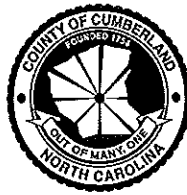


JIMMY KEEFE
Chairman

JEANNETTE M. COUNCIL
Vice Chairman

MARSHALL FAIRCLOTH
KENNETH S. EDGE
CHARLES E. EVANS
BILLY R. KING
EDWARD G. MELVIN



**CUMBERLAND
★ COUNTY ★**
NORTH CAROLINA

BOARD OF COMMISSIONERS

CANDICE WHITE
Clerk to the Board

KELLIE BEAM
Deputy Clerk

MEMORANDUM

TO: Policy Committee Members (Commissioners Evans, Faircloth, and Edge)
FROM: Kellie Beam, Deputy Clerk to the Board
DATE: March 25, 2013
SUBJECT: Policy Committee Meeting – April 4, 2013

There will be a regular meeting of the Policy Committee on Thursday, April 4, 2013 at 10:30 AM in Room 564 of the Cumberland County Courthouse.

AGENDA

1. Election of Policy Committee Chairman **(NO MATERIALS)**
 2. Approval of Minutes – November 1, 2012 Meeting **(Pg. 2)**
 3. Consideration of Request for Approval of Ordinance for Smoke Free Campus at Selected County Facilities **(Pg. 9)**
 4. Other Matters of Business **(NO MATERIALS)**
- cc: Board of Commissioners
Administration
Legal
Communications Manager
County Department Head(s)
Sunshine List

CUMBERLAND COUNTY POLICY COMMITTEE
NEW COURTHOUSE, 117 DICK STREET, 5TH FLOOR, ROOM 564
NOVEMBER 1, 2012 – 10:30 A.M.
MINUTES

MEMBERS PRESENT: Commissioner Jeannette Council, Chairman
Commissioner Charles Evans
Commissioner Jimmy Keefe

OTHER COMMISSIONERS
PRESENT: Commissioner Kenneth Edge

OTHERS PRESENT: James Martin, County Manager
Amy Cannon, Deputy County Manager
James Lawson, Assistant County Manager
Rick Moorefield, County Attorney
Howard Abner, Assistant Finance Director
Sally Shutt, Chief Public Information Officer
Jeffery Brown, Engineering and Infrastructure Director
Debbie Miller, Purchasing/Buyer
Thelma Matthews, Purchasing/Accounts Manager
Betty Clark, Information Services Director
Keith Todd, Deputy Information Services Director
Candice White, Clerk to the Board
Kellie Beam, Deputy Clerk to the Board
Press

Commissioner Council called the meeting to order at 11:20 a.m.

1. APPROVAL OF MINUTES – OCTOBER 4, 2012

MOTION: Commissioner Keefe moved to approve the minutes as presented.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (3-0)

2. DISCUSSION ON PROPOSED PRINT MANAGEMENT POLICY

Amy Cannon, Deputy County Manager, introduced Betty Clark and Keith Todd from Information Services, and stated Ms. Clark and Mr. Todd have been working with Thelma Matthews and Debbie Miller from Finance on a proposed print management policy.

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Ms. Cannon stated at the June 7, 2012 meeting of the Policy Committee, a discussion was made about having a print management review to develop a proposed print management policy. Ms. Cannon stated the county currently has a contractual agreement with Systel which includes a cost per copy contract and the goal of the proposed print management policy is to eliminate printers that are very costly to make prints. Ms. Cannon stated although the actual printers are fairly inexpensive the cost of toner cartridges in most cases is more expensive than the cost of the printer. Ms. Cannon stated the cost of each print is as much as five or six cents per copy. Ms. Cannon stated Systel has been working with Information Services staff to review which printers are being heavily used and where the county can strategically place copier-printers to network the printing function to the multi-functional devices.

Ms. Cannon stated the proposed print management policy is fairly simple and basically restricts departments from buying printers without review from Information Services. Ms. Cannon explained the copier-printers will not fully replace all printers because there are some instances where it may be in the best interest of the department and business function to have a printer.

MOTION: Commissioner Keefe moved to recommend the print management policy as presented by the Deputy County Manager.
SECOND: Commissioner Evans

DISCUSSION: Commissioner Keefe stated he feels implementing the print management policy will produce a significant amount of savings as long as staff remains diligent in making it happen. Commissioner Keefe suggested making sure all copiers are automatically set to default to print black and white instead of color. Commissioner Keefe stated he feels this is a great policy and shows good financial management of county dollars. Commissioner Keefe further stated he would like to see a goal set for a dollar amount of savings. James Martin, County Manager, stated in reference to a savings goal, the county will attempt to save ten (10) percent in the first twelve (12) months.

VOTE: UNANIMOUS (3-0)

3. DISCUSSION ON THE COUNTY'S FLEXIBILITY WITH REGARD TO PURCHASES SUBJECT TO INFORMAL BID REQUIREMENT

Rick Moorefield, County Attorney, referenced his memo, "Discussion of the County's Flexibility with Regard to Purchases Subject to Informal Bid Requirement", and stated this item was intended for discussion only.

Mr. Moorefield stated at the October 4, 2012 meeting of the Policy Committee, Commissioner Keefe asked him to clarify the county's flexibility with regard to purchases subject to the statutory informal bid procedure. Mr. Moorefield explained this

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request was made in the context of a larger discussion of the county's implementation of its local preference policy for purchasing.

Mr. Moorefield stated G.S. 143-131 requires that the purchase or "lease-purchase" of apparatus, supplies, materials and equipment between the amounts of \$30,000 and \$90,000 per transaction be made subject to the informal bid procedure. Mr. Moorefield stated the informal bid procedure requires that bids be solicited and received for these purchases but unlike formal bidding, there is no requirement that the request for bids be advertised, that there be a minimum number of bids or that the bids be sealed. Mr. Moorefield further explained that there is not even a requirement that the bids be in writing, but the county must keep a written record of the bids and these bids are not public records until after the bid is awarded. Mr. Moorefield stated even though the informal bid procedure is not at all like the formal bid procedure, the two approaches do share the same standard for awarding a contract. Mr. Moorefield further stated the contract must be awarded to the lowest responsible, responsive bidder.

Mr. Moorefield stated Commissioner Keefe is particularly interested in the extent to which the county can implement a local preference policy for purchases subject to the informal bid requirement. Mr. Moorefield further stated it is clear that the county cannot declare local vendors to be more responsible than non-local bidders and proceed on that basis to only consider local bidders. Mr. Moorefield explained the statutory prohibition against public disclosure of informal bid records is to avoid a bidder having access to the bids already received, thus, the county is prohibited from reporting the bids received to a preferred local bidder with the hope that the preferred local bidder will beat the bid price already received. Mr. Moorefield stated for these reasons, the county could not offer any preferential treatment or advantage to only local bidders.

Mr. Moorefield stated since the county does have the statutory option to reject all bids and since purchases subject to informal bids do not have to be advertised, the county can solicit a second round of bid proposals only from the lowest bidders including the lowest local vendor and each bidder lower than the lowest local bid. Mr. Moorefield further explained although this will not insure that a local vendor will ultimately provide the lowest bid, it does give the local vendor, and any vendors with lower bids, a second chance to do so and with the understanding that each of them must provide the very best price that each can. Mr. Moorefield stated where the spread between the lowest local bid and the lowest bid is not very great, this could be a useful tool to promote local bidding opportunities and where there is a substantial difference in the spread, this would likely not produce a different result. Mr. Moorefield explained this approach could be incorporated into the local preference policy with established criteria as to when a second round of bids would be obtained.

Mr. Moorefield stated another method which may shortcut the informal bidding process and produces the same result as obtaining a second round of bids is the reverse auction bid process authorized by G.S. 129.9. Mr. Moorefield further stated a "reverse auction" means a real-time purchasing process in which bidders compete to provide goods at the lowest selling price in an open and interactive environment and the bidders' prices may

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be revealed during the reverse auction. Mr. Moorefield stated under this process every bidder can see every other bid and bidding continues until the deadline for receiving bids is reached. Mr. Moorefield explained again, this process will not insure that a local vendor will provide the lowest bid but it does offer local bidders the opportunity to see first-hand what bid will be needed to compete.

Mr. Moorefield stated his recommendation is not to make any changes to the county's current purchasing policy at this time but instead try a wider approach over the next fiscal year including some of the suggestions he mentioned. Mr. Moorefield stated the Policy Committee should consider whether to recommend any changes in the county's purchasing policy to the Board of Commissioners.

Commissioner Keefe stated he would like to see solicitations posted on the county's website in a match-force type environment. Ms. Cannon stated staff in Finance and Information Services are already working on Commissioner Keefe's idea and the information could be on the county's website around the Spring of 2013 or possibly sooner.

Ms. Cannon explained Finance staff is working with Mr. Moorefield by educating county departments to really emphasize local purchasing and also putting all local vendors on the county intranet by their function, services or products offered. Ms. Cannon stated she believes this education process will further enhance the dollar amount of purchases that stay within this community.

Mr. Moorefield suggested for Finance staff to continue to pursue this issue and give the Policy Committee a report around the spring of 2013 of what changes have been made and how those changes are working out.

4. DISCUSSION ON POLICY FOR PUBLIC USE OF THE COURTROOM IN THE HISTORIC COURTHOUSE

Mr. Moorefield stated at the October 4, 2012 meeting of the Policy Committee, Commissioner Keefe requested that the Policy Committee consider a policy for the public use of the courtroom in the Historic Courthouse. Mr. Moorefield further stated Commissioner Keefe directed him to draft a policy which did not permit religious and/or political uses and included a reasonable fee.

Mr. Moorefield stated he considered the following issues when preparing the draft policy:

- the availability of privately-owned meeting facilities, such as the Sky Room on Hay Street only two blocks from the Historic Courthouse, the Pate Room at the library, and the meeting facilities available at the Crown Complex
- the need to protect the courtroom from potential damage
- the need for security during any function or event;
- the need to secure the building after any function or event.

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Mr. Moorefield explained the proposed minimum and additional fees are based on the cost of providing two (2) deputies in an overtime status with a minimal charge for utilities. Mr. Moorefield stated the proposed policy makes the courtroom available to all uses except for political and religious purposes, which are defined in the policy.

Commissioner Keefe asked if there should be an additional custodial charge added to the facility user fee or if the facility user fee should be increased to include custodial care. Mr. Martin stated the current policy states the minimum fee shall be \$200 and suggested the fee be increased to \$250 to include custodial care.

Mr. Martin stated in the proposed policy it states the implementation of this policy shall be the responsibility of the county manager. Mr. Martin requested this to read "county manager or designee".

MOTION: Commissioner Keefe moved to recommend the proposed policy with the facility user fee to be increased to \$250 for functions and events and also state that the county manager may appoint a designee for implementation of the policy.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (3-0)

5. DISCUSSION ON POLICY FOR PLACING A MATTER ON THE AGENDA OF THE POLICY COMMITTEE AND OTHER COMMITTEES

Mr. Moorefield stated after the October 4, 2012 meeting of the Policy Committee, Commissioner Council requested him to draft a policy addressing the placement of matters on an agenda of the Policy Committee. Mr. Moorefield stated Commissioner Council's concern was to avoid another meeting at which a different topic was presented than the topic identified on the agenda, persons traveled from out-of-town to make a presentation without there being any notice that they were going to speak or what they were going to speak about, and matters were placed on the agenda by individual commissioners without regard for the time constraints of the meeting. Mr. Moorefield further stated after the notice for submissions of matters for the agenda was sent out, Commissioner Keefe expressed that he also wanted an agenda policy developed for all of the committees.

Mr. Moorefield stated he has drafted a proposed policy just for application to the Policy Committee and if the Board of Commissioners desires to develop an agenda policy for each committee, the proposed policy can readily be adapted to the other committees.

Mr. Moorefield stated the clerk shall place matters on the agenda in the following order of priority:

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- A matter which has been directed by a vote of the board of commissioners, regardless of the staff person presenting the matter;
- A matter which has been directed by a vote of either of the committees, regardless of the staff person presenting the matter;
- A matter which has been requested by the county manager, regardless of the staff person presenting the matter;
- A matter which has been requested by an individual commissioner, regardless of the staff person presenting the matter.

Mr. Moorefield further stated no matter shall be placed on the agenda unless it is supported with a memorandum signed by the county manager or the person who will present the matter. Mr. Moorefield stated the memorandum shall provide the following:

- A statement of sufficient background information for the committee members to understand the reason the committee is being requested to consider the matter;
- A concise statement of what is being requested of the committee;
- The identity of who is requesting the matter;
- The identity of every person other than a staff person who will address the committee about the matter; and
- An estimate of the amount of time it will take the committee to consider the matter.

Questions and discussion followed. Commissioner Edge stated he believed the policy should also apply to the Facilities and Finance Committees in addition to the Policy Committee.

MOTION: Commissioner Evans moved to recommend the proposed agenda policy for all of the commissioner committees.
SECOND: Commissioner Keefe
VOTE: UNANIMOUS (3-0)

6. DISCUSSION OF BOARD OF COMMISSIONERS MEETINGS THAT FALL ON A NATIONAL HOLIDAY

Candice White, Clerk to the Board, referenced her memo "Discussion of Board of Commissioners' Meetings that Fall on a National Holiday". Ms. White stated the Board of Commissioners at its March 18, 2002 meeting approved a recommendation of the Policy Committee to reschedule Board of Commissioners' meetings that fall on a national holiday (President's Day and/or Easter Monday) to the next day or Tuesday. Ms. White further stated since that time there has been mention by some Board members of rescheduling those meetings to Monday.

Ms. White explained the Cumberland County 2013 Holiday Schedule, which follows the State of North Carolina Holiday Schedule, does not observe either President's Day or Easter Monday as holidays. Ms. White further explained instead, the county holiday

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schedule observes Good Friday. Ms. White stated traditionally President's Day and/or Easter Monday have been observed by the Cumberland County Schools as part of their student/teacher holidays or teacher work days.

Ms. White stated the Policy Committee should consider whether to continue holding Board of Commissioners' meetings on the Tuesday following President's Day and/or Easter Monday or reschedule those meetings to Monday.

MOTION: Commissioner Keefe moved to recommend to the full Board that it approve holding Board of Commissioners' meetings on the Monday designated as President's Day and continue to hold meetings on the Tuesday following Easter Monday.
SECOND: Commissioner Evans
VOTE: UNANIMOUS (3-0)

7. OTHER MATTERS OF BUSINESS

There were no other matters of business to discuss.

MEETING ADJOURNED AT 12:28 PM

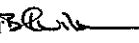
ITEM NO. 3

**CUMBERLAND
COUNTY**
NORTH CAROLINA

DEPARTMENT OF PUBLIC HEALTH

MEMORANDUM FOR THE POLICY COMMITTEE ON JANUARY 3, 2013

TO: Policy Committee

FROM: Buck Wilson, Public Health Director 

DATE: December 4, 2012

SUBJECT: Request for Approval of Ordinance for Smoke Free Campus at selected County Facilities

BACKGROUND

The Board of Health submitted a recommendation to the Policy Committee which was to implement a smoke free campus at the Health Department, Old Courthouse (which houses Health Department employees), and Department of Social Services. On April 5, 2012, a draft version of the ordinance was presented to the Policy Committee. Since the meeting on April 5, 2012, the ordinance has been revised and approved by the County Attorney's office, as well as the Board of Health. The revised ordinance includes the following county facilities:

- Health Department
- Old Courthouse
- Department of Social Services
- E. Newton Smith Center
- Mental Health at Bradford Avenue
- Library (inclusive of eight branch locations)

The desire is to cover all county facilities that house Department of Public Health employees. The Library Board requested to be included in the ordinance. Buck Wilson, Public Health Director, is the person requesting the approval on behalf of the Board of Health and will address the Policy Committee. Mr. Wilson will also present three (3) supportive handouts; *Working on Reducing the #1 Cause of Preventable Death and Disease*; *Durham Turns Over a New Leaf*; and *NPHPSP Governance Instrument Version 3 Field Tested in Kentucky by Local Board of Health*. Rod Jenkins, Deputy Health Director, will attend and may address the committee, if needed. The estimate of time that it will take for the committee to consider this request is roughly 15 minutes.

RECOMMENDATION/ACTION

Approve the revised Ordinance.

Your favorable consideration of this request is greatly appreciated. Should you have any questions, please do not hesitate to contact me at 433-3707.

cc: James Lawson, Assistant County Manager
Candice White, Clerk to the Board of Commissioners

Attachment (4)

/tlb

CUMBERLAND COUNTY ORDINANCE

AN ORDINANCE TO PROHIBIT SMOKING ON DESIGNATED CUMBERLAND COUNTY GROUNDS

WHEREAS, Cumberland County adopted an ordinance in 1993 (Cumberland County Code §9.5-91) prohibiting smoking in all county leased and owned buildings and vehicles, and within 25 feet of the entrance or exit to any public building; and,

WHEREAS, according to the Centers for Disease Control and Prevention (CDC), tobacco use and secondhand smoke exposure are leading preventable causes of illness and premature death in North Carolina and the nation¹; and,

WHEREAS, on January 2, 2010, "An Act To Prohibit Smoking In Certain Public Places And Certain Places Of Employment, North Carolina Session Law 2009-27, became effective, authorizing local governments to adopt and enforce ordinances "that are more restrictive than State law and that apply in local government buildings, on local government grounds, in local vehicles, or in public places;" and

WHEREAS, in 2006, a report issued by the United States Surgeon General stated that the scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke, and that secondhand smoke has been proven to cause cancer, heart disease, and asthma attacks in both smokers and nonsmokers²; and

WHEREAS, the CDC advises that all individuals with coronary heart disease or known risk factors for coronary heart disease should avoid all indoor environments that permit smoking³; and

WHEREAS, research indicates that, during active smoking, outdoor levels of secondhand smoke may be as high as indoor levels and may pose a health risk for people in close proximity (such as those sitting beside someone on a park bench or children accompanying a smoking parent or guardian)⁴; and

¹ Centers for Disease Control and Prevention, Smoking and Tobacco Use Fast Facts, http://www.cdc.gov/tobacco/data_statistics/facts_sheets/fast_facts/toll (last visited Oct. 7, 2010).

² U.S. DEP'T OF HEALTH & HUMAN SERVS., THE HEALTH CONSEQUENCES OF INVOLUNTARY EXPOSURE TO TOBACCO SMOKE: A REPORT OF THE SURGEON GENERAL 11, 14-16 (2006), <http://www.surgeongeneral.gov/library/secondhandsmoke/report/index.html>.

³ See *id.* at 15; Centers for Disease Control and Prevention, Smoking and Tobacco Use Health Effects of Secondhand Smoke, http://www.cdc.gov/tobacco/data_statistics/facts_sheets/secondhand_smoke/health_effects/index.htm (last visited March 25, 2011).

⁴ Neil E. Klepeis, Wayne R. Ott, and Paul Switzer, *Real-time Measurement of Outdoor Tobacco Smoke Particles*, 57 J. AIR & WASTE MGMT. ASS'N 522, 522 (2007); Neil E. Klepeis, Etienne B. Gabel, Wayne R. Ott, and Paul Switzer, *Outdoor Air Pollution in Close Proximity to a Continuous Point Source*, 43 ATMOSPHERIC ENV'T 3155, 3165 (2009).

WHEREAS, tobacco is a recognized carcinogen in humans, and health risks associated with the use of tobacco products include myocardial infarction, stroke, and adverse reproductive outcomes⁵; and

WHEREAS, Cumberland County is committed to providing a safe and healthy workplace in all County facilities for its employees and a safe and healthy environment for the visiting public; and

WHEREAS, Cumberland County provides support to employees and residents who want to quit the use of tobacco products. Employees and residents are also encouraged to talk to their health care provider about quitting, ask about appropriate pharmacotherapy available through their health insurance plan or employee's insurer, and use the free quitting support services of the North Carolina Tobacco Use Quitline at 1-800-QUIT-NOW (1-800-784-8669); and

WHEREAS, Cumberland County wishes to minimize the harmful effects of smoking among County employees and eliminate secondhand smoke exposure for employees and the public in and on those buildings, vehicles, and grounds controlled by the County; and

WHEREAS, this Board finds and declares that, in order to protect the public health and welfare, it is in the best interests of the citizens of the County to adopt an ordinance prohibiting smoking on County grounds.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the County of Cumberland, North Carolina, that:

Section 1. Authority

This ordinance is enacted pursuant to G.S. 130A-498 and 153A-121(a).

Section 2. Definitions

The following definitions are applicable to this ordinance.

1. "County building". – A building owned, leased as lessor, or the area leased as lessee and occupied by the County.
2. "3. "Employee". – A person who is employed by the County of Cumberland, or who contracts with the County or a third person to perform services for the County, or who otherwise performs services for the County with or without compensation.
4. "Grounds"— All unenclosed property surrounding County buildings.

⁵ U.S. DEP'T OF HEALTH & HUMAN SERVS., THE HEALTH CONSEQUENCES OF INVOLUNTARY EXPOSURE TO TOBACCO SMOKE: A REPORT OF THE SURGEON GENERAL 12, 13, 15 (2006), <http://www.surgeongeneral.gov/library/secondhandsmoke/report/index.html>.

5. "Universal 'No Smoking Symbol'" – Symbol consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it.
6. "Smoking". – The use or possession of a lighted cigarette, lighted cigar, lighted pipe, or any other lighted tobacco product.

Section 3. Areas in Which Smoking is Prohibited

(a) Smoking is prohibited on the grounds of the Department of Social Services building located at 1225 Ramsey St., Fayetteville, NC 28301 and the grounds of any County building where Cumberland County Health Department services are provided including the following: 130 Gillespie Street Fayetteville, NC 28301 (the Historic Courthouse); 103 Laketree Blvd. Spring Lake, NC 28390; 2622 Hope Mills Road Millview Place – Suite 100, Fayetteville, NC 28306; 1235 Ramsey Street Fayetteville NC 28301 (the primary Health Department facility); 227 Fountainhead Lane Fayetteville NC 28301; 109 Bradford Avenue Fayetteville NC 28301; 300 Maiden Lane Fayetteville NC 28301; 3711 Village Drive Fayetteville NC 28304; 6882 Cliffdale Road Fayetteville NC 28314; 4809 Clinton Road Fayetteville NC 28312; 3411 Golfview Road Hope Mills NC 28348; 855 McArthur Road Fayetteville NC 28311; 101 Laketree Blvd. Spring Lake NC 28311; and 7469 Century Circle Fayetteville NC 28306.

Section 4. Implementation Requirements

- (a) The County shall post signs that meet all the requirements in Section 5 of this ordinance.
- (b) The County shall remove all ashtrays and other smoking receptacles from grounds where smoking is prohibited.
- (c) The person in charge of the grounds where smoking is prohibited, or his or her designee, shall direct a person who is smoking in a prohibited area to cease and, if the person does not comply, shall contact the designated enforcement officer for the County.
- (d) The county shall provide county employees with resources for quitting smoking or tobacco use, including information about the free quitting support services of the North Carolina Tobacco Use Quitline (1-800-QUIT-NOW (1-800-784-8669)).

Section 5. Signage

The signs required by Section 4 must:

- (a) State in English that smoking and the use of tobacco products are prohibited and include the universal "No Smoking" symbol.
- (b) Be of sufficient size to be clearly legible to a person of normal vision, and be conspicuously posted.
- (c) Be posted at each entrance to a County building and in other locations within the building reasonably calculated to inform employees and the public of the prohibition.
- (d) Be posted in each County vehicle in areas visible to passengers, provided that their placement does not interfere with the safe operation of the vehicle. If the

vehicle is used for undercover law enforcement operations, a sign is not required to be placed in the vehicle.

(e) Be posted on County grounds in locations and at intervals reasonably calculated to inform employees and the public of the prohibition.

Section 6. Enforcement and Penalties

(a) *Penalty for Violation.* Following oral or written notice by the person in charge of an area described in Section 3, or his or her designee, failure to cease smoking or using tobacco products constitutes an infraction punishable by a fine of not more than fifty dollars (\$50.00). A person duly authorized by the Board of County Commissioners shall be authorized to send a civil penalty citation to the violator by certified mail or personally deliver such citation to the violator stating the nature of the violation, the amount of the penalty, and directing that the violator pay the penalty to the County tax collector office within 14 days of receipt of the citation.

(b) *Additional sanctions for employees.* In addition to any penalty under subsection (a), employees of the County who violate this ordinance shall be subject to disciplinary action consistent with the County's human resources policies.

Section 7. Public Education

Cumberland County shall engage in an ongoing program to explain and clarify the purposes and requirements of this ordinance to employees and citizens affected by it and to guide operators and managers in their compliance with it. In doing so, the County may rely upon materials and information provided by the local health department.

Section 8. Severability; Conflict of Laws.

If this ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of the ordinance that can be given separate effect and to that end the provisions of this ordinance are declared to be severable. Whenever the provisions of this ordinance conflict with other ordinances of Cumberland County, this ordinance shall govern.

Section 9. Effective Date.

This ordinance shall be effective on July 1, 2013.

Adopted this _____ day of _____, 2012.

_____, Chairperson
Cumberland County Board of Commissioners

ATTEST:

Clerk to Board of Commissioners

Approved as to Form:

County Attorney

Public Health Priorities

Working on Reducing the #1 Cause of Preventable Death and Disease

by Tricia Valasek

Tobacco use is associated with high levels of death and disease and is linked to other illnesses including diabetes, heart disease, stroke, and obesity. The health status of a community can sometimes hinge on the overall use of tobacco products among youth and adults. For a community to see positive changes in its health status (including its County Health Rankings – www.countyhealthrankings.org), it should discuss implementing and enforcing evidence-based tobacco control policies.

Boards of health across the nation have started these discussions and many have actively worked to actively recommend, draft, adopt, and implement tobacco control policies. The following boards of health should be commended for their efforts to protect the health of all individuals in their jurisdictions.

Washington

King County Board of Health advocated for increased funding and programming to continue reducing smoking rates.

Michigan

Ingham County Board of Health adopted a resolution in support of maintaining current smoke-free bans in the state.

Massachusetts

Dartmouth Board of Health held a public hearing about banning the sale of tobacco products in educational institutions and pharmacies in the new regulations.

North Andover Board of Health asked pharmacies to discontinue the sale of tobacco products.

Northborough Board of Health discussed strengthening local tobacco control policy to include tobacco-free municipal-owned buildings and a ban on the sale of tobacco products in pharmacies.

Saugus Board of Health strengthened existing tobacco regulations to include a ban on the sale of cigars in packages of fewer than four; a minimum sale price for cigars of \$2.50; prohibition on the sale, distribution, and possession of blunt wraps; a ban on the use of electronic cigarettes in all public places; prohibition of tobacco/nicotine delivery product vending machines; and prohibiting the sale of tobacco products from any educational or healthcare institutions.

Winchester Board of Health banned the sale of tobacco products in pharmacies.

Illinois

St. Lawrence County Board of Health is considering drafting a smoking ban for the county's potential smoke-free air policy.

Nebraska

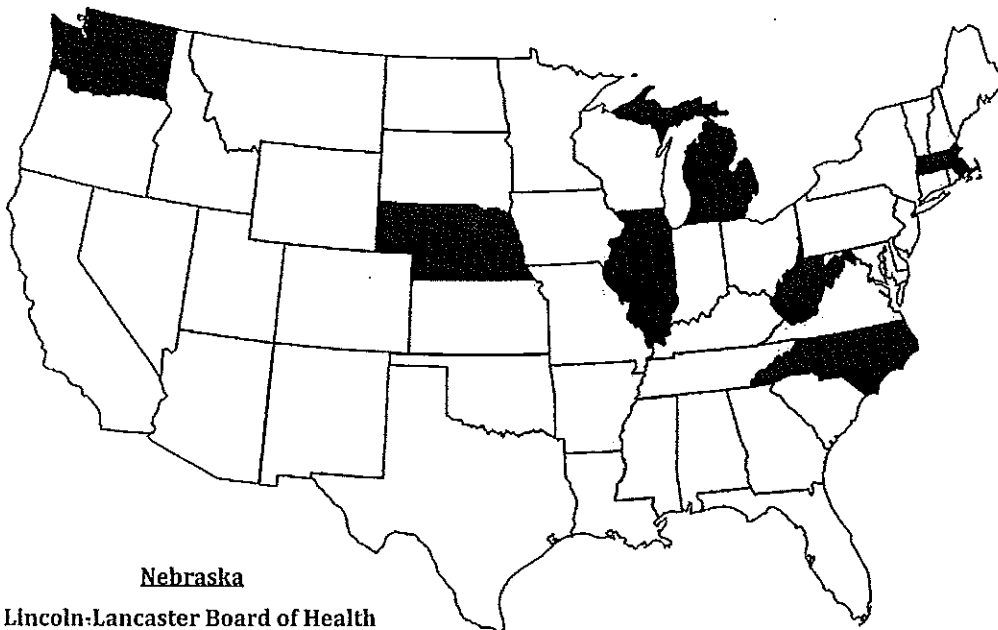
Lincoln-Lancaster Board of Health recommended a smoking ban in area parks.

West Virginia

Monongalia County Board of Health unanimously approved a county-wide smoking ban for all bars, restaurants, and workplaces.

North Carolina

Durham County Board of Health worked with the Durham County Board of Commissioners to approve a smoke-free air policy for the City of Durham and Durham County grounds; the local parks system; county trails and parks; city and county bus stops; the train station; and sidewalks owned, leased, or maintained by the city or county or border city- or county-owned property, public schools, or hospitals. (See article on page 12.)



Durham Turns Over a New Leaf

by Eric C. Nickens, Jr.

Durham, North Carolina, a city whose history has been deeply rooted in tobacco since the 1860s, is about to turn over a new leaf. One would never imagine that in a place where the haze and smell from the production of tobacco products once filled the air, a board of health rule prohibiting smoking in many of the outdoor public spaces would ever be discussed, let alone implemented.

Beginning August 1, this became the new reality in Durham County. Public areas, including city and county grounds, parks, trails, playgrounds, and athletic fields, became smoke-free. Also included in the rule are sidewalks that are owned, leased, maintained, or occupied by the city or county or that border city or county property, public schools, and hospitals.

The new Durham County Human Services Building, which houses the Durham County Health Department, and its adjacent parking areas, became tobacco-free under the new rule.

For the Durham County Board of Health, this was far from an overnight process.

"The concept was first brought to light in September 2010 at one of our board of health meetings, stemming from a request by the Duke University Health System," said Gayle B. Harris, Durham County Health Director. "A provision in North Carolina state law allows for local boards of health to establish stricter rules."

Immediately, the potential impact from any smoking rule raised the eyebrows of the board of health, which was very concerned about its authority to "take smoking rights away from citizens."

After some research and an introduction to Centers for Disease Control and Prevention Director Thomas Frieden's Health Impact Pyramid, the board of health elected to press forward with crafting a rule in November 2010 and subsequently, a subcommittee was appointed.

For the next 6 months, the order of business focused on refining the proposed draft rule, with guidance from the county attorney's office and the North Carolina Division of Public Health.

"While the board of health initially expressed some reticence regarding the proposed outdoor smoking rule, the group hastily moved forward after realizing the health benefits to the citizens of Durham and the readiness of the public to move forward in

implementing the rule," said Sue McLaurin, Durham County Board of Health Chair.

On May 16, 2011, it was finally the public's turn to weigh in. The 30-day public comment period brought media attention, including a story in the *Durham Herald-Sun*, which in addition to a public education campaign, resulted in over two dozen letters and emails to the board of health, with the vast majority in support of the proposed measure, such as the following:

"I would like to express an opinion strongly IN FAVOR of the proposed smoking ban. I think it is critical that all public places be free of smoke, not only for children, but adults as well. No one should be forced to breathe carcinogens just because they take public transportation, want to play at a playground, or are otherwise utilizing Durham city and county services. I strongly urge you to set a good example for our children, our state and the country that we recognize smoking is detrimental to everyone's health and no one should be forced to suffer the consequences of others' irresponsible actions."

Following the review and consideration of comments, the subcommittee reported no further changes and a proposed amended

ordinance, along with mockups of signage, educational materials, budget, and an awareness campaign moved forward in August 2011 to be presented to elected officials.

Throughout November and December of 2011, presentations were made to city and county officials, which were met with agreement and disagreement to portions of the proposal. Through the Durham City Manager, city staff agreed to make the entire parks system as well as shelters at bus stops smoke-free. However, there was dissent on the authority to address smoking on sidewalks maintained by the city yet fell into the right-of-way of the state.

After a bit of adjustment to the proposal, the board of health approved the changes in January 2012, which set up the final hurdle towards adoption—the Durham County Board of Commissioners.

Individual meetings were held with commissioners later in the month to review the changes made based on feedback from the City of Durham. During the February 13, 2012 meeting of the Durham County Board of Commissioners, the Board of Health Smoking

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One of the billboards in Durham County promoting the upcoming Board of Health Smoking Rule Implementation.

Board Development

NPHPSP Governance Instrument Version 3 Field Tested in Kentucky by Local Board of Health

by Judy Mattingly

The Franklin County Board of Health in Frankfort, Kentucky field tested Version 3 of the National Public Health Performance Standards Program (NPHPSP) Local Public Health Governance Assessment in October 2011. This was completed as part of the Franklin County Health Department's (FCHD) accreditation preparation, quality improvement (QI), and strategic planning activities. In addition, the assessment was also found to be valuable board of health training and orientation for new board of health members.

The Franklin County Board of Health has enthusiastically supported national public health accreditation through FCHD's participation in the Public Health Accreditation Board Beta Test and the passage of internal policies integrating accreditation and QI into all FCHD job descriptions and performance evaluations. Completing the NPHPSP Governance Assessment showed the Franklin County Board of Health's continued support of improvement efforts and contributions to a culture of QI.

The assessment was conducted over three sessions, each lasting approximately 2 hours. Nine out of twelve board of health members were able to attend two or more sessions with only one member being unavailable to participate in the NPHPSP Governance Assessment. In addition to board of health members, FCHD subject matter experts also attended each NPHPSP session to provide an overview of partnerships and services performed for each essential public health service and to answer questions from board of health members. The FCHD Director and Accreditation Coordinator facilitated

“Completing the NPHPSP Governance Assessment showed the Franklin County Board of Health's continued support of improvement efforts and contributions to a culture of quality improvement.”

the assessment and FCHD staff served as recorders.

Using the six governance functions as a framework for discussion, the board of health recognized its value and defined its role in overseeing the delivery of each of the 10 essential public health services. Many opportunities for immediate improvement that could occur relatively quickly with little effort and resources were noted during the assessment, such as the identification of partners for Franklin County's Mobilizing for Action through Planning and Partnerships (MAPP) community health improvement coalition, the establishment of a policy requiring that a community health assessment be conducted at regular intervals, and the promotion of health department services.

Similar to the NPHPSP Local Assessment that was completed as part of Franklin County's MAPP process, the results of the Governance Assessment are being used to prioritize areas for improvement, explore root causes of low performance, and establish specific, measurable, attainable, realistic, and time-bound (SMART) objectives to measure improvements. These objectives will be added to FCHD's QI plan to ensure continuous QI across all of FCHD, including the governance board. The Franklin County Board of Health will reassess their performance using the NPHPSP Governance Assessment within 3-5 years to monitor progress and set new QI goals.

Judy Mattingly, MA, is Accreditation Coordinator with the Franklin County Health Department in Frankfort, Kentucky.

Durham Turns Over a New Leaf - Continued from page 12

Rule was adopted by a 5-0 vote, with an effective date of August 1, 2012.

After the vote, Durham County Health Department staff members were very busy educating the community, offering smoking cessation classes and resources, and rolling

out media campaigns to increase awareness, in advance of August 1.

Even after Durham implemented the new Board of Health Smoking Rule, the efforts underway continue. Just as the road that has led to a smoke-free Durham didn't move as fast as the traffic on the namesake

freeway that cradles the downtown area, the adjustment to a new community culture will also take time.

Eric C. Nickens, Jr., MA, CHES, is the Information and Communications Manager for the Durham County Health Department in Durham, North Carolina.