

Macon County



**MACON COUNTY BOARD OF COMMISSIONERS
JANUARY 9, 2024
6 P.M.
AGENDA**

1. Call to order and welcome by Chairman Shields
2. Announcements

(A) A Special Meeting will be held on Thursday, February 8, 2024 at 1:00 p.m. for the budget kickoff for Fiscal Year 2025. The meeting will be held in the Commissioners Board Room located at 5 West Main Street, Franklin, NC.

3. Moment of Silence
4. Pledge of Allegiance
5. Public Hearing(s) – None
6. Public Comment Period
7. Additions to agenda

8. Adjustments to and approval of the agenda

9. Reports/Presentations

(A) BalsamWest Broadband Update – Matt Saenger, Director of Sales and Marketing with BalsamWest

10. Old Business

(A) Consideration and Approval of Bids for Phase IA of the New Master Plan for the Macon County Recreation Park – Parks and Recreation Director Seth Adams

(B) Consideration of design professional for Macon Middle School Track – Macon County School System

11. New Business

(A) Discussion and Approval of the Updated Drug and Alcohol Policy for Macon County Transit – Transit Director Darlene Asher

(B) Discussion and Approval of Commissioner Liaison Appointments
Chairman Gary Shields

(C) Discussion and Approval of Updated Environmental Health Fee Schedule
– Health Director Kathy McGaha

12. 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 December 12, 2023 regular meeting

(B) Budget Amendments #100-104

(C) Resolution Exempting Surveying Services for Deal Farm
Easement

(D) Tax releases for the month of December in the amount of \$461.02

(E) Monthly ad valorem tax collection report – no action necessary

13. Appointments

(A) Macon County Public Library (1 seat)

(B) Area Agency on Aging Advisory Council (1 seat)

14. Closed session as allowed under NCGS 143-318.11

15. Adjourn/Recess

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – REPORTS/PRESENTATIONS

MEETING DATE: January 9, 2024

9A. Matt Saenger with Balsam West will be providing an update to the board. A copy of his talking points are included in your packet.

BalsamWest Update for the Macon County Board of Commissioners

January 9th, 2024

Nantahala Project – Phase 1 – Extending core network into Nantahala area

1. 5 Macon County Offices
2. Library – Fontana Regional Library
 - 80% permits received.
 - Construction is expected to start in the middle of January
 - A 3 month build is expected, dependent upon permits and weather conditions

Nantahala Project – Phase 2

1. Working with School board and Macon County to establish a location for Point of Presence. On and off ramp – Enable us to offer Gig to multi-Gig services to residents and businesses.
2. Expand network to the Lake – Lakes End area – High priority
 - Evaluating options now – Hybrid deployment – Point to Point wireless

Great Grant -In October awarded Great Grant to serve 233 Households and 30 businesses. 2 year performance period but we expect to complete in 1 year.

- Tessentee and Middle Creek area – 58
 - Handful on Stillhouse Rd – 6
 - Scaley – 38
 - Highlands – 131
1. Interviewing engineering firms now – Mid January we plan on selecting a contractor.
 - March will submit pole permits
 - August expect to begin construction
 - Build will enable BalsamWest to serve others not included in the Great Grant
 2. We wish we could have gotten more funding, as we have proven we can get the job done
 - **Georgia Rd and Otto/Scaley Mnt** – This has been a huge success – I'll provide stats

In conclusion– We believe we have a great relationship with the county

- 50% of BalsamWest staff are residents of Macon County – That's over a Million dollars in annual salary that comes to Macon County.
- We are committed to supporting the county, and if there are other areas of focus, we are eager to work with the county and the broadband committee to solve connectivity issues.

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – OLD BUSINESS

MEETING DATE: January 9, 2024

10(A). Parks and Recreation Director Seth Adams will present the bids received for Phase IA of the new Recreation Park Master Plan for consideration and approval. Due to the Recreation Board meeting on the same day as the Board of Commissioners meeting, the final approval of the Rec Board will not happen until the morning of January 9, 2023. However, Mr. Adams and the Commissioner Liaisons will be able to provide detailed information on the selection process and responses to the RFP at the meeting.

10(B). A representative from the Board of Education will provide an update on the recommendation of a design firm for the Macon Middle School track. At a special meeting on December 21, 2023, the Board of Education made a recommendation to approve LS3P from the three firms that responded to the RFQ.

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – NEW BUSINESS

MEETING DATE: January 9, 2024

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

11 (B). Mr. Shields will present the committee and board liaisons for 2024 for approval. A copy of the proposed assignments will be distributed at the meeting.

11 (C). A copy of the Environmental Health Services fee plan is included in your packet with some highlighted changes. Ms. McGaha will be present at the meeting to explain the details and reason for the changes as they related to NC Onsite Wastewater Rule changes that took effect January 1, 2024.

Macon County Transit

Memorandum

To: Macon County Board of Commissioners

From: Darlene Asher

CC: Derek Roland, County Manager

As you are aware Macon County Transit falls under USDOT for all drug and alcohol testing. On May 02, 2023, the [USDOT published an updated final rule with revisions to 49 CFR Part 40](#). This regulation is the USDOT's drug and alcohol testing regulation. The newly revised version of [49 CFR Part 40](#) became effective on June 1, 2023.

This new rule allows for an oral fluid collection or a urine collection for any DOT-regulated test. [I.e. pre-employment, random, reasonable suspicion, post-accident]

Attached you will find the updated drug and alcohol policy for MCT. The updated policy is still a zero tolerance policy. The update only took out the word urine before the word specimen. Now the policy just says "Specimen"

At this time, MCT will not be doing oral testing. Oral fluid testing cannot be implemented until the Department of Health and Human Services certifies at least two laboratories. (One to serve as a primary laboratory, and a second to serve as a split specimen laboratory).

If you have any questions please reach out to me.

Sincerely,

Darlene Asher, Transit Director

**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**

**, 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

Proposed Environmental Health Fee Schedule - Effective January 1, 2024
 INCLUDING CHANGES TO 15A NCAC 18E FROM S.L. 2023-63 (S582), S.L. 2023-77 (H627), AND S.L. 2023-90 (H628)

<u>Division</u>	<u>Fee Name</u>	<u>Fee Description</u>	<u>Current</u>	<u>Proposed</u>
Food, Lodging, & Institutions	Food Service Plan Rview	Charged for food service plan review and evaluation	\$200	\$200
Food, Lodging, & Institutions	Limited Food Establishment Permit	Charged for food service plan review and evaluation	\$75	\$75
Food, Lodging, & Institutions	Mobile Food Unit Permit	Charged for food service plan review and evaluation	\$200	\$200
Food, Lodging, & Institutions	Public Swimming Pool Plan Review	Charged for pool/spa plan review and evaluation, per body of water	\$100	\$100
Food, Lodging, & Institutions	Public Swimming Pool Permit, Annual	Charged to permit public swimming pools and spas, per body of water	\$100	\$100
Food, Lodging, & Institutions	Public Swimming Pool Permit, Seasonal	Charged to permit public swimming pools and spas, per body of water	\$100	\$100
Food, Lodging, & Institutions	Tattoo Parlor Permit	This fee is charged to permit a tattoo artist (owner)	\$700	\$700
Food, Lodging, & Institutions	Tattoo Artist Permit	This fee is charged to permit a tattoo artist	\$500	\$500
Food, Lodging, & Institutions	Temporary Food Establishment	These fees are set by NC General Statute and charged for food vendors associated with temporary events/festivals	\$75	\$75
On-site Wastewater	IP/CA - 1 Bedroom Equivalency	Charged for septic permits; includes Improvement Permit, Construction Authorization, and Operations Permit	N/A	\$400
On-site Wastewater	IP/CA - 2 Bedroom Equivalency	Charged for septic permits; includes Improvement Permit, Construction Authorization, and Operations Permit	\$500	\$500
On-site Wastewater	IP/CA - 3 Bedroom Equivalency	Charged for septic permits; includes Improvement Permit, Construction Authorization, and Operations Permit	\$500	\$500
On-site Wastewater	IP/CA - 4 Bedroom Equivalency	Charged for septic permits; includes Improvement Permit, Construction Authorization, and Operations Permit	\$1,000	\$1,000
On-site Wastewater	IP/CA - 5 Bedroom Equivalency	Charged for septic permits; includes Improvement Permit, Construction Authorization, and Operations Permit	\$1,000	\$1,000
On-site Wastewater	IP/CA - 6 Bedroom Equivalency	Charged for septic permits; includes Improvement Permit, Construction Authorization, and Operations Permit	\$1,188	\$1,188
On-site Wastewater	IP/CA - 7+ Bedrooms Equivalency	Charged for septic permits, per additional bedroom over 6	\$1,386	\$1,386
On-site Wastewater	IP/CA - Commercial	Charged for commercial septic permits, per gallon of daily flow rate	\$1.65	\$1.65
On-site Wastewater	Repair - Residential	No fee levied for this service	\$0	\$0
On-site Wastewater	Repair - Commercial	Charged for commercial septic repairs, per gallon of daily flow rate	\$0.42	\$0.42
On-site Wastewater	Addition to System	Charged for septic permits, per added bedroom	\$250	\$250
On-site Wastewater	Tank Relocation	Charged for septic permits	\$125	\$125
On-site Wastewater	System Compliance Check	Charged for septic compliance inspection	N/A	\$150
On-site Wastewater	System Location	Charged for general services	\$125	\$125
On-site Wastewater	System Relocation - EHS Visit	Charged for septic permits	\$125	\$125
On-site Wastewater	System Relocation - Affidavit	Charged for general services	N/A	\$35
On-site Wastewater	Engineered Option / AOWE Permit*	Charged for general services	\$35	\$35
On-site Wastewater	Session Law Permit	Charged for general services, at max of 40% for equivalent system design	see IP/CA fees	see IP/CA fees
On-site Wastewater	Relocation of System	Charged for septic permits, per IP/CA fee schedule; for non-failing septic systems	\$125	\$125
Private Drinking Water	Private Well Construction Authorization	Charged for well permits	\$375	\$375
Private Drinking Water	.1700 Well Construction Authorization	Charged for well permits	\$375	\$375
Private Drinking Water	Well Relocation / Permit Revision	Charged for well permits	\$125	\$125
Private Drinking Water	Well Repair - with water samples	Charged for well permits	\$129	\$129
Private Drinking Water	Well Repair - without water samples	No fee levied for this service	\$0	\$0
Private Drinking Water	Construction Authorization Revision	Charged for well permits	\$125	\$125
Private Drinking Water	Well Abandonment	No fee levied for this service	\$0	\$0
Private Drinking Water	Private Well Variance Request	Charged for well permits	\$254	\$254
Private Drinking Water	Water Sample - Full Panel Inorganic	Charged for water sample collection and analysis	\$78	\$78
Private Drinking Water	Water Sample - Bacteria	Charged for water sample collection and analysis	\$20	\$20

Private Drinking Water	Water Sample - Metals Only	Charged for water sample collection and analysis	\$67	\$67
Private Drinking Water	Water Sample - Select Metals	Charged for water sample collection and analysis	\$53	\$53
Private Drinking Water	Water Sample - Volatile Organic Compounds	Charged for water sample collection and analysis	\$129	\$129
Private Drinking Water	Water Sample - Nitrate/Nitrite	Charged for water sample collection and analysis	\$36	\$36
Private Drinking Water	Water Sample - Pesticide	Charged for water sample collection and analysis	\$79	\$79
Private Drinking Water	Water Sample - Herbicide	Charged for water sample collection and analysis	\$79	\$79
Private Drinking Water	Water Sample - Bacteria, MPN	Charged for water sample collection and analysis	\$30	\$30
Private Drinking Water	Water Sample - Full Panel w/o nitrate/nitrite	Charged for water sample collection and analysis	\$75	\$75
Private Drinking Water	EHS Sample Collection Fee	Charged for water sample collection and analysis; for existing wells or loan requirements	\$50	\$50

* Went in effect September 2023

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – CONSENT AGENDA

MEETING DATE: January 9, 2023

Item 12A. Draft minutes from the December 12, 2023 regular meeting are attached for the board's review and approval. (Tammy Keezer)

Item 12B. Budget Amendments #100-104 are attached for your review and approval. (Lori Carpenter)

Item 12C. Resolution Exempting Surveying Services for Deal Farm Easement for your approval. (Lori Carpenter)

Item 12D. Tax releases for the month of December 2023 in the amount of \$461.02, per the attached memorandum from Tax Collections Supervisor Delena Raby.

Item 12E. A copy of the ad valorem tax collection report as of December 31, 2023. Report only. No action is necessary. (Delena Raby)



**MACON COUNTY BOARD OF COMMISSIONERS
DECEMBER 12, 2023
MINUTES**

Years of Service awards were presented to county employees before the meeting. A reception for those employees was held in the hallway of the fourth floor of the Macon County Courthouse immediately following the presentations.

County Manager Derek Roland called the meeting to order at 6:00 p.m. All Board Members, Deputy Clerk Tammy Keezer, Finance Director Lori Carpenter, and County Attorney Eric Ridenour were present, as were a number of county employees, media, and citizens.

At 6:01 p.m., Mr. Roland called a recess due to the large number in attendance requesting the meeting move upstairs to Courtroom A, on the fourth floor of the Macon County Courthouse, located at 5 West Main Street, Franklin, NC. At 6:07 p.m., Mr. Roland called the meeting back to order.

ANNOUNCEMENTS:

- (A) Mr. Roland gave a summary of the American Rescue Plan Act (ARPA) funding that was received by Macon County as requested by Commissioner Higdon at the November 14, 2023 meeting [\[Attachment 1\]](#).
- (B) Commissioner Antoine announced that he would need to leave the meeting early due to his recent surgery.

ELECTION OF BOARD CHAIR: Mr. Roland opened the floor for nominations for Board Chair. Commissioner Antoine made a motion nominating Commissioner Young as chairman. The motion died for lack of a second. Commissioner Higdon said he had known Commissioner Shields for many years and it had been an honor to serve with him and it was with great pride to make a motion to nominate Commissioner Shields as chairman. Commissioner Shearl seconded the motion. The vote was unanimous.

ELECTION OF VICE CHAIR: Commissioner Shields made a motion, seconded by Commissioner Antoine to nominate Commissioner Young as vice chairman. The vote was unanimous.

AFFIRMATION OF THE 2024 REGULAR MEETING SCHEDULE:

Commissioner Shields requested approval of the 2024 regular meeting schedule indicating that meetings would be held on the second Tuesday of each month at 6:00 p.m. in the commission board room on the third floor of the Macon County Courthouse located at 5 West Main Street in Franklin, NC. Commissioner Young made a motion, seconded by Commissioner Higdon to approve the meeting schedule as presented. The vote was unanimous. The schedule will be posted on the Macon County website and a copy available in the office of the Clerk to the Board.

MOMENT OF SILENCE: Commissioner Shields requested all in attendance rise and a moment of silence was observed.

PLEDGE OF ALLEGIANCE: Led by Commissioner Shearl, the pledge to the flag was recited.

PUBLIC HEARING(S): None

PUBLIC COMMENT PERIOD: Commissioner Shields reminded those in attendance of the rules of the public comment period. He said the public comment period is limited to a total of 45 minutes, allowing speakers five minutes to comment. Commissioner Shields stated speakers are to address the board as a whole and not address an individual member, and indicated that no interaction between board members and the speaker, or action or decision should be expected. **Narelle Kirkland** spoke about the beauty of Macon County and requested the board save an area off of Highway 28 for a public park as she had requested at a previous meeting. **Hazel Norris** shared her comments and feelings regarding board actions at the November 14, 2023, regular meeting. She said on behalf of a lot of citizens in Macon County, she believes that Commissioner Shearl owes Mr. Roland an apology. Commissioner Shields said board members have agreed to disagree respectfully. Commissioner Shearl shared that his children have told him that it is not what he says but how he says it and that when he is backed into a corner it will be ugly when he comes out. He stated that he did write a statement that he would like to read after the public comment period. **Linda Tyler** spoke in support of the appointment of Ms. Moxley for the library board. She also requested that the board share the draft of the Fontana Regional Library agreement and the proposed changes. **Richard Lightner** spoke about the upcoming elections and requested a public hearing on the resolution proposing the addition of two at-large members passed by the board at the November 14, 2023 meeting. He also shared that he was opposed to partisan affiliation for Board of Education members. **Hilary Wilkes** spoke on behalf of the Board of Education regarding the resolution to make the Board of Education elections partisan. She presented a resolution passed by the Board of Education on November 27, 2023, stating their opposition and read the resolution aloud [Attachment 2]. **Scott Baste** requested the board look at more issues that could be addressed that would bring the community closer together instead of further apart. **Betsy Baste** said she wants to make sure that the board is here to represent everyone in the county, to operate under the rule of unity, and to judge everyone on the merits of the individual. **Bob Scott** spoke against making the Board of Education elections partisan. **Robbie Holland** shared his appreciation for the board members and said he was embarrassed by the actions displayed at the November meeting. He expressed his appreciation to Mr. Roland for standing up for the employees and treating employees with respect. **Sarah Johnson** requested the board allocate funds to mental health, to the art and music programs in the schools, and to other activities for younger children.

Commissioner Shearl stated he would like to address the board and the citizens regarding last month's meeting and read a prepared statement. In his statement he said he does not want conflict to define Macon County; that he had misspoken about the budget increase under the management of Mr. Roland and meant to point out that the fund balance has increased but that

the media twisted the narrative; he is not against any county employees, appreciates their work, but that no one is special because of where they work; he will always be grateful to county employees, but is against over staffing; strongly supports capital improvements when we can afford them; taxpayers are the source of income for Macon County and the county employees; and, will always fight for limited government. Commissioner Shearl said he had suggested that Mr. Roland not bring the ARPA funding to allow bonuses for county employees forward until the board had more opportunity to discuss the issue. He said he just spent five hours on December 4, 2023, with the Maintenance Director looking at properties that ARPA funds could have paid for. Commissioner Shearl ended by sharing that he encourages anyone to reach out to him to discuss any of these topics and said he did not ask for the County Manager's resignation based on ARPA funds.

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

- To add Item 14D under New Business, Discussion of County Property that Needs Immediate Attention, specifically the library, per Commissioner Shearl
- To add Item 14E under New Business, Declaration of Sheriff's Department Service Weapon to be Declared as Surplus Property, per Deputy Clerk Tammy Keezer
- To remove Item 14A under New Business, Discussion and Approval of the Updated Drug and Alcohol Policy for Macon County Transit, per Mr. Roland
- To move Item 12B under Reports and Presentations, Fiscal Year 2023 Audit to the beginning of Reports and Presentations, per Ms. Carpenter
- To add a Closed Session for Discussion Regarding Economic Development Business, per Mr. Roland
- To add Item 12D, Board of Education Resolution Opposing Partisanship of School Board Elections, per Commissioner Shields
- To table Item 16A, Appointment of Macon County Public Library Board of Trustees, per Commissioner Antoine. Library Director Abby Hardison reminded the board that two board members have to come from the Hudson Library Board in Highlands and that Ms. Moxley is currently the chair of that board. Commissioner Antoine requested the Hudson Library Board nominate an additional person for consideration. By consensus, the board tabled the item agreeing that a recommendation for appointment would be presented at the January meeting so this item could be resolved since it had been on the agenda for two months.

ANNUAL OPIOID FUNDING MEETING – Mr. Roland declared this as the annual opioid funding meeting for Macon County and informed board members that no decision has been at this time as to how this funding will be spent. He said that the Southwestern Commission has taken on the task of helping our seven western counties determine how to spend these funds. Mr. Roland shared that the Town of Highlands and the Town of Franklin were both invited to this meeting, but there was no one from either of those municipalities in attendance. Ms. Carpenter reported the anticipated funding amount of \$5,455,133 was to be received over an 18-year period and the amount received to date is \$614,350.99 [Attachment 3]. She said we have

earned interest on the amount received as of November 30, 2023, of \$23,733.46 and currently have \$638,084.45 in special revenue fund. Mr. Roland said these funds cannot be spent until a resolution is passed stating how we plan to spend these funds and gave an overview of option A or B from the agreement on how the funds are to be spent. He said we are in the planning phase and Southwestern Commission is helping to develop a regional plan. Russ Harris with the Southwestern Commission said the seven western counties decided to develop a regional plan with Swain County receiving a grant from the Dogwood Health Trust to pay for the development of the plan. He said the counties in the region decided it was more cost-effective to develop a regional plan as opposed to utilizing the individual county resources to do this county by county. Mr. Harris reported that Omni Institute was chosen to lead the efforts and provided a handout of the data collected by that company [Attachment 4]. He said they have moved into stakeholder input and a survey link has been sent out to board members. Mr. Harris said a draft plan is expected in February with a final product expected to be presented in June. Mr. Roland said we have some of the best programs in the region in addressing the opioid crisis in Macon County and these local providers need to be involved in this plan and make sure they have a seat at the table.

FISCAL YEAR 2023 AUDIT – Jill Vang with Martin Starnes & Associates, CPAs, PA provided a PowerPoint presentation, a copy of which is available in the office of the Clerk to the Board. She said the audit has been presented to the Local Government Commission (LGC) and we are awaiting a response from them. Ms. Vang said there were three findings for Fiscal Year 2023 related to compliance: (1) DSS crosscutting enterprise program integrity, (2) Medicaid eligibility requirements, and (3) rural area tribal transit programs, and the details of each can be found in the audit report, a copy of which is in the office of the Clerk to the Board. She indicated the Board will need to provide a written corrective action plan within 60 days.

SCALY MOUNTAIN HISTORICAL ASSOCIATION - Bill Kirkland president of the Historical Society introduced himself and said the Historical Society owns the building and is responsible for maintaining it. He provided a handout that included a picture, history, and a list of needs. Mr. Kirkland said the maintenance and upkeep is done mostly by volunteers. He acknowledged the \$5,000 contribution that the board makes to them annually and is asking for an increase to \$10,000 per year as well as a request for an immediate \$20,000 in early 2024 to assist with the replacement of the HVAC system. Commissioner Shearl said he has met with this group and is impressed with the programs they have to offer and that it is a well-used space. He said they do not ask for much, they need heat, and made a motion, seconded by Commissioner Higdon to grant funds not to exceed \$20,000 from general fund contingency and the budget amendment as requested to help with the HVAC system. Ms. Carpenter asked for an itemized list of repairs and stated that in the past we have reimbursed organizations for repairs instead of allocating a specific amount. Mr. Kirkland said there is a list available and the HVAC would be between \$13,000 and \$14,000. He said they have had a home inspection completed but they do not have access to the underneath of the building to access needs, but that the water heater leaks and needs to be replaced, they want to install stairs and railing outside for safety, parking is an issue, and they want to make some improvements inside to allow privacy for people working remotely. Commissioner Young said he sees this worthy but feels like this fits into the Community Funding Pool process. Ms. Carpenter said we do approve an agreement each year for \$5,000 to cover recreational activities and this agreement renewal has been in place since 2008. She recommended the \$5,000 annual increase be considered at budget time and to modify the agreement if approved at that time. Commissioner Higdon said this is directly benefiting the residents of Scaly Mountain. The vote was 4-1 with Commissioner Shearl, Commissioner Higdon, Commissioner Antoine, and Commissioner Shields voting in favor and Commissioner Young opposed.

BOARD OF EDUCATION RESOLUTION OPPOSING PARTISAN ELECTIONS – Board of Education Chair Jim Breedlove said he is proud of his board for the position they have taken and introduced board member Deidre Breeden to share some thoughts. Ms. Breeden said she has heard both sides of this issue and believes there are good intentions from both sides. She stated the issue of concern is that this item appeared on the November 14, 2023 agenda and none of the real-time issues have appeared on the agenda such as those with the Nantahala sewer or the Macon Middle School track. Ms. Breeden shared that she feels this issue has gotten more discussion between the two boards and none of the issues that she wants addressed have ever gotten that much time. Board of Education member Hilary Wilkes said she feels the bullet points of the resolution she read earlier are a great summation of the Board of Education’s thoughts and feelings. She said she feels that the two boards work very well together and requested removing the proposed resolution from their thoughts. Commissioner Antoine said in the spirit of unity he is a big advocate for getting to talk about things. He said that in the previous meeting, he had said that he felt that the Board of Education needed to be in the conversation and is supporting their position after hearing their resolution. Commissioner Antoine made a motion, seconded by Commissioner Young to squash Item 14C which had been tabled from the November meeting. Commissioner Shearl said it sounds like the Board of Education feels this is a direct attack on the five members of the Macon County Board of Education. He says it sounds like this is a much bigger issue than in Macon County since 53 percent of NC counties have adopted partisan elections for school boards. Commissioner Shearl said policies are handed down from beyond the local level and the Macon County Board of Education has very little control. Mr. Breedlove said he disagrees and said the Board of Education is not concerned about state or national politics; their goal is what is in the best interest of Macon County students period. Mr. Roland clarified that the motion was to terminate Item 14C, Discussion and Consideration of Resolution Supporting the Identification of Party Affiliation for Candidates for Macon County Board of Education, as tabled from the November 14, 2023 meeting. The vote was 4-1 with Commissioner Antoine, Commissioner Higdon, Commissioner Shields, and Commissioner Young voting in favor and Commissioner Shearl opposed.

At 8:27 p.m. Chairman Shields called a five-minute recess. He reconvened the meeting at 8:35 p.m. when Commissioner Higdon made a motion, seconded by Commissioner Young to excuse Commissioner Antoine. The vote was 4-0.

OLD BUSINESS:

DISCUSSION AND REVIEW OF THE RESOLUTION ADOPTING THE CODE OF ETHICS

– Commissioner Shields stated he wanted each board member to review the Code of Ethics adopted by this board in March 2023 and requested a motion to approve this item as discussed and reviewed and put a new date on it [Attachment 5]. Commissioner Young made a motion, seconded by Commissioner Shields. The vote was 4-0 with Commissioner Antoine excused.

DISCUSSION AND CONSIDERATION OF VIEWING OF “THE VETERAN’S BATTLEFIELD” FROM THE NORTH CAROLINA COUNTY COMMISSIONERS ASSOCIATION

– Veterans Service Director Leigh Tabor-Holbrooks provided a flyer with information about the film and read an expert from the handout [Attachment 6]. She said she had talked to a couple of board members already by email and requested support in hosting a viewing of this film in Macon County. Commissioner Higdon suggested with a consensus among board members that she move forward with planning a viewing for this important issue as requested.

DISCUSSION OF CONSIDERATION OF RESOLUTION OF AMENDMENT TO MACON COUNTY SUBDIVISION ORDINANCE

– Mr. Ridenour reported that

Plan Reviewer Joe Allen had previously asked if the board was interested in making the proposed change to allow the Planning Board to approve bond releases. Commissioner Higdon made a motion, seconded by Commissioner Shearl, to approve the amendment as presented [Attachment 7]. The vote was 4-0 with Commissioner Antoine excused.

NEW BUSINESS:

DISCUSSION AND APPROVAL OF THE UPDATED DRUG AND ALCOHOL POLICY FOR MACON COUNTY TRANSIT – removed.

DISCUSSION AND CONSIDERATION OF RESOLUTION TO EXEMPT A REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES BELOW \$50,000 – Solid Waste Director Chris Stahl said the Solid Waste Department needs Geotechnical Engineering services for the development of future landfill capacity (Phase III, Cell II). He indicated that these services are required as part of the permitting approval process by the NC Department of Environmental Quality (NCDEQ) for the development of the next landfill Cell. Mr. Stahl reminded board members that the current landfill is reaching capacity ahead of schedule due to the 25 percent growth in our waste stream over the past four years with the board previously approving a project for vertical expansion of Phase II, and Phase III, Cell I, which is ongoing. He said that even with the additional space gained once the expansion is approved, we will still only have 3-4 years of life remaining. Mr. Stahl stated that the hydro-geologic work proposed will allow us to begin the process of designing and permitting of the new cell in the fiscal year 2024-25 budget, allowing sufficient time to receive a permit to construct the new cell before we reach capacity. He said the fee for these services is anticipated to be less than \$50,000.00. Commissioner Higdon made a motion, seconded by Commissioner Young to approve the resolution as requested [Attachment 8]. The vote was 4-0 with Commissioner Antoine excused.

DISCUSSION AND CONSIDERATION OF RESOLUTION SUPPORTING THE IDENTIFICATION OF PARTY AFFILIATION FOR CANDIDATES FOR MACON COUNTY BOARD OF EDUCATION – removed.

DISCUSSION OF COUNTY PROPERTY THAT NEEDS IMMEDIATE ATTENTION, SPECIFICALLY THE LIBRARY – Commissioner Shearl said he spent approximately five hours with the Macon County Maintenance Director and looked at different county properties in need of repair. He shared that the roof system at the library is leaking, the covered walkway to the entry of the library has separated from the building, the building has sunk approximately five to six inches, the light fixtures are embedded into the beams, and the fire sprinkler system is touching the light fixtures, there is black mold on each side of the center beam inside the building, the wood ceiling is absorbing moisture and turning in to mold, and they have buckets in the children’s section collecting water. Commissioner Shearl indicated this is well beyond anything that Macon County Maintenance can do and it is not within their scope. He said he believes hiring a structural engineer may be needed and asked where we go from here. Commissioner Higdon said he had looked at the building and mentioned some of the same concerns and observations as Commissioner Shearl. Commissioner Shields said if we know it and don’t address it the liability lies with us and asked Mr. Roland how to proceed. Mr. Roland said this is the first he has heard about it and if we want a structural engineer to come and look at it there will be a cost. Mr. Roland said he would look into this and bring it back in January.

DECLARATION OF SHERIFF'S DEPARTMENT SERVICE WEAPON TO BE DECLARED SURPLUS PROPERTY – Ms. Keezer stated that Sheriff Holbrooks is requesting permission to award Captain Tony Carver his duty weapon upon his official retirement planned for December 29, 2023, and sale of the same to Captain Carver for \$1.00. Commissioner Higdon made a motion, seconded by Commissioner Shearl to approve the request as presented. The vote was 4-0 with Commissioner excused.

CONSENT AGENDA: Upon a motion by Commissioner Young, seconded by Commissioner Higdon, the board voted 4-0 with Commissioner Antoine excused, to approve the consent agenda as presented which includes: (A) Minutes of the November 14, 2023 regular meeting, (B) Resolution Examination of Official Bonds for Public Officials of Macon County [Attachment 9], (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, and (F) Monthly ad valorem tax collection report for which no action is necessary.

APPOINTMENTS:

MACON COUNTY PUBLIC LIBRARY BOARD OF TRUSTEES (1 SEAT) – tabled to the January 9, 2024 regular meeting.

CLOSED SESSION: At 9:15 p.m., upon a motion by Commissioner Young, seconded by Commissioner Higdon, the board voted unanimously to go into closed session as allowed under NCGS 143-381.11(a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, and NCGS 143-381.11(a)(5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract. At 9:47 p.m., upon a motion by Commissioner Shearl, seconded by Commissioner Higdon, the board voted unanimously to come out of the closed session and return to the open session.

ADJOURN: With no other business, at 9:53 p.m., upon a motion from Commissioner Higdon, seconded by Commissioner Young, the board voted unanimously to adjourn.

Derek Roland
Ex Officio Clerk to the Board

Gary Shields
Board Chair

MACON COUNTY BUDGET AMENDMENT
AMENDMENT # 101

FROM: Brent Holbrooks

DEPARTMENT: Sheriff
EXPLANATION: Insurance Settlement

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
11-3839-4850-00	Insurance Settlement	\$9,321.00	
11-4311-5565-03	Vehicle Repairs	\$9,321.00	

REQUESTED BY DEPARTMENT HEAD Sheriff Brent Holbrooks

RECOMMENDED BY FINANCE OFFICER [Signature]

APPROVED BY COUNTY MANAGER _____

ACTION BY BOARD OF COMMISSIONERS 1/9/2024

APPROVED AND ENTERED ON MINUTES DATED _____

CLERK _____

MACON COUNTY BUDGET AMENDMENT
AMENDMENT # 102

FROM: Lindsay Leopard

DEPARTMENT: Sheriff's Office

EXPLANATION: Move money to cover OCV, LLC (Sheriff's App) annual support and maintenance fee.

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
223001-431700	Controlled Substance Tax	\$ 4,076.00	
223001-499100	Fund Balance Appropriated	\$ 933.00	
224001-555106	Contracted Services	\$ 5,009.00	

REQUESTED BY DEPARTMENT HEAD Brent Helms

RECOMMENDED BY FINANCE OFFICER Allen Carpenter

APPROVED BY COUNTY MANAGER _____

ACTION BY BOARD OF COMMISSIONERS 1/9/2024

APPROVED AND ENTERED ON MINUTES DATED _____

CLERK _____

MACON COUNTY BUDGET AMENDMENT

AMENDMENT # 103

DEPARTMENT Soil & Water Conservation

EXPLANATION Appropriate \$236,971 NCADFP (NC Agricultural Development & Farmland Preservation) trust fund grant.
Contract # 24-038-4039

ACCOUNT		DESCRIPTION	INCREASE	DECREASE
113850	445709	NCADFP TRUST FUND GRANT	236,971	
114940	561709	NCADFP TRUST FUND GRANT	236,971	

REQUESTED BY DEPARTMENT HEAD *[Signature]*

RECOMMENDED BY FINANCE OFFICER *[Signature]*

APPROVED BY COUNTY MANAGER _____

ACTION BY BOARD OF COMMISSIONERS 1/9/2024

APPROVED & ENTERED ON MINUTES DATED _____

CLERK _____

**RESOLUTION EXEMPTING SURVEYING SERVICES FOR DEAL FARM
EASEMENT 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 surveying 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 surveying services for the Deal Farm Easement in Macon County, North Carolina; and

WHEREAS, the estimated professional surveying fee for the Deal Farm Easement 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 surveying services for the Deal Farm Easement 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 9th day of January 2024.

Gary Shields, Chairman
Macon County Board of Commissioners

ATTEST:

Clerk to the Board

(COUNTY SEAL)

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



**Phone: (828) 349-2149
draby@maconnc.org**

TO: MACON COUNTY COMMISSIONERS

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

DATE: January 03, 2024

RE: Releases for December, 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 DECEMBER 2023: \$ 461.02

RUN DATE: 1/3/2024 8:05 AM

RELEASES REPORT
Macon County

NAME	BILL NUMBER	OPER	DATE/TIME	DISTRICT	VALUE	AMOUNT
19474 XEROX CORPORATION	2023-54296	DY: PERSONAL PROPERTY LAS	12/31/9999 8:51:17 AM			
		CLERICAL ERROR		F02 ADVL TAX	2,089.00	1.12
		CLERICAL ERROR		G01 ADVL TAX	2,089.00	5.64
		DID NOT REMOVE ASSETS		TOTAL RELEASES:		6.76
19474 XEROX CORPORATION	2023-203893	DY: PERSONAL PROPERTY LAS	12/31/9999 8:51:59 AM			
		CLERICAL ERROR		F10 ADVL TAX	4,673.00	0.89
		CLERICAL ERROR		G01 ADVL TAX	4,673.00	12.62
		CLERICAL ERROR		H01 ADVL TAX	4,673.00	4.78
		DID NOT REMOVE ASSETS		TOTAL RELEASES:		18.29
120526 MOSES, CLAUDE E JR	2023-64274	DY:0RP:6567230607 DLR	12/31/9999 11:15:06 AM			
		CLERICAL ERROR		F07 ADVL TAX	6,400.00	5.00
		CLERICAL ERROR		G01 ADVL TAX	6,400.00	17.28
		CLERICAL ERROR		L01 FFEEFEE	6,400.00	108.00
		MH WAS REMOVED IN 2021		TOTAL RELEASES:		130.28
99642 PASSMORE, VERNON A LIFE ESTATE	2023-58872	DY:0RP:6517584813 DLR	12/31/9999 12:55:36 PM			
		CLERICAL ERROR		L01 FFEEFEE	0.00	108.00
		STUCTURE NOT LIVEABLE, USED FOR STORAGE ONLY		TOTAL RELEASES:		108.00
40702 SANDERS, BRUCE	2023-70725	DY:0RP:6582153833 LAS	12/31/9999 4:14:57 PM			
		CLERICAL ERROR		F02 ADVL TAX	27,700.00	14.90
		CLERICAL ERROR		G01 ADVL TAX	27,700.00	74.79
		CLERICAL ERROR		L01 FFEEFEE	27,700.00	108.00
		DWELLING UNINHABITABLE		TOTAL RELEASES:		197.69
NET RELEASES PRINTED:	461.02					
TOTAL TAXES RELEASED						461.02

COLLECTIONS MONTHLY TOTALS REPORT
 Macon County - Year To Date December 2023 Tax Year 2023

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

TAX YEAR 2023 Year To Date December 2023 Tax Year 2023									This Year	Last Year
Year to Date	Beginning Balance	Levy Added	Less Releases	Less Administrative Refunds	Less Write Offs	Equals Adjusted Levy	Less Payments	Outstanding Balance	Collection Percentage Tax Year 2023 As of 12/31/2023	Collection Percentage Tax Year 2022 As of 12/31/2022
General Tax	0.00	33,628,172.71	-49,164.31	0.00	-1364.31	33,577,644.09	-27,588,488.98	5,989,155.11	82.16%	83.97
Fire Districts	0.00	4,872,758.62	-8,237.01	0.00	-240.16	4,864,281.45	-3,953,912.71	910,368.74	81.28%	83.03
Landfill User Fee	0.00	2,977,236.00	-4,104.00	0.00	-9.61	2,973,122.39	-2,415,429.28	557,693.11	81.24%	84.04
TOTAL:	0.00	41,478,167.33	-61,505.32	0.00	-1614.08	41,415,047.93	-33,957,830.97	7,457,216.96	81.99%	83.87

MACON COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

CATEGORY – APPOINTMENTS

MEETING DATE: January 9, 2023

13A. **Macon County Public Library Board of Trustees (1 seat)** – This item was tabled at the regular meetings of November 10, 2023, and December 12, 2023. Please see the attached original email from County Librarian Abby Hardison, recommending the appointment of Ms. Marsha Moxley as well as 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. Also attached are applications and resumes for Phillip Cucuru, Jennifer Cambrook, and Debra Dyal. Ms. Hardison is requesting the appointment of one of these applicants.

13B. **Area Agency on Aging Advisory Council (1 seat)** – Senior Services Administrative Officer Jennifer Hollifield sent the below email to Mr. Roland:

From: Jennifer Hollifield <jhollifield@maconnc.org>
Sent: Monday, December 18, 2023 10:30 AM
To: droland@maconnc.org
Cc: 'Kellie Dula' <kellie@regiona.org>; 'Sarajane Melton' <sarajane@regiona.org>
Subject: Name for Submission for Commissioners approval

Derek,

Good morning.

Charam Miller was approved by the Commissioners (in Feb 2023) as an alternate on the Area Agency on Aging (AAA) Advisory Council with Southwestern Commission. Charam has recently resigned her position at MPP and is no longer working in Macon County.

With that in mind, we would like to recommend Meghan Cribbs (who replaced Charam at MPP) as an alternate on this council. (this spot would be the alternate for Felicia Roberts on the council)

Patrick, Chuck Sutton, and I all concur on this recommendation.

Please let me know if you need additional information.

Thank you!

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.

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@maconnc.org" <paul.hidgon@maconnc.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



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FUNDS IN PROPER FORMAT

Georgia law (O.C.G.A Section 44-14-13, the "Good 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.

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.

Print Form

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5 West Main Street or FAX to: 828-349-2400
Franklin, North Carolina 28734

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

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

Name Debra A. Dyal

Address 60 Primrose Lane City Highlands NC Zip 28741

Telephone: Home (828) 526-8830 Work

Occupation Retired English Teacher

Business Address

Email Address debdyal@gmail.com

Briefly explain any anticipated conflict of interest you may have if appointed:
None

Educational Background
BA in Language Arts Education, University of Florida
Masters in Education Administration, University of Florida

Business and Civic Experiences/Skills:
English Department head; Curriculum Coordinator; Teacher Trainer
Volunteer and Co-chair, The Bookworm, Highlands

Areas of Expertise and Interest/Skills:
Managed a department of 25 teachers; helped to develop curriculum, including merging Kagan Cooperative Learning strategies with College Board Springboard curriculum program; oversaw and managed departmental budget and finances; worked cooperatively with various educational committees and groups.

List any Authorities, Boards, Commissions or Committees presently serving on:
Member, Hudson Library Board; Member, Wildcat Cliffs Board of Directors (Chairperson, Fitness Committee; Co-chair, House and Entertainment Committee); former president and currently member emeritus of the Wildcat Cliffs Croquet Association

SIGNATURE: Debra A. Dyal DATE: 1-1-2024

Debra A. Dyal
60 Primrose Lane
Highlands, NC 28741

EDUCATION

University of Florida	Bachelor of Arts in Language Arts Education
University of Florida	Masters of Education in Education Administration

EMPLOYMENT

Hillsborough High School, Tampa, Florida	1976-84
Gaither High School, Tampa, Florida	1984 – 2016

PROFESSIONAL EXPERIENCE

Newspaper and Yearbook Advisor	16 years	
Sophomore Curriculum Coordinator	6 years	
Assistant English Department Head	8 years	
English Department Head	8 years	
Teacher Trainer	6 years	(College Board Springboard Curriculum, Kagan Cooperative Learning)

COMMUNITY INVOLVEMENT

The Bookworm, Highlands	Volunteer, Co-chair
Hudson Library Board	Member, 2 years

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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 County Library Board

Name: Jennifer L Cambrook

Address: 44 Harbour Rd City: Highlands NC Zip: 28741

Telephone: Home: 501 598 1902 Work: 828 200 3314

Occupation: Accounting

Business Address: _____

Email Address: JCambrook@gmail.com

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

Love to serve Macon County & support our Library Board

Educational Background:

B.A. / Certified Public
MBA / Beckman license

Business and Civic Experiences/Skills:

Tax credit expert / working close w/ Congress to pass tax laws

Areas of Expertise and Interest/Skills:
Accounting TAX Tax Credit Development & Implementation

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

Mountain Top Rotary Board Treasurer
Hudson Library Board Treasurer Elect

SIGNATURE: J Cambrook

DATE: 12/29/2003

JENNIFER L. CAMBROOK

*Highlands, NC
(561) 598-1982 C
JCambrook@Me.com*

SUMMARY

- Energetic, motivated executive with over nine years of experience as a sales director providing specialty tax services to individuals, corporations and accounting firms around the country;
- Worked closely with many specialty tax providers (start up and boutique) across the country to hone/execute their company's marketing plan, as well as assisted the firms to onboard hundreds of clients;
- Experienced with Fortune clients and assisted to customize our offering to fit the client's needs;
- Trained, coached and mentored my team members and our clients in the following Tax Areas:
- Bookkeeping Professional, HR Services Professional, Payroll Specialist
- QBO Advanced Pro-Advisor

TAX AREAS OF SPECIALIZATION

- QuickBooks Online Pro + QuickBooks Payroll Pro
- Employment Based Tax Credits
- Cost Segregation
- Research and Development Tax Credit
- Fixed Asset Reviews
- Section 179D
- Work Opportunity Tax Credit (WOTC)
- Sales and Use Tax Recovery
- State and Local Tax
- Training Grants
- Section 199 (DPAD)
- State Expansion Incentives
- ACA Compliance
- Repair vs. Capitalization
- 45L
- Geographic credits and deductions

CHARACTER PROFILE

- Detailed oriented, team player with excellent interpersonal and creative problem solving skills with a passion for providing clients creative tax solutions and customer service.
- Cooperative and supportive leader skilled in building strong, value-adding relationships with colleagues, clients and top-tier accounting firms.
- Skilled in organizing and maintaining efficient work environments, as well as adapting to change in my working environment and the tax industry.
- Experienced working with teams, managers and business owners remotely. Strong sense of identifying strategies, capturing opportunities and installing innovative technology solutions / methods in the workplace to maximize efficiency.
- Analytical problem solver with the ability to translate complex tax strategies to our clients, and then recommend solutions by connecting the client to the appropriate specialized tax partner.

RELATED EXPERIENCE

Hiring Incentives Inc.,

VP of Sales and Marketing

Gaithersburg, MD

September 2017- April 2019

Specializing in new company development and major market expansion. Revamped marketing and sales strategy in 90 days (Ongoing)

- Developed logo, brand, and initial marketing materials / website
- Identified and implemented CRM system
- Developed new sales processes, techniques, marketing strategy, and sales channels: Accounting firms, direct marketing, ATS, and HCM

Results: \$3MM in pipeline ready for closing in 90 days from completion of initial marketing plan

Corporate Tax Incentives

Regional Business Development Director

Sacramento, CA

September 2015-August 2017

Specialized in new business development and major market expansion in Southeast

- Developed and independent led New Business Development for the Company: Major Market Expansion into East Coast, primarily in the greater Atlanta, Tampa Bay areas and the Carolinas
- Developed clear and strategic sales plan of action and then utilized for success:
 - Developed Marketing strategy, including tradeshow
 - Cultivated cold leads into clients
 - Successfully opened a new office in Atlanta.
- Completed Accounting CPE Program Development

Results: \$750K annual billing goals met; \$3.7 MM currently sitting in Pipeline

Tax Credit Co.

Regional Business Development Director

Los Angeles, CA

June 2014-August 2015

Specialized in new business development and major market expansion in Southeast

- Developed and independent led New Business Development for the Company: Major Market Expansion into East Coast, primarily in the greater Atlanta, Tampa Bay areas and the Carolinas
- Developed clear and strategic sales plan of action and then utilized for success:
 - Developed Marketing strategy, including tradeshow
 - Cultivated cold leads into clients
 - Successfully opened a new office in Atlanta.
- Completed Accounting CPE Program Development

Results: \$1.2K annual billing goals met; \$2.7 MM currently sitting in Pipeline

Engineered Tax Services

West Palm Beach, FL

Business Development Director / sales

January 2011-May 2014

Specialized in new business development and major market expansion

(Outside Sales for 6+months)

- Combined entrepreneurial drive with business-management skills to drive gains in revenue, market share and profit performance.
- Turned around lagging operations and prepared companies for fast growth and profitability.
- Communicated a clear, strategic sales vision, effectively training and coaching both veteran and junior sales team members.
- Cultivated excellent relationships with new prospects and existing customers.
- Targeted and penetrated a competitive market.
- Sold hundreds of corporate accounts and converted many customers from to our services.

Results: Closed an average of 30% of all lead and projects; Achieved between 110% and 120% of projected monthly sales goals; 300K worth of revenue within first 90 days

ADDITIONAL SKILLS

- Sales
- GC Relations
- Handled Banking
- Product Evaluation and Development
- P&L Management
- Operations Management
- Turnaround & High-Growth Strategies
- Staff Training & Development
- Budgeting & Forecasting
- Tech Savvy
- Energy Auditing
- Proposal Development and Analysis
- New Business Development
- Strategic Planning
- Key Account Management
- Customer Relationship Management
- Contract Negotiations
- Consulting

EDUCATION

Palm Beach Atlantic University
Beach, FL
MBA

West Palm

2009- 2011

St Petersburg College:
Bachelors of Science in Business Administration;

St. Petersburg, FL
2000-2003

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

Name Philip Curcuru

Address 55 Brownell Road City Highlands NC Zip 28741

Telephone: Home 828-200-4118

Work

Occupation Marketing Director for Compass Real Estate

Business Address 2500 Bee Cave Rd Building 3, Suite 200, West Lake Hills, TX 78746

Email Address pcurcuru@gmail.com

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

Educational Background

BFA from Rhode Island School of Design (2006)

Business and Civic Experiences/Skills:

Summit Charter School (volunteer), The Bascom Center for Arts (member), Art League of Highlands-Cashiers (member), Freelance graphic design

Areas of Expertise and Interest/Skills:

Marketing, Graphic Design, Visual Art, Music, Environmentalism

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

Hudson Library (board)
Vision Cashiers (taskforce member)

SIGNATURE: Philip Curcuru

DATE: 12.29.23

pcurcuru@gmail.com
828 200 4118
P.O. Box 1201
Highlands, NC 28741

Philip Curcuru

Education

2002 – 2006

Bachelor of Fine Arts

Rhode Island School of Design
Awarded talent-based scholarship

Community/ Volunteer

Hudson Library
Summit Charter School
Vision Cashiers
The Bascom Center for Arts
Art League of Highlands-Cashiers

Experience

2022 – present / *Compass Real Estate / Austin, Texas (Remote)*

Director of Product Development & Marketing

In 2022, Philip brought his experience to Compass Development Marketing Group (CDMG), assuming a pivotal role in guiding community product development and marketing initiatives. His ability to maintain a cohesive vision when providing valuable feedback to architects, or conceptualizing marketing campaigns has solidified his position as a trusted professional in the field. With a track record of successfully marketing over \$200 million in sales, Philip's contributions have been instrumental in achieving exceptional results.

2013 – 2022 / *Brandon Miller Group / Austin, Texas*

Director of Product Development & Marketing

In 2013, Philip joined the reputable Brandon Miller Group, where he discovered his passion for real-estate marketing. His dedication and expertise led him to explore market research and product development, culminating in the acquisition of his Texas real-estate license in 2014.

2010 – 2013 / *IBM (via Manpower) / Austin, Texas*

Graphic Designer & Executive Assistant

- Designed original branding, presentation decks, print templates, and e-blasts for internal IBM communications
- Co-managed documentary videos with international IBM employees
- Updated websites and provided technical direction to team members
- Received multiple certificates for providing "Outstanding Customer Service" to IBM executives and team managers

2007 – 2009 / *Geoff Howell Studio / New York, New York*

Finishing Artist

- Fabricated custom retail props and event/holiday décor for Saks Fifth Ave, Henri Bendel, Steuben, Estée Lauder, Hugo Boss, etc.
- Carefully installed projects within high-profile venues such as the Whitney Museum, Rainbow Room, Waldorf Astoria, etc.
- Quickly and successfully solved issues concerning design and construction