

Macon County



MACON COUNTY BOARD OF COMMISSIONERS DECEMBER 12, 2023 6 P.M. AGENDA

Note: Years of Service awards will be presented to county employees beginning at 5 p.m. in the commission board room. A reception for those employees will be held in the hallway of the third floor of the Macon County Courthouse immediately following the presentations.

1. Call to order and welcome by County Manager Derek Roland
2. Announcements
3. Election of board chairman – County Manager Derek Roland
4. Election of board vice-chairman
5. Affirmation of the 2024 regular meeting schedule
6. Moment of Silence
7. Pledge of Allegiance
8. Public Hearing(s) – None
9. Public Comment Period
10. Additions to agenda
11. Adjustments to and approval of the agenda
12. Reports/Presentations
 - (A) Annual Opioid Funding Meeting – Southwestern Commission
 - (B) Fiscal Year 2023 audit – Jill Vang, Martin Starnes & Associates, CPAs, PA
 - (C) Scaly Mountain Historical

13. Old Business

- (A) Discussion and Review of the Resolution Adopting the Code of Ethics for the Macon County Board of Commissioners
- (B) Discussion and Consideration of Viewing of “The Veteran’s Battlefield” from the North Carolina County Commissioners Association – Veterans Services Director Leigh Tabor-Holbrooks
- (C) Discussion and Consideration of Resolution of Amendment to Macon County Subdivision Ordinance – Attorney Eric Ridenour

14. New Business

- (A) Discussion and Approval of the Updated Drug and Alcohol Policy for Macon County Transit – Transit Director Darlene Asher
- (B) Discussion and Consideration of Resolution to Exempt a Request for Proposals for Engineering Services below \$50,000 – Solid Waste Director Chris Stahl
- (C) Discussion and Consideration of Resolution Supporting the Identification of Party Affiliation for Candidates for Macon County Board of Education – Attorney Eric Ridenour

15. Consent Agenda – Attachment #12

All items below are considered routine and will be enacted by one motion. No separate discussion will be held except on request of a member of the Board of Commissioners.

- (A) Minutes of the November 14, 2023 regular meeting
- (B) Resolution Examination of Official Bonds for Public Officials of Macon County
- (C) Budget Amendments #85-89
- (D) Macon County 2024 Holiday Schedule
- (E) Tax releases for the month of November 2023 in the amount of \$1,543.73
- (F) Monthly ad valorem tax collection report – no action necessary

16. Appointments

- (A) Macon County Public Library Board of Trustees (1 seat)

17. Closed session as allowed under NCGS

18. Adjourn/Recess



Macon County Board of Commissioners 2024 Regular Meeting Schedule

Unless otherwise noticed, the members of the Macon County Board of Commissioners will hold their regular meeting on the second Tuesday of each month beginning at 6 p.m. in the Commission Boardroom, on the third floor of the Macon County Courthouse, located at 5 West Main Street, Franklin, NC 28734. Those dates are as follows:

2024 Meeting Date	Agenda Item Due Date (Deadline 5 p.m.)
Tuesday, January 9, 2024	Tuesday, January 2, 2024
Tuesday, February 13, 2024	Tuesday, February 6, 2024
Tuesday, March 12, 2024	Tuesday, March 5, 2024
Tuesday, April 9, 2024	Tuesday, April 2, 2024
Tuesday, May 14, 2024	Tuesday, May 7, 2024
Tuesday, June 11, 2024	Tuesday, June 4, 2024
Tuesday, July 9, 2024	Tuesday, July 2, 2024
Tuesday, August 13, 2024	Tuesday, August 6, 2024
Tuesday, September 10, 2024	Tuesday, September 3, 2024
Tuesday, October 8, 2024	Tuesday, October 1, 2024
Tuesday, November 12, 2024	Tuesday, November 5, 2024
Tuesday, December 10, 2024	Tuesday, December 3, 2024

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – REPORTS/PRESENTATIONS

MEETING DATE: December 12, 2023

12A. Southwestern Commission will be providing a presentation regarding opioid funding. Both the Town of Franklin and the Town of Highlands have been invited to attend.

12B. Ms. Jill Vang with Martin Starnes & Associates, CPAs, PA will provide a PowerPoint presentation regarding the Fiscal Year 2023 audit.

12C. Chairman Higdon added this item to the November 14, 2023, agenda and tabled the presentation to the December meeting.

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – OLD BUSINESS

MEETING DATE: December 12, 2023

13A. Included in your packet is a copy of the “Resolution Adopting the Code of Ethics for the Macon County Board of Commissioners” which was adopted on March 14, 2023. Commissioner Shields has requested a discussion of this document.

13B. Veterans Services Director Leigh Tabor-Holbrooks will be present to inform the board of the opportunity to host a viewing of “The Veteran’s Battlefield” made available by the North Carolina County Commissioners Association.

13C. Included in your packet is an amended resolution requesting changes to the subdivision ordinance. Attorney Ridenour, Plan Reviewer Joe Allen, and Planner Caleb Gibson will be present to provide additional information.



Resolution adopting the Code of Ethics for the Macon County Board of County Commissioners

WHEREAS, Section 160A-86 of the North Carolina General Statutes requires local governing boards to adopt a code of ethics, and

NOW THEREFORE, in recognition of our blessings and obligations as citizens of the State of North Carolina and as public officials representing the citizens of the County of Macon, and acting pursuant to the requirements of Section 160A-86 of the North Carolina General Statutes, we, the Macon County Board of Commissioners, do hereby adopt the following General Principles and Code of Ethics to guide the Board of Commissioners in its lawful decision- making.

The Macon County Board of Commissioners shall:

- 1) Obey all applicable laws regarding official actions taken as a board member and comply with the ethics education program required under Section 160A-87 of the North Carolina General Statutes;
- 2) Uphold the integrity and independence of the board member's office;
- 3) Avoid impropriety in the exercise of the board member's official duties, to include:
 - a. A board member shall not use his/her position or County's facilities or resources for private gain, nor shall he/she appear before or represent any private person, group or interest before any department, agency, commissioner or board of the County except in matters of purely civic or public concerns.
 - b. A board member shall not directly or indirectly solicit, accept or receive any gift having a value of \$50 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her, in the performance of their duties, or was intended as a reward for any official taken by the board. Legitimate political contributions shall not be considered as gifts under this subsection.
 - c. A board member who has, or whose immediate family member has, an interest in any official act or action before the board shall publicly disclose on the record in open meeting the nature and extent of such interest and shall withdraw from any

consideration in the matter if excused by the council.

d. When any private interest of a board member or member's immediate family may potentially conflict with their responsibility as a board member, the board member may present his/her interpretation of the facts at issue to the County Attorney for an advisory opinion.

4) Faithfully perform the duties of the office;

5) Conduct the affairs of the governing board in an open and public manner, including complying with all applicable laws governing open meetings and public records.

Nothing in this policy shall be considered a substitute for the law or for a board member's best judgment.

Adopted this 14th day of March, 2023.



Derek Roland, Manager
Macon County



Paul Higdon, Chairman
Macon County Board of Commissioners

**RESOLUTION OF AMENDMENT TO
CHAPTER 159 OF THE MACON COUNTY CODE OF ORDINANCES,
THE MACON COUNTY SUBDIVISION ORDINANCE.**

WHEREAS, the Macon County Subdivision Ordinance currently provides in section §159.24(G) that “the Macon County **Commissioners** may release a portion or all of any security posted as the improvements are completed and recommended for approval by the Subdivision Administrator, after he/she has received the required statement from a design professional.”

WHEREAS, the Macon County Board of Commissioners has determined that it is in the best interests of efficiency that the Macon County **Subdivision Administrator** have the authority to release some or all of any security posted as the improvements are completed.

NOW THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the County of Macon, State of North Carolina, that the Macon County Subdivision Ordinance, §159.24(G) be amended to state as follows:

§159.24(G). Release of Guarantee Security

Pursuant to G.S. 160D-804.1(2), the **Subdivision Administrator** may release a portion or all of any security posted as the improvements are completed after the **Subdivision Administrator** has received the required statement from a design professional. The **Subdivision Administrator** shall return letters of credit or escrowed funds upon acceptance of the required improvements. When required improvements that are secured by a bond are accepted by the County, upon request by the developer, the **Subdivision Administrator** shall timely provide written acknowledgement that the required improvements have been completed.

Adopted at the December 12, 2023, Regular Meeting of the Macon County Board of Commissioners.

_____, Chairman,
Macon County Board of County Commissioners

ATTEST:

Derek Roland, Macon County Manager and Clerk to the Board

(Official Seal)

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – NEW BUSINESS

MEETING DATE: December 12, 2022

14A. Transit Director Darlene Asher provided the attached memorandum and updated policy. She will be available at the meeting to answer any questions.

14B. Solid Waste Director Chris Stahl provided the following information: The Solid Waste Department is in need of Geotechnical Engineering services for the design hydrological survey in the area of future Phase III, Cell II. These services are required as part of the permitting approval process by NCDEQ for the development of the next landfill Cell. As I have previously relayed to the Board, the current landfill is reaching capacity ahead of schedule due to the 25% growth in our waste stream over the past four years. The Board has also previously approved a project for vertical expansion of Phase II, and Phase III, Cell I, which is ongoing. Even with the additional space gained once the expansion is approved, we will still only have 3- 4 years of life remaining. The hydro-geologic work proposed will allow us to begin the process of design and permitting of the new Cell in the FY 2024-25 Budget, thus allowing sufficient time to receive a Permit to Construct the new Cell before we reach capacity. The fee for these services is anticipated to be less than \$50,000.00.

I am requesting that the Board of Commissioners adopt the attached resolution.

14C. Included in the packet please find a proposed “Resolution Supporting the Identification of Party Affiliation for Candidates for Macon County Board of Education.” This item was presented and tabled at the November 14, 2023 regular meeting. Attorney Ridenour will have more information at the meeting.

**ZERO TOLERANCE DRUG AND ALCOHOL TESTING
POLICY
Macon County Transit**



Adopted as of October 12, 2021
Effective Date: October 13, 2021
Updated Date: December 12, 2023

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PURPOSE

- 1) The Macon County Transit provides public transit and paratransit services for the residents of Macon County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Macon County Transit declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- 2) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. Covered employees shall abide by the terms of this policy statement as a condition of employment. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates drug and alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result, or a refusal to test. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of specimens for drug and alcohol testing.
- 3) Any provisions set forth in this policy that are included under the sole authority of Macon County Transit and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of Macon County Transit will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

A. APPLICABILITY

This Drug and Alcohol Testing Policy applies to all safety-sensitive employees (full- or part-time) when performing safety sensitive duties. See Attachment A for a list of employees and the authority under which they are included.

A safety-sensitive function is operation of public transit service including the operation of a revenue service vehicle (whether or not the vehicle is in revenue service), maintenance of a revenue service vehicle or equipment used in revenue service, security personnel who carry firearms, persons controlling the dispatch or movement of revenue service vehicles and any transit employee who operates a non-revenue service vehicle that requires a Commercial Driver's License to operate. Maintenance functions include the repair, overhaul, and rebuild of engines, vehicles and/or equipment used in revenue service. A list of safety-sensitive positions who perform one or more of the above mentioned duties is provided in Attachment A. Supervisors are only safety sensitive if they perform one of the above functions. Volunteers are considered safety sensitive and subject to testing if they are required to hold a CDL, or receive remuneration for service in excess of actual expense.

B. DEFINITIONS

Accident: An occurrence associated with the operation of a vehicle even when not in revenue service, if as a result:

- a. An individual dies;
- b. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of the accident; or,
- c. One or more vehicles incur disabling damage as the result of the occurrence and is transported away from the scene by a tow truck or other vehicle. For purposes of this definition, *disabling damage* means damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Adulterated specimen: A specimen that has been altered, as evidence by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols contained in any beverage, mixture, mouthwash, candy, food, preparation or medication.

Alcohol Concentration: Expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under 49 CFR Part 40.

Aliquot: A fractional part of a specimen used for testing, It is taken as a sample representing the whole specimen.

Alternate specimen: An authorized specimen, other than the type of specimen previously collected or attempted to be collected.

Canceled Test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which is cancelled. A canceled test is neither positive nor negative.

Collection Site: A place selected by the employer where employees present themselves for the purpose of providing a specimen for a drug test.

Confirmatory Drug Test: A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify a specific drug or drug metabolite.

Confirmatory Validity Test: A second test performed on a different aliquot of the original urine specimen to further support a validity test result.

Covered Employee Under FTA Authority: An employee who performs a safety-sensitive function including an applicant or transferee who is being considered for hire into a safety-sensitive function (See Attachment A for a list of covered employees).

Cutoff: The analytical value (e.g., drug or drug metabolite concentration) used as the decision point to determine a result (e.g., negative, positive, adulterated, invalid, or substituted) or the need for further testing.

Designated Employer Representative (DER): An employee authorized by the employer to take immediate action to remove employees from safety-sensitive duties and to make required decisions in testing. The DER also receives test results and other communications for the employer, consistent with the requirements of 49 CFR Parts 40 and 655.

DOT, The Department, DOT Agency: These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration

(FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). For purposes of 49 CFR Part 40, the United States Coast Guard (USCG), in the Department of Homeland Security, is considered to be a DOT agency for drug testing purposes. These terms include any designee of a DOT agency.

Dilute specimen: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

Disabling damage: Damage which precludes departure of any vehicle from the scene of the occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated, but does not include damage which can be remedied temporarily at the scene of the occurrence without special tools or parts, tire disablement without other damage even if no spare tire is available, or damage to headlights, taillights, turn signals, horn, or windshield wipers that makes them inoperative.

Employee: Any person who is designated in a DOT agency regulation as subject to drug testing and/or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to pre-employment testing. For purposes of drug testing under 49 CFR Part 40, the term employee has the same meaning as the term “donor” as found on CCF and related guidance materials produced by the Department of Health and Human Services.

Evidential Breath Testing Device (EBT): A device approved by the NHTSA for the evidential testing of breath at the 0.02 and the 0.04 alcohol concentrations, and appears on ODAPC’s Web page for “Approved Evidential Breath Measurement Devices” because it conforms with the model specifications available from NHTSA.

Initial Drug Test: The first test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial Specimen Validity Test: The first test used to determine if a specimen is adulterated, diluted, substituted, or invalid

Invalid Result: The result reported by an HHS-certified laboratory in accordance with the criteria established by the HHS when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of HHS; or, in the case

of foreign laboratories, a laboratory approved for participation by DOT under 49 CFR Part 40.

Limit of Detection (LOD): The lowest concentration at which the analyte (e.g., drug or drug metabolite) can be identified.

Limit of Quantification (LOQ): For quantitative assays, the lowest concentration at which the identity and concentration of the analyte (e.g., drug or drug metabolite) can be accurately established.

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute: A drug test result which is negative for the five drug/drug metabolites but has creatinine and specific gravity values that are lower than expected for human urine.

Negative result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class and the specimen is a valid specimen. An alcohol concentration of less than 0.02 BAC is a negative test result.

Non-negative specimen: A specimen that is reported as adulterated, substituted, positive (for drug(s) or drug metabolite(s)), or invalid.

Oral Fluid Specimen: A specimen that is collected from an employee's oral cavity and is a combination of physiological fluids produced primarily by the salivary glands. An oral fluid specimen is considered to be a direct observation collection for all purposes of 49 CFR Part 40, as amended.

Oxidizing Adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performing (a safety-sensitive function): A covered employee is considered to be performing a safety-sensitive function and includes any period in which he or she is actually performing, ready to perform, or immediately available to perform such functions.

Positive result: The result reported by an HHS- Certified laboratory when a specimen contains a drug or drug metabolite equal or greater to the cutoff concentrations.

Primary specimen: In drug testing, the specimen bottle that is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of specimen validity testing. The primary specimen is the portion of the donor's subdivided specimen designated as the primary ("A") specimen by the collector to distinguish it from the split ("B") specimen, as defined in 49 CFR Part 40, as amended.

Prohibited drug: Identified as marijuana, cocaine, opioids, amphetamines, or phencyclidine as specified in 49 CFR Part 40, as amended.

Reconfirmed: The result reported for a split (Bottle B) specimen when the second HHS-certified laboratory corroborates the original result reported for the primary (Bottle A) specimen.

Rejected for Testing: The result reported by an HHS- Certified laboratory when no tests are performed for specimen because of a fatal flaw or a correctable flaw that has not been corrected.

Revenue Service Vehicles: All transit vehicles that are used for passenger transportation service.

Safety-sensitive functions: Employee duties identified as:

- (1) The operation of a transit revenue service vehicle even when the vehicle is not in revenue service.
- (2) The operation of a non-revenue service vehicle by an employee when the operation of such a vehicle requires the driver to hold a Commercial Drivers License (CDL).
- (3) Maintaining a revenue service vehicle or equipment used in revenue service.
- (4) Controlling dispatch or movement of a revenue service vehicle and
- (5) Carrying a firearm for security purposes.

Specimen: Fluid, breath, or other material collected from an employee at the collection site for the purpose of a drug or alcohol test.

Specimen Bottle: The bottle that, after being sealed and labeled according to the procedures in 49 CFR Part 40, is used to hold a primary ("A") or split ("B") specimen during the transportation to the laboratory. In the context of oral fluid testing, it may be referred to as a "vial," "tube," or "bottle."

Split Specimen: In drug testing, the specimen that is sent to a first laboratory

and stored with its original seal intact, and which is transported to a second laboratory for retesting at the employee's request following MRO verification of the primary specimen as positive, adulterated or substituted.

Split specimen collection: A collection in which the single specimen collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

Substance Abuse Professional (SAP): A licensed physician (medical doctor or doctor of osteopathy) or licensed or certified psychologist, social worker, employee assistance professional, state-licensed or certified marriage and family therapist, or drug and alcohol counselor (certified by an organization listed at <https://www.transportation.gov/odapc/sap>) with knowledge of and clinical experience in the diagnosis and treatment of drug and alcohol related disorders.

Substituted specimen: An employee's specimen not consistent with a normal human specimen, as determined by HHS (e.g., a urine specimen, with creatinine and specific gravity values that are so diminished, or so divergent that they are not consistent with normal human urine).

Test Refusal: The following are considered a refusal to test if the employee:

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
- (2) Fail to remain at the collection site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a specimen. An employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine collection in a drug test, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of specimen without a valid medical explanation.
- (6) Fail or decline to take an additional test as directed by the collector or the employer for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed urine collection .
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.

- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.
- (14) As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

Undiluted (neat) oral fluid: An oral fluid specimen to which no other solid or liquid has been added. For example: A collection device that uses a diluent (or other component, process, or method that modifies the volume of the testable specimen) must collect at least 1 mL of undiluted (neat) oral fluid.

Urine specimen: Urine collected from an employee at the collection site for the purpose of a drug test.

Vehicle: A bus, electric bus, van, automobile, rail car, trolley car, trolley bus, or vessel. A public transit vehicle is a vehicle used for public transportation or for ancillary services.

Verified negative test: A drug test result reviewed by a medical review officer and determined to have no evidence of prohibited drug use at or above the minimum cutoff levels established by the Department of Health and Human Services (HHS).

Verified positive test: A drug test result reviewed by a medical review officer and determined to have evidence of prohibited drug use at or above the minimum cutoff levels specified in 49 CFR Part 40 as revised.

Validity testing: The evaluation of the specimen to determine if it is consistent with normal human urine. Specimen validity testing will be conducted on all specimens provided for testing under DOT authority. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the specimen, if the specimen was diluted, or if the specimen was altered.

C. EDUCATION AND TRAINING

- 1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.
- 2) All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators

of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

D. PROHIBITED SUBSTANCES

- 1) Prohibited substances addressed by this policy include the following.
 - a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1308.11 through 1308.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. It is important to note that the use of marijuana in any circumstances remains completely prohibited for any safety-sensitive employee subject to drug testing under USDOT regulations. The use of marijuana in any circumstance (including under state recreational and/or medical marijuana laws) by a safety-sensitive employee is a violation of this policy and a violation of the USDOT regulation 49 CFR Part 40, as amended.

Federal Transit Administration drug testing regulations (49 CFR Part 655) require that all employees covered under FTA authority be tested for marijuana, cocaine, amphetamines, opioids, and phencyclidine as described in this policy. Illegal use of these five drugs is prohibited at all times and thus, covered employees may be tested for these drugs anytime that they are on duty.

- b. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a Macon County Transit supervisor and the employee is required to provide a written release from his/her doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.
 - c. Alcohol: The use of beverages containing alcohol (including mouthwash, medication, food, candy) or any other substances containing alcohol in a manner which violates the conduct listed in this policy is prohibited.

E. PROHIBITED CONDUCT

- 1) Illegal use of the drugs listed in this policy and as defined in 49 CFR Part 40, as amended is prohibited at all times. All covered employees are prohibited from reporting for duty or remaining on duty if they have used a prohibited drug as defined in 49 CFR Part 40, as amended.
- 2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.
- 3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol
- 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.
 - a. An employee with a breath alcohol concentration which measures 0.02-0.039 is not considered to have violated the USDOT-FTA drug and alcohol regulations, provided the employee hasn't consumed the alcohol within four (4) hours of performing a safety-sensitive duty. However, if a safety-sensitive employee has a breath alcohol concentration of 0.02-0.039, USDOT-FTA regulations require the employee to be removed from the performance of safety-sensitive duties until:
 - i. The employee's alcohol concentration measures less than 0.02; or
 - ii. The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.
- 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.

- 7) Macon County Transit, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
- 8) Consistent with the Drug-free Workplace Act of 1988, all Macon County Transit employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

F. DRUG STATUTE CONVICTION

Consistent with the Drug Free Workplace Act of 1998, all employees are required to notify the Macon County Transit management of any criminal drug statute conviction for a violation occurring in the workplace within five days after such conviction. Failure to comply with this provision shall result in disciplinary action as defined in this policy.

G. TESTING REQUIREMENTS

- 1) Drug testing and alcohol testing will be conducted as required by 49 CFR Part 40 as amended. All employees covered under FTA authority shall be subject to testing prior to performing safety-sensitive duty, for reasonable suspicion, following an accident, and random as defined in this policy, and return to duty/follow-up.
- 2) A drug test can be performed any time a covered employee is on duty. A reasonable suspicion, random, or follow-up alcohol test can only be performed just before, during, or after the performance of a safety-sensitive job function. Under Macon County Transit authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.

All covered employees will be subject to drug testing and alcohol testing as a condition of ongoing employment with Macon County Transit. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in this policy.

H. DRUG TESTING PROCEDURES

- 1) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human

Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.

- 2) The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. After the identity of the donor is checked using picture identification, a urine and/or oral fluid specimen will be collected as described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary specimen. For those specimens that are not negative, a confirmatory test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the confirmatory test are at or above the minimum thresholds established in 49 CFR Part 40, as amended.
- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to Macon County Transit. If a legitimate explanation is found, the MRO will report the test result as negative.
- 4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- 5) Any covered employee who questions the results of a required drug test may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and

testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Macon County Transit will ensure that the cost for the split specimen analysis is covered in order for a timely analysis of the sample, however Macon County Transit will seek reimbursement for the split sample test from the employee.

- 6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled.

- 7) Observed collections
 - a. Consistent with 49 CFR Part 40, as amended, collection under direct observation with no advance notice will occur if:
 - i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Macon County Transit that there was not an adequate medical explanation for the result;
 - ii. The MRO reports to Macon County Transit that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
 - iii. The laboratory reported to the MRO that the urine specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the urine specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
 - iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
 - v. The temperature on the original urine specimen was out of range (See §40.65(b)(5));

- vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with (See §40.65(c)(1)).
- vii. All follow-up-tests; or
- viii. All return-to-duty tests

Urine collections that are required to be directly observed will be conducted by a person of the same gender as the donor as required by 49 CFR Part 40.67.

I. ALCOHOL TESTING PROCEDURES

- 1) Tests for breath alcohol concentration will be conducted utilizing a National Highway Traffic Safety Administration (NHTSA)-approved Evidential Breath Testing device (EBT) operated by a trained Breath Alcohol Technician (BAT). A list of approved EBTs can be found on ODAPC's Web page for "Approved Evidential Breath Measurement Devices". Alcohol screening tests may be performed using a non-evidential testing device (alcohol screening device (ASD)) which is also approved by NHTSA. A list of approved ASDs can be found on ODAPC's Web page for "Approved Screening Devices to Measure Alcohol in Bodily Fluids". If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. The confirmatory test must occur on an EBT. The confirmatory test will be conducted no sooner than fifteen minutes after the completion of the initial test. The confirmatory test will be performed using a NHTSA-approved EBT operated by a trained BAT. The EBT will identify each test by a unique sequential identification number. This number, time, and unit identifier will be provided on each EBT printout. The EBT printout, along with an approved alcohol testing form, will be used to document the test, the subsequent results, and to attribute the test to the correct employee. The test will be performed in a private, confidential manner as required by 49 CFR Part 40, as amended. The procedure will be followed as prescribed to protect the employee and to maintain the integrity of the alcohol testing procedures and validity of the test result.
- 2) A confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and in violation of this policy. The consequences of a positive alcohol test are described in this policy. Even though an employee who has a confirmed alcohol concentration of 0.02 to 0.039 is not considered positive, the employee shall still be removed from duty for at least eight hours or for the duration of the work day whichever is longer and

will be subject to the consequences described in this policy. An alcohol concentration of less than 0.02 will be considered a negative test.

- 3) Macon County Transit affirms the need to protect individual dignity, privacy, and confidentiality throughout the testing process. If at any time the integrity of the testing procedures or the validity of the test results is compromised, the test will be canceled. Minor inconsistencies or procedural flaws that do not impact the test result will not result in a cancelled test.
- 4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

J. PRE-EMPLOYMENT TESTING

- 1) All applicants for covered transit positions shall undergo drug testing prior to performance of a safety-sensitive function.
 - a. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.
 - b. An employee shall not be placed, transferred or promoted into a position covered under FTA authority or company authority until the employee takes a drug test with verified negative results.
 - c. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
 - d. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA authority or company authority submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with this policy.

- e. If a pre-employment test is canceled, Macon County Transit will require the applicant to take and pass another pre-employment drug test.
- f. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-employment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.
- g. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- h. Applicants are required (even if ultimately not hired) to provide *Macon County Transit* with signed written releases requesting USDOT drug and alcohol records from all previous, USDOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. *Macon County Transit* is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a USDOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a USDOT covered employer, the applicant must provide Macon County Transit proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

K. REASONABLE SUSPICION TESTING

- 1) All Macon County Transit FTA covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable

suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under Macon County Transit' authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable suspicion drug test can be performed any time the covered employee is on duty.

- 2) Macon County Transit shall be responsible for transporting the employee to the testing site. Supervisors should avoid placing themselves and/or others into a situation which might endanger the physical safety of those present. The employee shall be placed on administrative leave pending disciplinary action described in this policy. An employee who refuses an instruction to submit to a drug/alcohol test shall not be permitted to finish his or her shift and shall immediately be placed on administrative leave pending disciplinary action as specified in this policy.
- 3) A written record of the observations which led to a drug/alcohol test based on reasonable suspicion shall be prepared and signed by the supervisor making the observation. This written record shall be submitted to the Macon County Transit
- 4) When there are no specific, contemporaneous, articulable objective facts that indicate current drug or alcohol use, but the employee (who is not already a participant in a treatment program) admits the abuse of alcohol or other substances to a supervisor in his/her chain of command, the employee shall be referred for assessment and treatment consistent with this policy. Macon County Transit shall place the employee on administrative leave in accordance with the provisions set forth under this policy. Testing in this circumstance would be performed under the direct authority of the Macon County Transit. **Since the employee self-referred to management, testing under this circumstance would not be considered a violation of this policy or a positive test result under Federal authority.** However, self-referral does not exempt the covered employee from testing under Federal authority as specified in this policy or the associated consequences.

L. POST-ACCIDENT TESTING

- 1) FATAL ACCIDENTS – A covered employee will be required to undergo drug and alcohol testing if they are involved in an accident with a transit vehicle, whether or not the vehicle is in revenue service at the time of the accident, that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose

performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.

- 2) NON-FATAL ACCIDENTS – A post-accident test of the employee operating the public transportation vehicle will be conducted if an accident occurs and at least one of the following conditions is met:
 - a. The accident results in injuries requiring immediate medical treatment away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident.
 - b. One or more vehicles incurs disabling damage as a result of the occurrence and must be transported away from the scene, unless the covered employee can be completely discounted as a contributing factor to the accident

In addition, any other covered employee whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision, will be tested.

As soon as practicable following an accident, as defined in this policy, the transit supervisor investigating the accident will notify the transit employee operating the transit vehicle and all other covered employees whose performance could have contributed to the accident of the need for the test. The supervisor will make the determination using the best information available at the time of the decision.

The appropriate transit supervisor shall ensure that an employee, required to be tested under this section, is tested as soon as practicable, but no longer than eight (8) hours of the accident for alcohol, and no longer than 32 hours for drugs. If an alcohol test is not performed within two hours of the accident, the Supervisor will document the reason(s) for the delay. If the alcohol test is not conducted within (8) eight hours, or the drug test within 32 hours, attempts to conduct the test must cease and the reasons for the failure to test documented.

Any covered employee involved in an accident must refrain from alcohol use for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test.

An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying a supervisor of his or her location if he or she leaves the scene of the accident prior to submission to such test, may be deemed to have refused to submit to testing.

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee

from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

In the rare event that Macon County Transit is unable to perform an FTA drug and alcohol test (i.e., employee is unconscious, employee is detained by law enforcement agency), Macon County Transit may use drug and alcohol post-accident test results administered by local law enforcement officials in lieu of the FTA test. The local law enforcement officials must have independent authority for the test and the employer must obtain the results in conformance with local law.

M. RANDOM TESTING

- 1) All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. Individuals who may be covered under company authority will be selected from a pool of non-DOT-covered individuals.
- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testing-rates>.
- 4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the employee has been previously tested. There is no discretion on the part of management in the selection.
- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under Macon County Transit authority.
- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can only be performed just before,

during, or just after the performance of a safety sensitive duty. However, under Macon County Transit' authority, a non-DOT random alcohol test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.

- 7) Employees are required to proceed immediately to the collection site upon notification of their random selection.

N. RETURN-TO-DUTY TESTING

Macon County Transit will terminate the employment of any employee that tests positive or refuses a test as specified in this policy. However, in the rare event an employee is reinstated with court order or other action beyond the control of the transit system, the employee must complete the return-to-duty process prior to the performance of safety-sensitive functions. All covered employees who previously tested positive on a drug or alcohol test or refused a test, must test negative for drugs, alcohol (below 0.02 for alcohol), or both and be evaluated and released by the Substance Abuse Professional before returning to work. Following the initial assessment, the SAP will recommend a course of rehabilitation unique to the individual. The SAP will recommend the return-to-duty test only when the employee has successfully completed the treatment requirement and is known to be drug and alcohol-free and there are no undue concerns for public safety. The SAP will determine whether the employee returning to duty will require a return-to-duty drug test, alcohol test, or both.

O. FOLLOW-UP TESTING

Covered employees that have returned to duty following a positive or refused test will be required to undergo frequent, unannounced drug and/or alcohol testing following their return-to-duty test. The follow-up testing will be performed for a period of one to five years with a minimum of six tests to be performed the first year. The frequency and duration of the follow-up tests (beyond the minimums) will be determined by the SAP reflecting the SAP's assessment of the employee's unique situation and recovery progress. Follow-up testing should be frequent enough to deter and/or detect a relapse. Follow-up testing is separate and in addition to the random, post-accident, reasonable suspicion and return-to-duty testing.

In the instance of a self-referral or a management referral, the employee will be subject to non-USDOT follow-up tests and follow-up testing plans modeled using the process described in 49 CFR Part 40. However, all non-USDOT follow-up tests and all paperwork associated with an employee's return-to-work agreement that was not precipitated by a positive test result (or refusal to test) does not constitute

a violation of the Federal regulations will be conducted under company authority and will be performed using non-DOT testing forms.

P. RESULT OF DRUG/ALCOHOL TEST

- 1) Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be immediately removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, and will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals (SAP) for assessment, and will be terminated.
- 2) Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 3) Refusal to submit to a drug/alcohol test shall be considered equivalent to a positive test result and a direct act of insubordination and shall result in termination and referral to a list of USDOT qualified SAPs. A test refusal is defined as any of the following circumstances:
 - a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
 - b. Fail to remain at the collection site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
 - c. Fail to attempt to provide a specimen. An employee who does not provide a specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
 - d. In the case of a directly-observed or monitored urine collection in a drug test, fail to permit monitoring or observation of your provision of a specimen.
 - e. Fail to provide a sufficient quantity of specimen without a valid medical explanation.
 - f. Fail or decline to take an additional test as directed by the collector or the employer for drug testing.
 - g. Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
 - h. Fail to cooperate with any part of the testing process.
 - i. Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed urine collection.
 - j. Possess or wear a prosthetic or other device used to tamper with the collection process.

- k. Admit to the adulteration or substitution of a specimen to the collector or MRO.
 - l. Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
 - m. Fail to remain readily available following an accident.
 - n. As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.
- 4) An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of the employee from duty for eight hours or the remainder of the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to a NONDOT alcohol test with a result of less than 0.02 BAC.
- 5) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
- a. Mandatory referral for an assessment by an employer approved counseling professional for assessment, formulation of a treatment plan, and execution of a return-to-work agreement;
 - b. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from Macon County Transit employment.
 - i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in this policy; however, all follow-up testing performed as part of a return-to-work agreement required under this policy is under the sole authority of Macon County Transit and will be performed using non-DOT testing forms.
 - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. **All tests conducted as part of the return-to-work agreement will be conducted under company authority and will be performed using non-DOT testing forms.**
 - d. **A self-referral or management referral to the employer's counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in this policy.**

- e. Periodic unannounced follow-up drug/alcohol testing conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in this policy.
 - f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with Macon County Transit.
 - g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- 6) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

Q. GRIEVANCE AND APPEAL

The consequences specified by 49 CFR Part 40.149 (c) for a positive test or test refusal is not subject to arbitration.

R. PROPER APPLICATION OF THE POLICY

Macon County Transit is dedicated to assuring fair and equitable application of this substance abuse policy. Therefore, supervisors/managers are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any supervisor/manager who knowingly disregards the requirements of this policy, or who is found to deliberately misuse the policy in regard to subordinates, shall be subject to disciplinary action, up to and including termination.

S. INFORMATION DISCLOSURE

- 1) Drug/alcohol testing records shall be maintained by the Macon County Transit Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
- 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.

- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need-to-know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.
- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.
- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Macon County Transit or the employee.
- 10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken
- 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

This Policy was adopted by the Macon County Board of Commissioners on *December 12, 2023*.

**Derek C Roland, County Manager
Macon County**

**Paul Higdon, BOC Chair
Macon County Board of Commissioners**

**Darlene Asher, Transit Director
Macon County**

Attachment A

Macon County Transit – Administration Covered Classifications

<u>Job Title</u>	<u>Job Duties</u>	<u>Testing Authority</u>
Transit Assistant Director	Back up for Transit Coordinator/Operator	FTA
Transit Administrative Support Asst. I	Dispatches/back up Operator	FTA

Macon County Transit Operations & Fleet Services Covered Job Clasifications

<u>Job Title</u>	<u>Job Duties</u>	<u>Testing Authority</u>
Transit Coordinator	Schedules Transit Operators/Back up Operator	FTA
Transit Operator	Safely drive passengers where they need to go	FTA
Garage Fleet Mgmt. Director	Fixes/Repairs Transit Vehicles	FTA
Garage Asst. Fleet Mgmt	Fixes/Repairs Transit Vehicles	FTA
Garage Mechanic	Fixes/Repairs/Inspects Transit Vehicles	FTA
Garage Heavy Truck & Van Mechanic	Fixes/Repairs Transit Vehicles	FTA

Attachment B Contacts

Any questions regarding this policy or any other aspect of the substance abuse policy should be directed to the following individual(s).

Macon County Transit Drug and Alcohol Program Manager

Name: Darlene Asher
Title: Transit Director
Address: 36 Pannell Lane, Franklin, NC 28734
Telephone Number: 828-349-2566

Medical Review Officer

Name: Charlton Owensby, MD
Title: Medical Review Officer
Address: Caromont Occupational Medicine
3700 Moorland Dr.
Charlotte, NC 28226
Telephone Number: 1-800-381-4718

Urine Collection Facility #1

Name: Brooke Breedlove
Address: Macon County Transit
36 Pannell Lane
Franklin, NC 28734
Telephone Number: 828-349-2222

Urine Collection Facility #2

Name: Macon County Public Health
Contact Person: Misty Stiltner
Address: 1830 Lakeside Dr. Franklin, NC 28734
Telephone Number: 828-349-2081

Breath Alcohol Testing

Name: Macon County Public Health
Contact Person: Misty Stiltner
Address: 1830 Lakeside Dr. Franklin, NC 28734
Telephone Number: 828-349-2081

Consortium / Third Party Administrator

Name: Wolfe Inc.
Contact Person: Heather Williams
Address: 681 Cabarrus Ave. W. Concord, NC 28027
Telephone Number: 704-784-2624

Attachment B - Continued

Substance Abuse Professional #1

Name: Z Gary Wright, Western EAP Inc.
Title: Psychologist
Address: P. O. Box 718 Glenville, NC 28736
Telephone Number: 828-399-0134

Substance Abuse Professional #2

Name: Meridian Behavioral Health Inc.
Title: Mental Health/Substance Abuse Servicing
Address: 674 Highlands Rd. Franklin, NC 28734
Telephone Number: 828-524-6342

HHS Certified Laboratory Primary Specimen

Name: LabCorp
Address: 1904 Alexander Drive, RTP, NC 27709
Telephone Number: 1-800-833-3984

HHS Certified Laboratory Split Specimen

Name: Clinical Reference Laboratory
Address: 8433 Quizera Rd. Lenexa, KS 66215
Telephone Number: 1-800-445-6917



36 Pannell Ln. (office)
5 W. Main St. (mail)
Franklin, NC 28734
(828) 349-2222 (phone)
(828) 349-2570 (fax)

ACKNOWLEDGEMENT OF EMPLOYER’S DRUG AND ALCOHOL TESTING POLICY

Attention Employee

I, _____, the undersigned employee, hereby acknowledge that I have received a copy of the anti-drug and alcohol misuse program policy mandated by the U. S. Department of Transportation, Federal Transit Administration for all covered employees who perform a safety-sensitive function. I understand this policy is required by 49 CFR Part 655, as amended, and has been duly adopted by the Macon County Board of Commissioners on October 12, 2021. Any provisions contained herein which are not required by 49 CFR Part 655, as amended, that have been imposed solely on the authority of Macon County are designated as such in the policy document.

I further understand that receipt of this policy constitutes a legal notification of the contents, and that it is my responsibility to become familiar with and adhere to all provisions contained therein. I will seek and get clarifications for any questions from the employer contact person listed in the policy. I also understand that compliance with all provisions contained in the policy is a condition of my employment.

I further understand that the information contained in the approved policy dated January 1, 2018 is subject to change, and that any such changes, or addendum, shall be disseminated to me in a manner consistent with the provision of 49 CFR Part 655, as amended.

Signature of Employee

Date

Witness:

Signature

Date

**RESOLUTION EXEMPTING GEOTECHNICAL ENGINEERING
SERVICES FOR MACON COUNTY SOLID WASTE LANDFILL
CELL DEVELOPMENT IN MACON COUNTY, NORTH CAROLINA,
FROM THE PROVISIONS OF ARTICLE 3D OF CHAPTER 143 OF THE
NORTH CAROLINA GENERAL STATUTES**

WHEREAS, Article 3D of Chapter 143 of the North Carolina General Statutes establishes a general public policy regarding procurement of engineering services; and

WHEREAS, North Carolina General Statutes Section 143-64.32 provides:

"Units of local government or the North Carolina Department of Transportation may in writing exempt particular projects from the provisions of this Article in the case of proposed projects where an estimated professional fee is in an amount less than fifty thousand dollars (\$50,000)"; and

WHEREAS, Macon County is now in need of geotechnical engineering services for development of future landfill capacity in Macon County, North Carolina; and

WHEREAS, the estimated professional engineering fees for the required scope of work related to development of future landfill capacity in Macon County, North Carolina is in an amount less than fifty thousand (\$50,000) dollars.

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF MACON that the proposed engineering services for development of future landfill capacity in Macon County, North Carolina, is hereby exempted in writing from the provisions of Article 3D of Chapter 143 of North Carolina General Statutes pursuant to the provisions of N.C. Gen. Stat. §143-64.32.

Adopted this 12th day of December 2023.

_____, Chairman
Macon County Board of Commissioners

ATTEST:

Derek Roland, County Manager and Clerk to the Board

(COUNTY SEAL)

STATE OF NORTH CAROLINA
COUNTY OF MACON

RESOLUTION SUPPORTING THE IDENTIFICATION OF PARTY AFFILIATION FOR
CANDIDATES FOR MACON COUNTY BOARD OF EDUCATION

WHEREAS, members of the Macon County Board of Education are currently elected as non-partisan candidates; and

WHEREAS, the Macon County Board of Commissioners believes that identification of candidates' party and/or ideological affiliation will provide voters with more information on the policies and positions such candidates support; and,

WHEREAS, approximately one half of the other school districts in North Carolina currently identify their Board of Education candidates by party affiliation; and,

WHEREAS, election clarity and transparency are of upmost importance to insure voters a basis for their decisions.

NOW THEREFORE, IT IS RESOLVED by the Macon County Board of Commissioners as follows:

1. The Macon County Board of Commissioners requests the North Carolina General Assembly establish that henceforth the party affiliation of candidates for the Macon County Board of Education be identified on any/all primary and general election ballots.
2. Further, that this change in the election of the Macon County Board of Education members shall not impact the terms of any current members of the Macon County Board of Education.
3. Further, that this change begin in the next election cycle for members of the Macon County Board of Education in 2025.
4. That this Resolution shall be forwarded to the Senator and Representatives who represent Macon County in the North Carolina General Assembly and a copy be retained in the Office of the Clerk to the Board of Commissioners.

Adopted this _____ day of _____, 2023

Paul Higdon, Chairman
Macon County Board of Commissioners

ATTEST:

Derek Roland, Clerk to the Board

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – CONSENT AGENDA

MEETING DATE: December 12, 2023

Item 15A. Draft minutes from the November 14, 2023 regular meeting are attached for the board's review and approval. (Tammy Keezer)

Item 15B. Resolution Regarding the Examination of Performance Bonds for Public Officials of Macon County is attached for the board's review and approval (Lori Carpenter)

Item 15C. Budget Amendments #85-89 are attached for your review and approval. (Lori Carpenter)

Item 15D. A copy of the holiday schedule for 2024 is attached for your review and approval. This schedule is provided by the NC Office of State Human Resources. (Tammy Keezer)

Item 15E. Tax releases for the month of August 2022 in the amount of \$1,543.73, per the attached memorandum from Tax Collections Supervisor Delena Raby.

Item 15F. A copy of the ad valorem tax collection report as of August 31, 2022. Report only. No action is necessary. (Delena Raby)



MACON COUNTY BOARD OF COMMISSIONERS
November 14, 2022
MINUTES

Chairman Higdon called the meeting to order at 6:00 p.m. All Board Members, County Manager Derek Roland, Deputy Clerk Tammy Keezer, and County Attorney Eric Ridenour were present, as were a number of county employees, media, and citizens. Finance Director Lori Carpenter was not present.

Chairman Higdon recessed the meeting at 6:01 p.m. due to the number in attendance stating the meeting would reconvene shortly in Courtroom A on the fourth floor of the Macon County Courthouse.

Chairman Higdon called the meeting back to order at 6:10 p.m.

ANNOUNCEMENTS: Chairman Higdon announced that the Annual Opioid Funding Meeting would be included in the December 12, 2023, regular meeting agenda with both municipalities invited to attend. Mr. Roland said we have to have one annual meeting per year and this will be the first one we have ever had and that Southwest Commission will also be in attendance. Chairman Higdon stated that Macon County has not spent any of its opioid funding at this time. Chairman Higdon announced that the annual recognition of employees and presentation of service awards would be held at 5:00 p.m. on December 12, 2023, before the regular meeting. Mr. Roland announced that a video presentation of the proposed Franklin High School design is available on the County website at www.maconnc.org.

MOMENT OF SILENCE: Chairman Higdon requested that all in attendance rise and a moment of silence was observed.

PLEDGE TO THE FLAG: Led by Commissioner Shields, the pledge to the flag was recited.

Commissioner Shields made a motion, seconded by Commissioner Young to adjust the agenda in order to hear presentations A and B under Reports and Presentations at this time. There was consensus to make the adjustment and no vote was taken.

PUBLIC HEARING(S): None

PUBLIC COMMENT PERIOD: **Narelle Kirkland** spoke about the views and scenery in Macon County and mentioned ten acres that are available for purchase. She encouraged the board to purchase this property on Tennessee View Drive and establish a park for all residents to enjoy. **Hazel Norris** spoke about the information on social media regarding the location of Franklin High School and confusion over tax rates and requested clarification be provided. Commissioner Shearl and Commissioner Antoine provided some brief comments about speculating the cost of a new high school with and without receipt of the grant. Mr. Roland shared that information came from the financial advisors clarifying that a tax increase would not be the whole source of funding the project. **Betsy Baste** spoke in support of the Fontana Regional Library and proposed that we work together to solve problems that truly exist rather than made-up ones. She identifies problems such as improving healthcare so pregnant mothers do not have to travel to Sylva, NC to deliver a baby, affordable

housing, promoting business and development so people can earn a living wage and afford to live here, applying for grants to pay for schools, promotion of quarter-cent sales tax, clean water, heritage initiatives, etc. **Scott Baste** spoke in favor of the Fontana Regional Library and read information from their website about their mission, vision, and services provided stating those show that they are already politically neutral. **Maryann Ingram** had signed up to speak but was not present when her name was called. **James Burch identified** himself as a part-time Macon County employee at Solid Waste and shared his thoughts about benefits for employees. Chairman Higdon said he would get a written response to Mr. Burch following the meeting. Commissioner Young requested the board discuss this during budget time and see why we can't have some full-time positions in Solid Waste. **Olga Patter** spoke in support of the library and gave some feedback regarding the proposed agreement regarding serving in a neutral social and political manner. **Rebecca Sexton** spoke about Item F under New Business regarding party affiliation for candidates for the Macon County Board of Education. She said the current school board members could not attend tonight because they were at a State meeting. She spoke in opposition to disclosing party affiliation for school board members and feels that has nothing to do with their service, as they serve based on their knowledge of education, awareness of school needs, and ways to solve problems. **Jim Gaston** spoke in opposition to tax increases and an increase in pay for county employees. He spoke in support of the accountability of county funds. **Heather Johnson** spoke in support of the Fontana Regional Library Board and the Macon County Public Library Board. **Sarah Johnson** spoke in support of the library. **Bodie Catlin** spoke in support of a new high school but expressed concern about placing it on a piece of property that is landlocked and questioned whether parking and the size of the proposed sports complex were adequate. She also made comments about the Fontana Regional Library not allowing public comment at their meetings.

ADDITIONS, ADJUSTMENTS TO AND APPROVAL OF THE AGENDA: Upon a motion by Commissioner Young, seconded by Commissioner Antoine, the board voted unanimously to approve the agenda, as adjusted, as follows:

- To add Item 10E under old business, Update on Current Macon County School Projects, Macon Middle School Track, and Nantahala School Sewer Issues, per Commissioner Young.
- To add Item D under Reports and Presentations, Request from Scaly Mountain Historical Society, per Chairman Higdon.
- To add Item B1 under new business, Discussion Regarding Main Street, per Commissioner Higdon.
- To table Item 13A under appointments, Macon County Public Library Board of Trustees, per Commissioner Higdon.
- To remove Item 11G under new business, Discussion and Consideration of Resolution Adopted by the Macon County Board of Elections Regarding Compensation of the Director, per Mr. Roland.

Update on broadband expansion efforts by Charter Communications – Director of Government Affairs with Charter Communications Mike Tranck said Charter is coming to Macon County due to RDOF (Rural Digital Opportunity Fund) awarded in 2021. He indicated that Charter was awarded 8,191 locations which includes homes, businesses, and other locations, and shared a map showing the locations that would be served. Mr. Tranck gave an overview of the processes that have to occur and the order of those processes, including the construction phase which is projected to begin the second quarter of next year with activation projected for the second quarter of 2027. Mr. Tranck talked about information available on their website at www.spectrumruralexpansion.com which allows citizens to see if their area is included in the service area. Mr. Tranck provided a handout of his presentation, a copy of which is available in the office of the Clerk to the Board.

Update on the Frontier GREAT Grant project – Frontier Senior Vice President Allison Ellis gave overview of Frontier and their history as a service provider in

Macon County. She talked about their competitive pricing, not require contracts with customers, having the most advanced technology, and other discounted services offered to customers. Ms. Ellis recognized the broadband committee for working with Frontier and shared her appreciation for their partnership in applying for the GREAT grant. She provided a handout of her presentation, a copy of which is available in the office of the Clerk to the Board.

Interfacility transport and staffing concerns – Emergency Management Director Warren Cabe shared information about situations that have happened in western North Carolina regarding "receiving time" which means the time between when a patient arrives at a medical facility and the time he or she is transferred to another treating facility. He said the average receiving time is 8.4 minutes for Macon County, but that Macon County EMS had one call that was a two hour wait time plus the two hour travel time for a total of five hours in October 2023. Mr. Cabe we are occasionally having these issues but not at the level of some of the counties that you are hearing about on the news and talked about staffing structure and minimum staffing needs and how these long transports impacts staffing and the availability to serve the community needs. Mr. Cabe informed the board that Macon County has occasionally been declining some non-emergency transports because their primary objective is to respond to emergencies. He provided data indicating that from 2019 to 2022 Macon County has seen an eleven percent increase in call volume with eighty-eight percent of of the staff they had previously had. Mr. Cabe stated that EMS regionally is having staffing issues and that he is concerned and even though response times are not bad, he is covering shifts with part-time employees as much as possible and utilizing over-time. Commissioner Shearl asked about how the full-time paramedics are holding up and Mr. Cabe said it depends on the person and how he is able to creatively work or schedule them including assignments in Nantahala to cover a shift where there is less volume of calls following working a long stint in Franklin. He said that financially he has been able to move some funds around to be able to cover the over-time and has been working with NCWorks and County HR on recruitment strategies with a new campaign coming out this week. Commissioner Young commented on the emotional and physical strain emergency responders have endured over the past few weeks. Commissioner Antoine commented about the need to do a better job in taking care of first responders as it is "an exhausting job, a thankless job, and heartbreaking to see what they go through each day".

Request from Scaly Mountain Historical Society – tabled as no one was present to talk about the item.

OLD BUSINESS:

Discussion and Consideration of Retention Pay Policy – Mr. Roland reminded the board in May 2023 that he had informed them that he would be presenting a plan to utilize the premium pay funding shortly after the ability to use the funding for premium pay had ended. He said many counties across the state closed or limited their hours, but he was proud to say that Macon County did not close or decrease services. Mr. Roland Gave examples of opening and staffing a call center for COVID-19, setting up drive-thru vaccination clinics, and continuing all other normal services. He said premium pay allowed the county to be competitive in both private and public service. Mr. Roland referenced an a 52 percent increase in animal control calls , and an increase in building permits and said even though the public health concerns related to COVIC-19 have subsided many of the economic factors continue. He shared information from the October 21, 2021 presentation about the need for premium pay such as the economy and inflation and said that this had no impact on the operating budget. Mr. Roland indicated that regardless of the future we cannot lose sight of what is present today. He said we have done an excellent job managing our pay plan with a cost-of-living (COLA) and step increase, but Macon County is seven percent below the regional average in comparison to at least nine selected positions. Mr. Roland stated that as stated in October 2021, he still believes the

pay plan puts us on the “five-yard line” and the premium pay took us into the end zone” and that it is more important today as both the public and private sectors across the country have done the same things to recruit and retain employees as he is proposing tonight. Mr. Roland reviewed SLFRF (State and Local Fiscal Recovery Funds)/ARPA (American Rescue Plan) Fund Usage nationally and explained how that compares to what Macon County has or is doing. He talked about services that matter today such as having qualified dispatchers to answer 911 calls, maintenance workers available when the sewage is running into the jail, etc. Mr. Roland stated that he feels it is his job as County Manager to give his employees the tools they need to do their job successfully and in the public sector there is no better tool than public servants and the ability to recruit and retain highly qualified employee, and said we need to “Stick with the plan” and proposed that the remaining funding be used for its intended purpose of recruiting and retaining qualified staff. He provided a PowerPoint presentation, a copy of which is available in the office of the Clerk to the Board, showing how this would plan would provide employees with a two-dollar per hour increase in pay during the specified period ending in October 2024 [Attachment 1]. Commissioner Shields made a motion, seconded by Commissioner Antoine to approve the Recruitment and Retention Pay Policy, the Grant Project Ordinance for Macon County American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds, and the budget amendment as presented. Commissioner Young asked why we are reviewing this again as we discussed this two years ago and three members of this board approved it, and said, he is in favor of the plan, supported it two years ago, and is not going to pledge money to employees and then take it back. Mr. Roland explained that he was bringing this back for review and approval because of the change in the use of the ARPA funding. Commissioner Shearl said the board had approved almost 17 million dollars and in April 2023 the federal government said those funds could no longer be used for premium pay and read information about premium pay from a document he said he received from the School of Government. Commissioner Shearl said he feels that we are asking the board to manipulate funds so that we can pay employees two dollars more per hour when these funds can be used for any capital project, and said, “We cannot spend every dime we get trying to make employees happy”. Mr. Roland replied that what we are doing with these funds is perfectly legal followed by Commissioner Shearl asking for Mr. Roland's resignation stating that Mr. Roland had called him a liar. Commissioner Shearl said the budget has increased 25 million dollars under Mr. Roland’s watch. Mr. Roland responded that if Commissioner Shearl and two other members voted, he would tender his resignation tonight. After continued remarks by Commissioner Shearl regarding an email he received from the School of Government in regard to how the funding can be spent and clarification by Mr. Roland, Commissioner Antoine said give it to the employee's. Chairman Higdon commented that in he felt he had been misled in voting for the pay plan and that he did not have any opportunity to know about the previous presentation of premium pay and how we were going to use 6.9 million dollars of taxpayer money before being asked to vote for the plan. He said he thought that premium pay had been put to bed in April yet here we are again. He requested a report on how much money came in to Macon County through ARPA and how that money was spent with full accounting of those funds at the December 2023 meeting. Chairman Higdon stated this board is in charge of the finances of this county and that he told Mr. Roland not to bring this back up prior to tonight’s meeting. He said he wants to put to this issue to bed and cannot vote in favor of this tonight so his vote will be a solid “no”. He said he is not saying employees are not doing a good job, but if pay plan is not paying a competitive wage then that is not what we were told. Commissioner Shearl said he is not against County employees and does not have any personal agenda against any one, but if we did a salary study and it failed then we need to go back to whoever did the study and address it. He said he feels “we have gotten bigger government and bigger budgets”. Vote was 3-2 with Commissioner Shields, Commissioner Antoine, and Commissioner Young voting in favor and Chairman Higdon and Commissioner Shearl opposed.

At 9:11 p.m., Chairman Higdon called a five-minute break. He called the meeting back to order at 9:17 p.m.

Change order for low voltage wiring for the athletic building at Macon Middle School – Mr. Jeff Neal with NOVUS Architects said they discovered that a portion of low voltage wiring and security cameras had not been included in the plan nor the contracts. He said he is not asking for a rework of the design, only to approve the cost of \$91,000 for installation of the system with an overall project cost of \$2.5 million. Mr. Neal clarified that this proposal was not made by the general contractor. Commissioner Young said the intent of this building was to get the boys and girls wrestling teams out of the fairgrounds facility and that he understands the school also wants to use this area for instructional purposes which requires the change. Chairman Higdon asked if this was not originally included and Mr. Neal indicated that there was some disagreement in what NOVUS believed was in the original design and what the school thought was in the design. Chairman Higdon said he represents the taxpayers and would not vote “yes” as someone missed this in the scope of work. Commissioner Shields said he thinks it should be fully utilized and made a Motion to approve, seconded by Commissioner Young to approve the change order in the amount of \$91,000 and direct contract with NCI with the funding coming out of project contingency. Both Commissioner Shields and Commissioner Young said they did not like this and believe someone dropped the ball. Vote was 3-2 with Commissioner Shields, Commissioner Young, and Commissioner Antoine voting in favor and Commissioner Shearl and Chairman Higdon opposed.

Discussion and consideration of Resolution to Amend the Fontana Regional Library Agreement – Commissioner Antoine commented that this has been taken out of proportion, that no one said anything about the library being a bad place. He said the only issue was that the library had pornographic material available to children and that the changes made on the agreement were for the benefit of everyone and not for a political party. Commissioner Antoine reminded those in attendance that we are not the only county involved in this and that the board has no idea at this time what the other counties are going to say or propose to change. He said this is about protecting kids and that the agreement was revised because the current contract was from 2019 to 2023. Commissioner Antoine said we have to wait for the other two counties to see what they have to say and then finalize an agreement. Attorney Ridenour noted a redaction that needed to be made in paragraph VIII (A), to remove the second to last sentence "The withdrawal shall be effective one year from the date of notice" with the last sentence, "The withdrawal shall be effective the following June 30th" remaining as is [Attachment 2]. Commissioner Antoine made a motion, seconded by Commissioner Young to approve the agreement with the redaction noted by Attorney Ridenour. Commissioner Young commented that this agreement is in good faith and we are making an effort to do what is fair. Commissioner Shields said he agrees because it is in the form of a draft for Jackson County and Swain County to review. Commissioner Shearl said Macon County is not the only County having these issues and it must be stopped to protect these kids. Vote was 5-0.

Discussion and Consideration of Resolution in Support of Innovation and Modernization of the Franklin High School CTE Program – Ms. Colleen Strickland reminded the board that last month she had present about an opportunity to submit an application for a Perkins grant in the amount of \$5.1 million with a shared vision between the Macon County Board of Commissioners, Macon County Schools, Southwestern Community College (SCC), and local businesses. Ms. Strickland said she had asked for a resolution to be drafted by Mr. Roland which will help us have a stronger case when applying for additional grants [Attachment 3]. Commissioner Shields made a motion, seconded by Commissioner Antoine, to approve the resolution as presented. Vote was 5-0.

Update on Current Macon County School Projects, Macon Middle School Track and Nantahala School Sewer Issues - Commissioner Young asked Mr.

Todd Gibbs with Macon County Schools to provide an update on the Macon County Middle School (MMS) track project as well as the sewer system at Nantahala School. Mr. Gibbs provided information about the Request for Quotes (RFQ) for the design elements of the MMS track that had been released with a closing date of December 1, 2023. Chairman Higdon asked about the gas smell at MMS. Mr. Gibbs said there have not been any issues since backflow preventers were installed in the manhole at the gym. He indicated that there is still smell on occasion but not at the level or frequency as before so they are going to put a low CFM fan on the top of that building to see if they can draw out the remainder of the gas odor. Chairman Higdon asked if a camera had been placed in the vent pipe to check for leaks. Mr. Gibbs affirmed the completion and said there were some breaks identified, but they had not been sealed or repaired due to their location. Chairman Higdon stated that “sewer gas can kill you and there is no excuse to let this linger”. Commissioner Antoine requested to get this fixed. Commissioner Shields said he agrees but that the school doesn’t know how to fix it followed by some discussion among board members. Chairman Higdon inquires about the status of the sewer issue in Nantahala followed by a discussion about options that had been suggested in the past and options for further consideration. Commissioner Young said we have these lingering items that we want to put to bed and asked if we could not just put out a Request for Proposals (RFP) so that we get a price instead of continuing to “kick the can”. Chairman Higdon said that the school needs to contract with a local soil scientist to look at an adjoining piece of property to see if an on-site wastewater system can be designed and used and if that is not an option then we need to engage with a company that can design and build a water treatment plant.

NEW BUSINESS:

Discussion and Consideration of Bond Release for Old Mud Creek, LLC – Plan Reviewer Joe Allen provided a review of the bond that was entered into in February 2022. He said we had released part of the bond previously on October 2022, and Mr. Scott Cole with Mountain Breeze Subdivision was requesting the remaining amount of \$18,900 to be released as the paving had been completed. Commissioner Shearl made a motion, seconded by Chairman Higdon, to approve the release as requested. Vote was 5-0. Commissioner Young said there are a couple of land disturbance ordinances that need to be revised with one of those being bond releases so that the Planning Board can handle those rather than this board and that we would have a discussion about those in the near future.

Discussion Regarding Town of Franklin Social District and Use of the Gazebo and Clock Tower Squares – Town Manager Aimee Owens and Town Councilman David Culpepper gave an overview of social districts as approved by the North Carolina Legislature sharing that thirty-eight municipalities have approved social districts with Sylva, NC being the closest town to us. Ms. Owens said the town council has been considering social districts since their retreat in February 2023 as this would help promote more events and activities downtown. She referred to a clause in the current Gazebo Square lease that prohibits alcoholic beverages and would like to waive the clause and would like to include the Clock Tower Square in the social district. Mr. Culpepper talked about concerns that had been voiced by the council members and said they feel good about doing this and see it as a benefit to the Town and County. Ms. Owens said the only cost to the Town would be the purchase of signage and specialty cups. Mr. Culpepper said the need for an increased police presence was a concern in Jackson County but that has not occurred. Commissioner Shields asked why this hasn't been discussed with the Franklin Area Tourism Development Commission for their input. Mr. Culpepper said he is not asking this board to approve a social district, but only to have this board’s approval of the change in the lease. After additional discussion, Commissioner Higdon asked what the pleasure of the board was, and with no motion made he responded that the topic failed.

Discussion Regarding Main Street – Chairman Higdon said there are some issues with the conditions of Main Street such as sidewalks and he would like to appoint a committee to work on the issue. He requested Mr. Roland represent the County and work with the Town of Franklin to bring to this board a proposed design and budget to include Main Street from Bryant-Grant Funeral Home to the top of Town Hill. Chair Higdon stated the design should include sidewalks and handrails. Commissioner Young said he wants us to work with a design professional. Chairman Higdon requested Mr. Roland bring the design and budget back to this board in a couple of months. Mr. Roland requested clarification on what authority the County has in doing anything with sidewalks. Mr. Culpepper said not much and informed the board that the Town of Franklin has worked with the NC Department of Transportation as much as possible.

Discussion and Consideration of Bids for Two Parcels in Cartoogechaye Creek Campground – Mr. Ridenour reviewed the offer to purchase property that the County closed on last year. He shared that the taxes owed at that time were \$15,725 with the current tax value of \$17,000 for the lot with the house (PIN 6553850133) and \$15,000 for the adjoining lot (PIN 6553820151). Mr. Ridenour said the properties are worth the tax value to which Commissioner Young agreed. Chairman Higdon said it has been board policy to consider bids for surplus property that start at least equal to the tax value. No further action was taken.

Discussion and Consideration of Resolution Supporting Operation Green Light for Veterans – Veteran Services Director Leigh Tabor read the resolution and requested approval [Attachment 4]. Commissioner Shields made a motion, seconded by Chairman Higdon, to approve the resolution as presented. The vote was 5-0.

Discussion and Consideration of Resolution to Request the NC Legislature Revise the Macon County Board of Commissioners Election System to Allow Candidates in all Districts to Run for County Commissioner Every Two Years – Chairman Higdon explained the resolution and made a motion, seconded by Commissioner Shearl to send the resolution to the NC House and Senate for approval [Attachment 5]. Commissioner Shields said he likes the system we have now and would vote “no” on this proposal. Commissioner Young asked if we go to a three-district system does it now have to be equal and said he would like for it to have public involvement and go to a public hearing. Commissioner Antoine said he likes the idea of making this fair across the board. Commissioner Shearl said districts would have to be redrawn to be equal in population. The vote was 3-2 with Commissioner Shearl, Commissioner Antoine, and Chairman Higdon voting in favor and Commissioner Young and Commissioner Shields opposed.

Discussion and Consideration of Resolution Supporting the Identification of Party Affiliation for Candidates for Macon County Board of Education – Commissioner Shearl said in the 2022 election there were two school board candidates from the same party and even though that is a non-partisan issue those two candidates were both republican were running for the same seat and appeared on the republican ballot which caused the ballots to get kicked out. He stated the voters then had the choice of either re-doing their entire ballot or making their vote for the school board seat void with most voters deciding not to redo their ballot which led to an unfair election. Commissioner Shearl said that because of these kinds of issues approximately 50 school districts in the State of North Carolina out of 115 or 116 districts are identifying the school board races as partisan. He said with the resolution we are asking State leaders to introduce a local bill to make Macon County School Board races a patrician race as well [Attachment 6]. Shields said he would say party politics has not been an issue on the Board of Education and feels the Board of Education is a different responsibility because it is education and he opposes the resolution. Commissioner Shields said he would refer back to a statement made by Chairman Higdon earlier in the meeting indicating that he had no opportunity to discuss an agenda item beforehand. He said he had no opportunity to discuss this resolution with the Board of Education and feels this is unfair for that board

to not have input into this decision. Commissioner Antoine said he feels this item should be tabled until we can speak to the Board of Education. Commissioner Young said he had not seen this item until the agenda packet was received and feels there should be public input. Upon consensus, the item was tabled until the December 12 meeting.

Discussion and Consideration of Resolution Adopted by the Macon County Board of Elections Regarding Compensation for the Director – Removed.

CONSENT AGENDA: Upon a motion by Commissioner Shields, seconded by Commissioner Young, the board voted unanimously to approve the consent agenda as presented, which includes: (A) Minutes of the October 10, 2023 regular meeting, (B) Budget Amendments #71-77, (C) Macon County Transit Addition Site Revisions, (D) Tax releases for the month of October 2023 in the amount of \$601.12, (E) Relief of the Taxing Unit for Collection of Real Estate Taxes that are Ten Years Past Due in the amount of \$38,080.07, (F) Monthly ad valorem tax collection report for which no action is necessary.

APPOINTMENTS:

MACON COUNTY PUBLIC LIBRARY BOARD OF TRUSTEES (1 seat) – Upon consensus, this item was tabled until the December meeting.

CLOSED SESSION – None.

ADJOURN: With no other business, at 11:23 p.m., upon a motion from Commissioner Shearl, seconded by Commissioner Shields, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Paul Higdon
Board Chair

**RESOLUTION
EXAMINATION OF OFFICIAL BONDS
FOR PUBLIC OFFICIALS OF MACON COUNTY**

WHEREAS, pursuant to North Carolina General Statutes §58-72, the Macon County Board of Commissioners is required each year to examine carefully the bonds of the public officers listed in North Carolina General Statute §58-72-10 and must give bonds with sufficient surety in order for them to qualify for office. The bonds shall be in accordance with varying General Statutes as related to the following positions:

1. **County Finance Officer** – Bond in an amount not less than the greater of the following: (1) \$50,000 or (2) An amount equal to 10% of the unit’s annually budgeted funds, up to \$1,000,000 [N.C.G.S. §159-29(a)]. Current surety is Ohio Casualty Insurance Company, Bond No. 018233608, in the amount of \$1,000,000.
2. **Tax Collector** – Bond must be given for satisfactory collection of taxes; amount at discretion of Board of Commissioners [N.C.G.S. §105-349(c)]. Current surety is Ohio Casualty Insurance Company, Bond No. 3792517, in the amount of \$250,000.
3. **Register of Deeds** – Bond of not less than \$10,000 nor more than \$50,000, approved by the Board of Commissioners, and payable to the State (N.C.G.S §161-4). Current surety is Ohio Casualty Insurance Company, Bond No. 3792517, in the amount of \$50,000.
4. **Sheriff** – Bond shall be in an amount not more than \$25,000 (N.C.G.S §162-8). Current surety is Western Surety Company, Bond No. 72512420, in the amount of \$25,000.

WHEREAS, the Macon County Finance Office has secured official bonds from Ohio Casualty Insurance Company and Western Surety Company for the above referenced public officials for the Macon County Board of Commissioners’ consideration and approval;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Macon County Board of Commissioners that official bonds for the public officials referenced above in the recommended amounts from Ohio Casualty Insurance Company and Western Surety Company are hereby approved.

Adopted this the 12th day of December, 2023.

Chairman, Macon County Board of Commissioners

ATTEST:

(Seal)

Ex Officio Clerk to the Board

2024 Holiday Schedule

Holiday	Observance Date	Day of Week
New Year's Day	January 1, 2024	Monday
Martin Luther King, Jr. Birthday	January 15, 2024	Monday
Good Friday	March 29, 2024	Friday
Memorial Day	May 27, 2024	Monday
Independence Day	July 4, 2024	Thursday
Labor Day	September 2, 2024	Monday
Veterans Day	November 11, 2024	Monday
Thanksgiving	November 28 & 29, 2024	Thursday & Friday
Christmas	December 24, 25 & 26, 2024	Tuesday, Wednesday & Thursday

Macon County Tax Office
5 West Main Street
Franklin, NC 28734



Phone: (828)349-2149
[draby\(tv.maconnc.org\)](mailto:draby(tv.maconnc.org))

TO: MACON COUNTY COMMISSIONERS

FROM: Macon County Tax Collector's Office
 Delena Raby, Tax Collections Supervisor

DATE: December 05, 2023

RE: Releases for November, 2023

Attached please find the report of property tax releases for real estate and personal property that require your approval in order to continue with the process of releasing these amounts from the tax accounts. Please feel free to contact me if you should have any questions. The report of releases in alphabetical order is attached.

AMOUNT OF RELEASES FOR NOVEMBER, 2023: \$ 1,543.73

RELEASES REPORT
Macon County

NAME	BILL NUMBER		OPER	DATE/TIME	DISTRICT	VALUE	AMOUNT
129733 ALLAN, GARY	2023-68607	DY:ORP:6578429341	DLR	12/31/9999 3:42:12 PM			
		CLERICAL ERROR			G01 NSF FEE	0.00	25.00
		RELEASE NSF FEE			TOTAL RELEASES:		25.00
5847 DOUTHIT, CECIL	2023-55764	DY: PERSONAL PROPERTY	LAS	12/31/9999 2:58:16 PM			
		CLERICAL ERROR			F09 ADVL TAX	15,000.00	7.31
		CLERICAL ERROR			G01 ADVL TAX	15,000.00	40.50
		CLERICAL ERROR			L01 FFEEFEE	15,000.00	108.00
		MOBILE HOME IS ON REAL PROPERTY			TOTAL RELEASES:		155.81
137030 GLEKEL, SIMONA A.	2023-67695	DY:ORP:6576346727	LAS	12/31/9999 8:50:13 AM			
		CLERICAL ERROR			F07 ADVL TAX	155,485.00	121.59
		CLERICAL ERROR			G01 ADVL TAX	155,485.00	419.81
		OA DID NOT APPLY ONTO THE BILL			TOTAL RELEASES:		541.40
47181 HAMPTON, BENNY L.	2023-71117	DY:ORP:6582551972	LAS	12/31/9999 2:40:28 PM			
		CLERICAL ERROR			L01 FFEEFEE	0.00	108.00
		SHOULD NOT HAVE BEEN BILLED FOR TWO LANDFILL FEES			TOTAL RELEASES:		108.00
146605 PORAK, WESLEY F. TTEE	2023-60108	DY:ORP:6531267786	LAS	12/31/9999 4:10:42 PM			
		CLERICAL ERROR			F05 ADVL TAX	81,300.00	39.59
		CLERICAL ERROR			G01 ADVL TAX	81,300.00	219.51
		THE SQUARE FOOTAGE WAS INCORRECT			TOTAL RELEASES:		259.10
151971 RISH, B.C. LIFE ESTATE	2023-300548	DY:ORP:7517406735	ZAD	12/31/9999 3:34:27 PM			
		CLERICAL ERROR			F11 ADVL TAX	290.00	0.24
		CLERICAL ERROR			G01 ADVL TAX	290.00	0.78
		CLERICAL ERROR- CORRECTED ACREAGE- BEING TAXED IN JACKSON COUNTY FOR ACREAGE			TOTAL RELEASES:		1.02
153546 SANDERS, DEARRELL W	2023-65559	DY:ORP:6572268526	LAS	12/31/9999 12:00:00 AM			
		ILLEGAL TAXES OR LEVIED FOR AN ILLEGAL PURPOSE			L01 FFEEFEE	0.00	108.00
		DWELLING UNINHABITABLE			TOTAL RELEASES:		108.00
148815 WRIGHT, MARTIN	2023-57280	DY:ORP:6499012856	LAS	12/31/9999 11:20:13 AM			
		CLERICAL ERROR			F03 ADVL TAX	70,030.00	48.32
		CLERICAL ERROR			G01 ADVL TAX	70,030.00	189.08
		CLERICAL ERROR			L01 FFEEFEE	70,030.00	108.00
		DWELLING SHOULD BE TAXES AS A STORAGE BUILDING			TOTAL RELEASES:		345.40

NET RELEASES PRINTED: 1,543.73

TOTAL TAXES RELEASED

1,543.73

Macon County
Advalorem Tax Collections Report
Year To Date November 2023 Tax Year 2023

TAX YEAR 2023 Month To Date November 2023 Tax Year 2023

Month to Date	Beginning Balance	Levy Added	Less Releases	Less Administrative Refunds	Less Write Offs	Equals Adjusted Levv	Less Payments	Outstanding Balance
General Tax	18,304,926.87	252.73	-280.51	0.00	-7.94	18,304,891.15	-6,477,560.30	11,827,330.85
Fire Districts	2,829,580.63	40.60	-52.66	0.00	-1.81	2,829,566.76	-1,035,353.07	1,794,213.69
Landfill User Fee	1,732,942.09	13,824.00	0.00	0.00	-2.54	1,746,763.55	-670,563.54	1,076,200.01
TOTAL:	22,867,449.59	14,117.33	-333.17	0.00	-12.29	22,881,221.46	-8,183,476.91	14,697,744.55

TAX YEAR 2023 Year To Date November 2023 Tax Year 2023

Year to Date	Beginning Balance	Levy Added	Less Releases	Less Administrative Refunds	Less Write Offs	Equals Adjusted Levv	Less Payments	Outstanding Balance	This Year	Last Year
									Collection Percentage Tax Year 2023 As of 11/30/2023	Collection Percentage Tax Year 2022 As of 11/30/2022
General Tax	0.00	33,627,623.09	-48,294.63	0.00	-1357.67	33,577,970.79	-21,750,639.94	11,827,330.85	64.78%	66.75
Fire Districts	0.00	4,872,624.26	-8,019.96	0.00	-239.00	4,864,365.30	-3,070,151.61	1,794,213.69	63.12%	65.92
Landfill User Fee	0.00	2,977,128.00	-3,672.00	0.00	-9.09	2,973,446.91	-1,897,246.90	1,076,200.01	63.81%	68.42
TOTAL:	0.00	41,477,375.35	-59,986.59	0.00	-1605.76	41,415,783.00	-26,718,038.45	14,697,744.55	64.51%	66.77

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – APPOINTMENTS

MEETING DATE: December 12, 2023

16A. **Macon County Public Library Board of Trustees (1 seat)** – This item was tabled at the November 10, 2023 regular meeting. Please see the attached email from County Librarian Abby Hardison, recommending the appointment of Ms. Marsha Moxley. Also attached is Ms. Moxley’s application, the Macon County Public Library Board of Trustees Bylaws (Section 3.3) containing the membership qualification requirements, and the resignation communication from Mr. Bill Trotter.

Tammy Keezer

From: Abby Hardison <ahardison@fontanalib.org>
Sent: Wednesday, October 11, 2023 11:51 AM
To: Tammy Keezer
Cc: droland; Tracy Fitzmaurice; Bill Dyar; Marsha Moxley
Subject: Application for MCPL board to fill current opening for Hudson Library representative
Attachments: Moxley.MCPLBoardAppPacket.Oct.2023.pdf; Trotter.Resign.MCPLBoard.Aug.2023.pdf; MCPL Bylaws revised 10.7.14.pdf

Hello Ms. Keezer,

Attached is an application and background information for the MCPL board of trustees by Macon county resident Marsha Moxley. We respectfully request that the Macon County Commissioners give consideration to this appointment application in order to fill the opening made by the resignation of Bill Trotter, which is also attached.

Ms. Moxley currently chairs the Hudson Library Board of Trustees, and therefore meets the qualification stated in the attached MCPL Board of Trustees Bylaws (Section 3.3) that two trustees of the MCPL board also be trustees of the Hudson Library. Please let me know if any additional information is necessary.

Thank you,

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Abby Hardison
(ahardison@fontanalib.org)
County Librarian
Macon County Public Library

149 Siler Farm Rd.

Franklin, NC 28734

Voice: (828) 524-3600

Fax: (828) 524-9550

"Opinions expressed in this message may not represent the policy of my agency. All e-mail sent to or from the Fontana Regional Library e-mail systems is subject to monitoring and disclosure to third parties, including law enforcement personnel."

Application for Appointment to Macon County Authorities, Boards, Commissions and Committees

The Macon County Board of Commissioners believes all citizens should have the opportunity to Participate in governmental decisions. The Board wants to appoint qualified, knowledgeable and dedicated people to serve on authorities, boards and committees. If you have an interest in being considered for an appointment to any advertised vacancy, please thoroughly complete the form below before the advertised deadline and choose from the following options.

Mail to: County Manager's Office
5 West Main Street
Franklin, North Carolina 28734
or FAX to: 828-349-2400

Any Questions, please call the County Manager's Office at (828) 349-2025

Name of Authority, Board or Committee applying for: Macon Co. Library Board

Name Marsha Moxley

Address 1201 Highlands Mt. Rd. City Highlands NC Zip NC 28735

Telephone: Home cell work 409-247-8814

Occupation Retired Nurse

Business Address

Email Address marsha.moxley@gmail.com

Briefly explain any anticipated conflict of interest you may have if appointed:
X

Educational Background
RN BSN MA

Business and Civic Experiences/Skills:
Served on many Nat. Boards

Areas of Expertise and Interest/Skills:

List any Authorities, Boards, Commissions or Committees presently serving on:

SIGNATURE: Marsha Moxley DATE: 10/10/23

Marsha Moxley's BIO

Marsha Moxley has an extensive experience in a variety of positions in healthcare including long-term care, managed care and acute care industry. Additionally, she also has experience as faculty at two schools of nursing. She has over 30 years of extensive experience in quality improvement, quality standards, customer satisfaction. The past 20 + years has been in LTC industry with oversight of a quality infrastructure for a national large multi-facility chain. She is a Master Examiner and a Team Leader for over 15 years for the AHCA/NCAL National Senior Examiner Quality Award Program.

Marsha Moxley has a Bachelor of Science in Nursing from the Medical University of South Carolina, and Masters in Health Care Administration. She has Certification from HCQB: Certified Professional in Healthcare Quality, 1993 to present. She also achieved Fellowship in 2011 with the National Association of Healthcare Quality (NAHQ). She is a member of NAHQ and has served on NAHQ's Leadership Council, Fellowship and Nominating Committees. She is the Past President Florida Association of Healthcare Quality. She has served on numerous committees for FAHQ most recently as the Team Leader for CPHQ 2009-20113, Newsletter committee 2010-2011 and is a FAHQ Board Director for 2011-2014. Marsha has served as a member of the AHCA QI Committee and the Education Committee for AHCA Annual Convention. She is currently in her second term as a board member & Co-Chair of the AHCA Quality Awards Examiners and Overseers Board.

Marsha has been a speaker for Florida Association of Healthcare Quality, the North Carolina Association for Healthcare Quality. And for the National Association of Healthcare Quality. She is an instructor for CPHQ prep course for FAHQ and has been a speaker for FAHQ Webinar series. She has also been a speaker at AHCA/NCAL annual convention and for the AHCA/NCAL QI Symposium, PHCA, OHCA, TxHCA, SCHACA, NCFCA and PCC Summit.

Marsha Moxley

PO Box 1915 Highlands, NC 28741

marsha.moxley@gmail.com

(407) 247-8814

Professional Strengths

- Exceptional oral and written communication and presentation skills
- Excellent ability to establish and maintain teamwork environment
- Able to work independently on multiple projects with minimal supervision
- Energetic and organized individual that thrives in both team and individual environment
- Over 30 years of extensive experience in quality improvement, quality standards, customer satisfaction.
- Over 20 years in LTC industry with oversight of a quality infrastructure for a national large multi-facility chain.
- Master Examiner and a Team Leader for over 15 years for the AHCA/NCAL National Quality Award Program.

Professional Experience

Team TSI

VP Quality – August 2010 to August 2017

Albertville, AL

- Developed and implemented a Quality Management Suite for Customers
- Educator for company for customers on product and how to run various reports
- Collaborate with customers to customize their reports

Golden Living

VP Quality – March 1996 – December 2010

Fort Smith, AR

- Accountable for oversight of Quality Program for 650 facilities in 38 states
- Facilitator of Corporate Quality Council
- Responsible for training and education of regarding quality improvement and other company-wide initiative roll outs
- Facilitator for multiple Cross functional teams such as Strategic Planning, Policy and Procedures for Infection Control, Survey Regulations, etc.

Blue Cross Blue Shield

Quality Management Coordinator – March 1995 – March 1996

Orlando, FL

- Responsible for regulatory readiness

- Accountable for data management for Quality Council and for regulatory
- Facilitated numerous QI teams

Central Florida Regional Hospital

Director of Quality – March 1983- March 1996

Sanford, FL

- Accountable for Medical Staff, Medical Records, Infection Control, Employee Health, HIM, Regulatory (JCAHO) compliance and Education for all staff
- Quality Coach for organization
- Responsible for roll out of QI training and infrastructure for hospital
- Facilitated multiple PI teams

ORMC

Staff Nurse- Oncology- June 1981-March 1983

Orlando, FL

VA Medical Center

Staff Nurse – 6 Bed Endocrinology Unit- August 1980- June 1981

Charleston, SC

National Institutes of Health

Staff Nurse – Surgical Oncology– June 1976- August 1980

Bethesda, MD

Education

Bachelor of Science in Nursing – Medical University of SC

May 1976

Master of Arts in Healthcare Administration – Webster University

May 1994

CPHQ - Certified Professional in Healthcare Quality – NAHQ - 1991 to present

FNAHQ – Fellowship with NAHQ – September 2011 to present

Professional Activities

- Member National Association of Healthcare Quality since 1991
- NAHQ Fellowship Program Committee member, NAHQ's Leadership Council and Nominating Committees
- FAHQ, Past President, Director and Education Committee Chair
- Member of FAHQ since 1991 – Emeritus Status

- AHCA QI Committee and the Education Committee for AHCA Annual Convention
- Board Member of American Association of Healthcare Quality Board of Overseers for the National Quality Award Baldrige based Program – 2 terms, presently serving 2nd term
- Volunteer Master Examiner (Gold Level- Baldrige Criteria) over 15 years National Speaker on Quality and various Healthcare topics for the Florida Association of Healthcare Quality, the North Carolina Association for Healthcare Quality. And for the National Association of Healthcare Quality. She was an instructor for CPHQ prep course for FAHQ and has been a speaker for FAHQ Webinar series. She has also been a speaker at AHCA/NCAL annual convention and for the AHCA/NCAL QI Symposium, PHCA, OHCA, TxHCA, and PCC Summit.



Fw: Trotter's Resignation from the MCPL Board of Trustees

Bill Dyar <billdyar@frontier.com>
Reply-To: Bill Dyar <billdyar@frontier.com>
To: Abby Hardison <ahardison@fontanalib.org>

Sat, Aug 5, 2023 at 4:54 PM

Hi Abby,

I'm forwarding Bill Trotter's trustee resignation email to you. He's sent the same email to Paul Higdon.

Bill

-- Forwarded Message --

From: Bill Trotter <bill@trotterjones.com>
To: "paul.hidgon@maconnnc.org" <paul.hidgon@maconnnc.org>; Bill Dyar <billdyar@frontier.com>
Sent: Saturday, August 5, 2023 at 10:46:17 AM EDT
Subject: Trotter's Resignation from the MCPL Board of Trustees

Gentlemen, effective August 2, 2023, please accept my resignation from the Macon County Public Library Board of Trustees. It has been both an honor and a pleasure to have served on the Board under Bill Dyar's outstanding leadership. Bill Trotter

William A. Trotter, III
Attorney

3615 Walton Way Ext
Augusta, GA 30909

Phone: (706) 737-3138

Fax: (706) 738-3973

Mobile: 706-373-3295

Email: bill@trotterjones.com

Website: www.trotterjones.com

TROTTER
JONES

CONFIDENTIAL COMMUNICATION: The information contained in this message may contain legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or duplication of this transmission is strictly prohibited. If you have received this communication in error, please notify us by telephone or email immediately and return the original message to us or destroy all printed or electronic copies. Nothing in this transaction is intended to be an electronic signature nor to constitute an agreement of any kind under applicable law unless otherwise expressly indicated. Intentional interception or dissemination of electronic mail not belonging to you may violate federal or state law.

FUNDS IN PROPER FORMAT

Georgia law (O.C.G.A. Section 44-14-13, the "Goad Funds" law) requires all funds to be received by the closing attorney in excess of \$5,000.00 be in the form of a wire. For amounts in between \$1,000.00 and \$5,000.00, a certified check issued by a local bank will be accepted. If you have any questions regarding these requirements, please contact the closing department so as to avoid any delay in the disbursement of your closing. Personal checks will be accepted for less than \$1,000.00, at the discretion of the closing attorney. If you need to transmit funds by wire, please contact us for wiring instructions. If you are arranging funds in advance of our preparation of the Settlement Statement, we recommend discussing the estimated amount due at closing with your Lender, then wiring that amount to us. Certified checks, if applicable, should be payable either to "TROTTER JONES, LLP", or to your own name and then endorsed to us at closing.

WARNING - FRAUDULENT FUNDING INSTRUCTIONS

Email hacking and fraud are on the rise to fraudulently misdirect funds. Please call your escrow officer immediately using the contact information found from the independent source, such as the sales contract or internet, to verify any funding instructions received. We are not responsible for any wires sent by you to an incorrect bank account.

BYLAWS

OF THE MACON COUNTY PUBLIC LIBRARY BOARD OF TRUSTEES

Article 1: Name and Principal Office

- Section 1.1** The name of this organization is the Macon County Public Library. Macon County Public Library is a member of the Fontana Regional Library, Inc. and is governed by Fontana Regional Library's Board of Trustees.
- Section 1.2.** The principal office is located at 149 Siler Farm Road, Franklin, North Carolina.
- Section 1.3** Hudson Library in Highlands, NC and Nantahala Community Library in Tipton, NC are branches of the Macon County Public Library and members of Fontana Regional Library.

Article 2: Description and Purpose

- Section 2.1** The purpose of the Macon County Public Library is to provide the public of Macon County with excellent service and convenient access to resources for their educational, informational, and recreational needs.
- Section 2.2** The Macon County Public Library Board of Trustees is an advisory board whose purpose is to oversee the libraries of Macon County.
- Section 2.3** Recommendations on construction and improvement of the physical facilities shall be made to the Macon County Board of Commissioners.
- Section 2.4** Recommendations on library services and operations shall be made to the Fontana Regional Library Board of Trustees.

Article 3: Board of Trustees

- Section 3.1** Members of the Macon County Public Library Board of Trustees are appointed by the Macon County Board of Commissioners.
- Section 3.2** The number of Trustees constituting the Macon County Public Library Board of Trustees shall be no less than seven and no more than nine.
- Section 3.3** At least two Trustees appointed to the Macon County Public Library Board of Trustees will be Trustees of the Hudson Library Board of Trustees to ensure continuity and communication.
- Section 3.4** To be eligible to serve as a Trustee, a person must be a permanent resident of Macon County.
- Section 3.5** Trustees shall serve no more than two consecutive full terms and no single term will be longer than three years.
- Section 3.6** Trustees shall be appointed in staggered terms to promote consistency as well as to accommodate change.
- Section 3.7** The membership of any Trustee may be terminated for good and sufficient cause by majority vote of the Trustees currently in office. Failure to attend three consecutive regular Board meetings without being excused may be considered "good and sufficient cause."
- Section 3.8** Vacancies due to Trustee resignations shall be filled with appointments by the Macon County Board of Commissioners.
- Section 3.9** Trustees shall serve without compensation, but may be reimbursed for reasonable expenses incurred in the performance of their duties as trustees.

Article 4: Officers and Regional Board Members

- Section 4.1** The Macon County Public Library Board of Trustees shall appoint three of their members to serve on the Fontana Regional Library Board of Trustees. Consideration should be given to including representatives from all branches of the Macon County Public Library on the Fontana Regional Library Board.
- Section 4.2** A Trustee appointed by the Macon County Public Library Board of Trustees to the Fontana Regional Library Board shall continue to serve as a member of the Fontana Regional Library Board until his term on the Fontana Regional Library Board expires or his membership on that Board is terminated. During that period of time, the Trustee shall serve as an ex-officio member of the Macon Library Board.
- Section 4.3** Officers of the Macon County Public Library Board of Trustees shall be chosen annually at the regular June meeting. They shall be Chairman and Vice-Chairman/Secretary.
- Section 4.4** The Chairman shall preside at all meetings, and generally perform the duties of a presiding officer. In the absence of the Chairman, the Vice-Chairman shall preside.
- Section 4.5** The Secretary shall be responsible for keeping a true and accurate account of all proceedings at meetings; shall issue notices of regular meetings and special meetings; shall have custody of minutes and other records of the Board; and shall notify the appointing body of vacancies on the Board. These duties may be delegated to the County Librarian as a regular matter.

Article 5: Meetings

- Section 5.1** The Macon County Public Library Board of Trustees shall hold regular bimonthly meetings on the first Tuesdays of February, April, June, August, October, and December.
- Section 5.2** Meeting locations will take place in accordance with the annual schedule of meetings.
- Section 5.3** Special meetings may be called by the Chairman or upon the request of two members of the Board, with notification thereof to be given to the members and the public at least 48 hours before the meeting.
- Section 5.4** A simple majority of the total number of the Macon County Public Board of Trustees shall constitute a quorum. The action of the majority of the Trustees present at a meeting shall constitute an action of the entire Board of Trustees.
- Section 5.5** The order of business at regular meetings shall be as follows:
Call to order
Approval of minutes
Librarian's report
Report from Fontana Regional Library Board members
Report from Hudson Library Board members
Unfinished business
New business
Adjournment

Article 6: Amendments

- Section 6.1** These Bylaws may be amended at any regular meeting of the board with a quorum present; by unanimous vote of the members present, provided the amendment was stated at the previous meeting.