trainer.
5. One (1) Pitt County Memorial Hospital Representative.
6. One (1) Pitt County Medical Director, acting as medical director for the non-profit EMS squads in Pitt County, serving as an ex officio, non-voting member.
7. One (1) County Commissioner.
8. One (1) medical doctor

The current eleven (11) EMS members and the six (6) citizen at large members will serve three (3) year staggered terms. This shall be accomplished by appointing five EMS members to two year terms and six members to three year terms initially, thereafter all shall serve three year terms beginning at the date of expiration of their initial term at the discretion and appointment of the Board of Commissioners; the same process shall occur for the six (6) citizen at large members – three members shall be appointed for an initial term of two years and the other three for a three year term, upon expiration of the initial term all shall serve three year terms thereafter.

The Town Administrator or Town Manager member shall be appointed upon recommendation of the Pitt County Mayor's Association and shall remain in this position until a replacement is recommended or the individual is disqualified by no longer serving in the capacity of a Pitt County Town Manager or Administrator. The EMS Trainer member shall be an employee of Pitt Community College and shall be appointed upon recommendation of the President of the College. This member shall serve in this capacity until a replacement recommendation is received from the President of PCC. The Pitt County Memorial Hospital (PCMH) member shall be appointed upon recommendation of the Chief Executive Officer (CEO) of PCMH. This member shall serve until a replacement is recommended by the CEO of PCMH. The Pitt County Medical Director for the non-profit EMS squads shall serve as an ex-officio member without voting authority. This member shall be appointed upon recommendation of the CEO of PCMH and shall remain a member until a recommendation for replacement is received from the CEO of PCMH. The County Commissioner will be appointed by the Chairman of the Pitt County Board of Commissioners on an annual basis.

The duties and powers of the Commission shall be as specified in this Ordinance and the Commission shall make rules and regulations necessary to carry out the provisions of this Ordinance.

The Commission shall meet bi-monthly.

The Commission shall, from time to time, review the provisions and requirements contained in this Ordinance and shall recommend to the Board of Commissioners amendments or changes which the Commission may deem advisable.

Section 2. The duties of the Pitt County Emergency Medical Services Advisory Commission shall be as follows:

1. To provide oversight of EMS activities in Pitt County to ensure that each EMS squad's equipment, personnel, method of operation, training, and skills are adequate to furnish EMS to the area the squad covers. These activities shall include the following:

- a. Making annual inspections of each EMS squad, to determine that the squad meets the standards required by applicable North Carolina law. The Emergency Services Director or his designee can make the inspection for the Emergency Medical Services Advisory Commission.
- b. Standardizing Emergency Medical Services practices and equipment.
- c. Educating and training pre-hospital care providers.
- d. Providing ongoing evaluation and improvement of EMS services.
- e. Providing public information campaigns.
- f. Coordinating the EMS ambulance restocking program.
- g. Promoting other activities to improve EMS services in Pitt County.

2. To prepare and submit an annual budget package based on individual requests submitted by the non-profit EMS squads. This recommended budget will be submitted to the Emergency Services Director for inclusion in the Department Budget Package submitted to the Pitt County Board of Commissioners.

3. To divide the County into EMS districts, to restructure and consolidate districts as necessary to carry out the Commission's mission of providing quality EMS services throughout Pitt County.

4. To identify, define, and document the data requirements and relevant information needed from each squad and the Emergency Services Department.

5. To develop measurable "performance standards" to be complied with by all squads having a contract with the County to provide emergency medical services.

Section 3. Beginning with the adoption of this Ordinance, Pitt County will offer financial assistance for the maintenance and operation of any EMS squad qualifying for financial assistance under the terms of this Ordinance as approved in the County's annual budget. The payment to each squad shall be used for the general operation of the squad. The payments shall be made monthly.

Section 4. An EMS squad or a municipally operated EMS squad desiring financial assistance under this Ordinance shall make application to the Emergency Medical Services Advisory Commission. Upon receipt of such application, the Emergency Services Director will review the application and advise the Emergency Medical Services Advisory Commission whether the EMS squad is operating according to this Ordinance.

Section 5. If during any inspection by the Emergency Medical Services Advisory Commission, or their designee, it is determined that the EMS squad is not meeting minimum standards as set forth in this Ordinance, notice of specific deficiencies shall be given in writing to the squad by the Emergency Medical Services Advisory Commission or their designee. The notice must be sent to the EMS squad Captain and at least two (2) active members in good standing of the squad. This notice shall specify that a period of fifteen days shall be allowed to correct the specific deficiencies. At the end of the fifteen day period, a re-inspection shall be made by the Emergency Medical Services Advisory Commission or their designee to determine if the deficiencies have been satisfactorily corrected. If the deficiencies have not been satisfactorily corrected, the Emergency Medical Services Advisory Commission shall notify the Board of County Commissioners and the squad shall be notified to immediately cease operation until such time as it is determined by the Emergency Medical Services Advisory Commission that the squad now meets the minimum standards of this Ordinance. After having ceased operation, an EMS squad must reapply to operate and receive financial assistance in accordance with the provisions of Section 4 above.

If deficiencies are found in an EMS Squad which has previously met the requirements of the N.C. Office of Emergency Medical Services, the N.C. Department of Insurance or guidelines/standards adopted by the County and the County Medical Director, the N.C. Office of Emergency Medical Services shall be notified, outlining the deficiencies that were found to exist in the EMS Squad.

Section 6. Each Emergency Medical Services squad operating in Pitt County shall meet the following minimum standards:

1. A volunteer Emergency Medical Services squad shall be incorporated under the laws of the State of North Carolina and have a 501(c)3 tax exempt status from the U.S. Internal Revenue Service. A municipal Emergency Medical Services squad shall be organized under an ordinance of the governing body of the incorporated city or town.

2. Each Emergency Medical Services squad shall have a Captain and other necessary officers and personnel to provide twenty-four (24) hour coverage, seven (7) days a week, 52 weeks a year. An accurate and current listing of all members, showing each member's address, phone number, driver's license number, social security number, and date of birth must be on file

with the Pitt County Emergency Services Office. A current copy of each member's NC certification shall be on file.

3. All active members of an Emergency Medical Services squad in good standing shall have a photo ID card issued by Pitt County Emergency Services for identification as a bona fide Emergency Medical Services squad member. An "active member in good standing" is defined as: a member who has completed, or is in the process of completing, 36 hours of annual: training, meetings, or drills, and is actively involved in the operation of the squad." No person other than an active member in good standing of the squad shall be allowed to have this identification.

4. Each Emergency Medical Services squad shall have the minimum equipment as specified by the North Carolina Office of Emergency Medical Services and equipment specified in the guidelines adopted by the County and the County Medical Director.

5. Each Emergency Medical Services squad shall keep in effect a policy of general liability insurance in the amount of at least \$1,000,000 with combined single limits with contractual coverage endorsements. A policy of vehicle liability with insurance limits covering bodily injury; death and property damage claims in the amount of at least \$1,000,000 with combined single limits. A policy of errors and omission for each member of the squad which holds Pitt County harmless from any liability for actions of any member of the squad. Copies of each policy shall be provided to the Pitt County Emergency Service Department prior to any payment made by the County to the squad. Pitt County will carry Worker's Compensation insurance on the active members of each squad whose names are on file in the Emergency Services Office as active members. The County will not be responsible for any claims for accidents, illness, disabilities, or hospitalization not covered by Worker's Compensation.

6. Each Emergency Medical Services squad shall carry out an organized documented training program.

7. The Emergency Medical Services squad Captain is responsible for stressing "safety" throughout the squad and throughout all phases of the squad's activities. Emphasis shall be placed on the safe driving of the Emergency Medical Services squad members using their own automobiles to get to the scene of an emergency, as well as safe practices while at the scene of an emergency. Only qualified drivers shall drive the EMS trucks. Drivers shall drive with caution at all times. Only active members in good standing shall be allowed to ride the truck when it is on call to an emergency, unless a Waiver of Liability form is secured from anyone not a patient or patient family member.

8. Each Emergency Medical Services squad shall respond to the call of the Emergency Services Director. It shall be the duty of the Emergency Services Director to take such steps as are necessary to make sure that in the event of such a call, the district of a squad answering a call shall not be left unprotected.

9. The Emergency Medical Services squad Captain or crew chief, of the area the emergency is in, will be in charge at the scene of the emergency.

10. All Captains are responsible for keeping accurate records of all calls, as well as other records and reports that may be required. Reports on each and every call will be sent to the Pitt County Emergency Services Office by the 5th day of the subsequent month, for payment by the County on the 10th of the month. The Captain will also be responsible for filing with the County Emergency Services Office any additional reports which are required by the Emergency Medical Services Advisory Commission or by the State of North Carolina.

Section 7. The various Emergency Medical Services squads in Pitt County shall be in mutual agreement, when determining the areas in which each will give Emergency Medical

Services protection, and within which each will solicit funds. All conflicts of agreements shall be resolved by the Emergency Medical Services Advisory Commission.

Section 8. Each incorporated Emergency Medical Services squad desiring to qualify for County financial assistance under the terms of this Ordinance shall agree in the application for financial assistance to meet the standards contained in this Ordinance and such application shall be signed by the president of the corporation, the secretary of the corporation and the Emergency Medical Services Captain. Each municipality desiring to provide Emergency Medical Services outside of its incorporated limits and to qualify for County financial assistance under the terms of this Ordinance shall agree to the standards contained in this Ordinance by proper action of their governing board. The mayor, clerk of the municipality, and the Emergency Medical Services squad Captain shall sign the application for financial assistance wherein the municipality agrees to meet these standards.

Section 9. Each Emergency Medical Services squad shall prepare an annual budget showing their anticipated expenses for the coming year. A copy of this budget shall be presented to the Emergency Medical Services Advisory Commission by March 1st of each year.

In addition, each Emergency Medical Services squad shall prepare an annual financial statement showing the receipts and expenditures related to county assistance and other income and revenue. A copy of the financial statement shall be presented to the County Emergency Services Office by September 1st of each year. The County will perform an annual audit of the financial statement and the Emergency Medical Services squad's records.

Section 10. Any Emergency Medical Services squad making application to operate in Pitt County shall make application to the Emergency Medical Services Advisory Commission. The Emergency Medical Services provider will use such forms as may be required by the County and shall contain the following:

1. The name and address of the Emergency Medical Services provider.
2. The trade or other fictitious names, if any, under which the applicant does business, along with a certified copy of an assumed name certificate stating such name or articles of incorporation stating such name.
3. A resume of the training and experience of the applicant in the transportation and care of patients.
4. A full description of the type and level of service to be provided including the location of the place or places from which it intends to operate, the manner in which the public will be able to obtain assistance and how the vehicles will be dispatched.
5. An audited financial statement of the applicant as the same pertains to operations in Pitt County, said financial statement to be in such form and in such detail as may be required by the County.
6. A description of the applicant's capability to provide twenty-four (24) hour coverage, seven (7) days per week, 52 weeks per year for the district applied for, and an accurate estimate of the minimum and maximum number of minutes for a response to calls within such district.
7. Any information the County shall deem reasonably necessary for a fair determination of the capability of the applicant to provide emergency medical services in Pitt County in accordance with the requirements of state law and the provisions of this ordinance.

Section 11. Each Emergency Medical Services squad must provide EMS services to the district in which it is located twenty-four hours a day, seven days per week, 52 weeks per year.

Section 12. Each Emergency Medical Services squad must be a participant in the Mutual Aid Agreement in Pitt County.

Section 13. Any Emergency Medical Services squad determined to be disclosing patient related information to the public will no longer be recognized by Pitt County, will lose its funds from the County, and its members will no longer be covered by County Worker's Compensation insurance.

Section 14. This Ordinance or any subsequent amendment thereto shall take effect and be in force from and after the date of adoption. This Ordinance shall supersede the Ordinance adopted August 20, 2001.

Adopted this 15th day of July, 2002.

PITT COUNTY BOARD OF COMMISSIONERS

Chairman

ATTEST:

Clerk to the Board

Meeting Notes

Ms. Burgdorff stated that since the Board had directed changes and expansions to the EMS Advisory Committee, she had to revise the ordinance to correspond with the Board's previous action. Commissioner Bowen said he has an application for the individual from Grifton and wanted to appoint him.

Motion:

Approve revised Ordinance establishing the Pitt County Emergency Medical Services Advisory Commission and Guidelines for Pitt County Emergency Medical Services.

Motion made by Commissioner Glenn Bowen.

Motion seconded by Commissioner Eugene James.

Motion Passed Unanimously.

Appointment George Sumrell on EMS Advisory Commission.

Motion made by Commissioner Glenn Bowen.

Motion seconded by Commissioner Tom Coulson.

Mr. Joyner said he had contacted each of the rescue squads and requested that they provide a recommendation for the EMS Advisory Commission. Commissioner Johnson said the Board should follow the procedure outlined for appointments and not jump ahead.

Motion Passed Unanimously.

Registration for the NC Association of County Commissioners Annual Conference - August 22-25 in Forsyth County and election of Voting Delegate - Scott Elliott

Information Provided with the Agenda

The North Carolina Association of County Commissioners Annual Conference will be held on August 22-25, 2002 and hosted by Forsyth County. The Board may wish to consider travel to this conference. If so, please inform the Manager and Clerk on how to proceed with the registration of this conference.

In addition, the Board needs a representative at the conference to function as a Voting Delegate for the business session. A form must be completed and returned to the North Carolina Association of County Commissioners verifying the Board of Commissioners selection of a Voting Delegate from Pitt County for the business session of the conference.

The Board of Commissioners needs to elect a voting delegate for the business session.

Mr. Elliott stated that there was a travel freeze but felt that several board members should attend. He said the cost should be minimal. He stated that the agenda is pertinent to this Board's activities.

Motion:

Any commissioner who wishes to attend the North Carolina Association of County Commissioners Annual Conference, may do so.

Motion made by Commissioner David Hammond.

Motion seconded by Commissioner Glenn Bowen.

Vote Record:

Randy Royal	Yes
Glenn Bowen	Yes
Tom Johnson	Yes
David Hammond	Yes
Terry Shank	Yes
Mark Owens, Jr.	Yes
Tom Coulson	No
Eugene James	No

Total Yes Votes: 6

Total No Votes: 2

Motion Passed.

Motion:

Motion to elect Mark Owens, Jr., Chairman as Voting Delegate for the NCACC Annual Conference.

Motion made by Commissioner Eugene James.

Motion seconded by Commissioner Terry Shank.

Motion Passed Unanimously.

Appointment to the Pitt-Greenville Airport Authority - Susan Banks

Information Provided with the Agenda

A member on the Pitt-Greenville Airport Authority passed away, Mr. Jack Duffus. Please see the attached list of interested applicants. The individual that fills the unexpired term of Jack Duffus which will expire on June 4, 2005.

Motion:

Nomination for Wayne Holloman to replace Jack Duffus on Airport Authority by Commissioner Tom Coulson.

Motion to accept this nomination of Wayne Holloman to serve on the Airport Authority to replace Jack Duffus.

Motion made by Commissioner Eugene James.

Motion seconded by Commissioner Tom Coulson.

Motion Passed Unanimously.

Appointment to the Greenville Planning & Zoning Commission - Susan Banks

Information Provided with the Agenda

There is one vacancy for an alternate ETJ member on the Greenville Planning & Zoning Commission. Please find a list of applicants attached.

Motion:

Motion to appoint Thomas Hines to the Greenville Planning and Zoning Board, ETJ member.

Motion made by Commissioner Eugene James.

Motion seconded by Commissioner Terry Shank.

Motion Passed Unanimously.

Appointment to the Committee for Employment of Persons with Disabilities - Susan Banks

Information Provided with the Agenda

Dr. Ulrich Alsentzer is recommending the following individuals be appointed to the Committee for Employment of People with Disabilities: Ms. Susan Dudley, Mr. Robert Waddell, Mr. John White, and Mr. Kelvin Yarrell. Dr. Ulrich Alsentzer recommends accepting the resignation of Lee Armstrong.

Mr. Tommy Tucker, the new Director of Vocational Rehabilitation will make a recommendation for member representing Vocational Rehabilitation in the near future.

Susan Dudley will fill an unexpired term of Lee Armstrong, term expires 6/4/2004.

Robert Waddell will fill an unexpired term of Terra Cole, term expires 4/16/2004.

Kelvin Yarrell will replace Gerry Dail, term expires 7/15/2005.

John White will replace Joyce Jones, term expires 7/15/2005.

This will leave the Board with 4 vacant at-large seats.

Motion:

Follow recommendation of Dr. Alsentzer, Chairman of the Committee for Employment of People with Disabilities.

Motion made by Commissioner Glenn Bowen.

Motion seconded by Commissioner Terry Shank.

Motion Passed Unanimously.

Reappointment to the Winterville Planning & Zoning Board - Susan Banks

Information Provided with the Agenda

Alan Lilley, Winterville Town Planner recommends James Mellon be reappointed by the Board of Commissioners to the Winterville Planning & Zoning Board. If reappointed, Mr. Mellon's term will expire June 30, 2005. Letter attached.

Motion:

**Follow recommendation made by Alan Lilley to reappoint James Mellon.
Motion made by Commissioner Eugene James.
Motion seconded by Commissioner Terry Shank.**

Motion Passed Unanimously.

PATS Appointment - John K. Bulow

Information Provided with the Agenda

Debra Butler has resigned from the PATS Board due to her responsibilities changing at the Division of Vocational Rehabilitation. Mr. Tommy T. Tucker has been promoted to the position of the manager of the Greenville Office and has been recommended by the Regional Manager, Charles Bodiford, to replace Ms. Butler as Vocational Rehabilitation's representative. The PATS Board of Directors met on June 27, 2002 and likewise recommends Mr. Tucker to fill this position.

Motion:

**Appoint Mr. Tommy T. Tucker to the Pitt Area Transit Board of Directors to represent the Division of Vocational Rehabilitation.
Motion made by Commissioner Terry Shank.
Motion seconded by Commissioner David Hammond.**

Motion Passed Unanimously.

Resolution Granting Authority to Dispose of Personal Property - Michael Taylor

Information Provided with the Agenda

As equipment is upgraded or decommissioned, disposal of surplus property becomes a costly challenge. Because of the rapid pace at which technology advances, older equipment does not maintain a substantial residual value.

Two current opportunities have prompted the request for the proposed resolution. The first is a request to sale surplus printer supplies. As part of a strategic plan to migrate from the costly mainframe computing platform, MIS has decommissioned two mainframe laser printers which were costing \$12,000 in annual maintenance fees. Vendors were contacted for potential sale which resulted in no market value. However, it was determined the surplus supplies could be sold for \$1,250.

The second item is detailed in the attached memorandum from the Auxiliary Services Coordinator which requests the donation of a 22 year old camera which has no market value and did not sale at a prior County auction.

Often, it costs the County more in staff and commissioner's time to dispose of surplus property than it is worth. N.C. General Statute 160A provides for a more efficient disposal of surplus property which is valued at less than \$5,000. It is suggested that upon recommendation from the Finance Director, MIS Director, or Engineer the County Manager be granted authority to

dispose of surplus property meeting the value limit in the most economical and efficient manner. Documentation of transactions would be forwarded to Financial Services for audit purposes.

The proposed resolution is similar in concept to the policy approved at your September 11, 2000 meeting which granted staff authority to donate surplus computer equipment to eligible government or non-profit organizations as defined in N.C. General Statute 160A.

RESOLUTION
TO AUTHORIZE STAFF TO DISPOSE OF
PERSONAL PROPERTY VALUED AT LESS THAN \$5,000

THAT WHEREAS, the Pitt County Board of Commissioners has determined that it is desirable for Pitt County to dispose of County personal property that is no longer of use to the County; and

WHEREAS, North Carolina General Statute 160A-266(c)(d) provide a procedure whereby the Board of Commissioners may adopt regulations to be used for disposing of personal property owned by the County which is valued at less than \$5,000; and

WHEREAS, in order to proceed with this process of disposing of County personal property in the most economical and efficient manner the Board needs to authorize staff members to declare the property surplus and to dispose of that property that is no longer of use to the County; and

WHEREAS, the Board of Commissioners determines that it is in the County's best interest to grant authority to the Finance Director, the MIS Director, and the Engineer to recommend to the County Manager when County personal property valued at less than \$5,000 is of no use to the County, to declare it surplus, to set its fair market value, to convey title and to dispose of it by any means authorized under N.C.G.S.; and

WHEREAS, the Board determines that no public notice shall be required when County personal property valued at less than \$5,000 is to be declared surplus and disposed of by private sale, or any other means authorized under North Carolina law as long as records of all transactions are kept which describe the property sold or exchanged, to whom it was sold, or with whom exchanged, and the amount of money or other consideration received for each sale or exchange.

WHEREAS, the County may discard any personal property that is determined to have no value; remains unsold or unclaimed after the County has exhausted efforts to sell the property or it poses a potential threat to the public health or safety; now

THEREFORE, the Board of Commissioners of Pitt County hereby authorizes the County Manager upon recommendation from the Finance Director, MIS Director, or Engineer to dispose of County personal property valued at less than \$5,000, without public notice, using all the procedures set out herein according to North Carolina General Statutes.

Duly adopted this the 15th day of July, 2002.

PITT COUNTY BOARD OF COMMISSIONERS

Mark W. Owens, Jr., Chairman

Attest:

Susan J. Banks, Clerk

Motion:

Approve Resolution Granting Authority to Dispose of Personal Property.

Motion made by Commissioner Eugene James.

Motion seconded by Commissioner David Hammond.

Motion Passed Unanimously.

Revisions to General Appointment Policy - delayed until next meeting under approval of the agenda. - Scott Elliott

Information Provided with the Agenda

At the Board's June 17th meeting, the County Manager and Attorney were asked to bring back a recommendation concerning appointments to the ABC Board. In light of this request and also the past need to make revisions to the County's General Appointment Policy, revisions to the appointment policy are being brought before the Board for consideration. The attached Policy has been revised upon input from the Clerk to the Board as well as the Manager and Attorney. All revisions are shown in "bold" in the policy.

Concerning the ABC Board, the proposed revisions should address some of the concerns to the appointments to this board. It is staff's belief that the existing policy is sufficient to meet the appointment needs of the ABC Board. Existing provisions, as well as proposed revisions, should address any concerns in making appointments to this Board. It is not recommended to develop a separate policy or a separate provision within the existing policy for this board. The proposed revision would now require a two-thirds (2/3) majority vote to extend the number of terms an individual may serve on a board. Currently, it takes a majority vote. This revised two thirds (2/3) revision will be consistent with the current policy by which it takes a two-thirds (2/3) vote to extend the number of years within a term that an appointee can serve.

Items for Discussion

Revised Personnel Ordinance - Florida Hardy

Information Provided with the Agenda

The Pitt County Personnel Ordinance has not had major revisions or additions since its inception in 1987. Revising the Personnel Ordinance updates some of our existing policies and adds policies needed to clarify certain issues or those that are mandated by the state or federal government. One of the major goals in revising this ordinance is to provide an ordinance that will cover both the human services employees (Health, Mental Health, Social Services) as well as general government employees. Since the human services agencies are governed by the Office of State Personnel for personnel issues, they currently have several policies that are different from general government. This revised ordinance will allow us to work for the most part from one set of rules for most of our employees and thus be more consistent in handling personnel issues.

PERSONNEL

Article I. In General

- Sec. 10 - 1. Purpose.
- Sec. 10 - 2. Limitations Disclaimer.
- Sec. 10 - 3. Employees Subject to Ordinance.
- Sec. 10 - 4. Equal Employment Opportunity.
- Sec. 10 - 5. Merit Principle.
- Sec. 10 - 6. Responsibility of Board of Commissioners.
- Sec. 10 - 7. Responsibility of County Manager.
- Sec. 10 - 8. Responsibility of the Director of Human Resources.
- Sec. 10 - 9. Responsibility of Appointing Authorities.
- Secs. 10 - 10 – 10 - 19. Reserved.

Article II. The Classification Plan

- Sec. 10 - 20. Classification Plan.
- Sec. 10 - 21. Allocation of Positions.
- Sec. 10 - 22. Administration.
- Secs. 10 - 23 – 10 - 29. Reserved.

Article III. The Salary Plan

- Sec. 10 - 30. Coverage of Salary Plan.
- Sec. 10 - 31. Maintenance of Salary Plan.
- Sec. 10 - 32. Transition to a New Salary Plan.
- Sec. 10 - 33. Payment at a Listed Rate.
- Sec. 10 - 34. Salary of New Employee.
- Sec. 10 - 35. Salary of Trainee/Work Against.
- Sec. 10 - 36. Earned Salary Increments.
- Sec. 10 - 37. Salary of Reclassified Employee.
- Sec. 10 - 38. Salary of Promoted Employee.
- Sec. 10 - 39. Salary of Transferred Employee.
- Sec. 10 - 40. Salary of Demoted Employee.
- Sec. 10 - 41. Salary of Part-time Employee with Regular Employee Status.
- Sec. 10 - 42. Longevity Pay.
- Sec. 10 - 43. Special Raises.
- Sec. 10 - 44. Effective date of Salary Adjustments.
- Sec. 10 - 45. County Finance Director to Pay Employees.
- Sec. 10 - 46. Other Pay Provisions.
- Secs. 10 - 47 – 10 - 49. Reserved.

Article IV. Recruitment and Employment

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Sec. 10 - 51.	Appointments.
Sec. 10 - 52.	Types of Appointments.
Sec. 10 - 53.	Promotions.
Sec. 10 - 54.	Transfer.
Sec. 10 - 55.	Limitation of Employment of Family Members.
Sec. 10 - 56.	Employment of Convicted Felons.
Sec. 10 - 57.	Driving Record Verification.
Sec. 10 - 58.	Veterans Preference.
Sec. 10 - 59.	Performance Review.

Article V. Workweek, Official Conduct, Outside Employment and Travel

Sec. 10 - 60.	Workweek.
Sec. 10 - 61.	Acceptance of Gifts and Favors.
Sec. 10 - 62.	Political Activity Restricted.
Sec. 10 - 63.	Outside Employment.
Sec. 10 - 64.	Travel Authorization.
Sec. 10 - 65.	Overtime.
Sec. 10 - 66.	Reserved.

Article VI. Leaves of Absence and Employee Benefits

Sec. 10 - 67.	Definition of "Working Day."
Sec. 10 - 68.	Holidays – Effect of Weekends.
Sec. 10 - 69.	Holiday – When Work Required.
Sec. 10 - 70.	Holiday – Listed.
Sec. 10 - 71.	Personal Leave.
Sec. 10 - 72.	Parental Involvement and School Activities.
Sec. 10 - 73.	Sick Leave.
Sec. 10 - 74.	Sick Leave – Sick Leave Payback.
Sec. 10 - 75.	Workers' Compensation.
Sec. 10 - 76.	Military Leave with Pay.
Sec. 10 - 77.	Extended Leave of Absence.
Sec. 10 - 78.	Educational Leave.
Sec. 10 - 79.	Family Medical Leave Act.
Sec. 10 - 80.	Americans with Disability Act.
Sec. 10 - 81.	Court and Jury Leave.
Sec. 10 - 82.	Inclement Weather/Emergency Closing Policy.
Sec. 10 - 83.	Hospitalization.
Sec. 10 - 84.	Retirement.
Sec. 10 - 85.	Retired Employees.
Sec. 10 - 86.	Voluntary Shared Leave.
Sec. 10 - 87.	Leave Policy upon Indictment of Employee for Serious Crime.
Secs. 10 - 88 – 10 - 89.	Reserved.

Article VII. Separation, Disciplinary Action, and Reinstatement

- Sec. 10 - 90. Types of Separation.
- Sec. 10 - 91. Resignation.
- Sec. 10 - 92. Reduction in Force.
- Sec. 10 - 93. Reinstatement.
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- Sec. 10 - 95. Death.
- Sec. 10 - 96. Retirement.
- Sec. 10 - 97. Disciplinary Actions – Types; Effective Date.
- Secs. 10 - 98 – 10 – 109. Reserved.

Article VIII. Grievance Procedure

- Sec. 10 - 110. Grievance Definition.
- Sec. 10 - 111. Grievance Policy.
- Secs. 10 - 112 – 10 – 119. Reserved.

Article IX. Conflicting Policies Repealed

- Sec. 10 - 120. Policies Repealed.
- Secs. 10 - 121 – 10 - 129. Reserved.

Article X. Effective Date

- Sec. 10 - 130. Enactment; Recording; Indexing.
- Secs. 10 - 131 – 10 – 139. Reserved.

Article XI. Definitions

PERSONNEL ORDINANCE

ARTICLE I. IN GENERAL

Section 10 - 1. Purpose.

The purpose of this ordinance is to establish a personnel system that will promote a fair and effective means of employee recruitment and selection; develop and maintain an effective and responsible work force; promote understanding, cooperation, equal treatment, and efficiency; and provide the means for removal of unsatisfactory employees. This ordinance is established under the authority of G.S. 153A, Article 5, and G.S. 126 of the General Statutes of North Carolina.

Section 10 - 2. Limitations Disclaimer.

This ordinance does not create a contract of employment. Any individual may voluntarily leave employment upon proper notice or may be terminated by the employer at any time for any

legitimate reason. Any oral or written statements or promises to the contrary are hereby expressly disavowed and should not be relied upon by any prospective or current employee. The contents of this ordinance are subject to change at any time at the discretion of the Board of Commissioners.

Different conditions of employment may apply to positions in the office of the Register of Deeds, Sheriff, and the Board of Elections under N.C. General Statute 153A-103, N.C. General Statute 163 and other applicable law.

Section 10 - 3. Employees Subject to Ordinance.

- (a) All employees in the County's service, including employees of the County Sheriff and the Register of Deeds, are subject to this ordinance, except as provided in this section.
- (b) Elected officials, the County Manager, the County Attorney, consultants, volunteers, and contract employees are exempt from all provisions of this ordinance.
- (c) The following employees are covered only by the specifically designated articles and sections:
 - 1. Employees of Health, Mental Health and Social Services governed by the State Personnel Act shall be subject to all articles except article VIII.
 - 2. The Director of Elections shall be subject to all articles except articles IV, VII (10-97), & VIII.
 - 3. Employees of the County Sheriff and the Register of Deeds shall be subject at the discretion of those elected officials to all articles but are exempt from articles IV, VII, & VIII.
 - 4. Temporary employees, as designated by the Board of Commissioners, shall be subject to all articles except articles II, III & VI.
 - 5. Employees of the Cooperative Extension Service shall be subject to those articles of this ordinance outlined in the Memorandum of Agreement with the Cooperative Extension Service.

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(Ord. Of 3-2-87, art. I, § 1)

Section 10 - 4. Equal Employment Opportunity.

The Board of Commissioners has established that equal employment opportunity is the County policy. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline, or any other aspect of personnel administration is hereby prohibited. Discrimination on the basis of age, sex, race, color, creed, religion, national origin, or physical or mental disability is prohibited except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary for job performance. It is the policy of Pitt County to comply with Section 504 of the Rehabilitation Act of 1973 and Title 6 of the Civil Rights Act of 1964 and all other applicable State and Federal laws, affecting employment.

(Ord. Of 3-2-87, art. I, § 2)

Section 10 - 5. Merit Principle.

All appointments and promotions of employees shall be made solely on the basis of merit and qualifications.

(Ord. Of 3-2-87, art. I, § 3)

Section 10 - 6. Responsibility of Board of Commissioners.

The Board of Commissioners shall establish personnel policies, approve the pay plan, approve all new positions and shall make and confirm appointments when specified by law.

Section 10 - 7. Responsibility of County Manager.

- (a) The County Manager shall be responsible to the Board of Commissioners for the administration of this ordinance and shall have full responsibility for all personnel actions and functions.
 - (b) The County Manager shall appoint a Human Resources Director who shall assist in the preparation, administration, and maintenance of the position classification plan and the salary plan, and perform such other duties in connection with a personnel program as the County Manager shall require.
- (Ord. Of 3-2-87, art. I, § 4)

Section 10 - 8. Responsibility of the Director of Human Resources.

The Human Resources Director will be responsible to the County Manager for the regular maintenance of the personnel program and perform such other duties in connection with the program as the County Manager shall require such as:

- (1) Apply, interpret, and carry out personnel ordinance and the policies adopted thereunder as directed by the County Manager.
- (2) Establish and maintain a personnel file for each county employee containing relevant employment data.
- (3) Foster and develop programs for the improvement of employee effectiveness.
- (4) Encourage and exercise leadership in the development of effective personnel practices within the various county departments and to make available the resources of the Human Resources Department to this end.
- (5) Recommend rules and revisions of the personnel system to the County Manager for consideration.
- (6) Make such reports to the County Manager as the Director may consider desirable or as may be designated by the County Manager.
- (7) Develop and administer such recruiting programs as may be necessary to obtain an adequate number of competent applicants to meet the employment needs of the county.
- (8) Perform such other duties as may be assigned by the County Manager not inconsistent with this ordinance.

(Ord. Of 3-2-87), art. I, § 5)

Section 10 - 9. Responsibility of Appointing Authorities.

The appointing authority (i.e., Sheriff, Register of Deeds, Board of Elections, Social Services Director, Health Director, Mental Health Area Director, and Development Commission) shall be responsible for enforcing all provisions of this personnel ordinance and any other legislative rules or regulations and departmental policies not subject to this ordinance. They have exclusive authority for final employment and termination of employees in their respective agencies.

Secs. 10 - 10 - 10-19. Reserved.

ARTICLE II. THE CLASSIFICATION PLAN

Section 10 - 20. Classification Plan.

The Board of Commissioners shall adopt the classification plan of the county.
(Ord. Of 3-2-87, art. II, § 1)

Section 10 - 21. Allocation of Positions.

The allocation of positions to a class will be made so that the positions in each class are comparable in minimum requirements, working conditions, duties and responsibilities in order to warrant similar treatment in personnel and pay administration.
(Ord. Of 3-2-87, art. II, § 2)

Section 10 - 22. Administration.

- (a) The County Manager and the Human Resources Director are responsible for the administration and maintenance of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are assigned. Department Heads are responsible for bringing to the attention of the County Manager and Human Resources Director the need for new positions and any material changes in the nature of duties, responsibilities, working conditions, or other factors affecting the classifications of any existing positions.
- (b) Actions involving the establishment of new position(s) must be submitted to the Human Resources Director and the County Manager. The County Manager will recommend action to the Board of Commissioners. Upon approval the Board of Commissioners will include the assignment of new position(s) to the appropriate class in the classification pay plan.
- (c) Reclassification may occur when a substantial change has occurred in the nature or level of duties and responsibilities of an existing position. Actions involving the reclassification of existing position(s) must be submitted to the Human Resources Director and the County Manager for approval. In the case of positions subject to the State Personnel Act, the department head will direct that the position be referred to the Regional Office of State Personnel.

(Ord. Of 3-2-87, art. II § 3)

Secs. 10-23 - 10-29. Reserved

ARTICLE III. THE SALARY PLAN

Sec. 10 - 30. Coverage of Salary Plan.

The "Pitt County Classification and Pay Plan" on file in the Human Resources Department shall be the salary plan for the county. This salary plan shall include all grades and salary ranges for the classes of positions in the classification plan.
(Ord. Of 3-2-87, art. III, § 1)

Sec. 10 - 31. Maintenance of Salary Plan.

The County Manager and Director of Human Resources Director shall be responsible for the administration and maintenance of the salary plan. The County Manager and Human Resources Director shall conduct continuing studies of the internal relationships between classes in order to reduce or eliminate inequities between classes of positions.
(Ord. Of 3-2-87, art. III, § 2)

Sec. 10 - 32. Transition to A New Salary Plan.

The following four (4) principles shall govern the transition to a new salary plan if implemented:

- (1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- (2) Employees being paid at a rate lower than the minimum rate established for their respective classes shall have their salaries raised to the new minimum for their classes.
- (3) Employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate within the salary range.
- (4) Employees being paid at a rate above the maximum rate established for their respective classes shall remain at their present salaries as long as the maximum rate is below the employees' present salaries.

(Ord. Of 3-2-87, art. III, § 3)

Sec. 10 - 33. Payment at a Listed Rate.

Employees covered by the salary plan shall be paid at a listed rate within the salary ranges established for their respective job classifications except employees in the "trainee" or "work against" status, or employees whose present salaries are above the established maximum rate following transition to a new pay plan.

(Ord. Of 3-2-87, art. III, § 4)

Sec. 10 - 34. Salary of New Employee.

Each new employee shall be appointed at the minimum salary which has been established for the classification in which such employee is to be employed except:

- (1) If the new employee does not meet the minimum requirements of the position, the Human Resources Director may designate the employee as a "trainee" to be appointed at a salary below the minimum;
- (2) When the County Manager determines that there has been a demonstrated inability to recruit at a minimum salary or that an applicant possesses exceptional qualifications, the County Manager may authorize the employment of an applicant at a higher rate than the minimum in the salary range.

(Ord. Of 3-2-87, art. III, § 5)

Sec. 10 - 35. Salary of Trainee/Work Against.

A new employee who does not meet all of the established qualifications for a position may be appointed with the approval of the Human Resources Director to a "trainee"/"work against" salary below the minimum salary established for the position. The employee shall continue to receive a reduced salary during the "trainee" or "work against" period until the appointing department head, with the approval of the Human Resources Director, shall determine that the employee qualifies to assume the responsibilities of the position. Approved leave without pay shall not count as time worked toward meeting the minimum requirements for the position. A trainee shall not attain permanent status until he has met the minimum job qualifications and educational requirements for the position.

(Ord. Of 3-2-87, art. III, § 6)

Sec. 10 - 36. Earned Salary Increments.

Salary increases for employees hired within Step 1 of the salary plan established for each class of positions shall be as follows:

- (1) After 6 months of satisfactory performance, salary increases by two increments.

- (2) After 6 more months of satisfactory performance, salary may increase by two increments (not to exceed Increment #5).
- (3) After 12 additional months of satisfactory performance, salary increases by two increments.
- (4) Two increment salary increases will continue annually, based upon satisfactory performance reviews until the employee reaches Increment #17. With "standard" performance scores as defined by the performance appraisal system, the increase will be one increment every two years. With "above standard" performance scores, the increase will be one increment every year.

Sec. 10 - 37. Salary of Reclassified Employee.

An employee whose position is reclassified to a class having a higher pay range shall receive a one step (four increments) increase, or an increase to the minimum salary of the new pay range, whichever is higher. An employee whose position is reclassified to a lower pay range shall be paid his current salary, but not to exceed the maximum of the pay range.
(Ord. Of 3-2-87, art. III, § 8)

Sec. 10 - 38. Salary of Promoted Employee.

An employee promoted to a position in a class having a higher pay range shall receive a one step (four increments) salary increase, or an increase to the minimum step of the new pay range, which ever is higher.
(Ord. Of 3-2-87, art. III, § 9)

Sec. 10 - 39. Salary of Transferred Employee.

An employee transferred within the same department to a position in a class having the same pay range shall remain at the same salary. Employees transferring to a different department to a position in a class having the same pay range shall transfer at their current salary or at a reduced salary at the discretion of the new Department Head. The lateral transfer shall not result in a pay increase.
(Ord. Of 3-2-87, art. III, § 10)

Sec. 10 - 40. Salary of Demoted Employee.

The salary of an employee who is demoted for cause will be in accordance with action taken in the disciplinary process (See Article VII). The salary of an employee who voluntarily seeks reassignment to a lower grade will be reduced to a rate of pay indicative of the individual's years of service. The salary of an employee demoted to a position of a lower grade at the recommendation and discretion of the department head may be reduced subject to review and approval by the Human Resources Director and County Manager.

Sec. 10 - 41. Salary of Part-time Employee with Regular Employee Status.

The pay plan established by this ordinance is for full-time service. An employee appointed for less than full-time service shall be paid at a prorated salary for the percentage of full-time equivalency.
(Ord. Of 3-2-87, art. III, § 11)

Sec. 10 - 42. Longevity Pay.

Employees who have continuous service with the county and are employed on December 1st will be given longevity pay. The longevity pay will not be reflected in the annual salary. The payment will be made in a lump sum during the month of December each year in the following manner:

10-14 years of service	1.50% of base salary
15-19 years of service	2.25% of base salary
20-24 years of service	3.25% of base salary
Over 25 years of service	4.50% of base salary

(Ord. Of 3-2-87, art. III, § 12)

Sec. 10 - 43. Special Raises.

A special raise may be given to an employee upon recommendation of the County Manager and approval by the Board of Commissioners for very unusual circumstances in which an employee does very exceptional work and/or additional money is needed to retain the employee's service with the county.

(ord. Of 3-2-87, art. III, § 13)

Sec. 10 - 44. Effective Date of Salary Adjustments.

Salary adjustments approved after the first day of the pay period shall become effective at the beginning of the next pay period.

(Ord. Of 3-2-87, art. III, § 14)

Sec. 10 - 45. County Finance Director to Pay Employees.

At least once each year, the finance director or designee shall personally conduct "payee confirmation" of all salary checks to all employees.

(Ord. Of 3-2-87, art. III, § 15)

Sec. 10 - 46. Other Pay Provisions.

- (a) Mental Health: When Mental Health employees are providing twenty-four (24) hour on-call service which is mandated by the state or federal government, the compensation shall be two hundred twenty-five dollars (\$225.00) per seven-day, on-call duty period, plus thirty dollars (\$30.00) per two-hour maximum face-to-face episode for clinical personnel and fifty dollars (\$50.00) per face-to-face incidents for medical doctors.
- (b) Other departments: Employees who are officially designated to be available to work on an emergency/on-call basis may be compensated in the form of compensatory time off at a rate of ten (10) percent of actual time spent in on-call status. The employee may also be compensated monetarily if compensatory time off interferes with the accomplishment of the required work during the standard workday. The rate of monetary compensation for on-call/emergency duty will be one dollar (\$1.00) per hour or ten (10) percent of the hourly salary rate, whichever is less. No employee shall be paid for on-call/emergency duty without the approval of the County Manager or his designee.

Under the guideline of Fair Labor Standards, compensatory time or monetary compensation will also be granted for actual time worked while on call.

Secs. 10 - 47 - 10 - 49. Reserved.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Sec. 10-50. Applicability of Article.

The provision of this article shall be applicable to all employees except those exempted as defined in section 10-3.

(Ord. Of 3-2-87, art. IV, § 1)

Sec. 10-51. Appointments.

An appointment is the approved employment of an applicant or employee to perform the duties and responsibilities of an established position subject to the provisions of the Pitt County Personnel Ordinance.

- (a) It is the policy of the county to employ the most qualified applicant. It is the policy of the county to use reasonable means to attract qualified candidates for employment, and to make such investigations and examinations as are deemed appropriate to fairly assess the aptitude, education, experience, knowledge, skills, character, physical fitness, and other qualities required for positions in the service of the County.
- (b) It is the county's policy to offer opportunities for its employees when possible. Therefore, when a current employee applying for a vacant position is the best match of all applicants, such employee will be appointed to that position. Emergency and temporary appointments are not considered internal applicants.
- (c) When vacant positions are to be filled, department heads will notify the Human Resources Department concerning the number and classes of positions which are to be filled. This subsection is not mandatory for the Sheriff, Register of Deeds and the Board of Elections.
- (d) The Human Resources Department will publicize opportunities for positions to be filled. In addition, notice of vacancies will be posted within each county department. This subsection is not mandatory for Sheriff, Register of Deeds and the Board of Elections.
- (e) Each department head shall be responsible for the final decision regarding the hiring and firing of employees in his/her department. When filling a vacancy, all departments must adhere to the county's EEO policy. This subsection is not mandatory for Sheriff, Register of Deeds and the Board of Elections.
- (f) Department heads are to consult with the Human Resources Director or designee prior to offering an applicant a position with the County.

(Ord. Of 3-2-87, art. IV, § 3)

Sec. 10-52. Types of Appointments.

- (a) Probationary Appointment

All employees appointed to regular positions shall serve a probationary employment period for six (6) months of active work time. One extension of three (3) months may be granted by the county Human Resources Director upon written request from the department head prior to the end of the six-month period. This also applies to lateral transfers, promotions, and demotions between departments within county government.

If the desired level of performance is not achieved within nine months after initial appointment, the employee shall be separated from service unless in trainee status. An employee with a trainee appointment is expected to make satisfactory progress, but is not permanent until he/she has completed the training period.

At any time during a probationary period an employee may be separated from service for causes related to performance of duties or for personal conduct detrimental to the County without right of appeal or hearing. The employee must be given written notice of dismissal, including reasons.

(b) Trainee Appointment

A trainee appointment may be made to a position in any class where a demonstrated inability to recruit applicants that meet the minimum qualifications and requirements and where a trainee progression may lead to a regular appointment. An individual may not be appointed as a trainee if he possesses the acceptable training and experience for the class. After the employee has successfully completed all educational and experience requirements, he shall be given probationary status (if trainee status is less than six months) or permanent status in the position or shall be separated. If the period of the trainee appointment equals or exceeds nine months, the employee must be given permanent status or be separated at the completion of the trainee period.

(c) Permanent Appointment

A permanent appointment is an appointment to a permanently established position following the satisfactory completion of a probationary and/or trainee appointment.

(d) Temporary Appointment

A temporary appointment may be made to a permanent or temporary position and is intended to last for a specified time period and then cease at the end of that period.

(e) Emergency Appointment

An emergency appointment may be made when an emergency situation exists requiring the services of an employee before it is possible to identify a qualified applicant through the regular selection process. When it is determined that an emergency appointment is necessary, all other requirements for appointments will be waived.

An emergency appointment may be made for a period of up to sixty work days (consecutive or non-consecutive), or a total of 480 hours "in pay status". Any one individual may not receive successive emergency appointments with the same department or agency. At least three calendar months must elapse before that department or agency can give the same individual another emergency appointment.

(f) Work-Against Appointment

When qualified applicants are unavailable and there is no trainee provision for the classification of the vacancy, an employee may be appointed below the level of the regular classification in a work-against situation. The appointee must meet the minimum training and experience standard of the class to which initially appointed. A work-against appointment shall not be made when qualified and/or suitable applicants are available who meet the training and experience requirements for the full class, and for the position in question.

(g) Grant or Specially Funded Positions

Appointment to this classification must follow the county probationary period.

Grant and specially funded positions are at a maximum duration of the grant or special funds.

Positions may or may not follow all provisions of this ordinance.
(Ord. Of 3-2-87, art. IV, § 2)

Sec. 10-53. Promotions.

County employees may be promoted from within the county. Emergency or temporary appointments may not be considered for promotion.
(Ord. Of 3-2-87, art. IV, § 4)

Sec. 10-54. Transfer.

An employee wishing to be transferred to another department of county government may submit an employment application for any existing vacancy to the Human Resources Department. If the employee meets the minimum qualifications for the job, the department head shall consider the employee requesting a transfer along with all other applicants for the position. The department head will be free to offer employment to the employee requesting a transfer should the employee be considered the best matched for the position.
(Ord. Of 3-2-87, art. IV, § 5)

Sec. 10-55. Limitation of Employment of Family Members.

- (a) The employment of immediate family is prohibited within the same department or work unit when such employment will result in one family member supervising the other or in one member's occupying a position that has influence over the other's employment, promotion, salary administration, and other related management or personnel considerations. The term "immediate family" shall be understood to refer to that degree of closeness of relationship which would suggest that problems might be created within the work unit, or that the public's philosophy of fair play in providing equal opportunity for employment to all qualified individuals would be violated. In general, this would include wife, husband, mother, father, brother, sister, daughter, son, grandmother, grandfather, grandson, and granddaughter. Also included are the step, half, and in-law relationships, as appropriate, based on the listing in this subsection. It may also include others living within the same household, or otherwise closely identified enough with each other as to suggest problems may develop. The employing department must advise Human Resources prior to offering employment to an applicant who is a family member of an existing employee of that department.
- (b) Agency heads and department heads may not appoint members of their immediate family to work in county government departments without obtaining a waiver from the Board of Commissioners. Appointments by the Sheriff or Register of Deeds of a relative by blood or marriage or nearer kinship than first cousin, shall be approved by the Board of Commissioners as required by Chapter 153A -103(1) of the North Carolina General Statutes.

(Ord. Of 3-2-87, art. IV, § 7)

Sec. 10-56. Employment of Convicted Felons.

- (a) The following shall constitute the policy of the County where any applicant who has had a criminal record, particularly those persons who have either been convicted of a felony or have entered a plea of nolo contendere to a felony charge, shall be prohibited from serving in any department or organization of Pitt County Government. However, after thorough examination and investigation by the person authorized to employ the applicant,

such applicant may be employed in a position subject to the approval of the County Manager and if the following criteria are present:

- (1) That the applicant has been fully and completely rehabilitated;
 - (2) That the applicant has exemplified honesty and high integrity for several years;
 - (3) That the applicant has maintained good relations within the community in which he lives;
 - (4) That the applicant's record does not indicate numerous prior convictions; and
 - (5) That the applicant's record while in custody of the Department of Corrections or law enforcement agencies was exemplary and without problems; or in the alternative
 - (6) The applicant, who is under a work-release program, comes highly recommended by the Department of Corrections or law enforcement agency which has custody thereof, and which employment shall be only temporary and shall not exceed the period of his sentence, without further investigation and consideration.
- (b) Any falsification of material information on an application for employment may result in disqualification as an applicant or discharge/termination of employment when the falsification is discovered.
- (c) This policy shall be implemented by all departments and organizations upon its adoption, but shall not apply to employees who are employed by the County before October 16, 1989.
- (Res. Of 10-16-89)

Sec. 10-57. Driving Record Verification.

To protect the County from mistakenly hiring a "problem driver", a license check of applicants shall be performed by the hiring department prior to any offer of employment to a position requiring a valid North Carolina driver's license.

Sec. 10-58. Veterans Preference.

Those departments under the guidelines of the Office of State Personnel shall follow the State Personnel Act provision for Veterans Preference in employment actions, as set out in North Carolina General Statute 128-15.

Sec. 10-59. Performance Review.

Each probationary and regular employee will have a formal performance review conducted by his supervisor on at least an annual basis. The purpose of the performance review is to provide a mechanism for communication between supervisor and employee, to evaluate strengths and weaknesses, and to set goals.

**ARTICLE V. WORKWEEK, OFFICIAL CONDUCT, OUTSIDE
EMPLOYMENT AND TRAVEL**

Sec. 10-60. Workweek.

- (a) The standard workweek of employees other than department heads shall be five (5) days a week and forty (40) hours per week. Department heads shall work those hours necessary to ensure the satisfactory performance of their departments. Normal office hours are eight (8) hours between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, with one (1) hour permitted for meal break. When activities of a particular department require some

other schedule to meet the demands of the County, the Department Head may authorize a deviation from the normal schedule.

- (b) The County Manager may establish as the normal workweek for an employee or department a period shorter than forty (40) hours. Departments may also, with the approval of the County Manager, vary the normal working days of an employee to ensure the efficient operation of the department.
- (c) The workweek will begin Sunday at 12:01 a.m. and end the following Saturday at 12:00 midnight.
- (d) Each employee must take a one (1) hour meal break during the day unless specifically exempted by the department head or designee.
- (e) Each employee is responsible for recording hours worked, personal leave, sick leave, holidays, etc., on time records and submitting the time records, properly signed, for the supervisor's approval.
(Ord. Of 3-2-87, art. V, § 2)

Sec. 10-61. Acceptance of Gifts and Favors.

No official or employee of the County will accept any valuable gifts, whether in the form of service, loan, thing, or promise, from any person interested directly or indirectly in any manner whatsoever in business dealings with the County.

No official or employee of the County will accept any gift, favor, or thing of value that may tend to influence the employee in the discharge of duties; or

No official or employee of the County will grant in the discharge of the employee's duties any improper favor, service, or thing of value.
(Ord. of 3-2-87, art. V, § 2)

Sec. 10-62. Political Activity Restricted.

- (a) Every employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the constitution and laws of the state, and in accordance with the constitution and laws of the United States of America. However, no employee shall:
 - (1) Engage in any political or partisan activity while on duty;
 - (2) Use official authority or influence for the purpose of interfering with or affecting the result of an election or a nomination for office;
 - (3) Be required as a duty of their office or employment, promotion or tenure of office, to contribute funds for political or partisan purposes;
 - (4) Solicit, or act as a custodian of, funds for political or partisan purposes by any other employee of the government unit;
 - (5) Coerce or compel contributions for political or partisan purposes by any other employee of the government unit;
 - (6) Use supplies, equipment or funds of the government unit for political or partisan purposes.
- (b) Any violation of this section shall be deemed improper conduct and shall subject such employee to dismissal or other disciplinary action by the appointing authority.

(Ord. Of 3-2-87, art. V, § 3)

Sec. 10-63. Outside Employment.

- (a) The work of the County will take precedence over the occupational interests of employees. All outside employment for salaries, wages, or commission and all self-employment must be reported to the employee's supervisor and to the county Human Resources Department, who will review such employment to determine the county's liability and any potential conflict of interest. Failure to report outside employment may be grounds for disciplinary action up to and including dismissal.
- (b) Employees of the county Sheriff's office may not work for any organization or private business while in uniform or in a capacity as a law enforcement officer without prior written approval of the Sheriff. In addition, the employee may not accept compensation for work performed in this capacity except for the regular time and overtime normally paid by the County for hours worked. All costs associated with deputies working at the request of an organization or private business must be reimbursed to the County.

(Ord. of 3-2-87, art V, § 4)

Sec. 10-64. Travel Authorization.

- (a) Travel on official county business must be approved by the department head. Travel on official county business outside of the State must be approved by the department head and County Manager.
- (b) Rules, regulations and reimbursement regarding travel are covered in the County's travel policy which is separate and apart from this Personnel Ordinance.

(Ord. of 3-2-87, art. V, § 5)

Sec. 10-65. Overtime.

- (a) Supervisors shall arrange the work schedule of their sections so as to accomplish the required work within the standard workday.
- (b) Non exempt employees, as determined by the criteria detailed in the Fair Labor Standards Act, who work in excess of forty (40) hours in one (1) workweek are to take compensatory time off at the rate of one and one-half hours off for each hour worked in excess of forty (40) hours. In determining the number of hours worked in the 40 hour work period, time spent on personal leave, sick leave, holidays and other leave will not be counted as time worked. Such time off must be included in straight time pay, but it is not included in computing hours for overtime compensation. The following provisions shall apply:
 - (1) The work is of an unusual, unscheduled, or emergency nature, and is directed by the department head or the authorized representative of the department head.
 - (2) The position is not one that is exempt, as described by the Fair Labor Standards Act.
 - (3) The compensatory time off (one and one-half (1 1/2) hours for each hour worked in excess of forty (40) in a standard workweek) shall be granted whenever feasible and employees may accumulate up to sixty (60) hours (forty (40) hours at the overtime rate) of compensatory time. An accumulation in excess of sixty (60) hours compensatory time must be approved by the County Manager prior to the department head authorizing additional overtime.
 - (4) The Finance Director may approve the payment to employees for overtime work when it is not feasible to permit their absence for the purpose of taking compensatory time off.

- (5) The payment of overtime shall depend upon the availability of funds in the departmental budget or by approval of the Board of Commissioners'.
- (c) Any overtime that is worked in the Sheriff's office must comply with the provisions under section 10-63, the same as any other department. In order to receive any overtime pay, the employee and Sheriff must also comply with the following conditions that are designed especially for the Sheriff's department.

Sheriff's deputies may work eighty-six (86) hours within a fourteen-day period before overtime compensation is due at the one and one-half (1 1/2) rates, as permitted by the Fair Labor Standards Act. Deputies will be compensated at the regular hourly rate (1/26 of the annual salary for eighty (80) hours) for all hours up to a total of eighty (80) hours in a fourteen-day work period. For hours worked from eighty-one (81) to eighty-six (86), deputies will be compensated at the employees' regular hourly rate. For hours worked beyond eighty-six (86) hours, the employee will be compensated at one and one-half (1 1/2) times the hourly rate.

- (1) Work schedules are presented to the District Attorney for information and to aid in scheduling court time so a minimum of overtime will be needed.
- (2) A time record must be maintained to account for all regular time and overtime, and any mealtime must also be shown on this time record. In order to receive overtime pay, the time record must be supported by the special approval form.
- (3) This time record must be signed by the employee and the Sheriff or designee verifying the times indicated.
- (4) Only time actually working on the job will be considered overtime. In determining the number of hours worked in the 86-hour work period, time spent on personal leave, sick leave, holidays and other leave will not be counted as time worked. Such time off must be included in straight time pay, but it is not included in computing hours for overtime pay.

(Ord. of 3-2-87, art. V, § 9)

Sec. 10-66. Reserved.

ARTICLE VI. LEAVES OF ABSENCE AND EMPLOYEE BENEFITS

Sec. 10-67. Definition of "Working Day."

For the purpose of this article, the phrase "working day" will mean any day on which any employee of the county actually works or would work under ordinary circumstances. Saturday or Sunday will not be considered as a working day, unless the officer or employee normally works on Saturday or Sunday. Workweek will mean the time span of seven (7) consecutive twenty-four-hour periods within which the county computes pay.

(Ord. of 3-2-87, art. VI § 1)

Sec. 10-68. Holidays -- Effect of Weekends.

Regular holidays, Saturdays, and/or Sundays which may fall or occur during a personal, sick, or other leave period of any employee of the county will not be considered as personal, sick, or other leave.

(Ord. of 3-2-87, art. VI, § 2)

Sec. 10-69. Holiday -- When Work Required.

County employees required to work on an observed holiday may be granted compensatory time off.

(Ord. of 3-2-87, art. VI, § 3)

Sec. 10-70. Holiday -- Listed.

The following holidays shall be observed by all departments in the County. The policy of the County is to follow the State holiday schedule.

- New Year's Day
- Martin Luther King, Jr. Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Friday after Thanksgiving
- Christmas Eve
- Christmas Day

An employee must be in a pay status the day prior to and after a holiday, in order to receive holiday pay.

(Ord. of 3-2-87, art. VI, § 4; Ord. of 11-9-87)

Sec. 10-71. Personal Leave.

- (a) Each county employee entitled to benefits shall earn and may be permitted to take personal leave with full pay computed on the basis of the following graduated leave plan:

GRADUATED LEAVE PLAN

Years of Aggregate County Service	Hours Earned	
	Month	Year
Less than 2 years	7.75	93.00
2 but less than 5	9.00	108.00
5 but less than 10	11.00	132.00
10 but less than 15	13.00	156.00
15 but less than 20	15.00	180.00
20 years or more	17.00	204.00

- (b) Personal leave shall be approved by the department head or his designee at such times as will least interfere with the efficient operation of the department. Personal leave may be accumulated throughout the calendar year without a maximum number of hours except for the end of the last pay period of the year when it must not exceed two hundred forty (240) hours. Personal leave accrued in excess of two hundred forty (240) hours as of the end of the last pay period of the year will be transferred from personal leave to sick leave just prior to the first full pay period of the new calendar year. When an employee terminates employment, a maximum of two hundred forty (240) hours of accrued personal leave may be paid as terminal leave.
- (c) In order to earn personal leave, an employee must be in pay status. To be in pay status, an employee must be either working or taking paid leave. An employee who is separated may not earn or exhaust personal leave beyond such employee's last physical working day.

- (d) Personal leave shall accrue semimonthly for all employees entitled to benefits. Personal leave for part-time employees entitled to benefits shall accrue on a pro rata basis based upon percent of employment.
- (e) Personal leave must be taken in quarter-hour increments.
- (f) When an employee transfers from one department to another within County Government, personal leave will be transferred.
- (g) If a holiday occurs during the personal leave period, the employee is not charged personal leave for the holiday.
- (h) In the case of a deceased employee, payment for personal leave shall be made to the deceased employee's administrator or executor. In the absence of an administrator or executor, payment shall be made to the Clerk of Superior Court of the county of the deceased employee's residence.
- (i) Any individual who transfers from any other level of government, in order to accept employment with the County, may transfer up to 240 hours of accumulated personal leave to their employment with the County if they are not compensated for this leave by their former employer.
- (j) An employee of the County who receives benefits for two (2) or more continuous years who leaves the work service and returns within five (5) years of date of separation will accrue personal leave based upon aggregate time of service when rehired by the county.
- (k) Personal leave may be advanced only in exceptional circumstances as approved by the department head. Under no circumstances shall personal leave be advanced beyond the amount of leave time that will accrue through the end of the calendar year.
(Ord. Of 12-15-97(2))

Editor's note -- An ordinance adopted Dec. 15, 1997(2), amended former § 10-71 in its entirety. Prior to amendment, former § 10-74 pertained to vacation leave and derived from an ordinance of March 2, 1987, art. VI, § 5; and ordinance adopted Sept. 4, 1991.

Sec. 10-72. Parental Involvement & School Activities.

Pitt County employees who are parents of a school-aged child, guardians of a school-aged child, or otherwise standing "in loco parentis" for a school-aged child shall be granted up to a total of four (4) hours of unpaid leave per year to attend activities at the child's school. Leave shall be charged to personal leave or if no personal leave is available, time away shall be considered leave without pay. Written requests for leave under this section should be made at least 48 hours before the time for which leave is desired and must be at a mutually agreed upon time with the employee's supervisor. At the department head's discretion, an employee may be required to furnish written verification of attendance at the event from the child's school. For purposes of this section, the definition of school includes public and private schools, church schools, and preschools.

Sec. 10-73. Sick Leave.

In conjunction with sick leave benefits, refer also to Section 10-79, Family Medical Leave Act.

Each employee shall earn and be entitled to take sick leave with full pay in the event of personal illness necessitating absence from work, or if, because of exposure to contagious disease such individual is quarantined, absence from the office for the purpose of medical examinations or

advice, or for dental work may be charged against sick leave. An employee may be required to furnish a certificate from an attending physician at the discretion of their supervisor.

- (a) Sick leave shall accrue at a rate of 4 hours semimonthly for all employees entitled to benefits. Sick leave for part-time employees entitled to benefits shall accrue on a pro rata basis based upon percent of employment.
- (b) Sick leave must be taken in quarter-hour increments.
- (c) An employee may use a maximum of three (3) days sick leave in the case of illness in the employee's immediate family and a maximum of five (5) days in the case of a death in the employee's immediate family.
- (d) Sick leave may be used when it is necessary for the employee to be away from work due to pregnancy, childbirth, and recovery therefrom, and related conditions. During the time the employee is disabled, an employee may use any earned sick leave for the period of disability (maximum of 6 weeks unless extended by doctor's orders). Any additional time requested must be approved by the Department Head. Limitation of employment before childbirth is prohibited by federal authorities. Therefore, based on the type and nature of work performed, the employee shall be responsible for determining how far into pregnancy such employee should continue to work before going on leave.
- (e) If an employee calls in sick on a day when he is due to report to work or leaves work due to illness, the time must be charged to any accumulated sick leave. In cases where the employee does not have enough accumulated sick leave, the time should be charged to personal leave or compensatory time. This does not include instances where the employee has made an appointment to seek medical or dental care and has requested time off in advance of the day the time is taken.
- (f) In order to earn sick leave, an employee must be in pay status -- either working or taking paid leave. Personal leave may be used for sick leave after sick leave has been exhausted. An employee does not earn or may not use sick leave beyond such employee's last physical working day.
- (g) Sick leave is transferable from one department to another if there is no break in service. Any individual who transfers from any other level of government, in order to accept employment with the County, may transfer accumulated sick leave to their employment with the County if they are not compensated for the leave by their former employer. An employee may not be paid for unused sick leave at the time of departure from the County.
- (h) Holidays shall not be counted as sick leave.
- (i) Sick leave may be advanced only in exceptional circumstances as approved by the department head. Under no circumstances shall sick leave be advanced beyond the amount of leave time that will accrue through the end of the calendar year.
- (j) An employee who separates from county service either through reduction in force or resignation shall be credited with previously accrued sick leave if reinstated within five (5) years of date of separation and accrued sick leave was not transferred to another level of government.

Sec. 10-74. Sick Leave-- Sick Leave Payback.

Regular fulltime and permanent part time employees who have completed one full fiscal year of employment prior to July 1 will be eligible for Sick Leave Payback. Eligible employees are those who have not used more than twenty-four (24) hours of sick leave within the designated Sick Leave Payback year (typically October-September). Employees must be in pay status on the last day of the Sick Leave Payback year. The maximum accrued sick leave paid back will be 48 hours provided the employee's remaining sick leave balance is at least 40 hours. If an employee is granted a leave of absence at any time during the Sick Leave Payback year, that employee will not be eligible for sick leave payback. Sick leave used in conjunction with on-the-job accident or illness, which is certified compensable for workers' compensation, will not exclude an employee from sick leave payback. Employees have the option of accruing their sick leave and not receiving the sick leave payback. The amount of sick leave used, the maximum accrued sick leave paid back and remaining sick leave balance required shall be computed on a pro rata basis for part-time employees entitled to benefits.
(Ord. of 3-2-87, art. VI, § 8)

Sec. 10 - 75. Workers' Compensation.

Employees having a work related accident or illness are provided insurance under the Workers' Compensation Act. Determination of compensability will be made by the Third Party Administrator according to N.C. Workers' Compensation Laws.

Employees must notify their supervisor immediately after any injury is sustained on the job. An accident report must be completed and forwarded to the Human Resources Department to initiate the claims process.

An absence due to a work related accident/illness of over seven (7) consecutive days is required before payment of salary benefits under the Workers' Compensation Act can be made. For the first seven (7) days an employee is absent from work due to a compensable accident or occupational illness arising out of and in the course of employment with Pitt County Government, the employee will be allowed to use accumulated sick, personal, or holiday leave providing a note is provided by the treating physician stating the employee is unable to work. After seven (7) calendar days, Workers' Compensation will begin to pay the employee directly and the employee may not use any form of accrued paid leave. If the disability exceeds 21 days, benefits will retroactively be provided for the first (7) seven days by Workers' Compensation insurance.

Employees will be referred to the County's medical doctor who shall serve as the treating physician for Workers' Compensation cases.

The time required to seek initial medical care after sustaining a work related accident/illness will not be charged against the employee. Time required for follow-up visits and treatment will be charged to the employee's accumulated sick, personal, or holiday leave.

(Ord. of 3-2-87, art. VI, § 7; Ord. of 12-15-97(2))

Sec. 10- 76. Military Leave With Pay.

- (a) A regular employee who is a member of the national guard, state guard, public health service, or any of the reserve component of the United States Armed Forces shall be entitled to leave of absence from such employee's duties without loss of pay or time and without effect on such employee's service rating on days during which such employee shall be ordered to military duty for training or for other military purposes not to exceed 120 hours in a calendar year (prorated for part-time permanent employees).

- (b) Employees shall not be entitled to military leave for the following:
- (1) Regularly-scheduled unit assemblies usually occurring on weekends;
 - (2) Duties or leave resulting from disciplinary action imposed by a military authority;
 - (3) Unscheduled or incidental military activities such as volunteer work at military facilities;
 - (4) Inactive duty training (drills) performed for the convenience of the members;
 - (5) Basic training or active duty periods resulting from initial enlistment in the Guard or Reserve.
- (c) An employee shall be granted necessary time off with pay when he must undergo a required physical examination relating to military service, as part of the three weeks set forth in subsection (a).
- (d) Leave without pay may be granted with the approval of the Human Resources Department to members of the Armed Forces Reserve and the National Guard in the following circumstances:
- (1) For periods of active duty with the Armed Forces of the United States as a result of involuntary draft or military conscription;
 - (2) For attendance at service schools for continued retention in the Military Reserve of the National Guard;
 - (3) If additional time is required for annual active duty training purposes beyond the allowable 120 hours.
- (e) An employee who enters extended active duty with the United States Armed Forces, Public Health Service, or reserve units will be granted reemployment rights in accordance with applicable state and federal law.
- (f) The employee shall be required to submit an order or statement in writing to such employee's department head from the appropriate military officer as evidence of such duty for which military leave with pay is granted, since individual orders are not issued to members of the national guard, a statement from the commanding officer will be sufficient. In lieu of such a statement, such leave may be verified through the Office of the Adjutant General. Such leave shall be recorded in the employee's leave record and be designated as military leave.
- (Ord. of 3-2-87, art. VI, § 9)

Sec. 10- 77. Extended Leave of Absence.

- (a) An employee may take an extended leave of absence not to exceed twelve (12) months without pay for reasons of extended illness or personal reasons. Such leave shall be at the discretion of and must be approved by the department head and the County Manager.
- (Ord. of 3-2-87, art. VI, § 10)
- (b) Request for leave without pay must be made in writing in a timely fashion prior to the anticipated date.
- (c) Accumulated annual leave must be exhausted before leave without pay may be granted.
- (d) Accumulated sick leave must be exhausted before leave without pay may be granted in cases of illness.
- (e) No leave shall be earned during a period of leave without pay.

- (f) An employee on leave without pay status shall be eligible for any continuation of allowable benefits by continuing to pay the employee's share of the cost and the employer's share if applicable.

Failure on the part of the employee to report to County promptly at the expiration of the leave without pay except for reasons submitted in advance to and approved by the department head shall be cause for dismissal.

Sec. 10- 78. Educational Leave.

Employees are encouraged to further their education and may apply for paid educational leave while pursuing a degree at a college, university, community college, or technical school.

A permanent full-time employee may request up to three (3) hours per week of paid educational leave, which includes reasonable travel time to attend a course during work time. Permanent part-time employees entitled to benefits are eligible for the same benefit on a pro-rata basis. Probationary employees are not entitled to educational leave. In a week in which educational leave is taken, an employee may not earn compensatory time or pay until he has physically worked greater than forty (40) hours during that week.

The request for educational leave should be submitted to the department head as soon as possible after acceptance to the course, but no later than five (5) working days before the course begins. If less than three hours are needed, a request for only the required amount of time may be approved. If total time away from work to attend a course exceeds the three-hour per week educational leave limit, the employee's accrued personal leave may be applied.

Department heads must use the following guidelines when approving educational leave:

- (1) The employee must be enrolled in a degree program directly related to a County function.
- (2) The course is a requirement of the degree.
- (3) The course is not offered at any time outside the employee's work hours.
- (4) The accommodation for educational leave will not significantly disrupt the flow of work of the individual or the flow of operations of the department or unit.

The department head, after approval, will forward the request to the Human Resources Department for policy compliance and final approval.

All appeals to decisions rendered in regard to this policy will be sent in writing to the County Manager within 10 working days after approval is denied.

Intentional violation of this policy is subject to disciplinary action.

Sec. 10 - 79. Family Medical Leave Act.

Family Medical Leave Act (FML) entitles eligible employees to take up to 12 weeks of unpaid job-protected leave in a 12-month period for specified family and medical reasons. The 12-month period shall be defined as a rolling 12-month period measured backward from the date an employee uses any FML. Each time an employee takes FML, the ability to take remaining leave would be any balance of the 12 workweek benefit which has not been used during the preceding 12 months.

- (a) Eligibility: An employee who has been employed by Pitt County for at least twelve months and who has worked 1,040 hours during the twelve-month period immediately preceding the commencement of the leave is entitled to a total of twelve workweeks of Family and Medical Leave (FML) without pay during any twelve-month period. For purposes of this

section, the definitions of "parent", "child", "spouse" and other terms necessary for the interpretation of this policy shall be in accordance with the Family and Medical Leave Act.

Pitt County will grant Family and Medical Leave for one or more of the following reasons:

- (1) For the birth of a child, and to care for the newborn child, provided the leave is taken within a twelve-month period following birth;
 - (2) For the placement with the employee of a child for adoption or foster care, provided the leave is taken within a twelve-month period following placement;
 - (3) To care for the employee's spouse, child, or parent with a serious health condition;
 - (4) When the employee has a serious health condition that makes the employee unable to perform the essential functions of his or her job.
 - (5) Employees may take FML leave intermittently -- which means taking leave in blocks of time, or by reducing their normal weekly or daily work schedule under the following conditions:
 - a) If FML leave is for birth and care or placement for adoption or foster care, use of intermittent leave is subject to the employer's approval.
 - b) FML leave may be taken intermittently whenever medically necessary to care for a seriously ill family member, or because the employee is seriously ill and unable to work.
- (b) Both Parents Employed by Pitt County: If both parents requesting leave are Pitt County employees, a combined total of twelve workweeks during a twelve-month period is available to the parents for the birth or adoption of a child, or placement of a foster child.
- (c) Coordination of Leave: FML shall run concurrently with the use of other forms of leave (sick, personal, voluntary shared leave and workers' compensation). Leave without pay beyond the twelve-week period or for employees not covered under the Family and Medical Leave Act will be administered under Pitt County's other leave without pay policies. Under these provisions, the employee must pay for health benefits coverage while on leave.
- (d) Notice and Form for Request: An employee requesting FML must submit a completed "Request for Family and Medical Leave" form to their department in order to be received by the Human Resources Department at least thirty days in advance of the start of the leave when the leave is foreseeable. The employee must attempt to schedule the leave so as not to unduly disrupt Pitt County operations. Leave for unexpected or emergency reasons must be requested on this form as soon as possible.
- (e) Certification: Within ten calendar days following the submittal of the initial request form, a completed "Medical Certification for Family and Medical Leave" form must be presented. During the period of approved FML, Pitt County may require periodic reports on the employee's medical condition and return to work intentions. Recertification may be required if the employee requests an extension of leave or if circumstances described by the original certification have changed significantly. Prior to returning to work, each employee shall provide a fitness-for-duty certification from his health care provider.
- (f) Continuation of Insurance and Premiums: While an employee is on FML, Pitt County will pay the employer's portion of the monthly health insurance premium. The employee will be responsible for his portion of the premium. If the FML is unpaid, the employee shall pay his portion of the family or parent/child coverage by the due date. If an employee fails to return to work after the employee's FML has been exhausted or expired, Pitt County may recover premiums it paid to maintain health coverage for an employee who fails to return to work from FML.

- (g) Reinstatement and Failure to Return Following the exhaustion of Family and Medical Leave under this section, the employee shall be reinstated to the same position held when the leave began or one of like pay grade, pay, benefits, and other conditions of employment. The employee shall be reinstated without loss of benefits accrued when the leave began. All benefits shall continue to accrue during any period of paid leave; however, no benefits will accrue during any period of leave without pay.

Failure to report to duty at the expiration of Family Medical Leave, unless an extension has been requested and granted, shall be considered a resignation of employment.

- (h) Requests for Alternate Assignments: Requests for intermittent leave, reduced work schedules or placement in an alternate job are allowed consistent with the minimum standards of the Family and Medical Leave Act. Any intentional abuse or fraudulent practices under this policy will be cause for disciplinary action, up to and including dismissal.

Sec. 10 - 80. Americans with Disability Act.

It is the policy of the County to comply with the relevant and applicable provisions of the Americans with Disability Act (ADA). The County will not discriminate against any qualified employee or applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. The County will also make reasonable accommodations necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the duties and assignments connected with the job; and provided that any accommodations made, do not require significant difficulty or expense.

Sec. 10-81. Court and Jury Leave.

Upon application in writing, a regular employee may be granted leave of absence as indicated below:

- (1) When an employee, in obedience to a subpoena or discretion of the proper authorities, appears as a witness for the federal government, the state, or a political subdivision thereof, the employee shall be entitled to leave with pay.
- (2) When an employee is subpoenaed in private litigation or by some party other than the federal government, the state, or a political subdivision thereof to testify not in such employee's official capacity but as an individual, the time absent by reason thereof shall be taken as personal leave or leave without pay.
- (3) When an employee serves on a jury, the employee is entitled to leave with pay for the period of absence required and shall receive regular compensation, plus fees received for jury duty.

(Ord. of 3-2-87, art. VI, § 12)

Sec. 10-82. Inclement Weather/Emergency Closing Policy.

- (a) In the event of imminent hazardous weather conditions or other emergencies, the County Manager or his designee, in consultation with appropriate emergency management and other government officials, will decide whether and when to invoke the County's Inclement Weather/Emergency Closing Policy.
- (b) Announcements of closings and/or delayed openings that affect county government offices will be broadcast on local radio and television stations and can also be accessed by calling Human Resources Department message line.
- (c) Department heads are responsible for ensuring that essential services (i.e., twenty-four-hour operations, law enforcement, group homes, facilities, technical) are continued, and

for identifying the essential staff required to do so. Department heads and other employees who have assignments outlined in the County's emergency disaster plan are responsible for fulfilling their emergency duties as assigned.

- (d) When the Inclement Weather/Emergency Closing Policy is in effect, pay practices will be adjusted as follows:
 - (1) When an emergency or adverse weather condition declared by the County Manager causes closure of county offices for an entire day or more:
 - a) Total pay for all employees who are required to work shall be straight time for the regular work schedule.
 - b) All non-exempt employees required to work beyond their regular scheduled work shall be eligible for overtime compensation in accordance with the Fair Labor Standard Act (FLSA) and the County's policy.
 - c) All employees on pre-approved leave or on disciplinary unpaid leave will remain unaffected by the declared emergency.
 - d) All other employees should choose either personal leave, or leave without pay, or previously earned compensatory time during the declared closure. When operational needs allow, employees will be given the opportunity to make up time not worked. Since hours worked in excess of forty (40) during a workweek would constitute overtime under federal regulation, it will be necessary for make-up time for employees subject to overtime to be limited to the workweek in which the time is lost or within twelve (12) months in a week when the employee has not worked full work schedules due to such absences as holidays, personal, sick leave, etc.
 - (2) If the County closes due to an emergency or inclement weather for less than eight (8) hours, the employees will be paid for an entire eight-hour shift. Non-exempt employees, who by function must be at their place of work regardless of closure, shall earn compensatory time for hours worked during official closure to be used at the discretion of their supervisor.
- (e) After two (2) business days or upon extenuating circumstances, the Board of Commissioners reserves the right to vary the Inclement Weather/Emergency Closing Policy. The Board of Commissioners will be required to meet within forty-eight (48) hours of the declaration of emergency to address the appropriateness of varying the Inclement Weather/Emergency Closing Policy.

(Ord. of 3-2-87, art. VI, § 13; Ord. of 8-2-99; Chairman Owens. Of 1-10-00)

Sec. 10-83. Hospitalization.

The County shall pay hospitalization insurance premiums for all regular employees while they are in pay status in the amount equal to a single employee's coverage premium. Any qualified employee wishing to have additional hospitalization insurance in the form of parent/child or family coverage may do so at such employee's own expense and have it payroll deducted. The Board of Commissioners may also be covered if the members desire such coverage. If an employee is on leave of absence without pay, that employee can remain covered under the county's group hospitalization plan but must pay the entire insurance premium to the Finance Office by the twenty-fifth of the month before the coverage is to become effective. (Ord. of 3-2-87, art. VI, § 14)

Sec. 10-84. Retirement.

- (a) All regular employees working one thousand (1,000) or more hours in a permanent budgeted position in a calendar year contribute to the retirement system at the rate determined by their particular retirement system.

- (b) All sworn law enforcement officers occupying positions designated as law enforcement by the Board of Commissioners will be covered under the North Carolina Law Enforcement Officers' Local Governmental Employees' Retirement System. All other employees are covered under the North Carolina Local Governmental Employees' Retirement System. The contribution by the employee will be payroll deducted and is mandatory for all employees working one thousand (1,000) or more hours in a calendar year and occupying a permanent budgeted position.

(Ord. of 3-2-87, art. VI, § 15)

Sec. 10-85. Retired Employees.

Employees who are credited with at least thirty (30) years' service with the North Carolina Local Governmental Employees' Retirement System or the North Carolina Law Enforcement Officers' Local Governmental Employees' Retirement System; and/or employees who are credited with at least twenty (20) years' service with the North Carolina Local Governmental Employees' Retirement System or the North Carolina Law Enforcement Officers' Local Governmental Employees' Retirement System and have reached their sixtieth (60th) birthday in service are eligible to participate in the Pitt County Hospitalization Plan to the extent listed below if the employee's last five (5) years of continuous service has been with Pitt County at the time of retirement.

- (1) Retired employees meeting the criteria of this section until their sixty-fifth birthday will be provided hospitalization in the same manner as active county employees, with no cost to the retiree.
- (2) Retired employees who have reached their sixty-fifth birthday and comply with the criteria of this section will be provided hospitalization in the form of a medicare supplement policy purchased by the county, at no cost to the retiree.
- (3) Qualified retirees wishing to continue existing family or parent/child coverage may do so at such retiree's own expense until the retiree reaches 65 years of age.

Pitt County Commissioners with twelve (12) years of service with Pitt County are eligible to participate in the Pitt County Hospitalization plan to the following extent:

- (1) Commissioners until sixty-fifth birthday will be provided hospitalization in the same manner as active county employees, with no cost to the commissioner.
- (2) Commissioners who have reached their sixty-fifth birthday and comply with the criteria of this section will be provided hospitalization in the form of a medicare supplement policy purchased by the county, at no cost to the commissioner.
- (3) Commissioners wishing to continue existing family or parent/child coverage may do so at the commissioner's own expense until the commissioner reaches 65 years of age.

(Ord. of 9-6-88, art. VI, ch. 16; Chairman Owens. Of 12-4-95)

Sec. 10-86. Voluntary Shared Leave.

- (a) Purpose: There are occurrences brought about by prolonged medical conditions that cause employees to exhaust all available leave and therefore be placed on leave-without-pay. It is recognized that such employees could be without income at the most critical point in their work life. It is also recognized that fellow employees may wish to voluntarily donate some of their personal leave so as to provide assistance to a fellow employee. This policy provides an opportunity for employees to assist another affected by a medical condition that requires absence from duty for a prolonged period of time resulting in possible loss of income.
- (b) Policy: In those cases of a prolonged medical condition, an employee may apply for or be nominated to become a recipient of leave transferred from the personal leave account of one (1) or more employees within the County. For purposes of this policy, medical condition means medical condition of an employee that is likely to require an employee's absence from duty for a prolonged period, generally considered to be at least twenty (20) consecutive workdays. The intent of this policy is to allow one (1) or more employees to assist another in cases of prolonged medical conditions, resulting in exhaustion of all earned leave.
- (c) Guidelines:
- (1) The request for transfer and use of personal leave from one individual to another shall be presented in writing to the Human Resources Director by the appropriate department head with the department head's recommendation for approval.
 - (2) An employee or supervisor may not directly or indirectly intimidate, threaten, coerce or attempt to intimidate, threaten or coerce, any other employee for the purpose of interfering with any right an employee may have to donate, receive, or use personal leave under this program. Such action shall be grounds for disciplinary action up to and including dismissal on the basis of personal conduct. The donating employee may not receive remuneration for the donation of leave.
 - (3) Recipients will not bank leave donations.
 - (4) An employee who has received disciplinary action due to attendance issues within the past twelve months is ineligible for participation in this program.
 - (5) Shared leave is not available for caring of family members.
 - (6) Shared leave is not available to part-time, temporary or intermittent employees.
 - (7) Employees can receive up to a maximum of 160 hours of shared leave within a 12 month period.
 - (8) Shared leave may only be donated in 4-hour increments.
 - (9) If donating personal leave, the donation cannot cause the employee's current personal leave balance to fall below 80 hours.
- (d) Employees must submit required paperwork to include supporting documentation as needed. Individual leave records are confidential and only individual employees may reveal their donation or receipt of leave.

(Mo. Of 11-16-92)

Sec. 10-87. Leave Policy Upon Indictment of Employee for Serious Crime.

When a county employee is indicted for a serious crime that may negatively affect the morale of fellow employees and negatively impact the working environment, the County Manager at his discretion may place the employee on administrative leave with pay for as long as the County Manager deems necessary.

(Mo. Of 10-4-93)

Secs. 10-88 - 10-89. Reserved.

**ARTICLE VII. SEPARATION, DISCIPLINARY ACTION,
AND REINSTATEMENT**

Sec. 10-90. Types of Separation.

All separation of employees from positions in the service of the County will be designated as one of the following types and will be accomplished in the manner indicated:

- (1) Resignation;
- (2) Reduction in force;
- (3) Disability;
- (4) Death;
- (5) Retirement;
- (6) Dismissal

(Ord. of 3-2-87, art. VII, § 1)

Sec. 10-91. Resignation.

An employee may resign by notifying their department head, or in the case of a department head, the County Manager, of the effective date of the resignation as far in advance as possible, but a minimum of two (2) weeks' notice is requested of all personnel.

(Ord. of 3-2-87, art. VII, §2)

Sec. 10-92. Reduction in Force.

This policy states that "For reasons of curtailment of work, reorganization, or lack of funds the appointing authority may separate employees. Retention of employees in classes affected shall be based on systematic consideration of type of appointment, length of service, and relative efficiency. No permanent employee shall be separated while there are emergency, intermittent, temporary, probationary, or trainee employees in their first six months of trainee progression serving in the same or related classes, unless, the permanent employee is not willing to transfer to the position held by the non-permanent employee, or the permanent employee does not have the knowledge and skills required to perform the work of the alternate position within a reasonable period of orientation and training given any new employee. A permanent employee who was separated by reduction-in-force may be re-employed at any time in the future that suitable employment becomes available. The employee must meet the minimum education and experience standards for the class to which he is appointed. Re-appointed employees will serve a probationary period in accordance with the guidelines of this Ordinance.

(Ord. of 3-2-87, art. VII, § 3)

Sec. 10-93. Reinstatement.

An employee who has been separated because of reduction-in-force or who has resigned while in good standing shall be credited with such employee's previously accrued sick leave if such employee is reinstated within five (5) years. If the reinstated employee shall have continued to be a member of either the Local Government Employees' Retirement System or the Law Enforcement Officer's Benefit and Retirement

Fund, such employee shall receive full credit for all accrued contributions to the time of separation.

(Ord. of 3-2-87, art. VII, § 4)

Sec. 10-94. Disability.

Employees may be separated for disability when they cannot perform the required duties due to a physical or mental impairment. Action may be initiated by the employee or the County, but in all cases it must be supported by medical evidence, as certified by a competent physician. The County may require an examination at its expense and performed by a physician of its choice. Before any employee is separated for disability, a reasonable effort shall be made to locate alternative positions within the county's service for which the employee may be suited.

(Ord. of 3-2-87, art. VII, § 5)

Sec. 10-95. Death

Separation will be effective as of the date of death. All compensation due in accordance with this policy will be paid to the estate of the employee.

(Ord. of 3-2-87, art. VII, § 6)

Sec. 10-96. Retirement.

Whenever employees meet the conditions set forth under the provisions of retirement plans adopted by the Board of Commissioners, they may elect to retire and receive all benefits earned under the retirement plan.

(Ord. of 3-2-87, art. VII, § 7)

Sec. 10-97. Disciplinary Actions -- Types; Effective Date.

Department heads and supervisors are responsible for maintaining the proper conduct and discipline of employees under their supervision. When an employee's performance or conduct is determined by a supervisor or department head to be unacceptable, disciplinary action may be taken in a number of ways, depending on the nature of the offense.

(a) "Just Cause" For Disciplinary Action:

- (1) Any employee, regardless of occupation, position, or profession may be warned, demoted, suspended or dismissed by the appointing authority. Such actions may be taken against employees with permanent status, as defined by this chapter, only for "just cause." The degree and type of action taken shall be based upon the sound and considered judgement of the appointing authority in accordance with the provisions of this section. When "just cause" exists the only disciplinary actions provided for are:
 - a) Written warning;
 - b) Disciplinary suspension without pay;
 - c) Demotion;
 - d) Dismissal.
- (2) There are two basis for the discipline or dismissal of employees under the statutory standard of "just cause" as set out in G.S. 126-35. These two basis are:

- a) Discipline or dismissal imposed on the basis of unsatisfactory job performance, including grossly inefficient job performance.
 - b) Discipline or dismissal imposed on the basis of unacceptable personal conduct.
- (3) Either unsatisfactory or grossly inefficient job performance or unacceptable personal conduct, as defined in subparts (b); (c); and (d), (2) of this section, constitutes just cause for discipline or dismissal. The categories are not mutually exclusive, as certain actions by employees may fall into both categories, depending upon the facts of each case. No disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly.
- (4) The imposition of any disciplinary action shall comply with the procedural requirements of this section contained in subpart (h), Procedural Requirements.

(b) Dismissal For Unsatisfactory Performance of Duties :

- (1) Unsatisfactory Job Performance is work related performance that fails to satisfactorily meet job requirements as specified in the relevant job description, work plan or as directed by the management of the work unit or department.
- (2) The intent of this section is to assist and promote improved employee performance, rather than to punish. This section covers all types of performance-related inadequacies. This section does not require that successive disciplinary actions all concern the same type of unsatisfactory performance. Disciplinary actions related to personal conduct may be included in the successive system for performance related dismissal provided that the employee receives at least the number of disciplinary actions, regardless of the basis of the disciplinary actions, required for dismissal on the basis of inadequate performance. Disciplinary actions administered under this section are intended to bring about a permanent improvement in job performance. Should the required improvement later deteriorate, or other inadequacies occur, the supervisor may deal with this new unsatisfactory performance with further disciplinary action.
- (3) In order to be dismissed for a current incident of unsatisfactory job performance, an employee must first receive at least two prior disciplinary actions: First, one or more written warnings; followed by a warning or other disciplinary action which notifies the employee in writing that failure to make the required performance improvements may result in dismissal.
- (4) Prior to the decision to dismiss an employee, the department head must conduct a pre-dismissal conference with the employee in accordance with the procedural requirements of subpart (h), Procedural Requirements of this section.
- (5) An employee who is dismissed must receive written notice of the specific reasons for the dismissal as well as notice of any applicable appeal rights.
- (6) Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights.

(c) Dismissal For Grossly Inefficient Job Performance:

- (1) Gross Inefficiency (Grossly Inefficient Job Performance) occurs in instances in which the employee fails to satisfactorily perform job requirements as specified in the job description, work plan, or as directed by the management of the work unit or department and that failure results in:
 - a) The creation of the potential for death or serious harm to a client(s), an employee(s), members of the public or to a person(s) over whom the employee has responsibility; or
 - b) The loss of or damage to department property or funds that result in a serious impact on the department and/or work unit.

- (2) Dismissal on the basis of grossly inefficient job performance is administered in the same manner as for unacceptable personal conduct. Employees may be dismissed on the basis of a current incident of grossly inefficient job performance without any prior disciplinary action.
- (3) Prior to dismissal of an employee with permanent status on the basis of grossly inefficient job performance, there shall be a pre-dismissal conference between the employee and the department head. This conference shall be held in accordance with the provisions of subpart (h), Procedural Requirements.
- (4) Dismissals for grossly inefficient job performance require written notification to the employee. Such notification must include specific reasons for the dismissal and notice of the employee's right of appeal.
- (5) Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights.

(d) Dismissal For Personal Conduct:

- (1) Employees may be dismissed for a current incident of unacceptable personal conduct without prior warnings or notice.
- (2) Unacceptable Personal Conduct is:
 - a) conduct for which no reasonable person should expect to receive prior warning; or
 - b) job related conduct which constitutes a violation of state or federal law; or
 - c) conviction of a felony or an offense involving moral turpitude that is detrimental to or impacts the employee's service to the department; or
 - d) the willful violation of known or written work rules; or
 - e) conduct unbecoming an employee that is detrimental to the department's service; or
 - f) the abuse of client(s), patient(s), student(s), or person(s) over whom the employee has charge or to whom the employee has responsibility, or of an animal owned or in the custody of the department; or
 - g) falsification of an employment application or other employment documentation; or
 - h) insubordination which is the willful failure or refusal to carry out a reasonable order from an authorized supervisor. Insubordination is considered unacceptable personal conduct for which any level of discipline, including dismissal, may be imposed without prior warning; or
 - i) absence from work after all authorized leave credits and benefits have been exhausted.
- (3) Prior to dismissal of an employee with permanent status on the basis of unacceptable personal conduct, there shall be a pre-dismissal conference between the employee and the department head. This conference shall be held in accordance with the provisions of subpart (h), Procedural Requirements of this section.
- (4) Dismissals for unacceptable personal conduct require written notification to the employee. Such notification must include specific reasons for the dismissal and notice of the employee's right of appeal.
- (5) Time limits for filing a grievance do not start until the employee receives written notice of any applicable appeal rights.

(e) Written Warning:

- (1) The supervisor shall monitor and promote the satisfactory performance of work assignments and acceptable standards of personal conduct. All types of performance-related job inadequacies may constitute unsatisfactory job performance

under this section. Unacceptable personal conduct may be work-related or non-work-related conduct and may be intentional or unintentional. When the supervisor determines that disciplinary action is appropriate for unsatisfactory job performance, a written warning is the first type of disciplinary action that an employee must receive. The supervisor may elect to issue a written warning for grossly inefficient job performance or unacceptable personal conduct. The written warning must:

- a) Inform the employee that this is a written warning, and not some other non-disciplinary process such as counseling;
- b) Inform the employee of the specific issues that are the basis for the warning;
- c) Tell the employee what specific improvements, if applicable, must be made to address these specific issues;
- d) Tell the employee the time frame allowed for making the required improvements/corrections. Absent a specified time frame, 60 days is the time frame allowed for correcting unsatisfactory job performance. Immediate correction is required for grossly inefficient job performance or unacceptable personal conduct;
- e) Tell the employee the consequences of failing to make the required improvements/corrections.

- (2) A written warning must be issued in accordance with the requirements contained in subpart (h), Procedural Requirements of this section.

(f) **Disciplinary Suspension Without Pay:**

An employee may be suspended without pay for disciplinary purposes for unsatisfactory job performance after the receipt of at least one prior disciplinary action or for causes relating to any form of unacceptable personal conduct or grossly inefficient job performance. The length of a disciplinary suspension without pay for an employee must be for at least one full workweek, but not more than two full workweeks. Prior to placing any employee on disciplinary suspension without pay the department head shall conduct a pre-suspension conference with the employee in accordance with the procedural requirements of this section contained in subpart (h), Procedural Requirements. An employee who has been suspended without pay must be furnished a statement in writing setting forth the specific acts or omissions that are the reasons for the suspension and the employee's appeal rights.

(g) **Demotion:**

The department head has the discretion, in rare and unusual circumstances to retain an employee in a lesser capacity when the employee's performance or conduct is sufficient to satisfy grounds for dismissal but the employee shows promise of acceptable performance or conduct in a lesser position. The department head shall reduce the salary of the employee.

- (1) Any employee may be demoted as a disciplinary measure. Demotion may be made on the basis of either unsatisfactory or grossly inefficient job performance or unacceptable personal conduct.
- (2) **Unsatisfactory Job Performance.** An employee may be demoted for unsatisfactory job performance after the employee has received at least one prior disciplinary action.
- (3) **Grossly Inefficient Job Performance.** An employee may be demoted for grossly inefficient job performance without any prior disciplinary action.

- (4) Personal Conduct. An employee may be demoted for unacceptable personal conduct without any prior disciplinary action.
- (5) An employee who is demoted must receive written notice of the specific reasons for the demotion, as well as notice of any applicable appeal rights.
- (6) An employee shall receive a decrease in salary due to a demotion to a lower salary grade as determined by the department head subject to review and approval by the Human Resources Director and the County Manager. In no event shall an employee's salary rate be reduced to less than the minimum salary rate for the applicable pay grade.
- (7) Prior to the decision to demote an employee for disciplinary reasons, the department head must conduct a pre-demotion conference with the employee in accordance with the procedural requirements Subpart (h), Procedural Requirements of this section.

(h) Procedural Requirements:

Department heads shall consult with the Human Resources Director regarding matters where suspension without pay, demotion, or dismissal are considered. The following procedural requirements must be followed to issue disciplinary action under this section:

- (1) WRITTEN WARNING - To issue a written warning to an employee, a supervisor must issue the employee a written warning, detailing the matters referenced in Subpart (e).
- (2) DISCIPLINARY SUSPENSION WITHOUT PAY - To place an employee on disciplinary suspension without pay, the department head must comply with the following procedural requirements:
 - a) In matters of unsatisfactory job performance, insure that the employee has received at least one prior disciplinary action. In matters of grossly inefficient job performance or unacceptable personal conduct, no prior disciplinary actions are required so an employee may be suspended without pay for a current incident of grossly inefficient job performance or unacceptable personal conduct;
 - b) Furnish the employee a statement in writing setting forth the specific acts or omissions that are the reasons for the suspension;
 - c) Advise the employee of any applicable appeal rights in the document affecting the suspension. A department shall furnish to an employee, as an attachment to the written documentation of a grievable disciplinary action, a copy of the county grievance procedure. An employee with permanent status who has been placed on disciplinary suspension shall have fifteen (15) calendar days from the date of his receipt of written notice of such action to file an appeal in accordance with the County grievance procedure contained in Section 10-111.
- (3) DEMOTION - To demote an employee the department head must comply with the following procedural requirements:
 - a) In matters of unsatisfactory job performance, insure that the employee has received at least one prior disciplinary action;
 - b) In matters of grossly inefficient job performance or unacceptable personal conduct, there is no requirement for previous disciplinary action, so an employee may be demoted for a current incident of grossly inefficient job performance or unacceptable personal conduct without any prior disciplinary action;
 - c) Give advance oral or written notice of the appropriate pre-disciplinary conference to the employee of the time, location, and the issue for which

discipline has been recommended. The amount of advance notice shall be as much as it practical under the circumstances.

- d) Give an employee who is demoted written notice of the specific acts or omissions that are the reasons for the demotion;
- e) Advise the employee of how and to what extent the demotion will affect the employee's salary rate or pay grade; and
- f) Advise the employee of any applicable appeal rights in the document affecting the demotion. A department shall furnish to an employee, as an attachment to the written documentation of a grievable disciplinary action, a copy of the county grievance procedure. An employee with permanent status who has been demoted shall have fifteen (15) calendar days from the date of his receipt of written notice of such action to file an appeal in accordance with the county grievance procedure contained in Section 10-111.

(4) DISMISSAL - Before an employee may be dismissed, a department head must comply with the following procedural requirements:

- a) The supervisor recommending dismissal shall discuss the recommendation with the department head who shall conduct a pre-dismissal conference with the employee. The person conducting the pre-dismissal conference must have the authority to decide what, if any, disciplinary action shall be imposed on the employee.
- b) The supervisor or designated management representative shall schedule a pre-dismissal conference with the employee.
- c) Advance written notice of the pre-dismissal conference must be given to the employee of the time, location, and the issue for which dismissal has been recommended. The amount of advance notice shall be as much as is practical under the circumstances.
- d) The department head shall conduct a pre-dismissal conference with the employee, limiting attendance to the employee and the person conducting the conference; a second management representative may be present at management's discretion. The purpose of the pre-dismissal conference is to review the recommendation for dismissal with the affected employee and to listen to and to consider any information put forth by the employee, in order to insure that a dismissal decision is sound and not based on misinformation or mistake. Security personnel may be present when, in the discretion of the person conducting the conference, a need for security exists. No attorney representing either side may attend the conference.
- e) In the conference, management shall give the employee oral or written notice of the recommendation for dismissal including specific reasons for the proposed dismissal and a summary of the information supporting that recommendation. The employee shall have an opportunity to respond to the proposed dismissal action and to offer information or arguments in support of the employee's position. Every effort shall be made by management to assure that the employee has a full opportunity during the conference to set forth any available information in opposition to the recommendation to dismiss prior to the end of the conference. This opportunity does not include the option to present witnesses.
- f) Following the conference, management shall review and consider the response of the employee and reach a decision on the proposed recommendation. To minimize the risk of dismissal upon erroneous information, and to allow time following the conference for management to review all necessary information, the decision to dismiss should not be communicated to the employee in accordance with this subparagraph, prior

to the beginning of the next business day following the conclusion of the pre-dismissal conference.

- g) If management's decision is to dismiss the employee, a written letter of dismissal containing the specific reasons for dismissal, the effective date of the dismissal and the employee's appeal rights shall be issued to the employee in person or by certified mail, return receipt requested, to the last known address of the employee. A department shall furnish to an employee as an attachment to the written documentation of a grievable disciplinary action, a copy of the County grievance procedure. An employee with permanent status who has been dismissed shall have fifteen (15) calendar days from the date of his receipt of written notice of such action to file an appeal in accordance with the county grievance procedure contained in Section 10 -111.
- h) The effective date of a dismissal for unsatisfactory job performance shall be determined by management. The effective date of the dismissal shall not be earlier than the letter of dismissal nor more than 14 calendar days after the notice of dismissal.

(i) Time Limits For Active Warnings/Disciplinary Actions For Progressive Discipline:

Any disciplinary action is deemed inactive for the purpose of this section in the event that:

- (1) The manager or supervisor notes in the employee's personnel file that the reason for the disciplinary action has been resolved or corrected; or
- (2) 18 months have passed since the warning or disciplinary action, the employee does not have another active warning or disciplinary action which occurred within the last 18 months and the department has not, prior to the expiration of the 18 month period, issued to the employee written notice, including reasons, of the extension of the period.

(j) Placement On Investigation Status With Pay:

Investigation status is used to temporarily remove an employee from work status. Placement on investigation with pay does not constitute a disciplinary action as defined in this section and is not appealable. Management must notify an employee in writing of the reasons for investigatory placement not later than the second scheduled work day after the beginning of the placement. An investigatory placement with pay may last no longer than 30 calendar days without written notice of extension by the department head. When an extension beyond the thirty-day period is required, the department head must advise the employee in writing of the extension, the length of the extension, and the specific reasons for the extension. If no action has been taken by a department by the end of the 30 day period and no further extension has been imposed, the department must either take appropriate disciplinary action on the basis of the findings upon investigation or return the employee to active work status. Under no circumstances is it permissible to use placement on investigation status for the purpose of delaying an administrative decision on an employee's work status pending the resolution of a civil or criminal court matter involving the employee. It is permissible to place an employee in investigation status with pay only under the following circumstances:

- (1) To investigate allegations of performance or conduct deficiencies that would constitute just cause for disciplinary action;
- (2) To provide time within which to schedule and conduct a pre-disciplinary conference; or
- (3) To avoid disruption of the work place or to protect the safety of persons or property.

Failure of the employee to report back to work when requested or at the expiration date of the suspension will result in termination of employment effective the date the employee fails to return.

(Ord. of 3-2-87, art. VII, §10; Ord. of 10-6-97)

Secs. 10-98 - 10-109. Reserved.

ARTICLE VIII. GRIEVANCE PROCEDURE

Sec. 10-110. Grievance Definition.

This policy provides appeal procedures for regular employees of the County who have been demoted, suspended, dismissed, reduced-in-pay, laid off, or who believe they have been discriminated against because of age, sex, race, religion, color, national origin, visible and nonvisible handicaps, or pregnancy.

The Sheriff, Register of Deeds, Mental Health Director, Health Director, Social Services Director, and Elections Director will carry out the procedure required by their agencies.
(Ord. of 3-2-87, art. VIII, § 1)

Sec. 10-111. Grievance Policy.

It is the policy of the County to provide a just procedure for the presentation, consideration, and disposition of employee grievances. The purpose of this article is to implement this policy and to assure all employees that their grievances will be answered and decided fairly, quickly, and without threat.

- Step 1: Employees will first present their grievance, in writing, to their department head within 15 calendar days of demotion, suspension, dismissal, reduction in pay, lay off or discrimination, who will respond to the aggrieved employee within five (5) complete working days after receipt of the grievance. The department head's determination will be in writing.
- Step 2: The employee will sign a copy of the determination to acknowledge receipt and the date of the response. The department head is encouraged to consult with any county employee or officer such department head may deem necessary to reach a correct, impartial, and equitable determination concerning the grievance.
- Step 3: If the employee is not satisfied with the determination of the department head, the employee will appeal by giving notice in writing to Human Resources within fifteen (15) calendar days after receipt of the department head's determination.
- Step 4: Human Resources will call a meeting of the grievance committee within 30 days of receipt of the grievance which will consist of four (4) employees selected by the County Manager and Human Resources. The aggrieved employee may select one employee.
- Step 5: The grievance committee will hear all parties involved and render a recommendation to the County Manager within five (5) working days.
- Step 6: Human Resources will notify the employee of the committee's recommendation and file a copy of the decision in the employee's file.
- Step 7: The department head will consult with the County Manager and issue a final agency decision to the employee by certified mail within ten (10) working days of receipt by the department head of the committee's recommendation.

(Ord. of 3-2-87, art. VIII, § 2)

Secs. 10-112 - 10-119. Reserved.

ARTICLE IX. CONFLICTING POLICIES REPEALED

Sec. 10-120. Policies Repealed.

All policies and resolutions in conflict with the provisions to this chapter are hereby repealed.
(Ord. of 3-2-87, art. IX, § 1)

Secs. 10-121 - 10-129. Reserved.

ARTICLE X. EFFECTIVE DATE

Sec. 10-130. Enactment; Recording; Indexing.

This foregoing personnel ordinance was duly passed by vote of the Board of Commissioners at a regular meeting of such board duly held in the office of such board in the county office building on July 15, 2002, and was recorded and indexed in the county ordinance book. This ordinance has been adopted on July 15, 2002 and is effective retroactive to July 1, 2002.
(Ord. of 3-2-87, art. X)

Secs. 10-131 - 10-139. Reserved

ARTICLE XI. DEFINITIONS.

Above Standard Performance - Performance clearly exceeds objectives/standards.

Affirmative Action - All organizational efforts to ensure equal employment opportunity for all current and potential employees of the organization.

Aggregate Service - The employee's combined total period of regular service as an employee of Pitt County. Aggregate service for retirement purposes refers to total length of service under which retirement contributions are paid into the Local Government Employee's Retirement System by the employee.

Allocation - The assignment of a position to its appropriate class in relation to duties performed.

Americans with Disability Act of 1990 - The ADA prohibits discrimination against individuals with disabilities. Title I of the Act prohibits covered employers from discriminating against a qualified disabled individual in any aspect of employment, including hiring, promotion, dismissal, compensation, training, or any other term, condition, or privilege of employment.

Anniversary Date - The employee's most recent date of employment with Pitt County in a permanent position.

Appeal - An application or procedure for review of an alleged grievance submitted or instituted by an employee to the proper authority.

Applicant - One who places himself or herself in competition for a vacant position by virtue of completing and submitting an application for employment regardless of employment status, i.e., a current county employee becomes an applicant when an application for another position is submitted for purposes of that employee's relationship to the vacant position.

Appointing Authority - An individual or board who has the responsibility to assign or place a person into a position.

Appointment - The offer to and acceptance by a person of a position.

Board of County Commissioners - The local government unit charged with the legislative affairs of the County.

Bona Fide - Genuine; made in good-faith without fraud or deception.

Break in Service - Any separation from the service of Pitt County whether by resignation, layoff, dismissal, disability, or retirement, when the employee is subsequently re-employed. An authorized leave without pay shall not be considered as constituting a "break in service."

Civil Rights Act of 1964 - Prohibits discrimination on the basis of race, color, religion, sex, or national origin.

Class - A group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, specification and pay range.

Classification - A system of identifying the relative relationship of each position to all other positions in the organization by grouping of positions in regard to: (a) kinds of duties performed and responsibilities; (b) level of duties performed; (c) requirements as to education, knowledge and experience and ability; (d) tests of fitness; (e) ranges of pay.

Classification Plan - The official or approved system of grouping positions into appropriate classes, based on internal comparisons and market surveys of relative duties and responsibilities.

Classification Review or Reclassification Review - An evaluation of the duties and responsibilities of a position performed by the Department of Human Resources to determine the appropriateness of the present class. Appropriateness will be determined on the basis of: (a) kinds of duties performed and responsibilities; (b) level of duties performed; (c) requirements as to education, knowledge and experience and ability; (d) tests of fitness; (e) ranges of pay. The review will result in the position retaining its present class assignment; or being assigned to an existing lower class, or being assigned to an existing higher class; or being assigned to a new class created by amendment to the Classification and Compensation Plans.

Compensation - The total salary and fringe benefits provided by the organization for each employee.

Compensatory Time - Time off in lieu of monetary payment for overtime worked.

County Manager - The highest level of supervision and highest administrative official of county government appointed by the Board of Commissioners.

Demotion - A change in job responsibility to another position of lesser responsibility and a lower salary grade.

Department - An administrative subdivision of the organization, which may include other administrative groupings of employees and related work functions.

Director or Department Head - The highest level of supervision or top administrative official of a department of County government.

Disciplinary Action - Action taken by management to correct or modify unacceptable behavior or performance of employee.

Dismissal - Separation from County employment for cause.

Downgrade - A change that results in a lower grade being assigned to a position based on duties, responsibilities, reorganization, or market surveys.

Eligible - A person who has successfully met required qualifications.

Emergency Appointment - An appointment may be made when an emergency situation exists requiring the services of an employee before it is possible to identify a qualified applicant through the regular selection process.

Employee - An individual who is employed by the County and is compensated through the County payroll for his services. Individuals or groups compensated on a fee basis are not included.

Equal Employment Opportunity - The prohibition of discrimination of employment on the basis of age, sex, race, color, creed, religion, national origin, or physical or mental disability is prohibited except where specific age, sex, or physical requirements constitute a bona fide occupational qualification necessary for job performance.

Exempt Employees - Employees who are not covered by the overtime provisions as set forth in the Fair Labor Standards Act.

Fair Labor Standards Act - Legislation originally enacted by Congress in 1938, which establishes requirements with respect to minimum wage, overtime, compensation and record keeping.

Family Medical Leave Act (FMLA) of 1993 - Generally requires employers of fifty or more employees to provide up to twelve workweeks of unpaid, job-protected leave to eligible employees for certain specified family and medical reasons.

Full-Time Employee - Any employee who is regularly scheduled to work at least 2,080 hours in 12 consecutive months.

Full-Time Position - Any position which is authorized to be filled for at least 2,080 hours in 12 consecutive months.

Grade - Numerical value assigned to a range as associated with the Classification and Pay Plan.

Grievance - A claim or complaint regarding conditions or work which affects the circumstances under which an employee works, allegedly caused by misinterpretation or unfair application of policy.

Immediate Family - Wife, husband, mother, father, brother, sister, son, daughter, half -brother and half-sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandmother, grandfather, grandson, granddaughter, step-mother, stepfather, stepbrother, stepsister.

Inclement - Severe.

Increment - In reference to the salary plan, one in a series of regular consecutive progressions within a pay range.

In loco parentis - In the place of a parent.

Insubordination - An employee's unwillingness to submit to authority; act of disobedience to authority.

Intermittent Leave - Leave taken in separate blocks of time due to a single illness or injury, not to exceed 12 weeks (480 hours). (Example: Employee takes six weeks leave for surgery, returns to work for four weeks, and later needs another 3 weeks leave for chemotherapy). Intermittent leave must be certified every fiscal year.

Job Description - A summary that outlines the basic functions of a position such as duties and responsibilities, essential job functions and job requirements.

Lateral Transfer - A move within the same pay grade from one position to another.

Longevity Pay - Special pay granted for continuous years of service as defined by the Personnel Ordinance.

Maximum Rate - The maximum pay within a pay range that an employee may receive.

Merit Principle - A systematic and uniform method of personnel administration designed to provide objective recruiting, employment, retention, and promotion of those persons best qualified all other factors excluded.

Minimum Rate - The minimum pay within a pay range that is normally paid to a newly hired employee.

Minimum Wage - The minimum hourly wage to be paid to employees as designated by the United States Department of Labor.

Non-Exempt Employees - Employees who are covered by the overtime provisions as set forth in the Fair Labor Standards Act.

Ordinance - A law set forth by a governmental authority.

Overtime (FLSA) - Time actually worked by an employee in excess of 40 hours during a seven consecutive day work period. Overtime for law enforcement personnel shall be time actually worked in excess of 80 hours during a 14 consecutive day work period.

Overtime Pay - Compensation paid to an employee for overtime work performed. The rate of pay for overtime compensation will be either 1 times the hourly rate or 1 and 1/2 times the hourly rate of pay.

Parent - Is a biological parent or an individual who stands or stood in loco parentis to a child.

Part-Time Employee - An individual who is assigned to a work day of less than eight hours or less than forty hours a week.

Part-Time Position - Any position that is authorized to be filled for less than 2080 hours in 12 consecutive months.

Pay Grade Assignment - The process of assigning jobs to pay grades through consideration of job information, job evaluation, and market analysis.

Pay Period - The 14 consecutive calendar day period utilized for the calculation of paychecks.

Pay Range - Rates of pay assigned to a pay grade on a County pay plan.

Pay Rate - A specific dollar amount expressed as an annual rate, a bi-weekly rate or an hourly rate.

Pay Status - Any period in which an employee is actually working or using paid leave.

Performance Appraisal - A formal method/procedure of documenting and assessing the work performance of employees.

Permanent Status - An employee shall attain permanent status when the employee has successfully completed the required probationary period.

Personal Leave - Scheduled time away from work during the employee's regular work day. This time will be charged against the employee's personal leave balance.

Position - An individual set of duties and responsibilities which may be performed by one or more employees not to exceed the full-time equivalent (FTE) of the position.

Probationary Period - The working test or trial period of employment beginning with the date of appointment to a particular class.

Problem Driver - A motor vehicle operator having multiple violations.

Promotion - The assignment of an employee to a position of higher responsibility and a higher salary grade.

Pro rata - Proportionately according to an exactly calculable factor.

Qualifications - The minimum education, experience and other criteria required of applicant prior to appointment or promotion.

Reassignment - Intradepartmental change of duty assignment within the same grade and based upon needs of the department in the discretion of the department head.

Reclassification - A change in a position from one class to another based on changes in job content such as duty, kind, difficulty, required skill, responsibility of the work performed, reorganization, or market surveys.

Reduction In Force - The abolishment of or reduction of a position or some portion of a position based on needs of the organization, work load, and availability of funding.

Regular Employee - An employee assigned to a position that is established by the Board of Commissioners and is included in the County's official position count.

Rehabilitation Act of 1973 - A law that prohibits discrimination against employment of handicapped persons regarding federal contract funds or programs or activities receiving federal financial assistance.

Remuneration - Payment of an equivalent to for a service, loss or expense.

Reorganization - Changes in the organizational needs of a department which may result in reassignment of duties; reclassification, abolishment, or addition of positions.

Salary Range - Salaries assigned to each grade of the salary plan from the minimum to the maximum annual salaries.

Separation - Leaving a position including resignation, reduction in force, dismissal, disability and death.

Serious Health Condition - A health condition that involves inpatient care in a hospital, hospice, residential medical facility, or continued treatment by a health care provider. A serious health condition includes psychological illnesses as well as physical illnesses. Where inpatient care is not involved, the employee must be incapacitated for a period of more than three consecutive calendar days.

Shift Work - The scheduling of hours by rotating hours worked other than eight (8) hours per day, Monday through Friday.

Standard Performance - The employee meets the objectives/standards for the position.

Step - In reference to the salary plan, a step consist of four increments.

Supervisor - Level of management who has the responsibility of directing the work of other employees.

Suspension - An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee.

Temporary Position - A position for which the duties and responsibilities are required based upon the needs of the county for a specified period of time.

Trainee - An employee who does not meet minimum education or experience requirements for a position but can within a specified period meet the minimum requirements.

Transfer - Change of duty assignment as a result of the employee becoming an applicant and being selected for a vacant position.

Vacancy - An unoccupied position.

Warning - To place an employee on notice of future consequences for continued or repeated violations or unacceptable performance or behavior.

Work Against - When an employee does not meet minimum requirements of the position and there are lower levels in the series of the classification, then the employee may be assigned to the level of the series for which he or she is qualified and may "work against" the experience and educational requirements of the higher level of the series.

Workday - Days of the week and number of hours an employee is scheduled to work. Work schedules vary by operation and agency.

Workers' Compensation Act - Provides replacement income to and covers medical expenses for employees who suffer work-related injuries or illnesses.

Meeting Notes

Ms. Florida Hardy reported that a committee of County employees had met over a period of time and revised the ordinance. Department Heads had received the proposal for review. She stated the ordinance needed to be updated and approved effective retroactive to July 1, 2002.

Motion:

Adopt the revised ordinance effective retroactive to July 1, 2002.

Motion made by Commissioner Glenn Bowen.

Motion seconded by Commissioner Eugene James.

Motion Passed Unanimously.

Offer to purchase County owned property - JoAnne Burgdorff

Information Provided with the Agenda

Kenneth Lloyd has offered \$36,000 to purchase County owned property. The property was acquired through donation from Procter and Gamble on February 22, 2000. Mobiles homes were located on the property which were flooded and Procter and Gamble elected not to participate in the FEMA buyout program.

Property Description: Lot 15, Crystal Acres, Section 2 , 1 acre (3905 Old River Road), Tax Parcel #49016. Tax (land) value: \$10,000
Lot 39, Crystal Acres, Section 2, 1 acre (3924 Old River Road) Tax Parcel #49040, Tax (land) value: \$10,000
Lot 40, Crystal Acres, Section 2 , 1.01 acre, Tax Parcel #49041, Tax (land) value \$10,100

The offer must be published after acceptance to allow an upset bid period of ten days before closing.

Meeting Notes

Ms. Burgdorff reported that the County has received an offer for some property owned by the County which was received as a result of the flood. A tax appraisal has been done. The offer was for \$36,000 for three lots. The lots are in an area where the County has other property from the flood buyout. Mr. Rhodes said that all three of these lots are in the 100-year flood plain. Water was standing on these three lots during the flood. These lots are not being maintained right now. The developer wanted to see if the county would maintain the lots or entertain an offer to purchase. Mr. Rhodes recommended the County retain the properties and lease them like the other properties. Commissioner James said this is an opportunity to get the property back on the County tax values. The area all around these lots is being developed. Commissioner James offered his support for the offer to purchase the property. Commissioner Bowen agreed with Commissioner James.

Motion:

Accept bid of \$36,000 for three lots.
Motion made by Commissioner Glenn Bowen.
Motion seconded by Commissioner David Hammond.

Ms. Burgdorff stated an upset bid process would still be required.

Vote Record:

Tom Coulson Yes
David Hammond Yes
Glenn Bowen Yes
Eugene James Yes
Tom Johnson Yes
Mark Owens, Jr. Yes
Randy Royal No
Terry Shank No

Total Yes Votes: 6

Total No Votes: 2

Motion Passed.

Administration of Mental Health as a County Department - John K. Bulow

Information Provided with the Agenda

Staff prepared a letter dated June 10, 2002 that was sent to Mrs. Carmen Hooker Odom, Secretary of the Department of Health and Human Services, stating the intent of the Pitt County Board of Commissioners to change the type governance of the current Area Mental Health program to that of a County Department. The authority for this change is House Bill 381, Session Law 2001-437. It is the intent of the Board of Commissioners to make the transition of the program to a County Department in a manner consistent with the Board's instructions. Several options exist and are discussed below.

Staff is of the opinion that House Bill 381 does not preclude immediate takeover of the program by the Board of Commissioners. Under this scenario, the Board only has to establish a date for a public hearing with 10 days public notice. Upon holding the hearing, the Board could vote to take over the Mental Health Area program immediately. It must then inform the Department of Health and Human Services, State of North Carolina, that it has absorbed the agency into the County's mantle, appoint an advisory board in compliance with the law, and instruct Staff to complete a preliminary business plan by the January 1, 2003 deadline and a final version by April 1, 2003. It is unknown how the State would react to this approach. You may desire the County Attorney to further elaborate on this procedure.

A second approach may be to expedite the business plan with a target date of October 1, 2002 for completion. The County would need to establish a public hearing date in late October or early November and take the agency into the County formally on January 1, 2003 or thereafter. This option would give the public time to comment upon the plan and the Board time to make any changes as the document was reviewed prior to public hearing. At the same time the Department of Health and Human Services, State of North Carolina, would have more time to review the plan prior to takeover. A new advisory board would be appointed as required by the law between the date of decision and January 1, 2003.

A third option to fulfill the Board's intent would be to follow the original submission schedule as proposed by the Mental Health Area Program. Under current guidelines, the business plan would be submitted on January 1, 2003. A public hearing could be held any time after January 1, 2003. Takeover could begin on July 1, 2003 and the new department could begin a fiscal budget year with all systems intact. An advisory board could be appointed anytime after the hearing was held and formal notice has been given to the Department of Health and Human Services, State of North Carolina. This approach would allow the State more time to review the Business Plan and allow the County time to negotiate any issues prior to the County assuming control.

Attached you will find three documents. The first provides a summary of the options the Board can consider regarding reform options for Pitt County. The next document provides the State's "Mission, Principles and Vision" concerning Pitt County Mental Health reform. Lastly, background information is provided regarding the requirements for the local business plan. This was distributed recently to the Core Committee developing the local business plan for Pitt County Mental Health.

Mental Health Reform Options for Pitt County

July 15, 2002

Option - 1

- Immediate takeover of Mental Health as a "County" Department.
- Business plan not fully developed prior to takeover.
- Public Hearing date set by Board on July 15, 2002 or August 5, 2002.

- Preliminary Business Plan submitted to Board of Commissioners by January 1, 2003 and final Plan submitted by April 1, 2003.

Option - 2

- Delayed decision regarding takeover.
- Business Plan completion accelerated to October 1, 2002 to Board of Commissioners.
- Public Hearing to be accomplished in October or November of 2002.
- Formal takeover to occur on January 1, 2003 or there after.

Option – 3

- Follow original Business Plan submission schedule.
- Business Plan submitted to County by January 1, 2003.
- Public Hearing in February or March of 2003.
- Formal takeover to occur on July 1, 2003.

Meeting Notes

Mr. Bulow stated he worked with Ms. Burgdorff on the options for reform for the Mental Health program. They provided the three options as noted above. Mr. Bulow reviewed each of the options.

Mr. Bulow said that on Friday, the revised guidelines were received for preparing the business plan for Mental Health. He said that everyone needs to keep in consideration that the Mental Health program is going to change drastically. He said that they are proposing that the County be a provider entity, the county would have to have certification from the State. Services would be provided by private entities unless there was not a private provider and then the Mental Health Program would have to be the provider.

Commissioner Coulson **motioned**, seconded by Commissioner James, that the Board should pursue Option 1 (stated below) and schedule a public hearing on July 25 or shortly thereafter.

Option - 1

- Immediate takeover of Mental Health as a "County" Department.
- Business plan not fully developed prior to takeover.
- Public Hearing date set by Board on July 15, 2002 or August 5, 2002.
- Preliminary Business Plan submitted to Board of Commissioners by January 1, 2003 and final Plan submitted by April 1, 2003.

Ms. Burgdorff stated that July 25th was too soon to hold the public hearing because of the legal requirements for public notice on public hearings. Ms. Banks was asked how much notice she would need to publish the notice in the newspaper. Ms. Banks stated she would need thirteen to fourteen days including the ten days notice from this date to when the public hearing could be held.

Commissioner Coulson said he would amend his motion to hold the public hearing on August 15th or thereabout. Commissioner Shank asked if the Mental Health committee was already creating the business plan. Mr. Bulow stated that they had begun work on the business plan but the State would also have to evaluate the plan.

Commissioner James said the Committee needs to focus on how to be the best Mental Health Department in the State which this Board has already voted to support. He said the public hearing is for the people to talk about mental health services and for the Board to take their

comments into consideration. Commissioner Royal said that the Board has already made a decision on which way they want Mental Health to operate but this transition cannot be done quickly. He said that Mental Health is controlled at the moment and he suggested the Manager, Assistant Manager, Ms. Dihoff and the Chairman of the Mental Health Board sit down and discuss this transition. It should not be done quickly. He said they need to look at how Mental Health is run and look at the practicality of bringing Mental Health under the County system.

Commissioner Shank said that the Board of Commissioners should meet with the Mental Health Area Board and discuss the mission and plans for the Mental Health program. Commissioner Bowen said he supports moving forward on holding the public hearing. Commissioner Hammond stated that the newspaper has indicated that this Board should not be making the decision on Mental Health and its beginning to look like a money issue, which it is not. He stated that the State is downsizing mental health centers across the entire State. Mr. Elliott stated that he had worked with Mr. Bulow on the options and he was concerned about the business plan being consistent with the State regulations. He suggested the Board should have a completed business plan to consider before taking action. He stated he had been trying to contact Secretary Odom, North Carolina Health and Human Services and would like to talk with her before moving forward on this issue. Board members discussed moving forward with the public hearing. Commissioner James called for the question. Commissioner Coulson restated that he was calling for a public hearing on August 15th or sooner for public comment on mental health services. Commissioner Shank asked Commissioner Coulson to clarify his motion. Commissioner Coulson said his motion was predominantly for the Board to hold the public hearing on or before August 15th and to pursue Option 1. Commissioner Coulson said he motioned to go for Option #1, pursue a timely public hearing and that he had proposed the public hearing for July 25th but that date did not work.

Commissioner Coulson amended his motion, seconded by Commissioner James, to hold a public hearing on or about August 15th or sooner to be held at 7:00pm.

Motion:

Schedule public hearing on or about August 15th and the meeting time would be 7:00 p.m.

Motion made by Commissioner Tom Coulson.

Motion seconded by Commissioner Eugene James.

Vote Record:

Tom Coulson	Yes
Randy Royal	Yes
Glenn Bowen	Yes
Terry Shank	Yes
Eugene James	Yes
Tom Johnson	Yes
Mark Owens, Jr.	Yes
David Hammond	No

Total Yes Votes: 7

Total No Votes: 1

Motion Passed.

Commissioners' Comments

Meeting Notes

Commissioner Hammond – He expressed concern over the filling of the Public Information Officer position. He praised the job Thomas Lynch has been doing and stating that Mr. Lynch would receive his recommendation.

Commissioner Coulson – He stated he had received calls and email about the phone numbers for the County offices not being up to date on the Internet and requested that the information be updated.

Commissioner Bowen said he had several items to discuss. They were as follows:

1) He said he had Ms. Burgdorff check the ABC Board General Statutes and only the Board of County Commissioners can approve compensation for the ABC Board members. He stated that the Board of Commissioners should notify the ABC Board that any compensation be null and void and all compensation must come from this Board. Chairman Owens asked if there was any objection to this request. There was no objection received.

2) GTP Authority – He stated that the Global Transpark Authority meets the same time as the commission. He said would like to offer his resignation from the GTP Authority. He stated that most counties have their Economic Development Director serving on the GTP Authority. Commissioners asked the Clerk if she would be advertising this vacancy. Ms. Banks confirmed that this position would be advertised.

3) Cotton gin in Bethel – He stated that there are people present today who said they wanted to apologize to the Board because the cotton gin has turned out to be no problem to them and the neighbors.

Commissioner Royal – He said he was grieved by the Governor and Senate to hear that they are willing to take money from the poorest eastern North Carolina citizens in the form of flood monies.

Commissioner Coulson - He said that for those commissioners going to Raleigh on the 17th, he wanted them to know that he is not for the support of the local option sales tax. He spoke of North Carolina being the highest taxed state in the southeast.

Adjourn

Motion:

Motion to adjourn the meeting at 11:12 a.m.

Motion made by Commissioner Eugene James.

Motion seconded by Commissioner Randy Royal.

Motion Passed Unanimously.

Respectfully Submitted,

Susan J. Banks, CMC
Clerk to the Board