

COUNTY POLICY COMMITTEE MEETING  
WEDNESDAY, OCTOBER 25, 1995  
2:00 PM

MEMBERS

PRESENT: Chairman John Keefe  
Commissioner Rollin Shaw  
Commissioner Tom Bacote (Arrived at 2:20PM)

OTHERS: Cliff Strassenburg, County Manager  
James Martin, Deputy County Manager  
Doug Candors, Staff Attorney  
Brenda Foreman, Sr. Staff Attorney  
Pat Jones, Personnel Director  
Tim Simpson, Asst. County Engineer  
Bob Stanger, County Engineer  
Neil Yarborough, County Attorney  
Mark Sternlicht, Attorney for Ellen Zaranka  
Rhonda R. Davis, Deputy Clerk  
Press

Chairman Keefe called the meeting to order.

Chairman Keefe asked for a vote to add the extension of terms for members of County Boards and Committees to the agenda.

**MOTION:** Commissioner Shaw offered a motion to add this item to the agenda.  
**SECOND:** Commissioner Keefe  
**VOTE:** UNANIMOUS

1. Discussion: Eastover Water Utility

Bob Stanger advised he has met with PWC staff members to review the analysis of the preliminary report from Godwin, Jordan and Associates. PWC is to review the system. PWC is currently doing a Water System Master Plan. A preliminary report has been received from Camp, Dresser & McGee regarding the water distribution system that would loop around the proposed area. Godwin, Jordan & Assoc. have proposed 6" lines. PWC's minimum size for lines is 8". PWC is to prepare an estimated cost to put these water lines in and have them meet PWC standards. This report has not been received yet.

Commissioner Shaw stated she believed the problem with the Godwin, Jordan plan is that if PWC is called on in the future to upgrade this water system, it would be at a cost to be borne by the County. Not PWC and not the citizens.

Mr. Yarborough stated the County doesn't want to have a lesser system than what is actually needed. Federal money could be used for what can be financed and then we could get the cost difference between a 6" and an 8" line and "up-size" the lines to meet the needs. These lines would be "up-sized" when they were originally put in.

Mr. Strassenburg stated it should be considered that if Farmers Home money will be used to put in the lines, there may be a need to consider a different set of standards as far as water lines go for urban areas that we do not anticipate a great deal of growth in. We could work with PWC to set a different set of standards for those areas. If we can keep urban development confined, it will make providing services more efficient.

He stated the Farmers Home loan may be 50% grants and the rest would be loans.

Tim Simpson stated he has spoken with Farmers Home and they are aware of the interest concerning a water system in the Eastover area. The community is grant eligible up to 50%. However, it would be a year before the funding would be available, if the application was received right now. They would determine the amount of funding once the costs for the system were determined.

2. Consideration of a proposed amendment to the Cumberland County Code, Section 10-125, Grievance Procedures. (Referred by the Board of Commissioners)

Chairman Keefe noted he did not realize there was a potential grievance in motion when this amendment was submitted for approval. He would recommend the approval of the amendment to the Cumberland County Code as outlined by the County Attorney's Office with the exception of current grievances.

Mr. Mark Sternlicht, Attorney for Ellen Zaranka, stated this is only the second time he has ever asked to meet with a supervisor at this level in a grievance proceeding. He does not think there is a "flood gate" of lawyers involved in personnel grievances. The reason for his presence would be to resolve the difference or problem and avoid the remainder of the grievance proceedings. This amendment change will only increase the number of hearings before the County Manager. He feels this change will result in the deletion of violations of county law as being grievable. The amendment would change employees' ability to grieve violations of the law. It will force employees to file lawsuits. This proposed change to the code came about with a grievance pending. It was brought forward by the person who the grievance was filed against. He feels this is a conflict of interest and makes it inappropriate to be considered. This change was not proposed due to a large amount of problems, but because of one specific grievance.

Neil Yarborough advised the ordinance change was initiated at his recommendation. At the informal level of a grievance, the first hearing is held to allow things to be worked out informally. If an attorney is involved at this level, he will instruct Supervisors not to say a word during the informal grievance hearing. He noted, for example, the number of levels of supervisors at the Department of Social Services, and how having an attorney present would hinder the process.

Brenda Foreman advised she has had several conversations with Mr. Sternlicht on this matter. There is a major issue on the table about a pending grievance. She noted she has received several inquiries concerning items that were not grievable

under the County Code. She has advised these people to provide documentation as to how this particular issue is a violation of State and Federal law. She has yet to receive a response from any of these individuals, after this request was forwarded to them.

Mr. Strassenburg noted he is particularly concerned that there may or may not be a grievance filed and the issue has not even gotten to the first level in the grievance proceedings and County Commissioners are aware of the problem.

Mr. Yarborough stated, in his opinion, there was not a valid grievance pending.

Mr. Sternlicht advised this proposed change to the code was introduced without informing the parties involved. Therefore, they lobbied the Commissioners not to make the proposed change.

Doug Canders asked if in the ordinance change we are excluding the physical presence of a lawyer or written documentation.

Ms. Foreman noted there are two different opinions concerning what the County Code says. The County Legal office thinks it says one thing and Mr. Sternlicht thinks it says another. She noted there will be no change in the way the ordinance is applied and interpreted. The ordinance says to identify the claim and take care of it early.

**MOTION:** Commissioner Keefe offered a motion to recommend to the Board of Commissioners that they approve the amendment to the Cumberland County Code, Section 10-125, Grievance Procedures as recommended by the County Attorney's Office with the exception of pending cases. Pending cases will be exempt from the policy change.

**SECOND:** Commissioner Shaw

**DISCUSSION:** Mr. Yarborough stated there is a difference between good management and good law. You cannot legislate good management. Something may be a bad management decision, but it is not necessarily a violation of employment rights in County Government. We need to ask whether or not the approval of leave is grievable.

Mr. Sternlicht stated the change in the ordinance will say the denial of leave for any reason will not be grievable.

Commissioner Shaw stated she feels two valid points are being made. She is more concerned with individual's rights than the smooth running of bureaucracy. At this point, she is not certain the policy should be changed.

**COMMISSIONER SHAW WITHDREW HER SECOND TO THE MOTION.**

**SUBSTITUTE**

**MOTION:** Commissioner Shaw offered a motion to recommend to the Board of Commissioners that the Cumberland County Code, Section 10-125, Grievance Procedures remain as they are currently stated.

**MOTION DIED FOR LACK OF A SECOND.**

**MOTION:** Commissioner Keefe offered a motion to recommend to the Board of Commissioners that they approve the amendment to the Cumberland County Code, Section 10-125, Grievance Procedures as recommended by the County Attorney's Office with the exception of pending cases. Pending cases will be exempt from the policy change.

**SECOND:** Commissioner Shaw

**DISCUSSION:** Commissioner Bacote stated he does not feel an employee should be telling their supervisor what they can and cannot do. He can support the recommendation to make the changes in the ordinance, but he cannot support the exemption of pending grievances.

**VOTE:** FAVOR: Commissioners Keefe and Shaw  
OPPOSE: Commissioner Bacote

3. Consideration of a proposed amendment to the Cumberland County Code, Section 10-101(2), Compensatory Time Off. (Referred by the Board of Commissioners).

Commissioner Keefe stated he would not recommend that this proposed change be made.

Mr. Yarborough stated the Fair Labor Standards Act requires that County procedures exactly follow the way the ordinance change is proposed.

Mr. Canders stated there was a time when the Board of Commissioners wanted to know the true costs of compensatory time. In the first policy change, the election of compensatory time off was not considered. The County must comply with this act and allow the employee to make the election of being paid for the time or receiving compensatory time off. This is a continuing election to be made by the employee when the time is incurred. There will be a cap placed on when this time can be used. If the managers manage well, there will not be a huge build up of compensatory time by employees.

**MOTION:** Commissioner Shaw offered a motion to recommend to the full Board of Commissioners that they adopt the amendment to Section 10-105(e)(2)a as proposed by the County Attorney's Office and Management.

**SECOND:** Commissioner Bacote

**VOTE:** UNANIMOUS

4. Consideration of a proposed ordinance to prohibit the carrying of concealed handguns on county property. (Referred by the Board of Commissioners).

**MOTION:** Commissioner Keefe offered a motion to recommend to the full Board of Commissioners that they adopt the Concealed Handguns Ordinance as recommended by the County Attorney's Office.

**SECOND:** Commissioner Bacote

**VOTE:** UNANIMOUS

5. Report: Evaluation of Staff Appointed by Board of Commissioners

This item was tabled and is to be discussed at the next Policy Committee meeting.

6. Consideration of the extension of terms for members of County Boards and Committees.

Chairman Keefe stated he would recommend that the Chairman of any Board or Committee submit in writing (one page) why a particular board or committee member should remain a member for more than a two year term.

Commissioner Shaw noted she realizes that there are people on the Civic Center Commission who have gotten the coliseum project together. The project is moving forward. She does not understand how this project could change with board members completing terms and going off the board. The Board of Commissioners should be concerned with being careful with the kind of people they appoint to this board. The rotation of board members goes on with the Hospital Board of Trustees and they are involved in ongoing, major projects.

Commissioner Bacote stated that the Coliseum Project is at a crucial point at this time.

**MOTION:** Commissioner Keefe offered a motion to recommend to the full Board of Commissioners that the Chairman of the Civic Center Commission be instructed to provide a letter (maximum of one page) justifying the extension of any Civic Center Commission member through the completion of the Coliseum project.

**SECOND:** Commissioner Shaw

**VOTE:** FAVOR: Commissioners Keefe and Shaw

OPPOSE: Commissioner Bacote

Meeting adjourned.