

**PERSON COUNTY BOARD OF COMMISSIONERS**

**January 19, 2010**

**MEMBERS PRESENT**

**OTHERS PRESENT**

Johnny Myrl Lunsford  
Jimmy B. Clayton  
Kyle W. Puryear  
B. Ray Jeffers  
Samuel R. Kennington

Heidi York, County Manager  
C. Ronald Aycock, County Attorney  
Brenda B. Reaves, Clerk to the Board

The Board of Commissioners for the County of Person, North Carolina, met in regular session on Tuesday, January 19, 2010 at 9:00 a.m. in the Commissioners' meeting room in the Person County Office Building.

Chairman Lunsford called the meeting to order and asked Commissioner Clayton to lead in prayer and Commissioner Kennington to lead the Pledge of Allegiance.

**PUBLIC HEARING:**

**AMENDMENT TO THE 2008 COMMUNITY DEVELOPMENT BLOCK GRANT SCATTERED SITES PROGRAM:**

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried** to open the Public Hearing requesting Amendment to the 2008 Community Development Block Grant Scattered Sites Program.

Ms. Julie A. Reid of Kerr Tar Regional Council of Governments requested Board approval to Amendment No. 1 to the 2008 Community Development Block Grant Scattered Sites Program, Single Family Rehabilitation Program. Ms. Reid explained every three years the County is eligible to apply for \$400,000 to rehabilitate homes within Person County. Ms. Reid told the Board that applications from home owners are accepted, reviewed by a committee and houses are inspected for inclusion in the program. Ms. Reid noted changes occur between the time an application is prepared and the actual work begins noting one home was withdrawn from consideration, one homeowner is now deceased and a third candidate was able to gain employment and is no longer eligible for assistance as well as stated two homes were scheduled for rehabilitation, but the homes have deteriorated past the point of possible rehabilitation. Ms. Reid stated no alternates had been proposed for rehabilitation or urgent repairs. Ms. Reid submitted to the Board the following program amendment No. 1 to the County's Scattered Site Housing Rehabilitation Program, Grant No. 08-C-1834:

The following property shall be **deleted** from the program  
Willie Childs; 1281 Denny Store Road  
William Johnson; 508 Ivey Street  
Estella Watkins; 1639 Ephesus Baptist Church Road

The following changes shall be made:

**Change** from rehabilitation to demolition and replacement  
Debbie Wilkerson; 640 Hazel Lawson Road  
Bruce LaBeet; 1712 Forest Street

**Add** the following as *alternates* for rehabilitation  
La Saundra Barnett; 310 Hill Street  
Evelyn Trotter; 419 Ellen Street

Ms. Reid informed the Board that no budget revisions are proposed at this time nor are there any changes to the number or composition of the beneficiaries at this time.

Commissioner Jeffers asked Ms. Reid if there were any others living in the home of the deceased individual that is proposed to be deleted from the program. Ms. Reid stated if the home had been passed to a family member that was deemed eligible, the property would have remained in the program, and however, the property is vacant.

Speaking in favor to Amendment to the 2008 Community Development Block Grant Scattered Sites Program was Ms. Mabel Watkins of 1639 Ephesus Baptist Church Road requesting assistance from the Board so her family might be able to stay in the home that was owned by Estella Watkins (now deceased) noting the home was left to her soon to be foreclosed upon. Chairman Lunsford directed Ms. Watkins to talk with Ms. Julie Reid regarding her request.

No one spoke in opposition of the Amendment to the 2008 Community Development Block Grant Scattered Sites Program.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried** to close the Public Hearing requesting Amendment to the 2008 Community Development Block Grant Scattered Sites Program.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Clayton, and **carried** to approve the Amendment No. 1 to the 2008 Community Development Block Grant Scattered Sites Program as presented.

**DISCUSSION/ADJUSTMENT/APPROVAL OF AGENDA:**

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear and **carried** to approve the agenda.

**INFORMAL COMMENTS:**

There were no comments from the public.

**January 19, 2010**

**APPROVAL OF MINUTES:**

A **motion** was made by Commissioner Clayton, **seconded** by Chairman Lunsford, and **carried** to approve the minutes of January 4, 2010.

Commissioner Clayton commented on the three board vacancies for the Orange-Person-Chatham Area Mental Health Board and encouraged citizens to apply.

**ADMINISTRATIVE REPORTS:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to approve the Administrative Reports for the Airport, Inspections, Emergency Services, Detention Center and the Recycling Center.

**OLD BUSINESS:**

**POTENTIAL LOCATIONS FOR PROBATION SERVICES:**

County Manager, Heidi York told the Board with the adoption of the Fiscal Year 2009-2010 State Budget, the General Assembly shifted the responsibility for housing Probation Services from the State Department of Correction to county governments.

*G.S. 15-209 Accommodations for Probation Offices*

- (a) The county commissioners in each county in which a probation office exists shall provide, in or near the courthouse, suitable office space for those probation officers assigned to the county who have probationary caseloads and their administrative support. This requirement does not include management staff of the Department of Correction, nonprobation staff, or other Department of Correction employees.
- (b) If a county is unable to provide the space required under subsection (a) of this section for any reason, it may elect to request that the Department of Correction lease space for the probation office and receive reimbursement from the county for the leased space. If a county fails to reimburse the Department for such leased space, the Secretary of Correction may request that the Administrative Office of the Courts transfer the unpaid amount to the Department from the county's court and jail facility fee remittances.

Ms. York stated Person County already provides space to seven probation officers in the County Courthouse with an additional eight officers working out of leased office space at 722 Durham Road, Roxboro (the Walker Building). As of January 1, 2010 the County currently pays the lease on the leased space at the Walker Building at a rate of \$2,041 per month. The County also now provides janitorial services, which has fallen on our Public Works Department. Ms. York noted the lease on the space at the Walker Building terminates October 1, 2010, requiring a new location needing to be identified for the eight officers.

Ms. York requested the Board to direct the Manager to pursue the Board's preferred option for providing space to Probation Services after October 1, 2010 when the current lease at the Walker Building expires. Ms. York reminded the Board of the restrictions placed on site locations including proximity to children, proximity to the courthouse, and ample parking for clients and staff noting eight offices are needed in addition to a waiting area; male and female restrooms for clients as well as a restroom for probation staff; a conference room; and a kitchenette/break room for employees. Ms. York presented the following location options for the Board's consideration:

**Option 1: Relocate eight officers to Courthouse and redesign the renovation plans**

- *Description:* The planned renovation of the Courthouse has a lower level storage area on the ground floor (east end) that could be redesigned to accommodate the additional eight probation officers. This space is approximately 1326 sq ft. This would allow all of probation services to operate under the same roof as the seven other probation officers will be in the Courthouse as well, however losing planned storage space.
- *Costs:* Design Fees: \$13,500 Construction costs: \$112,500 Total: \$126,000
- *Timing:* Ms. York stated the timing is a challenge as this area of the Courthouse is the last phase to be completed. Ms. York noted at best schedule, bids would be received mid July 2010. Public Works Director, David Rogers stated 4-6 weeks would be required for verification with construction to be scheduled to begin in the fall, 2010 noting the space would not be available for approximately one year from construction. Ms. York stated a short-term lease to bridge the time from October 2010 and the construction completion would be needed noting both option 3 and option 4 could provide.

**Option 2: Renovate the former Person Counseling Center**

- *Description:* This facility located on W. Barden Street next to the EMS Building, is currently vacant and badly in need of repair. The approximate square footage of this building is just less than 4,000 sq. ft.
- *Costs:* Ms. York stated the estimate received for the renovation of this space is between \$400,000 and \$450,000, cautioning the estimate does not include several large ticket items including architectural and engineering fees, additional walls for offices in the large open room, and subsequent HVAC changes that will be needed to create separate offices nor is the estimate accounting for any costs associated with unknown asbestos and lead paint.
- *Timing:* approximately six months from contract award is needed to complete the renovation.

**Option 3: Relocate eight officers to available rental space at 25 Reams Avenue**

- *Description:* This space is located one block from the Courthouse and consists of ten offices, two bathrooms, a conference room and a waiting area for a total of 2,980 sq. ft. There is also plenty of parking options available.
- *Costs:* rental rate is \$1,850 per month or \$22,200 annually (not including utilities) with optional janitorial services at \$250 per month.
- *Timing:* Building is currently vacant and ready to be occupied at anytime.

**Option 4: Remain at the Walker Building on an as-needed basis**

- *Description:* The eight probation officers are currently working out of 2500 sq. ft at this location and the lease runs through October. Ms. York spoke with the landlord, Mr. Walker, and he is willing to extend the lease on a month-to-month (or longer) basis if needed noting the building is currently for sale. Mr. Walker suggested that the lease could remain even with a new buyer although a new lease would need to be negotiated; he also suggested that the County might explore the option of purchasing the building. The total building is about 12,000 sq. ft. and offered at \$350,000.
- *Costs:* the current rental rate is \$2,041 a month or \$24,500 annually. This includes utilities, but does not include janitorial services.
- *Timing:* the current lease runs through October and can be renewed as needed.

Ms. York stated she has met with representatives from Probation Services and toured the available space options. The preferred option among the Probation Staff was the office space at 25 Reams Ave. The downside according to Ms. York is that the County would be committed to making lease payments rather than being owners of the building and negotiations would be needed with the building owner to hold the space for the County until the lease runs out on the Walker Building. Ms. York stated the location at 24 Reams Avenue and the Courthouse redesign options appear to be the most feasible options in terms of costs, timing, and convenience, for the Board's consideration.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried** to approve Option1 as presented by the County Manager to relocate eight officers to Courthouse and redesign the renovation plans as well as direct the County Attorney to draw up a lease agreement for the existing probation offices to remain at the Walker Building until the Courthouse renovations are complete.

Commissioner Kennington requested the following item be added to the Board Retreat agenda: facility study on county owned buildings.

**NEW BUSINESS:**

**PRESENTATION OF COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR FISCAL YEAR ENDING JUNE 30, 2009:**

Mr. James Winston, CPA at Winston, Williams, Creech, Evans & Company, LLP presented to the Board the Comprehensive Annual Financial Report (CAFR) for Person County for Fiscal Year ending June 30, 2009 highlighting Person County receiving the Certificate of Excellence for financial reporting for the 21<sup>st</sup> consecutive year. Mr. Winston stated sales tax was the biggest loss of revenue while tax collection in Person County is better than the state average. Mr. Winston reported 22.65% is the statewide average for Fund Balance Expenditures noting Person County realized 30.07% although according to the Finance Director has decreased to 24% at the end of December, 2009.

Mr. Winston commended the Board, Person County Finance Department and Management for a job well done resulting in the report presented.

Commissioner Clayton asked Mr. Winston to explain how the total county budget was not controlled funds. Mr. Winston explained that the county's budget totaling over 50 million budget was on controlled by 20 million or so in funds, i.e. property tax, sales tax to some degree and fees. Health and Human Services receives restricted funds designated for specific services that serve as pass-through funds.

Commissioner Puryear asked Mr. Winston if the 22% of the total budget spent on education included debt. Mr. Winston confirmed the amount included debt and operational expenses.

A **motion** was made by Commissioner Kennington, **seconded** by Commissioner Puryear, and **carried** to honor the Finance Director and Finance Department for receiving the Certificate of Excellence in financial reporting.

The Board thanked Mr. Winston for the presentation.

Commissioner Puryear publicly thanked the County Manager and commended her effort for the county to hold the line.

Chairman Lunsford stated the Board had been good custodians of county funds doing more with less than in the past years surviving well during the downturn of the economy and maintain the status of services, i.e. fire protection, safety protection, health protection because of the good employees working hard to meet the obligations without an increase in salary. Chairman Lunsford stated he was inspired and appreciated the Board as well.

Commissioners Jeffers and Clayton thanked county employees for sacrificing and doing as well as the county has this past year.

Person County  
June 30, 2009

## Audit Presentation

Winston, Williams, Creech, Evans & Co.  
LLP

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## Overview



- ◆ Person County has received an unqualified opinion on their June 30, 2009 financial statements.
- ◆ Person County again received the Certificate of Excellence in Financial Reporting for fiscal year 06/30/08 and submitted the 6/30/09 report to GFOA.

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Person County June 30, 2009 Audit  
Presentation

January 19, 2010

## GASB # 34 Highlights

- ◆ Management's Discussion and Analysis
- ◆ Statement of Net Assets

	<u>2008</u>	<u>2009</u>
Total Assets	\$ 47,903,511	\$ 47,629,559
Total Liabilities	<u>25,532,624</u>	<u>23,212,508</u>
Net Assets	<u>\$ 22,370,887</u>	<u>\$ 24,417,051</u>

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## Statement of Activities

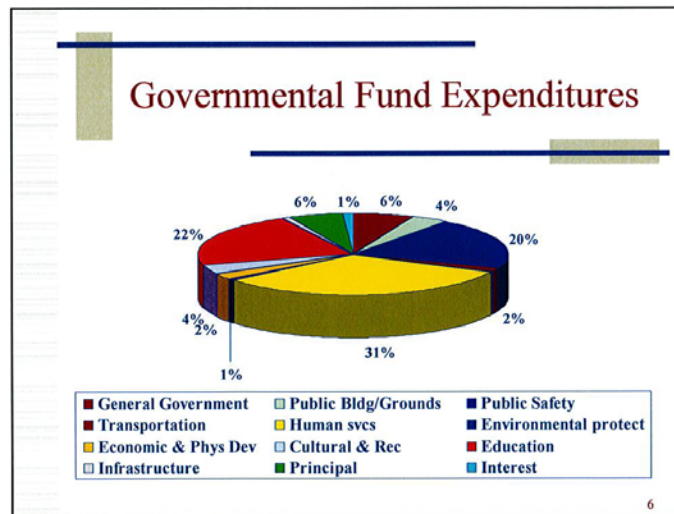
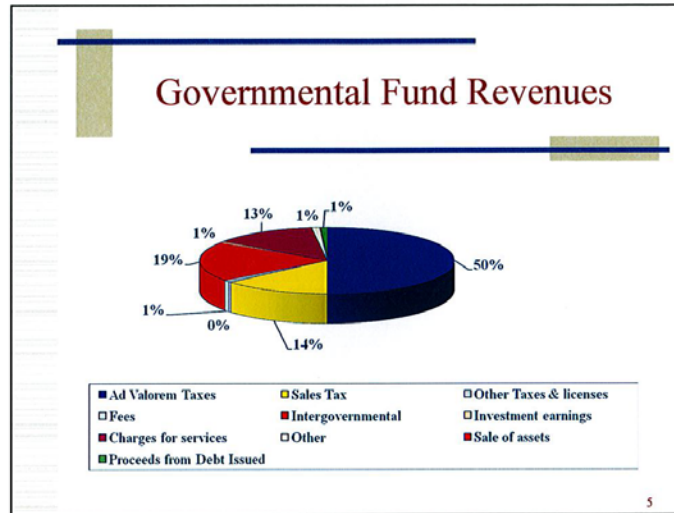
	<u>2008</u>	<u>2009</u>
Revenues	\$ 55,748,969	\$ 53,616,297
Expenditures	<u>53,868,026</u>	<u>51,570,133</u>
Increase in Net Assets	\$ 1,880,943	\$ 2,046,164
Beginning Net Assets	<u>20,489,944</u>	<u>22,370,887</u>
Ending Net Assets	\$ 22,370,877	\$ 24,417,051

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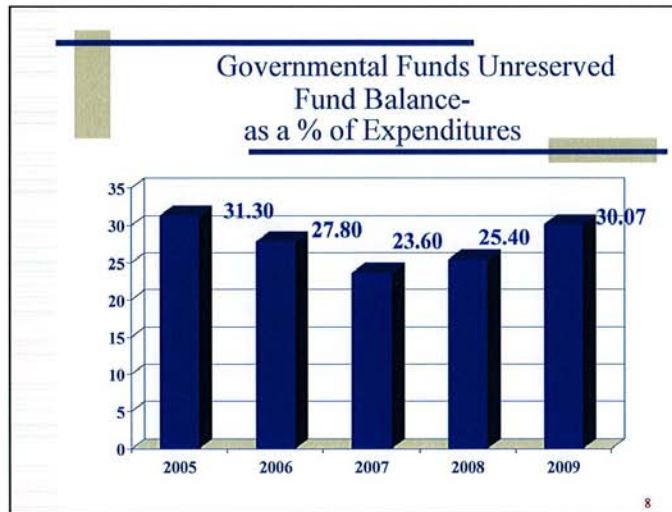
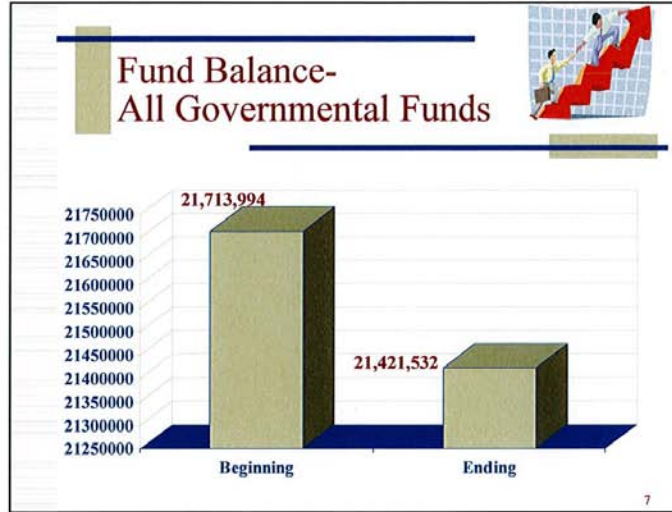
Person County June 30, 2003 Audit  
Presentation

January 19, 2010

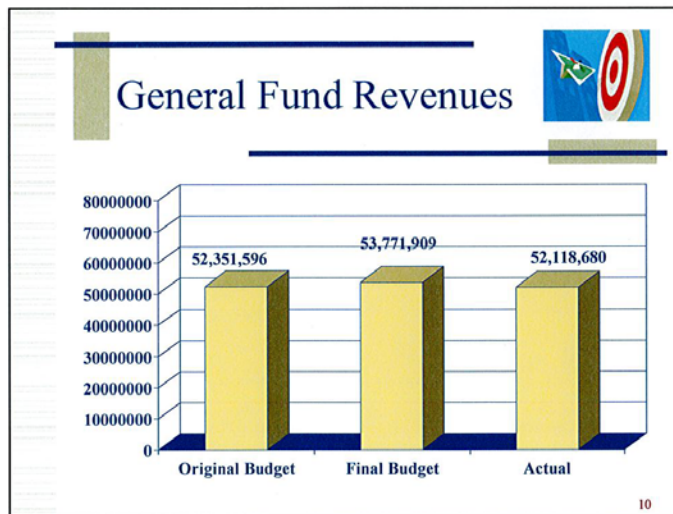
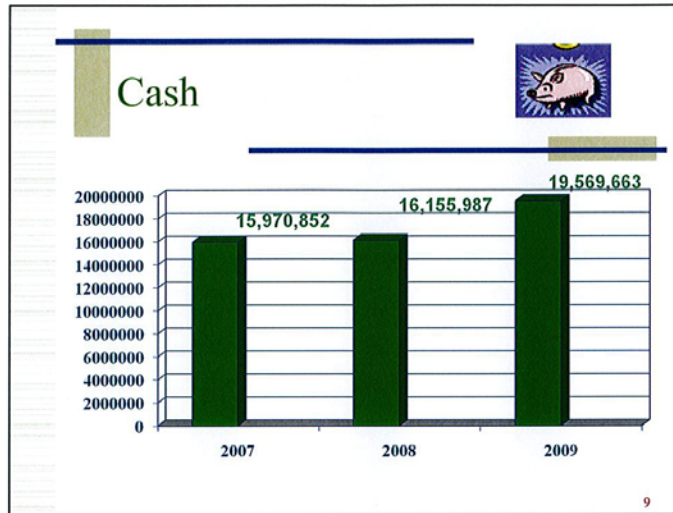




Person County June 30, 2003 Audit  
Presentation

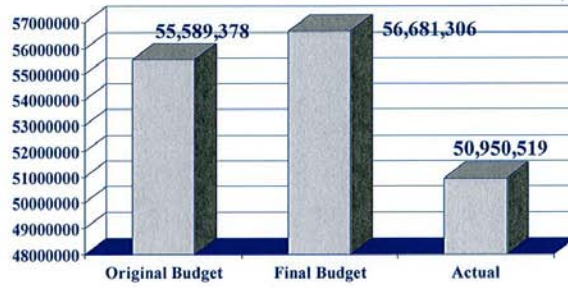


Person County June 30, 2003 Audit  
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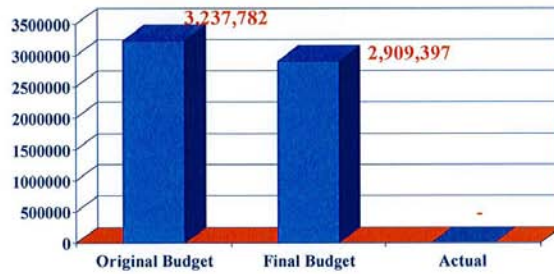
Person County June 30, 2003 Audit  
Presentation

## General Fund Expenditures

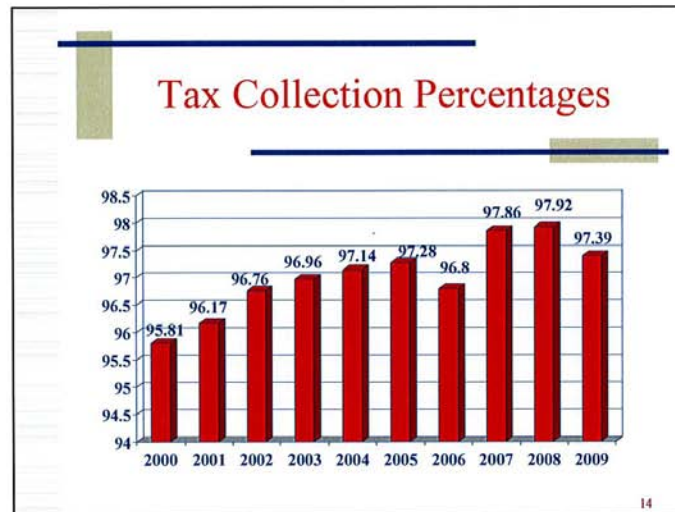
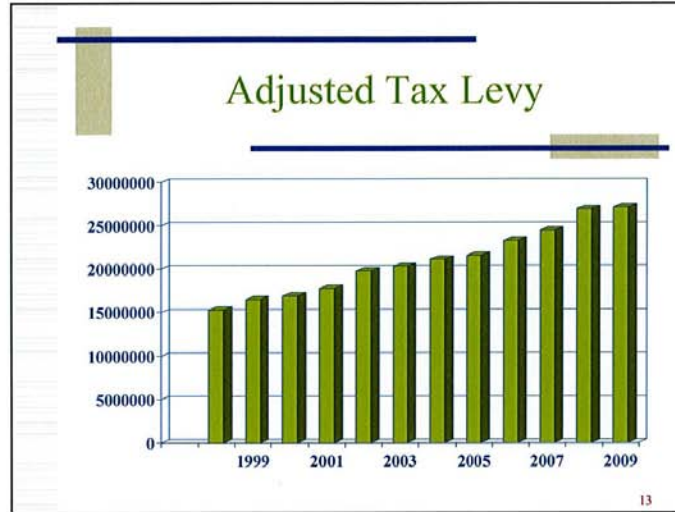


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## Appropriated Fund Balance



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Person County June 30, 2003 Audit  
Presentation

## **CRIMINAL JUSTICE PARTNERSHIP PROGRAM FOR PERSON COUNTY:**

County Manager, Heidi York and Matt Reece, Piedmont Triad Council of Governments informed the Board of an opportunity to join into a Criminal Justice Partnership Program that includes grant funds to serve criminal offenders of Person County.

The NC Department of Correction has designated funds for Person County to use for substance abuse treatment for offenders that are on probation and parole in our community. Person County is eligible to receive an annual allocation of \$71,688 in grant funds through a criminal justice partnership grant. These funds must be dedicated to serving criminal offenders. The services to be provided include quality supervision of offenders, evaluation and treatment for substance abuse and addictive behaviors, and alternatives to incarceration resulting in cost savings to citizens. The goals are to reduce: recidivism; the number of probation revocations; alcoholism and other drug dependencies; and the cost of incarceration to the State and counties. Offenders are able to gain or maintain employment while participating in the Program. Offenders address drug and alcohol dependencies and have access to the behavior changing therapy needed to stay clean and avoid substance abuse. The program also provides an array of services to assist offenders with making positive changes in their lives.

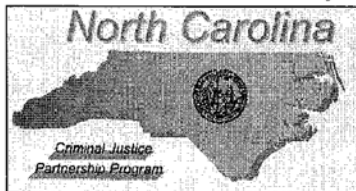
The grant requires no local funds and the program has been continually funded since 1994. The Department of Correction makes this grant available to all counties, but Person County has not applied for the funds in the past. To apply, Person County would need to establish an advisory board, develop and adopt a community corrections plan, and submit the annual program request for the grant. Mr. Reece suggested as another option to join Caswell County's existing program which serves the same judicial district, 9A. The committee that serves Caswell County can also be tasked with serving Person County. Committee members include the District Attorney, Superior and District Court Judges that serve both districts, County Sheriff, and County Manager, among other stakeholders of the criminal justice system. The committee is supported by staff from the Piedmont Triad Council of Governments and Caswell County has accepted the responsibility to be the fiscal agent for the Program.

The Program operates as a satellite substance abuse program. The services will be delivered directly in Person County by Freedom House Recovery, Inc. Two case managers are based in Roxboro and the base level of services will be provided in group therapy, an intensive outpatient treatment.

The Piedmont Triad Council of Governments will submit the application to draw down the grant funds and the Criminal Justice Partnership Program between Person and Caswell Counties will be established. The following presentation was extended to the Board as well as a request to authorize application for the grant.

Mr. Reece stated this program has not received any reductions from the State in the past with supporters at the State level with a successful track record.

## Criminal Justice Partnership for Person County



Judicial District 9-A

Proposed

Caswell-Person Partnership Program

### What is the Criminal Justice Partnership?



- The Criminal Justice Partnership Program (CJP) was created to support the Structured Sentencing Act which became effective October, 1994.
- CJP is a Partnership between the Department of Correction and counties that seek grant funding.
- Local Advisory Boards, appointed by the County Commissioners, are required to develop and monitor the local CJP Programs.
- Programs are required to submit an annual grant to continue receiving Implementation Funding

January 19, 2010

## What are the goals of the CJP Act?

- To Reduce Recidivism
- To Reduce the Number of Probation Revocations
- To Reduce Alcoholism and other drug dependencies among offenders
- To Reduce the Cost of Incarceration to the State and Counties



## Who is Eligible?

### **Community Offenders**

Offenders on probation assessed by Community Corrections for risk of recidivism and need for service

### **Intermediate Offenders**

Offenders "sanctioned" to intermediate supervision and post release and parole offenders

**DWI offenders are NOT eligible**





## How do costs compare to incarceration?

### Costs Per Day Per Offender (6-30-2008)

- Close Custody Prison - \$85.68
- Medium Custody Prison - \$76.69
- Minimum Custody Prison - \$59.17
- **Average Cost - \$73.85**
- **CJP Sentenced Offender - \$14.96**



### Other services and costs that can be used with CJP

- Intensive Probation - \$14.29
- Sex Offenders GPS- \$14.28
- Electronic House Arrest - \$8.93
- Community/Intermediate Probation- \$2.49
- Community Service-\$0.95



## How is CJP Funded?

- Each Program applies on a voluntary basis following approval of community corrections plan
- Re-apply annually
- Grant Funding is awarded annually on the Fiscal Year
- Person County is eligible to receive \$71,688 in CJP Funding
- No local funds are required



**How many are served and is the program successful?**



- Statewide there were 6,884 offenders served in fiscal year 2009.
- 52% maintained or obtained employment.
- The completion rate was 46.6%. For all program types.
- Satellite substance abuse programs had the best success of all programs with a completion rate of 49.8%.



A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Puryear, and **carried** for Person County to join the Criminal Justice Partnership Program in Caswell County so that Person County will be eligible to receive an annual allocation of \$71,688 in grant funds through a criminal justice partnership grant.

**January 19, 2010**

## **WILSON AMBULANCE SERVICE AND SUPPORT FRANCHISE APPLICATION:**

Emergency Medical Services Director, Michael Day stated Wilson Ambulance Service and Support (WASS) has applied for a full ambulance franchise in Person County noting Board action in 2008 granted a limited franchise certification to allow them to start their business including obtaining financing for purchasing equipment. Mr. Day stated the application verifies purchase of ambulances, employees available to begin work, as well as a secured space to operate services. Mr. Day noted with Board approval, the requested full franchise will start the second phase which will begin the State process of updating Person County's EMS system for approval which lets the State know Person County acknowledges a new ambulance provider to be permitted to operate in Person County. Mr. Day stated he, the County Manager and the County's Medical Director are all a part of the approving process that ultimately grant WASS an ambulance provider license that will recognize WASS as part of the County EMS system plan that enables WASS to provide basic life and bariatric services to Person County. Mr. Day estimates WASS to eliminate about 10% of EMS's annual 5600 calls and noted that EMS is not currently equipped to provide bariatric services.

Mr. Day confirmed for Commissioner Puryear that the current EMS system plan will have to be modified to recognize the county granting a franchise to include WASS requiring approval from the EMS Director, County Manager and the County Medical Director (Dr. Kimmie Yarborough). Once the State receives EMS's system plan modification, the State has 60 days to act according to Mr. Day. Mr. Day confirmed to the Board that based on the information submitted, the Medical Director is in favor of granting the requested franchise with the understanding a meeting will be scheduled with all parties related to the modifications.

Mr. Day noted WASS would not be in direct competition with the county EMS but would become a part of the county EMS system. WASS will manage its own staff but the county will have huge oversight, with no liability through North Carolina General Statute for EMS and North Carolina Administrative Code. Mr. Day stated his need of a fourth ambulance and staff stating a 12% increase in 911 calls from fiscal year 2008 to 2009.

A **motion** was made by Commissioner Jeffers, **seconded** by Commissioner Clayton, and **carried** to approve the Wilson Ambulance Service and Support Franchise Application.

## **COUNTY FIRE CONTRACT WITH THE CITY OF ROXBORO:**

County Manager, Heidi York and Fire Marshal Johnny Gentry presented the Board with a revised Contract between the City of Roxboro and Person County to provide County Fire Protection Services.

Ms. York reminded the Board that on October 20, 2009 during a joint meeting of the Person County Board of Commissioners and the Roxboro City Council, the County and City Managers were directed to develop a workable contract for fire services. Over the past several months meetings have been conducted between the City of Roxboro Fire Department, Person County Fire Marshal, Emergency Management Director, City and County Attorneys and the Managers. The negotiations yielded several updates to the contract including clarification of the boundaries and the responsibilities for serving Person County Fire District #1; formalizing the partnership between Emergency Services, the Volunteer Fire Departments and the City of Roxboro Fire Department; defining the services to be provided by the City of Roxboro Fire Department; itemizing the costs of these services; and reducing the length of the contract. The original contract duration was five years with an additional five years automatic renewal. The new proposed contract is for a period of two years which was a compromise. Agreement was not reached on the ability to reduce the amount of funding. The proposed funding amount is \$353,560 annually, which is the same amount funded in Fiscal Year 2009-2010. The short contract term was agreed to due to the difficult economic conditions facing both governments. Ms. York noted the City of Roxboro had requested for Section 4 to be deleted in its entirety from the contract presented. Ms. York stated once the Board approves, the City of Roxboro will put on their agenda for approval.

Fire Marshal, Johnny Gentry confirmed for the Board that when Fire Inspection services responsibilities moved from the City of Roxboro to Person County in 2006, the contract was reduced by 38%.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Kennington and **carried** to approve the revised Contract between the City of Roxboro and Person County to provide County Fire Protection Services including the modification requested by the City of Roxboro.

The following contract is the revised contract after Board action January 19, 2010 that will be before the City of Roxboro Council for approval.

**CONTRACT TO PROVIDE COUNTY FIRE PROTECTION SERVICES  
NORTH CAROLINA  
PERSON COUNTY**

THIS CONTRACTUAL AGREEMENT, made and effective as of this 1st day of July, 2010, by and between the City of Roxboro, a municipal corporation of the State of North Carolina (hereinafter called "the CITY"), and Person County, North Carolina, a body corporation and politic (hereinafter called "the COUNTY")

**WITNESSETH:**

That for and in consideration of the mutual covenants hereinafter contained, and pursuant to authority granted by G.S. 160A-293, the City and the County do hereby covenant and agree as follows:

1. The City agrees to furnish and provide fire protection services to all property within its fire protection service area lying outside the boundaries of the city as defined as the Person County FD #1, which is established by the Office of the State Fire Marshal. For purposes of this paragraph Fire Protection Services are specifically defined as follows:
  - a. Fire suppression services within Person County FD #1, which is primarily a 5 mile radius from the City of Roxboro Fire Station #1, located at 105 Court Street.
  - b. Emergency medical first responder services, as outlined by mutual agreement and Standard Operating Procedure between the City Fire Chief, County EMS Director and 911 Director within Person County FD #1, which is primarily a 5 mile radius from the City of Roxboro Fire Station #1, located at 105 Court Street. (*see Memorandum of Understanding*)
  - c. Fire and life educational programs when requested in Person County FD #1.
  - d. Fire investigations as required by N.C.G.S. 58-79-1 within Person County FD #1.
2. The City further agrees to furnish and provide additional fire protection services to all areas within Person County lying outside of the City of Roxboro Fire Departments service area, known as Person County FD #1. For this purposes of this paragraph Fire protection services are specifically defined as follows:

- a. Automatic mutual aid on all structure fires consisting of one engine and a minimum of three personnel, with any additional personnel at the discretion of the City Fire Chief.
  - b. Serve as a central repository of specialized equipment (SCBA refilling station, aerial apparatus, water refill hydrants).
  - c. In the event fires occur simultaneously in the City and / or County, the decision of the City Fire Chief or the chief's representative shall be final and conclusive as to priorities.
  - d. Fire and Life Safety educational programs when requested within the other Person County Fire Districts. These programs should be coordinated with the Person County Fire Marshal's Office.
  - e. Mutual Aid services as requested by the primary fire department for the following services:
    - (1) Woods fires, vehicle fires threatening a structure, technical, confined space, and high angle rescue services
3. The annual amount of this contract is \$353,560.00 for a contract period of (2) two years beginning the 1<sup>st</sup> day of July 2010, to be paid in equal monthly installments with the payment being due no later than the 30<sup>th</sup> day of each month.
  4. The City of Roxboro Fire Department will provide the Fire Marshal's Office with a quarterly call report / break down of all county related calls, and educational programs delivered in the Person County FD #1 and outside of FD #1.
  5. The term of this agreement shall be for a period of (2) two years from the effective date of this agreement. Nothing in this paragraph prevents any party from proposing a modification to this agreement, which modification shall become effective only upon mutual consent of both parties as evidenced by appropriate resolutions adopted by both parties.
  6. This instrument contains the entire agreement between the parties; and no statement, oral or written, made by either party or agent of either party that is not contained in this written agreement shall be valid or binding.

IN WITNESS WHEREOF the parties hereto have caused this instrument to be executed by their properly designated officials by authority validly and duly given and their respective seals to be hereunto affixed on the day and year first above written. This instrument is executed in duplicate originals.

ATTESTED TO BY:

CITY OF ROXBORO

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

ATTESTED TO BY:

PERSON COUNTY

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chairman

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

\_\_\_\_\_  
City Finance Director

\_\_\_\_\_  
County Finance Officer

**SCHOOL FUNDING FORMULA:**

County Manager, Heidi York and Finance Director, Amy Wehrenberg requested the Board to discuss the implementation of the proposed School Funding Formula and to direct staff for purposes of budgeting.

Ms. York reminded the Board that at the October 2009 joint meeting of the Board of Commissioners and the Board of Education, a proposed funding formula was presented for discussion. A decision was not made at that time to implement the funding formula. Ms. York noted the Superintendent has asked whether the formula will be adopted for the upcoming fiscal year.

Ms. York explained the proposed formula uses an average of the three previous years' Per Pupil Expenditures (from the Department of Public Instruction) and multiplies by the average of the same three previous years for the Total Number of Person County School Students. The product of these two figures results in a local appropriation.

Years in Average	3 Year Average DPI Statistical Profile State Average Local PPE		3 Year Average Total # Students in Public & Charter Schools
2004-2007	\$ 1,549.71	X	6,189.0
2005-2008	\$ 1,624.47		6,201.0
2006-2009	\$ 1,692.85		6,164.0

Fiscal Year	Projected Local Appropriation for 3 Year Average
2008-2009	\$ 9,591,175.82
2009-2010	\$ 10,073,359.14
2010-2011	\$ 10,434,727.40

Ms. York noted the budgeted current expense appropriation for the schools (Fiscal Year 2009-2010) is \$8,861,567 and should the formula be approved for next fiscal year, an additional \$1,573,160.40 of funding is required to reach the formulated result. Knowing that this formula would be difficult for the County to support in the current economic situation, it was proposed that the formula be phased in over the next three years by adopting a graduated percentage scale aiming to get to the full formula by the fourth year. The targeted increase could be 25% for Fiscal Year 2011; 35% by Fiscal Year 2012; 40% by Fiscal Year 2013 and finally 100% by Fiscal Year 2014. This would look like:



Fiscal Year	Increase in Allocation from Prior FY	County Appropriation	Percentage of Increase from Difference in 2010-2011
2010-2011	\$ 393,290	\$ 9,254,857	25%
2011-2012	\$ 550,606	\$ 9,805,463	35%
2012-2013	\$ 629,264	\$ 10,434,727	40%

Ms. York reminded the Board the county funded Person County Schools \$8.8 million stating the Superintendent informally asked about the possibility to return to the \$9.3 million allocation as funded in the past. Ms. York stated she had not communicated to county departments but to the Superintendent the intention to request departmental budgets be held to last years funding. Ms. York stated if a funding formula was approved by the Board, it would not be binding for future boards as well as noting the funding formula would always stay behind state averages.

Commissioner Puryear stated his support of the funding formula.

Commissioner Clayton opposed the idea of obligating funding of one department over another so early in the budget preparation as well as not knowing what might be ahead for the county from the State.

Commissioner Jeffers stated the county has funded the schools as best as possible.

Commissioner Kennington stated his desire to see the per pupil expenditure above the state average, but have concerns of obligating future boards by implementing a funding formula. Commissioner Kennington stated his intent to review all budget requests, projected revenues to do the best for all departments. Commissioner Kennington stated he was not in favor of setting a school funding formula.

Chairman Lunsford stated agreement with Commissioners Kennington, Jeffers and Clayton. Chairman Lunsford stated the Board is a good custodian to allocate funds without putting the county in jeopardy with spending.

Commissioner Puryear reiterated his support of the funding formula as a step in progression to evidently reach the per pupil expenditure state average and asked the Board members to hold spending on other projects.

Commissioner Kennington mentioned the next joint session with the Board of Education as an opportunity to continue discussions is scheduled for April 1, 2010. Commissioner Kennington pointed out the Strategic Planning committee focused on education and encouraged their efforts. Commissioner Kennington noted the Board Retreat as a time to further discuss budget funding requests from the Schools as well as all departments.

The group recognized the School Board's request to have an idea in January the expected county funding so they might begin their budget preparation. The Board noted the County Manager had fulfilled that request that direction of holding the amount of funding as allocated in this current fiscal year.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Kennington, and **died to lack of majority 2/3 vote** to continue discussions of budget formula implementation for the School Board. Commissioner Puryear and Chairman Lunsford voted in favor of the motion. Commissioners Clayton, Jeffers, and Kennington voted in opposition to the motion.

### **2009 STATE OF THE COUNTY HEALTH REPORT:**

Health Education Supervisor/Healthy Personians Coordinator, LeighAnn Creson presented the 2009 State of the County Health Report. This report provides current mortality and morbidity data for the county. It also lists health priorities identified through the 2007 Community Health Assessment process and reveals progress made towards addressing those priorities in the past year. New and emerging issues in public health are addressed as well as other changes in the county that have or could potentially impact the health of Personians.

Health priorities identified through the 2007 Community Health Assessment for Person County include:

- Chronic Disease  
(heart disease, cancer, stroke, diabetes, chronic lower respiratory diseases)
- Health Promotion  
(obesity/overweight, physical activity, nutrition, smoking/tobacco use, unsafe sex, drug/alcohol abuse)
- Adolescent Health  
(teen pregnancy, sexually transmitted diseases/HIV)
- Community Issues  
(gang activity, suicide)
- Access to Health Resources  
(physical health, mental health, preventive health, treatment)

Other highlights from the report:

- A Diabetes Education Pilot Study was implemented in the community.
- A School Gatekeeper (suicide prevention) training was offered for school personnel and other partners.
- Cancer exceeds heart disease as a leading cause of death.
- Person County ranked #28 in North Carolina for teen pregnancies in 2008.
- Person County Infant Mortality rate is under the NC rate.
- 204 reported communicable diseases in 2008.
- New and emerging public health issues have been the contaminated wells and H1N1
- Gang activity increased
- Community impacts expansion/closing of industry

Commissioner Clayton thanked everyone at the Health Department for their efforts Commissioner Jeffers thanked the Wellness Committee for their efforts with the holiday luncheon.

Commissioner Kennington inquired about reporting on the air quality in Person County and requested an update be sent to the County Manager. Commissioner Kennington inquired about programs offered regarding teen pregnancy in Person County and requested any assistance the Health Department could the schools. Ms. Creson stated a staff position was dissolved that addressed teen pregnancy in schools, however education is offered through clinics with resources such as videos as well as a HIV grant that addresses adolescent issues.

The Board thanked Ms. Creson for presenting the 2009 State of the County Health Report.

**PERSON COUNTY GOVERNMENT SUBSTANCE ABUSE POLICY:**

Human Resources Director, Angie Warren presented the Person County Government Substance Abuse Policy for adoption noting the County has a responsibility to all employees to provide a workplace that is free of controlled substances and alcohol as well as a responsibility to the public to insure that its safety and trust in the County is upheld. The County presently does not have a substance abuse policy, therefore, no pre-employment, reasonable suspicion, random, post-accident, return to duty or follow-up testing is being conducted. The recommended policy is a zero tolerance policy due to the magnitude of potential adverse consequences of controlled substances abuse and alcohol misuse which can range from personal injury or equipment damage to death of co-workers or the public. Ms. Warren requested approval of the Substance Abuse Policy to perform pre-employment, reasonable suspicion, random, post-accident, return to duty or follow-up drug testing on safety sensitive positions noting it would be random, unannounced testing.

Commissioner Clayton asked about the costs of implementing the policy. Ms. Warren confirmed funds were already budgeted this fiscal year. Commissioner Clayton questioned if duplication was present under the section addressing post accident testing especially if law enforcement requested testing as well. Commissioner Clayton was concerned about testing post accident in all cases.

County Attorney, Ron Aycock noted the policy presented represents a standard used by other counties and as a policy; the Board can certainly amend the definition to exclude certain circumstances.

Commissioner Jeffers stated his support of the policy and felt it was overdue.

County Manager, Ms. York stated there is no intention to duplicate testing and suggested to amend the policy section to state should testing been administered by law enforcement, that would delineate the need for the county to so.

Commissioner Puryear suggested rewording so the county would not be liable and to help with insurance premiums.

County Attorney, Ron Aycock suggested amending the policy so no one in Administration would have to make a decision when employees should be tested and to make the policy uniform. Mr. Aycock agreed to approve such amendment.

A **motion** was made by Commissioner Jeffers, **seconded** by Chairman Lunsford, and **carried** to approve the Person County Government Substance Abuse Policy with the amendment approved by the County Attorney for all safety sensitive positions.

Commissioner Kennington stated his support of all pre-employment hires being subject to the drug testing for zero tolerance. Commissioners Kennington and Puryear requested to discuss the costs associated with drug testing all pre-employment candidates for hire at the Board Retreat.

The following Person County Government Substance Abuse Policy includes the amendment requested by the Board on January 19, 2010.

## **Person County Government Substance Abuse Policy**

### **Policy Overview:**

Person County Government has a responsibility to all employees to provide a workplace that is free of controlled substances and alcohol as well as a responsibility to the public to insure that its safety and trust in the County is upheld. Therefore, Person County has adopted a policy that prohibits the following behaviors by employees:

- The use or possession of alcohol or any controlled substance, including the abuse of medications, while on work time or work premises, or in county vehicles.
- The sale, distribution, or provision of alcohol or any controlled substance while on work time or work premises, or in county vehicles.
- Reporting to work or working while intoxicated or otherwise impaired.

This is a zero tolerance policy due to the magnitude of potential adverse consequences of controlled substances abuse and alcohol misuse which can range from personal injury or equipment damage to death of co-workers or the public. Any violations of this policy will subject the employee to disciplinary action, up to and including dismissal.

### **Purpose:**

The purpose of the drug and alcohol policy is to:

1. Identify all requirements and actions necessary to eliminate controlled substance abuse and alcohol misuse with Person County Government.
2. Ensure full compliance with federal requirements for establishing a drug-free workplace.
3. Identify when, and under what conditions, County employees are subject to drug and alcohol testing.

### **Scope/Coverage:**

All employees (full time; part time; temporary; contract) of Person County Government are subject to the following types of tests:

- reasonable suspicion
- post-accident
- return to duty
- follow-up

Pre-employment testing will be conducted on safety sensitive positions.

Safety Sensitive Employees of Person County Government are subject to the following types of tests:

- random, unannounced testing

## **Compliance with Law**

1. Information regarding the testing and referral of employees and applicants under the policy will be treated as confidential in accordance with the requirements of North Carolina laws governing the privacy of employee personnel records.
2. Searches and seizures are to be conducted in a legal manner. Person County Government reserves the right to conduct searches or inspections of property assigned to an employee whenever a department head or his or her designee determines that the search is reasonable under all circumstances.

## **Definitions**

**Alcohol test** means a test for the presence of alcohol in the body as determined through the use of a breath alcohol test, evidential breathalyzer test, or blood screening.

**Approved laboratory** means a laboratory approved and certified by the North Carolina Department of Human Resources or the U. S. Department of Health and Human Services (DHHS), the College of American Pathology, the American Association for Clinical Chemistry, or the equivalent to conduct drug testing. Only laboratories certified by DHHS will be used for tests required by Federal Transit Administration (FTA) and Federal Highway Administration (FHWA).

**Canceled Test** with respect to the results of a drug test, means a test result in which the medical review officer finds insufficient information or inconsistent procedures with which to make a determination.

**Confirmation test for alcohol** means a second test, following a screening test with a result of 0.02 or greater that provides quantitative data of alcohol concentration. Confirmation test for controlled substances means a second analytical procedure to identify the presence of a specific drug or metabolite that is independent of the screen test and that uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for the five SAMHSA drugs.

**Conviction** means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of federal or state criminal drug statutes.

**Criminal drug statute** means a criminal statute relating to the manufacture, distribution, dispensation, use or possession of any drug.

**Drug** means a controlled substance as listed in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) or Chapter 90, Section 87(5) of the North Carolina General Statutes or a metabolite thereof.

**Drug test and drug screening** means a test, including providing the necessary sample of body fluid by the employee to be tested, for the presence of any of the following drugs or drug metabolites in the urine or blood of an employee:

- a. amphetamines
- b. barbiturates
- c. benzodiazepines
- d. cannabinoids
- e. cocaine
- f. methaqualone
- g. opiates
- h. phencyclidine
- i. propoxyphene
- j. other drugs that may be determined to reduce work efficiency

**Medical review officer (MRO)** is a North Carolina-licensed physician with specific training in the area of substance abuse. The medical review officer not only has knowledge of substance-abuse disorders, but also has been trained to interpret and evaluate laboratory test results in conjunction with an employee's medical history. The medical review officer verifies a positive drug test result by reviewing a laboratory report and an employee's unique medical history to determine whether the result was caused by the use of prohibited drugs or by an employee's medical condition.

**Negative**, with respect to the results of a drug test, means a test result that does not show presence of drugs at a level specified to be a positive test.

**Negative**, with respect to the results of an alcohol test, means a test that indicates a breath alcohol concentration of less than 0.02.

**On call** means being subject to a call to report immediately to work for Person County Government.

**On duty** means when an employee is at the workplace, performing job duties, on call, or during any other period of time for which he or she is entitled to receive pay from Person County Government.

**Other substance** means any substance that has the potential to impair appreciably the mental or physical function of a person who does not have an unusual or extraordinary reaction to such substance.

**Pass a drug test** means that the result of a drug test is negative. The test either:

- a. showed no evidence or insufficient evidence of a prohibited drug or drug metabolite, or
- b. showed evidence of a prohibited drug or drug metabolite but there was a legitimate medical explanation for the result as determined by a certified medical review officer.

**Pass an alcohol test** is a negative alcohol test. The test showed no evidence or insufficient evidence of a prohibited level of alcohol.

**Positive**, with respect to the results of a drug test, means a laboratory finding of the presence of a drug or a drug metabolite in the urine or blood of an employee at the levels identified by the Substance Abuse and Mental Health Services Administration (SAMHSA), or for drugs not subject to SAMHSA guidelines, at the levels identified by Person County Government; all positive tests will be confirmed using a different technology than was used for the first test, such as the gas chromatography/mass spectrometry (GC/MS) process.

**Positive**, with respect to the results of an alcohol test, means the presence of alcohol in an employee's system at the 0.04 level or greater.

**Pre-placement testing** is testing conducted on a current County employee prior to his or her being promoted, transferred, or demoted into a safety-sensitive position.

**Qualified negative**, with respect to the results of a drug test, means a test in which the lab result is consistent with legal drug use.

**Random testing** is testing conducted on an employee assigned to a safety-sensitive position and is chosen by a method that provides an equal probability that any employee from a group of employees will be selected.

**Reasonable suspicion** exists when a supervisor, utilizing the guidelines for determining "Reasonable Suspicion" as shown in attachment "B", to substantiate specific contemporaneous, articulable observations concerning appearance, behavior, speech, or body odor or other physical indicators of probable drug or alcohol use. By way of example and not limitation, any one or a combination of the following may constitute reasonable suspicion:

- a. slurred speech
- b. the odor of marijuana or alcohol about the person
- c. inability to walk a straight line
- d. an accident resulting in damage to property or personal injury
- e. physical altercation
- f. verbal altercation



- g. behavior that is so unusual that it warrants summoning a supervisor or anyone else in authority (i.e., confusion, disorientation, lack of coordination, marked personality changes, irrational behavior)
- h. possession of drugs
- i. verifiable information obtained from other employees based on their observations
- j. arrests, citations, and deferred prosecutions associated with drugs or alcohol

**Refuse to submit** means that an employee (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, (3) refuses to sign the breath alcohol confirmation test certification, or (4) engages in conduct that clearly obstructs the testing process. An employee subject to the post-accident testing requirements of the DOT who unnecessarily leaves the scene of an accident before a required test is administered or fails to remain readily available for testing may be deemed to have refused to submit to testing.

**Safety-sensitive position** means a position will be designated safety sensitive only where Person County Government has a compelling need, on the basis of safety concerns, to ascertain on-the-job impairment on the part of employees who hold the position. Such a compelling need may arise where the duties of a position create, or are accompanied by, such a great risk of injury to other persons or to property of such magnitude that even a momentary lapse of attention, judgment, or dexterity could have disastrous consequences. Examples of these positions include:

- a. Positions (full time; part time; temporary; or contract) requiring the use of weapons (or potential use of weapons) or the operation of vehicles, machinery, or equipment as a primary task (does not include routine office equipment) and other public safety personnel.
- b. Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace.
- c. Positions where the incumbent's mental fitness is required to prevent immediate injury to the public or to fellow employees, or to himself or herself.
- d. Positions working with youth/children and/or are required to drive clients.
- e. Other positions as determined on a case-by-case basis by the County Manager.

Federally Required Position Coverage (FTA Safety Sensitive): Federal drug and alcohol testing regulations apply to an employee who: a) Operates a commercial motor vehicle and is subject to the commercial driver's license (CDL) requirement. b) Performs or supervises the performance of certain functions related to mass transit.

**Substance abuse professional** means a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of both drug- and alcohol-related disorders.

**Supervisor**, in general, means any employee who has the authority to direct the job activities of one or more other employees. With respect to a particular employee, the term means such employee's immediate supervisor and all persons having indirect supervisory authority over such employee.

**Unannounced follow-up testing** is testing conducted on an employee on a periodic, unannounced basis, following his or her return to work from an approved drug or alcohol rehabilitation program.

**Workplace** means the location or facility where an employee may be expected to perform any task related to the requirements of his or her job. This includes break rooms and restrooms, outdoor worksites, or personal vehicles (while personal vehicle is being used for Person County Government business), computer work stations, conference rooms, hallways, private offices, open/partitioned work areas, public contact/customer service/medical services areas, and parking lots.

**Reasonable Suspicion Testing (All Employees)**

Reasonable suspicion testing is performed when supervisors, department heads, or County officials have reasonable suspicion to believe that an employee's behavior or appearance may indicate he/she may be under the influence of or has recently used alcohol or controlled substances. The determination to test for reasonable suspicion must be based on the following:

- first hand observations seen or heard by supervisors or department heads
- specific, clearly stated observations concerning the appearance, behavior, speech or body odor of the employee (See Attachment B)
- observations made just before, during or just after the performance of job duties

Supervisors, department heads, or County officials have the right and responsibility to require an employee to submit to controlled substances or alcohol testing when reasonable suspicion is present.

Reasonable suspicion alcohol testing should be done within 2 hours of the observed behavior or appearance. If a test cannot be done within 8 hours, it should not be done. A reasonable suspicion controlled substance test should be done no later than 32 hours from the observed behavior or appearance. If a reasonable suspicion test cannot be conducted within the specified time frame, the reasons for the failure to test should be documented by the supervisor and given to the Human Resources Director. Further observation is required.

An employee who is asked to submit to reasonable suspicion testing will be driven to the testing site and will be placed on a non-disciplinary suspension pending the test results. An employee who refuses to submit to reasonable suspicion testing or avoids meeting the time requirements identified will be subject to dismissal.

### **Post Accident Testing (All Employees)**

Post-accident testing is conducted following any accident involving an employee if any one of the following conditions is met:

- Estimated property damage of \$500.00 or more.
- An individual suffers bodily injury and receives medical treatment away from the scene.
- When the driver is issued a citation by law enforcement officers or is at fault.
- A workers compensation report must be filed

If an alcohol and/or controlled substance test is administered by law enforcement, Person County will not duplicate testing.

Post-accident alcohol testing should be done within 2 hours of the accident. If the test cannot be performed within 8 hours, it should not be done. Post-accident controlled substances testing must be performed within 32 hours of the accident, or it should not be done. If the tests cannot be performed in the specified time frame, the reasons for the failure to test should be documented by the supervisor and given to the Human Resources Director.

As soon as practical after an accident, the employee will be driven to the specimen collection location. Transportation will be provided. An employee who is required to submit to post-accident controlled substances or alcohol testing will be placed on administrative leave with pay pending test results.

An employee who refuses to be tested or avoids meeting the specified time limits will be subject to dismissal. If unable to meet specified timelines due to circumstances beyond the employee's control, such circumstances must be documented and validated to the Human Resources Director and the County Manager.

### **Pre-employment Testing**

After an offer of employment has been made to the final candidate, the Human Resources Director directs the applicant to the drug testing collection site and receives notification of the test result. Applicants are not eligible to begin work until the Human Resources Director receives the negative test result. If someone is already employed by the County, he/she is required to submit to a pre-employment test only if he/she is moving into a safety sensitive position from a position that is not safety sensitive.

### **Return-to-Duty and Follow-Up Testing**

Return-to-duty and Follow-up testing is required for any employee who has violated this policy and is returning to work on the recommendation of the substance abuse professional. Return-to-duty testing must be conducted prior to the employee returning to work. Follow-up testing is required for any employee who has violated this policy and has successfully completed a return-to-duty test. Employees who fall into either one of these situations will be subject to at least 6 unannounced follow-up tests within the first year back on the job. Follow-up testing can be performed for up to 5 years after return to work. Any employee who tests positive on a return to duty or follow-up test shall be dismissed.

### **Controlled Substances Testing Information**

#### **Alcohol Tests**

A breath alcohol level of 0.04 or higher on a breathalyzer administered by a certified Breath Alcohol Technician is considered a positive alcohol test. A positive test result while on work time or work premises, or in county vehicles, will result in disciplinary action up to and including dismissal.

A breath alcohol level of 0.02 or greater requires a confirmation test. Confirmation tests are completed no sooner than 15 minutes after the initial screening test, but no later than 20 minutes of that test. If the screening and confirmation tests are not the same, the confirmation test is deemed to be the final result. If the BAT reading is between 0.02 and 0.039 the employee must be removed from the work place for a 24-hour period (8 hours of work time).

#### **Drug Tests**

All drug tests require an employee to provide a urine specimen for urinalysis at an approved medical facility or for randoms the location will be advised at that time. The collection, analysis and reporting processes are strictly controlled to ensure accuracy of test results and maximum confidentiality.

Every urine specimen undergoes an initial screen followed by a confirmation test for all positive screen results. Any confirmed positive test result is reviewed and interpreted by a Medical Review Officer (MRO). The MRO will contact the employee to ensure no factors exist that may have influenced the outcome of the testing process prior to transmission of the results to the County. The MRO is responsible for confirming test results. Test results will be provided to the Human Resource Director and test results will be revealed only to those persons authorized as having an established need for the information. A confirmed positive test result will subject the employee to disciplinary action, up to and including dismissal. The employee cannot return to job duties until he/she has been evaluated by a substance abuse professional, completed the treatment recommendations, and produced a negative return to duty test.

**The employee will be notified in writing of a confirmed positive test result.**

All cost of testing, with the exception of return to work or follow-up testing, will be the responsibility of Person County Government. Cost of Return to work or follow-up testing will be the responsibility of the employee.

**Refusal to Test**

An employee's refusal to consent to testing as authorized under this policy will result in immediate termination.

**Impairment or other behavior off the job**

Any employee whose job duties require operation of a motorized vehicle, hazardous machinery or use of hazardous materials who is CHARGED with a controlled substances or alcohol related offense (including DWI) must notify the appropriate supervisor or department head within one work day of arrest, arraignment or indictment. Any employee who is required to have a driver's license for the performance of their job duties will be placed in disciplinary suspension without pay status until their license is returned after the automatic ten-day revocation. An employee's failure to notify his/her supervisor or department head may result in disciplinary action, up to and including dismissal. Under no circumstances will an employee operate a county vehicle or equipment without a valid operator's license.

Any employee CONVICTED or who is granted deferred prosecution of a controlled substances or alcohol related offense must notify the appropriate supervisor or department head within one work day of conviction. Failure to notify management may result in disciplinary action, up to and including dismissal. If an employee's job functions require an operator's license and the employee's operator's license is revoked, the employee shall be subject to disciplinary action, up to and including dismissal. Failure to notify the supervisor or department head of any revocation shall result in disciplinary action, up to and including dismissal.

Any employee convicted of an off the job controlled substances or alcohol related offense which could directly, or indirectly, affect his/her credibility or ability to carry out effectively the duties and responsibilities of his/her position with Person County Government , shall be subject to review by the County Manager and possible disciplinary action, up to and including dismissal.

### **Voluntary Referrals for Assistance**

An employee who has a drug or alcohol problem is encouraged to seek assistance from the County's Employee Assistance Program (EAP). EAP visits are provided as a County benefit and are confidential. Any permanent employee who seeks voluntary assistance and requires leave time to participate in a treatment program will be granted sick leave, leave without pay or Family Medical Leave.

### **Mandatory Referrals for Assistance**

An employee who has tested positive for drugs or alcohol and is not dismissed may be required as a condition of continued employment to undergo a drug and alcohol assessment and participate in a treatment program as recommended by the assessing agency.

Person County Government respects the right of any employee to refuse assistance for a drug or alcohol problem. However, the County maintains the right and responsibility for taking disciplinary action regarding inadequate job performance and for protecting the public's safety.

## Safety Sensitive Positions

### General Policy

Unannounced random testing will be completed on a certain percentage of employees whose positions have been deemed safety sensitive. Employees in safety sensitive positions have a special responsibility to maintain physical and mental fitness for duty at all times while on the job. The simple random sample method is used and all names of the employees holding safety sensitive positions are entered into the pool for random selection. Employees whose names are randomly selected from the pool must be tested just before, during or just after performing job responsibilities. Person County Government contracts with a third party administrator to generate the random test list and the Human Resources Director coordinates the random tests.

The following positions are considered safety sensitive and thus subject to random drug testing. Any County position is subject to reasonable suspicion testing. Other positions may be added to this list of safety sensitive positions at any time due to the nature of job assignments or deleted because the assignments of a particular position within a job title that do not fit the safety sensitive criteria.

Under County policy, positions defined as safety-sensitive are:

**Safety-sensitive position** means a position will be designated safety sensitive only where Person County Government has a compelling need, on the basis of safety concerns, to ascertain on-the-job impairment on the part of employees who hold the position. Such a compelling need may arise where the duties of a position create, or are accompanied by, such a great risk of injury to other persons or to property of such magnitude that even a momentary lapse of attention, judgment, or dexterity could have disastrous consequences. Examples of these positions include:

- a. Positions (full time; part time; temporary; or contract) requiring the use of weapons (or potential use of weapons) or the operation of vehicles, machinery, or equipment as a primary task (does not include routine office equipment).
- b. Positions requiring the handling of hazardous materials, the mishandling of which may place the employee, fellow employees, or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace.
- f. Positions where the incumbent's mental fitness is required to prevent immediate injury to the public or to fellow employees, or to himself or herself.
- c. Positions working with youth/children and/or to required to drive clients
- d. Other positions as determined on a case-by-case basis.

Safety-Sensitive Positions:

Assistant County Manager  
Information Technology Director  
Network Administrator  
Web and User Support Tech  
Webmaster/PC Consultant  
Tax Administrator  
Public Works Director  
Public Works Safety Officer  
Custodian  
Building Supervisor  
Building Maintenance Technician  
Building Maintenance Mechanic  
Grounds Maintenance Worker  
Grounds Supervisor  
Sheriff  
Chief Deputy Sheriff  
Deputy Sheriff Commander  
Detention Center Administrator  
Deputy Sheriff Unit Supervisor  
Deputy Sheriff Special Assignment  
Deputy Sheriff Division Supervisor  
Deputy Sheriff  
Senior Detention Officer  
Administrative Services Supervisor  
Telecommunicator  
Detention Administrative Officer  
Detention Center Operations Manager  
Detention Shift Supervisor  
Detention Officer  
Fire Marshal/Telecommunications Director  
Fire Inspector  
Telecommunications Supervisor  
Telecommunications Technology Specialist  
Telecommunicator/EMD  
Building Codes Administrator  
Senior Code Enforcement Officer  
Code Enforcement Officer  
Emergency Management & Medical Services Director  
Emergency Medical Services Manager  
EMT-Paramedic Shift Supervisor  
EMT-Paramedic Training Officer  
EMT-Paramedic Assistant Shift Supervisor  
EMT-Paramedic, Intermediate & Basic

Animal Control Officer  
Transit Specialist  
Transportation Director  
GIS Analyst  
District Technician  
Recreation Program Supervisor  
Building/Parks Maint. Mechanic  
Parks and Recreation Director  
Park Supervisor  
Cultural Arts Program Supervisor  
Athletic Supervisor  
Park Ranger  
Athletics Adm. Support Spec.  
Athletic Recreation Specialist  
Community Health Technician  
Social Worker I, II, III  
Public Health Nurse Supervisor I  
Public Health Nurse I,II,III  
Social Work Supervisor II  
Processing Asst. IV  
Office Assistant III  
Processing Assistant III  
Accounting Tech. II  
Public Health Educator II  
Physical Therapist Asst. II  
Health Director  
PHN III/PHPR Coordinator  
Nutritionist III and II  
Foreign Language Inter. II  
Med. Lab. Tech II and I  
Clinical Chaplain  
Environmental Health Specialist  
Environmental Health Prog. Spec.  
Environmental Health Supvr I  
Library Director  
Assistant to Library Director  
Librarian  
Library Tech  
Library Associate  
Library Associate/Outreach Coord.  
Income Maint. Investigator I  
Social Worker IAT  
Community SS Asst.



Animal Control Manager  
Animal Shelter Assistant  
Program Manager  
Program Specialist  
Habilitation Assistant  
Production Manager  
Truck Driver  
Senior Appraisal Technician  
Contract employees who work with children

Prod/Maint Tech  
Job Coach  
Work Adj. Coord.  
Field Supervisor  
Person Industries Director  
Van Driver  
Forklift Operator  
Property Revaluation Manager

### **Guidelines for Determining “Reasonable Suspicion”**

“Reasonable suspicion” is defined as the belief, based on the totality of the circumstances, that an employee or applicant is using or has used drugs or alcohol in violation of the County’s policy. This belief will be based upon specific and objective facts and reasonable inferences.

By themselves, the factors below may not be indicative of a problem with drugs or alcohol; however, with strong individual evidence or in combination of several factors, the following may be considered in determining the presence of reasonable suspicion:

1. Direct observation of drug use and/or the physical symptoms or manifestations of being under the influence of a drug (e.g., slurred speech, odor of alcohol beverage on body or breath, incoherence, loss of coordination, etc.) while at work.
2. Abnormal conduct or erratic behavior while at work such as deterioration in work performance, or participation in physical or verbal altercation, under suspicious conditions (as in 1, above).
3. Information from a reliable and credible source or evidence that an employee may be or have been impaired in the performance of his or her duties by recent abuse of alcohol or illegal drugs, whether on or off the job. Attempts should be made to independently corroborate this information. (The Police Department should be contacted in these circumstances, to determine whether there are state or federal legal implications.)
4. Evidence that an employee or applicant has tampered with his/her alcohol or drug test or has attempted to compromise the test sample or the testing process. (Evidence of tampering with or attempting to compromise the test will be considered a positive test and will be grounds for termination.)

Supervisors should be alert to the conduct and job performance of an employee based on the supervisor’s long-term knowledge of the employee. In combination with observations of current/contemporaneous conditions, the following may alert the supervisor to be watching for signs of substance abuse:

- A prior history of confirmed substance abuse by the employee during the period of County employment, such as recent convictions of driving while impaired. (Prior history shall not be considered sufficient on its own to constitute reasonable suspicion or present violation of the County’s policies.)
- A pattern of excessive absenteeism, tardiness, or deterioration in work performance.
- A pattern of unexplained and unusual vehicle or personal accidents or injuries on or off the job.

## **Random Drug Testing STANDARD PROCEDURE**

**PERSON COUNTY GOVERNMENT**

**ADMINISTRATIVE MANUAL**

**Purpose:**

To provide a standard procedure for supervisors and employees to follow for the random drug testing.

**Policy:**

This standard procedure falls under the Drug and Alcohol Policy effective upon adoption.

**General Procedure:**

1. The Human Resources Director will receive the list of employees selected for random testing from Safe-T-Works, Inc.
2. The Human Resources Director will notify the department heads of effected employees who are chosen for random testing. Department heads will notify employees.
3. Generally, testing will be conducted at the Person County Office Building 2<sup>nd</sup> floor. The employee proceeds to the collection site immediately upon being notified. Failure to complete the test as scheduled will result in disciplinary action, up to and including dismissal, unless there is a certified medical reason for not completing the test. Any attempt to alter or manipulate the specimen, control forms, or the testing process will be treated as if a positive test result was obtained.
4. Safe-T-Works, Inc. will contact the Human Resources Director to provide the test results.
5. If the test results are positive, the Human Resources Director will contact the department head and County Manager to inform them of the results and initiate disciplinary action. Test results are not official until received from the Human Resources Director. If the test results are negative, the Human Resources Director will document the results. If the alcohol test result is .02 through .0399, the Human Resources Director will document the result and will notify the department head and County Manager. The employee will be placed on disciplinary suspension without pay for 24 hours (8 work hours). Other disciplinary action may result depending on the history and circumstances of the test and employee.
6. The Human Resources Director will compile and maintain all required records.

**January 19, 2010**

**Reasonable Suspicion – Drug Testing  
STANDARD PROCEDURE**

**PERSON COUNTY GOVERNMENT**

**ADMINISTRATIVE MANUAL**

**Purpose:**

To provide a standard procedure for supervisors to follow when they have reasonable suspicion that a department employee may be under the influence of drugs or alcohol.

**Policy:**

This standard procedure falls under the Drug and Alcohol Policy effective upon adoption.

**General Procedure:**

1. The supervisor, department head, or County official will, upon reasonable suspicion of controlled substances abuse or alcohol misuse, talk with the employee about his/her behavior and advise him/her that he/she does not appear to be “ready for duty”. Point out the behaviors that concern you. Do not accuse him/her of controlled substances abuse or alcohol misuse. It is advisable to have a “third party” (Human Resources Director, department head, or County Manager) as a witness to the conference. Utilize behavioral indicators which consist of what the witness sees the employee do, hears the employee say, or any changes in the employee’s appearance or body odor. Personnel should feel free to seek guidance from the Human Resources Director and the EAP.
2. The supervisor, department head, or County official will transport the employee to a collection site to have the appropriate testing completed.
3. The supervisor, department head, or County official will assist the employee in making arrangements to have someone else drive him/her home following the testing. A suspected controlled substance user or alcohol abuser should not drive him/herself home. If he/she refuses to allow someone else to drive, explain that you will notify the proper authorities that he/she is possibly impaired and should not be driving.
4. The supervisor, department head, or County official should document the incident. The documentation shall be done immediately and no later than 24 hours after the events leading up to and including action taken by the supervisor, department head or County official. Include date, time and specific behaviors observed. Forward this documentation to the Human Resources Director in a sealed envelope marked confidential.
5. The collection site will contact the Human Resources Director to provide the test results. While the County is awaiting test results, the employee will be placed on administrative leave without pay.

6. If the test results are positive, the Human Resources Director will contact the department head and County Manager to inform them of the results and initiate disciplinary action. Test results are not official until received from the Human Resources Director.

If the test results are negative, the Human Resources Director will document the test results and immediately contact the department head who will notify the employee to return to work immediately. Upon employees return to work following administrative leave, pay will be reinstated at that time. The successful completion of a controlled substance and alcohol test does not bar any other disciplinary or administrative actions deemed appropriate by the supervisor or department in relation to the incident. The Human Resources Director will compile and maintain all required records.

Adopted by Person County Board of County Commissioners  
January 19, 2010

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**BUDGET AMENDMENT:**

Finance Director, Amy Wehrenberg thanked the Board for the recognition given her and office earlier. Ms. Wehrenberg presented and explained the following Budget Amendment.

Upon a motion by Commissioner Clayton, and a second by Commissioner Jeffers and majority vote, the Board of Commissioners of Person County does hereby amend the Budget of the General Fund(s) on this, the 19th day of January 2010, as follows:

<u>Dept./Acct No.</u>	<u>Department Name</u>	<u>Amount</u> Incr / (Decr)
<u>EXPENDITURES</u>	<u>General Fund</u>	
	Public Safety	13,750
	Human Services	49,454
<u>REVENUES</u>	<u>General Fund</u>	
	Other Revenues	125
	Intergovernmental Revenues	56,204
	Fund Balance Appropriated	6,875

Appropriate: Bulletproof Vest Grant awarded to the Sheriff's Department by the Department of Justice (\$6,875). This requires a 50/50 county match which will be funded from fund balance appropriation (\$6,875) in the Law Enforcement Restricted Fund. DSS received a donation (\$125) and a program adjustment in the Crisis Intervention Program (\$49,329).

**CHAIRMAN'S REPORT:**

Chairman Lunsford stated a County/City sponsored Blood Drive will take place on Friday, January 22, 2010 in the County Auditorium and encouraged participation. Chairman Lunsford warned the group about scams for collections for the Haiti Relief. Chairman Lunsford encouraged participation in the 2010 Census Drive and the importance of funding associated with the census count. Chairman Lunsford also mentioned the healthcare status of Person County related to gang activities with prevention efforts relying on the faith based community.

**MANAGER'S REPORT:**

County Manager, Heidi York stated she had obtained the following possible dates for the joint meeting with Durham County: Monday, February 8, 2010 or Monday, February 22, 2010 noting Durham County normally schedules joint session meetings at 4:00 to 6:00 p.m., prior to their regular scheduled meetings. It was the consensus of the board to confirm the February 8, 2010 date to meet in joint session with the Durham County Board of Commissioners to be held in the Durham County Board Chambers.

Ms. York stated she would need to provide department heads with directions related to the upcoming budget preparations for the 2010-2011 Fiscal Year.

A **motion** was made by Commissioner Kennington , **seconded** by Commissioner Puryear, and **carried** to instruct the County Manager to prepare and submit the County Budget for 2010-2011 Fiscal Year with no proposed tax increase and with the budget balanced.

#### **COMMISSIONER REPORT/COMMENTS:**

Commissioner Clayton stated that the County had met with Mr. Jim Wrenn, the attorney working for Granville County on the watershed proposed rules issue noting that he and the County Attorney, Ron Aycock had requested his services on the behalf of Person County. Mr. Wrenn and Mr. Glen Dunn, another attorney working on this issue on behalf of Granville County has agreed to represent Person County in their joint efforts provided their present clients, City of Butner, Granville County, South Granville Water and Sewer Authority do not object. If approved, Person County would be charged one-fourth of the billing costs. Commissioner Clayton stated he appeared before City Council to recommend their interest being represented and served as well. Commissioner Clayton noted he would be attending an Upper Neuse River Basin Association meeting on Wednesday, January 20, 2010 and encouraged attendance by anyone interested.

Commissioner Jeffers stated he represented Person County and delivered the county's Proclamation to partner in the 2010 Census at the opening of the Durham Census Office as well as attend an interview with Person County Cooperative Extension Office staff for consideration of a \$30,000 grant opportunity to use for a new Farmer's Market.

Commissioner Puryear stated the federal government pushed back the date for the grant award related to the broadband stimulus funding grant application. Commissioner Puryear noted his Person Future's Economic Development Committee would be meeting on Wednesday, January 20, 2010.

Commissioner Kennington announced all Person Future's Strategic Planning Committees will be meeting jointly on February 22, 2010 at 7:00 p.m. at the Piedmont Community College Vocational Technical Education Building to give a progress report. Commissioner Kennington stated Senator Ellie Kinnaird, in her December 22, 2009 letter to her constituents recognized Person County and Person Industries' state-of-the-art materials recovery facility. Commissioner Kennington the County Manager to add the following two items to the Board Retreat agenda for discussion: 1) Bid Process and 2) Surplus Property.

**CLOSED SESSION:**

A **motion** was made by Commissioner Puryear , **seconded** by Commissioner Jeffers , and **carried** to go into Closed Session pursuant to G.S. 143-318.11(a)(5) to discuss land acquisition as well as to go into Closed Session pursuant to G.S. 143-318.11(a)(6) to discuss personnel at 11:42 a.m. Chairman Lunsford announced a recess for a break prior going into Closed Session.

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to return to open session at 1:14 p.m.

A **motion** was made by Commissioner Clayton, **seconded** by Commissioner Jeffers, and **carried** to direct the County Manager to rewrite the Economic Development Director job description and submit to the Board for review.

**ADJOURNMENT:**

A **motion** was made by Commissioner Puryear, **seconded** by Commissioner Jeffers, and **carried** to adjourn the meeting at 1:16 p.m.

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Brenda B. Reaves  
Clerk to the Board

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Johnny Myrl Lunsford  
Chairman