

# Macon County



## MACON COUNTY BOARD OF COMMISSIONERS OCTOBER 10, 2017 AGENDA

1. Call to order and welcome by Chairman Tate
2. Announcements
  - A. NCACC Video Update
3. Moment of Silence
4. Pledge of Allegiance
5. Public Hearing(s) -
6. Public Comment Period
7. Additions to agenda
8. Adjustments to and approval of the agenda
9. Reports/Presentations
  - A. Community Advisory Committee appointment process - Sarajane Melton - Area Agency on Aging Administrator for the Southwestern Commission
10. Old Business
11. New Business
  - A. Consideration of resolution approving document changes to allow use of bond proceeds for landfill equipment - Finance Director
  - B. Discussion regarding South Macon Elementary School - County Manager and school system liaisons
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 September 12, 2017 regular meeting

- B. Budget Amendments #56-62
- C. Tax Releases for September 2017
- D. Monthly ad valorem tax collection report

13.Appointments

- A. Community Funding Pool
- B. Economic Development Commission

14.Closed session (if necessary)

15.Adjourn/Recess

# MACON COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

**MEETING DATE:** October 10, 2017

**DEPARTMENT/AGENCY:** Southwestern Commission

**SUBJECT MATTER:** Community Advisory Committee appointment process

### COMMENTS/RECOMMENDATION:

Sarajane Melton, the Area Agency on Aging Administrator for the Southwestern Commission, will present information on the new appointment process for the Community Advisory Committee. Please see the attached documents for more details.

Attachments   4   Yes        No

Agenda Item 9A

# CAC Member Appointment To Committee

## Pre and Post HB248 – July 2017

### Appointment Process (Pre HB 248)

- Appointed to county committee
- Regional ombudsman trains CAC member
- Member NOT designated by the LTCO Office, NOT accountable to LTCO Office as a representative
- LTCO Office cannot remove CAC member from county committee even if removed as a CAC member

### Appointment Process(Post HB 248)

- Application at the county commission
- Clerk notifies Regional Ombudsman
- Regional Ombudsman verifies whether nominee meets minimum requirement and is free of conflict of interest
- Regional ombudsman trains / member attests
  - SLTICO certifies and designates
  - Regional Ombudsman notifies county to appoint to committee
  - SLTICO can refuse, suspend, and remove designation of member

Upon de-designation, county shall rescind appointment to the committee within 14 business days.

## Provide Training and Technical assistance to Community Advisory Committees

### Legal Base

42 U.S.C. §3058g(h)(4)(A)

"The State agency shall require the Office to ....(4)(A) strengthen and update procedures for the training of the representatives of the Office, including unpaid volunteers, based on the model standards established by the Director of the Office of Long-Term Care Ombudsman Programs, in consultation with representatives of citizen groups, long-term care providers, and the Office....."

45 CFR §1324.13(c)(2)

"The Ombudsman shall establish procedures for training, for certification and continuing education of the representatives of the Office, based on model standards established by the Director of the Office of the Long-Term Care Ombudsman Programs as described in section 201(d) of the Act....."

N.C.G.S. §143B-181.19(b)(8)

"Provide training and technical assistance to the community advisory committees."

## Community Advisory Committee Certification and Designation

The State Ombudsman shall designate and refuse, suspend or remove designation of volunteer representatives of the Office of the State Long-Term Care Ombudsman, including any community advisory committee appointees, in accordance with the Long-Term Care Ombudsman Program Policies and Procedures.

Any individual who serves as a community advisory committee member must go through the Office of the State Long-Term Care Ombudsman's certification and designation process and meet the certification and designation requirements in accordance with the State Long-Term Care Ombudsman Program Policies and Procedures.

Community advisory committee members appointed must:

- meet the minimum requirements in accordance with the State Long-Term Care Ombudsman Program Policies and Procedures,
- have received initial training; and
- receive on-going training requirements in accordance with the Ombudsman Policies and Procedures

Eligible CAC members shall receive mandatory training developed by the Office of the State Long-Term Care Ombudsman regarding their accountability as it relates to their role as representatives of the Office of the State Long-Term Care Ombudsman and attest to their understanding of their role and commitment to the Ombudsman program. After the CAC member successfully completes training and signs an attestation, member will be certified and designated to function as a

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representative of the Office of the State Long-Term Care Ombudsman. Also, CAC members shall attend the mandatory quarterly training provided by the Regional Ombudsman.

### Appointment of Community Advisory Committee Members

#### Process:

- Application is made by potential CAC to their Board of County Commissioners
- County clerks shall notify the Regional Ombudsman.
- Regional Ombudsman will evaluate whether nominee meets minimum requirements and are free of conflict per 45 CFR §1324.21
- Regional Ombudsman completes initial training, member attests to completion
  - Office of the State Long-Term Care Ombudsman certifies and designates the individual
  - Regional Ombudsman will notify county to appoint to committee
- Office of the State Office Long-Term Care Ombudsman can refuse, suspend, and remove designation of member; and upon de-designation, Board of County Commissioners shall automatically rescind appointment to the committee.

County Commissioners will receive applications/nominations of county citizens to participate on each community advisory committee. The board of county commissioners will recommend potential community advisory committee members to the Regional Ombudsman.

Nominations will be forwarded from the clerk of the board to the Regional Ombudsman. The Regional Ombudsman will evaluate whether the nominees meet the minimum qualifications for appointment, are free of conflict, and are willing to meet the requirements of the program. Interested applicants may also contact the Regional Ombudsman directly.

Regional Ombudsmen will either accept or decline nominations based on the standard requirements. If a nomination is declined, a written explanation will be sent to the nominee and the clerk.

Accepted nominees will advance to certification training within 90 days. Regional Ombudsmen shall provide certification training on a regular basis. CAC members are mandated to complete initial and ongoing training by Regional Ombudsmen in accordance with the Ombudsman Policies and Procedures.

After the successful completion of the certification training, nominees will attest to their understanding of their role and commitment to the Ombudsman program. Regional Ombudsmen will forward the names of nominees who sign their attestation document along with the date of expiration for their term to the Office of the State Long-Term Care Program.

The State Long-Term Care Ombudsman will designate the nominee as a representative of the Office by issuing a certificate within 15 days of notification by the Regional Ombudsman. Certificates will be generated by the Office of the State Long-Term Care Ombudsman and mailed to the CAC member. Regional Ombudsman will be notified of each designation. Regional Ombudsman will notify the clerk of the board that the nominee is eligible for appointment to the community advisory committee.

Suspension of Designation

Designation of a CAC member can be temporarily suspended by the State Long-Term Care Ombudsman if the actions of the CAC member are out of compliance with the Ombudsman Program Policies and Procedures or N.C. G.S. §§131D-31 or 131E-128. Grounds for recommending immediate suspension of designation pending a quality assurance review may include but not limited to:

1. Complaints related to committee or member's visit to a facility.
2. Non-compliance with Ombudsman Program Policies and Procedures.
3. Non-attendance at meetings
4. Intentional failure to reveal a conflict of interest.
5. Intentional misrepresentation of the representative's designated authority or the mandated responsibilities s/he has agreed to perform.....
6. If member's actions negatively impacted either resident(s) or the successful operation of the community advisory committee

The Regional Long-Term Care Ombudsman assigned to work with the identified community advisory committee will meet with the community advisory committee member(s) for a discussion about the allegations received and gather factual information from the community advisory committee member(s) related to the complaint(s).

After a quality review to determine whether the allegation(s) made is/are a violation of the Ombudsman Program Policies and Procedures or G.S. §§131D-31 or 131E-128 as outlined above, the Regional Ombudsman will send a written recommendation for suspension of designation to the Office of the State Long-Term Care Ombudsman. NOTE: Based on the severity of the complaint, a Regional Ombudsman has the discretion to recommend either a suspension or removal of designation.

Process for reinstatement of designation

- a. If the Regional Ombudsman decides that the community advisory committee member(s) was/were in compliance with the law and Ombudsman Program Policies and Procedures, then the complainant will be notified in writing that no further action will be taken by the Regional Ombudsman. This outcome will be communicated to the community advisory committee member(s). The Regional Ombudsman will maintain written documentation of facts established that support this decision.
- b. If it is determined that the committee members' actions were out of compliance with the Ombudsman Program Policies and Procedures or N.C.G.S. §§131D-31 or 131E-128, then the Regional Ombudsman will explain the findings and outline proposed remedial actions to the community advisory committee member(s).

(1) Remedial strategies may include, but are not limited to the following: conduct addition training about the duties of a community advisory committee member, offer additional

technical assistance and consultation during facility visits and/or request that the community advisory committee member(s) transfer to a different subcommittee so they no longer visit the facility where the alleged inappropriate action occurred.

- (2) Based on findings, the Regional Ombudsman will send a written recommendation to the State Long-Term Care Ombudsman for reinstatement of designation.

Removal of Designation

Criteria for removal of designation of a CAC member may include but not limited to:

- 1. Failure to follow policies and procedures and training provided.....
- 2. Intentional failure to reveal a conflict of interest.
- 3. Intentional misrepresentation of the representative's designated authority or the mandated responsibilities s/he has agreed to perform.....
- 4. Failure to adhere to applicable Federal, state laws, regulations and policies (Older Americas Act, 45 C.F.R. §§1321 and 1324, N.C.G.S.143B-181.15-25.
- 5. Falsification of records, destruction of Program records or gross failure to maintain required documentation and records.

If a CAC member has violated their duties or policies and procedures of the Ombudsman program, their designation can be automatically removed by the State Ombudsman. After a quality review as outlined above under the "suspension of designation", the Regional Ombudsman will send a written recommendation for removal of designation to the Office of the State Long-Term Care Ombudsman.

The Office of the State Long-Term Care Ombudsman will notify the Regional Ombudsman and the CAC member regarding the final decision to remove designation. The Regional Ombudsman will notify the clerk of the removal of designation. The county board of commissioners shall automatically rescind appointment of the member to committee.



GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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HOUSE BILL 248  
PROPOSED COMMITTEE SUBSTITUTE H248-PCS30357-SH-14

Short Title: Support for Older Adults & DHHS Study.

(Public)

Sponsors:

Referred to:

March 6, 2017

A BILL TO BE ENTITLED

1 AN ACT TO RECOMMEND THAT THE COCHAIRS FOR THE JOINT LEGISLATIVE  
2 OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES CONSIDER A  
3 SUBCOMMITTEE ON AGING; TO MAKE CHANGES TO THE ADULT CARE HOME  
4 AND NURSING HOME ADVISORY COMMITTEES TO CONFORM TO THE  
5 ADMINISTRATION FOR COMMUNITY LIVING RULES AND RECENT CHANGES  
6 TO THE STATE LONG-TERM CARE OMBUDSMAN PROGRAM; AND TO DIRECT  
7 THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO STUDY THE HOPE  
8 ACT AND RELATED FEDERAL REGULATIONS AND TO MAKE  
9 RECOMMENDATIONS TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE  
10 ON HEALTH AND HUMAN SERVICES.  
11

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.(a)** Pursuant to the authority in G.S. 120-208.2(d), the cochairs for the  
14 Joint Legislative Oversight Committee on Health and Human Services may consider appointing  
15 a Subcommittee on Aging to examine the State's delivery of services for older adults in order to  
16 (i) determine their service needs and to (ii) make recommendations to the Oversight Committee  
17 on how to address those needs. North Carolina currently ranks ninth in the nation for the size of  
18 the age 60 and older population and tenth in the nation for the age 85 and older population.  
19 From 2015 to 2035, the age 65 and older population is projected to increase sixty-seven percent  
20 (67%) and the age 85 and older population is projected to increase one hundred two percent  
21 (102%). By 2019, North Carolina will have more people that are 60 years of age and older than  
22 children age 0-17. It is recommended that the Subcommittee examine the range of programs  
23 and services for older adults throughout the continuum of care. The Subcommittee is  
24 encouraged to seek input from a variety of stakeholders and interest groups including: the  
25 Division of Aging and Adult Services and the Division of Social Services, Department of  
26 Health and Human Services; the North Carolina Coalition on Aging; the North Carolina Senior  
27 Tarheel Legislature, and the Governor's Advisory Council on Aging.

28 **SECTION 1.(b)** If a Subcommittee on Aging is appointed, the Subcommittee shall  
29 submit an interim report of its findings and recommendations, including any proposed  
30 legislation, to the Joint Legislative Oversight Committee on Health and Human Services on or  
31 before March 1, 2018, and shall submit a final report of its findings and recommendations,  
32 including any proposed legislation, on or before November 1, 2018, at which time it shall  
33 terminate unless reappointed by the cochairs of the Oversight Committee under the authority  
34 granted in G.S. 120-208.2(d).

35 **SECTION 2.(a)** G.S. 131D-31 reads as written:

36 "§ 131D-31. Adult care home community advisory committees.



1 (a) Statement of Purpose. – It is the intention of the General Assembly that community  
2 advisory ~~committees~~ committee members function as representatives of the Office of the State  
3 Long-Term Care Ombudsman and through their designation work to maintain the intent of the  
4 Adult Care Home Residents' Bill of Rights within the licensed adult care homes in this State. It  
5 is the further intent of the General Assembly that the committees promote community  
6 involvement and cooperation with adult care homes to ensure quality care for the elderly and  
7 disabled adults.

8 (b) Establishment and Appointment of Committees. –

9 (1) A community advisory committee shall be established in each county that  
10 has at least one licensed adult care home, shall serve all the homes in the  
11 county, and shall work with each of these homes for the best interests of the  
12 residents. In a county that has one, two, or three adult care homes with 10 or  
13 more beds, the committee shall have five members.

14 (2) In a county with four or more adult care homes with 10 or more beds, the  
15 committee shall have one additional member for each adult care home with  
16 10 or more beds in excess of three, and may have up to five additional  
17 members at the discretion of the county commissioners, not to exceed a  
18 maximum of 25 members. In each county with four or more adult care  
19 homes with 10 or more beds, the committee shall establish a subcommittee  
20 of no more than five members and no fewer than three members from the  
21 committee for each adult care home in the county. Each member must serve  
22 on at least one subcommittee.

23 (3) In counties with no adult care homes with 10 or more beds, the committee  
24 shall have five members. Regardless of how many members a particular  
25 community advisory committee is required to have, at least one member of  
26 each committee shall be a person involved in the area of mental retardation.

27 (4) The boards of county commissioners are encouraged to appoint the Adult  
28 Care Home Community Advisory Committees. Of the members, a minority  
29 (not less than one-third, but as close to one-third as possible) shall be chosen  
30 from among persons nominated by a majority of the chief administrators of  
31 adult care homes in the county. If the adult care home administrators fail to  
32 make a nomination within 45 days after written notification has been sent to  
33 them requesting a nomination, these appointments may be made without  
34 nominations. If the county commissioners fail to appoint members to a  
35 committee by July 1, 1983, the appointments shall be made by the ~~Assistant~~  
36 ~~Secretary for Aging, Department of Health and Human Services, Office of~~  
37 ~~the State Long-Term Care Ombudsman~~ no sooner than 45 days after  
38 nominations have been requested from the adult care home ~~administrators,~~  
39 ~~but no later than October 1, 1983-administrators.~~ In making appointments,  
40 the ~~Assistant Secretary for Aging~~ Office of the State Long-Term Care  
41 Ombudsman shall follow the same appointment process as that specified for  
42 the County Commissioners.

43 (5) Notwithstanding any other provision of this Article, appointment to an Adult  
44 Care Home Community Advisory Committee is contingent upon designation  
45 of the appointee by the Office of the State Long-Term Care Ombudsman in  
46 accordance with G.S. 143B-181.18. A designated appointee is directly  
47 accountable to the State Long-Term Care Ombudsman Program in order to  
48 perform the duties as a representative of the Office of the State Long-Term  
49 Care Ombudsman. Removal of the appointee's designation by the Office of  
50 the State Long-Term Care Ombudsman automatically rescinds the  
51 appointment to the Adult Care Home Community Advisory Committee.

1           (6) Any individual who serves as a community advisory committee member  
2           must go through the Office of the State Long-Term Care Ombudsman's  
3           certification and designation process and meet the certification and  
4           designation requirements in accordance with the State Long-Term Care  
5           Ombudsman Program Policies and Procedures.

6           (c) Joint Nursing and Adult Care Home Community Advisory Committees. –  
7           Appointment to the Nursing Home Community Advisory Committees shall preclude  
8           appointment to the Adult Care Home Community Advisory Committees except where written  
9           approval to combine these committees is obtained from the ~~Assistant Secretary for Aging,~~  
10           ~~Department of Health and Human Services.~~ Office of the State Long-Term Care Ombudsman.  
11           Where this approval is obtained, the Joint Nursing and Adult Care Home Community Advisory  
12           Committee shall have the membership required of Nursing Home Community Advisory  
13           Committees and one additional member for each adult care home with 10 or more beds  
14           licensed in the county. In counties with no adult care homes with 10 or more beds, there shall  
15           be one additional member for every four other types of adult care homes in the county. In no  
16           case shall the number of members on the Joint Nursing and Adult Care Home Community  
17           Advisory Committee exceed 25. Each member shall exercise the statutory rights and  
18           responsibilities of both Nursing Home Committees and Adult Care Home Committees. In  
19           making appointments to this joint committee, the county commissioners shall solicit  
20           nominations from both nursing and adult care home administrators for the appointment of  
21           approximately (but no more than) one-third of the members.

22           (d) Terms of Office. – Each committee member shall serve an initial term of one year.  
23           Any person reappointed to a second or subsequent term in the same county shall serve a two-or  
24           three-year term at the county commissioners' discretion to ensure staggered terms of office.

25           (e) Vacancies. – Any vacancy shall be filled by appointment of a person for a one-year  
26           term. If this vacancy is in a position filled by an appointee nominated by the chief  
27           administrators of adult care homes within the county, then the county commissioners shall fill  
28           the vacancy from persons nominated by a majority of the chief administrators. If the adult care  
29           home administrators fail to make a nomination by registered mail within 45 days after written  
30           notification has been sent to them requesting a nomination, this appointment may be made  
31           without nominations. If the county commissioners fail to fill a vacancy, the vacancy ~~shall~~ may  
32           be filled by the Office of the State Long-Term Care Ombudsman ~~Assistant Secretary for Aging,~~  
33           ~~Department of Health and Human Services~~ no sooner than 45 days after the commissioners  
34           have been notified of the appointment or vacancy.

35           (f) Officers. – The committee shall elect from its members a chair, to serve a one-year  
36           term.

37           (g) Minimum Qualifications for Appointment. – Each member must be a resident of the  
38           county which the committee serves. No person or immediate family member of a person with a  
39           financial interest in a home served by the committee, or employee or governing board member  
40           of a home served by the committee, or immediate family member of a resident in a home  
41           served by the committee may be a member of that committee. Any county commissioner who  
42           is appointed to the committee shall be deemed to be serving on the committee in an ex officio  
43           capacity. Members of the committee shall serve without compensation, but may be reimbursed  
44           for actual expenses incurred by them in the performance of their duties. The names of the  
45           committee members and the date of expiration of their terms shall be filed with the Office of  
46           the State Long-Term Care Ombudsman ~~Division of Aging, Department of Health and Human~~  
47           ~~Services.~~

48           (h) Training, Certification and Designation. ~~Training.~~ – The Office of the State  
49           Long-Term Care Ombudsman ~~Division of Aging, Department of Health and Human Services,~~  
50           shall develop training materials, which shall be distributed to each committee member training  
51           requirements for certification and designation in accordance with 45 C.F.R. § 1324.13(c)(2).

1 Each committee member must receive certification training as specified by the State  
 2 Long-Term Care Ombudsman Program Policies and Procedures and be designated as  
 3 representatives of the State Long-Term Care Ombudsman Program Division of Aging prior to  
 4 exercising any power under G.S. 131D-32. The State Long-Term Care Ombudsman Program  
 5 Division of Aging, Department of Health and Human Services, shall provide the committees  
 6 with information, guidelines, training, and consultation to direct them in the performance of  
 7 their duties.

8 (i) Any written communication made by a member of adult care home advisory  
 9 committee within the course and scope of the member's duties, as specified in G.S. 131D-32,  
 10 shall be privileged to the extent provided in this subsection. All communication shall be  
 11 considered the property of the Office of the State Long-Term Care Ombudsman and subject to  
 12 the Office's disclosure policies. This privilege shall be a defense in a cause of action for libel if  
 13 the member was acting in good faith and the statements and communications do not amount to  
 14 intentional wrongdoing.

15 To the extent that any adult care home advisory committee or any member is covered by  
 16 liability insurance, that committee or member shall be deemed to have waived the qualified  
 17 immunity herein to the extent of indemnification by insurance."

18 **SECTION 2.(b)** G.S. 131E-128 reads as rewritten:

19 "**§ 131E-128. Nursing home advisory committees.**

20 (a) It is the purpose of the General Assembly that community advisory ~~committees~~  
 21 committee members function as representatives of the Office of the State Long-Term Care  
 22 Ombudsman and through their designation work to maintain the intent of the Nursing Home  
 23 Resident's Bill of Rights this Part within the nursing homes in this State, including nursing  
 24 homes operated by hospitals licensed under Article 5 of G.S. Chapter 131E. It is the further  
 25 purpose of the General Assembly that the committees promote community involvement and  
 26 cooperation with nursing homes and an integration of these homes into a system of care for the  
 27 elderly.

28 (b) (1) A community advisory committee shall be established in each county which  
 29 has a nursing home, including a nursing home operated by a hospital  
 30 licensed under Article 5 of G.S. Chapter 131E, shall serve all the homes in  
 31 the county, and shall work with each home in the best interest of the persons  
 32 residing in each home. In a county which has one, two, or three nursing  
 33 homes, the committee shall have five members. In a county with four or  
 34 more nursing homes, the committee shall have one additional member for  
 35 each nursing home in excess of three, and may have up to five additional  
 36 members per committee at the discretion of the county commissioners.

37 (2) In each county with four or more nursing homes, the committee shall  
 38 establish a subcommittee of no more than five members and no fewer than  
 39 three members from the committee for each nursing home in the county.  
 40 Each member must serve on at least one subcommittee.

41 (3) Boards of county commissioners are encouraged to appoint the Nursing  
 42 Home Community Advisory Committees. Each committee shall be  
 43 appointed by the board of county commissioners. Of the members, a  
 44 minority (not less than one-third, but as close to one-third as possible) must  
 45 be chosen from among persons nominated by a majority of the chief  
 46 administrators of nursing homes in the county and of the governing bodies of  
 47 the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate  
 48 nursing homes. If the nursing home administrators and the governing bodies  
 49 of the hospitals licensed under Article 5 of G.S. Chapter 131E, which  
 50 operate nursing homes fail to make a nomination within 45 days after written  
 51 notification has been sent to them by the board of county commissioners

1 requesting a nomination, these appointments may be made by the board of  
2 county commissioners without nominations.

3 (4) Notwithstanding any other provision of this Article, appointment to a  
4 nursing home community advisory committee is contingent upon  
5 designation of the appointee by the Office of the State Long-Term Care  
6 Ombudsman in accordance with G.S. 143B-181.18. A designated appointee  
7 is directly accountable to the State Long-Term Care Ombudsman Program in  
8 order to perform the duties as a representative of the Office of the State  
9 Long-Term Care Ombudsman. Removal of the appointee's designation by  
10 the Office of the State Long-Term Care Ombudsman automatically rescinds  
11 the appointment to the nursing home community advisory committee.

12 (5) Any individual who serves as a community advisory committee member  
13 must go through the Office of the State Long-Term Care Ombudsman's  
14 certification and designation process and meet the certification and  
15 designation requirements in accordance with the State Long-Term Care  
16 Ombudsman Program Policies and Procedures.

17 (c) Each committee member shall serve an initial term of one year. Any person  
18 reappointed to a second or subsequent term in the same county shall serve a three-year term.  
19 Persons who were originally nominees of nursing home chief administrators and the governing  
20 bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing  
21 homes, or who were appointed by the board of county commissioners when the nursing home  
22 administrators and the governing bodies of the hospitals licensed under Article 5 of  
23 G.S. Chapter 131E, which operate nursing homes failed to make nominations, may not be  
24 reappointed without the consent of a majority of the nursing home chief administrators and the  
25 governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate  
26 nursing homes within the county. If the nursing home chief administrators and the governing  
27 bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing  
28 homes fail to approve or reject the reappointment within 45 days of being requested by the  
29 board of county commissioners, the commissioners may reappoint the member if they so  
30 choose.

31 (d) Any vacancy shall be filled by appointment of a person for a one-year term. Any  
32 person replacing a member nominated by the chief administrators and the governing bodies of  
33 the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate nursing homes or a  
34 person appointed when the chief administrators and the governing bodies of the hospitals  
35 licensed under Article 5 of G.S. Chapter 131E, which operate nursing homes failed to make a  
36 nomination shall be selected from among persons nominated by the administrators and the  
37 governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate  
38 nursing homes, as provided in subsection (b). If the county commissioners fail to appoint  
39 members to a committee, or fail to fill a vacancy, the appointment ~~shall~~ ~~may~~ be made or  
40 vacancy filled by the Office of the State Long-Term Care Ombudsman Secretary ~~or the~~  
41 ~~Secretary's designee~~ no sooner than 45 days after the commissioners have been notified of the  
42 appointment or vacancy if nomination or approval of the nursing home administrators and the  
43 governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which operate  
44 nursing homes is not required. If nominations or approval of the nursing home administrators  
45 and the governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which  
46 operate nursing homes is required, the appointment ~~shall~~ ~~may~~ be made or vacancy filled by the  
47 Office of the State Long-Term Care Ombudsman Secretary ~~or the Secretary's designee~~ no  
48 sooner than 45 days after the commissioners have received the nomination or approval, or no  
49 sooner than 45 days after the 45-day period for action by the nursing home administrators and  
50 the governing bodies of the hospitals licensed under Article 5 of G.S. Chapter 131E, which  
51 operate nursing homes.

1 (e) The committee shall elect from its members a chair, to serve a one-year term.

2 (f) Each member must be a resident of the county which the committee serves. No  
3 person or immediate family member of a person with a financial interest in a home served by a  
4 committee, or employee or governing board member or immediate family member of an  
5 employee or governing board member of a home served by a committee, or immediate family  
6 member of a patient in a home served by a committee may be a member of a committee.  
7 Membership on a committee shall not be considered an office as defined in G.S. 128-1 or  
8 G.S. 128-1.1. Any county commissioner who is appointed to the committee shall be deemed to  
9 be serving on the committee in an ex officio capacity. Members of the committee shall serve  
10 without compensation, but may be reimbursed for the amount of actual expenses incurred by  
11 them in the performance of their duties. The names of the committee members and the date of  
12 expiration of their terms shall be filed with the Office of the State Long-Term Care  
13 Ombudsman, Division of Aging, which shall supply a copy to the Division of Health Service  
14 Regulation.

15 (g) ~~The Office of the State Long-Term Care Ombudsman Division of Aging,~~  
16 ~~Department of Health and Human Services,~~ shall develop training materials which shall be  
17 ~~distributed to each committee member and nursing home requirements for certification and~~  
18 ~~designation in accordance with 45 C.F.R. § 1324.13(c)(2).~~ Each committee member must  
19 receive certification training as specified by the State Long-Term Care Ombudsman Program  
20 Policies and Procedures and be designated as representatives of the State Long-Term Care  
21 Ombudsman Program Division of Aging prior to exercising any power under subsection (h) of  
22 this section. ~~The State Long-Term Care Ombudsman Program Division of Aging, Department~~  
23 ~~of Health and Human Services,~~ shall provide the committees with information, guidelines,  
24 training, and consultation to direct them in the performance of their duties.

25 (h) (1) Each committee shall apprise itself of the general conditions under which the  
26 persons are residing in the homes, and shall work for the best interests of the  
27 persons in the homes. This may include assisting persons who have  
28 grievances with the home and facilitating the resolution of grievances at the  
29 local level.

30 (2) Each committee shall quarterly visit the nursing home it serves. For each  
31 official quarterly visit, a majority of the committee members shall be  
32 present. In addition, each committee may visit the nursing home it serves  
33 whenever it deems it necessary to carry out its duties. In counties with four  
34 or more nursing homes, the subcommittee assigned to a home shall perform  
35 the duties of the committee under this subdivision, and a majority of the  
36 subcommittee members must be present for any visit.

37 (3) Each member of a committee shall have the right ~~between 10:00 A.M. and~~  
38 ~~8:00 P.M.~~ to enter into the facility the committee serves in order to carry out  
39 the members' responsibilities. In a county where subcommittees have been  
40 established, this right of access shall be limited to homes served by those  
41 subcommittees to which the member has been appointed.

42 (4) The committee or subcommittee may communicate through its chair with the  
43 Department or any other agency in relation to the interest of any patient. The  
44 identity of any complainant or resident involved in a complaint shall not be  
45 disclosed except as permitted under the Older Americans Act of 1965, as  
46 amended, 42 U.S.C. § 3001 et seq.

47 (5) Each home shall cooperate with the committee as it carries out its duties.

48 (6) Before entering into any nursing home, the committee, subcommittee, or  
49 member shall identify itself to the person present at the facility who is in  
50 charge of the facility at that time.

1 (i) Any written communication made by a member of a nursing home advisory  
2 committee within the course and scope of the member's duties, as specified in G.S. 131E-128,  
3 shall be privileged to the extent provided in this subsection. All communication shall be  
4 considered the property of the Office of the State Long-Term Care Ombudsman and subject to  
5 the Office's disclosure policies. This privilege shall be a defense in a cause of action for libel if  
6 the member was acting in good faith and the statements or communications do not amount to  
7 intentional wrongdoing.

8 To the extent that any nursing home advisory committee or any member thereof is covered  
9 by liability insurance, that committee or member shall be deemed to have waived the qualified  
10 immunity herein to the extent of indemnification by insurance."

11 SECTION 2.(c) G.S. 143B-181.18 reads as rewritten:

12 "§ 143B-181.18. Office of State Long-Term Care Ombudsman Program/State  
13 Ombudsman duties.

14 The State Ombudsman shall perform the duties provided below:

- 15 (1) Promote community involvement with long-term care providers and  
16 residents of long-term care facilities and serve as liaison between residents,  
17 residents' families, facility personnel, and facility administration.
- 18 (2) Supervise the State Long-Term Care Ombudsman Program pursuant to rules  
19 adopted by the Secretary of the Department of Health and Human Services  
20 pursuant to G.S. 143B-10.
- 21 (3) Certify regional ombudsmen. Certification requirements shall include an  
22 internship, training in the aging process, complaint resolution, long-term  
23 care issues, mediation techniques, recruitment and training of volunteers,  
24 and relevant federal, State, and local laws, policies, and standards.
- 25 (3a) Designate certified Regional Ombudsmen as representatives of the Office of  
26 the State Long-Term Care Ombudsman Office as well as refuse, suspend, or  
27 remove designation as a representative of the Office of the State Long-Term  
28 Care Ombudsman in accordance with the Office of the State Long-Term  
29 Care Ombudsman Program Policies and Procedures.
- 30 (3b) Designate and refuse, suspend, or remove designation of volunteer  
31 representatives of the Office of the State Long-Term Care Ombudsman,  
32 including any community advisory committee appointees, in accordance  
33 with the State Long-Term Care Ombudsman Program Policies and  
34 Procedures.
- 35 (4) Attempt to resolve complaints made by or on behalf of individuals who are  
36 residents of long-term care facilities, which complaints relate to  
37 administrative action that may adversely affect the health, safety, or welfare  
38 of residents.
- 39 (5) Provide training and technical assistance to regional ombudsmen.
- 40 (6) Establish procedures for appropriate access by regional ombudsmen to  
41 long-term care facilities and residents' files, records, and other information,  
42 including procedures to protect the confidentiality of these files, records, and  
43 other information and to ensure that the identity of any complainant or  
44 resident will not be disclosed except as permitted under the Older Americans  
45 Act of 1965, as amended, 42 U.S.C. § 3001 et seq. and regulations  
46 promulgated thereunder.
- 47 (7) Analyze data relating to complaints and conditions in long-term care  
48 facilities to identify significant problems and recommend solutions.
- 49 (8) Prepare an annual report containing data and findings regarding the types of  
50 problems experienced and complaints reported by residents as well as  
51 recommendations for resolutions of identified long-term care issues.

- 1 (9) Prepare findings regarding public education and community involvement  
2 efforts and innovative programs being provided in long-term care facilities.  
3 (10) Provide information to public agencies, and through the State Ombudsman,  
4 to legislators, and others regarding problems encountered by residents or  
5 providers as well as recommendations for resolution.  
6 (11) Provide leadership for statewide systems advocacy efforts of the Office on  
7 behalf of long-term care residents, including independent determinations and  
8 positions that shall not be required to represent the position of the State  
9 agency or other agency within which the Ombudsman Program is  
10 organizationally located. Provide coordination of systems advocacy efforts  
11 with representatives of the Office as outlined in Ombudsman Policies and  
12 Procedures.  
13 (12) To the extent required to meet the requirement of the Older Americans Act  
14 and regulations promulgated thereunder regarding allotments for Vulnerable  
15 Elder Rights Protection Activities, the State Ombudsman and representatives  
16 of the Office are excluded from any State lobbying prohibitions under  
17 requirements to conduct systems advocacy on behalf of long-term care  
18 residents.  
19 (13) Determine the use of the fiscal resources as required by 42 U.S.C. § 3001 et  
20 seq. and regulations promulgated thereunder."

21 **SECTION 3.** The Department of Health and Human Services shall examine Public  
22 Law 113-51, HIV Organ Policy Equity (HOPE) Act, and the Final Safeguards and Research  
23 Criteria publication by the U.S. Department of Health and Human Services and National  
24 Institutes of Health to determine public health safeguards, regulations, and statutory changes  
25 necessary for consideration by the General Assembly. The Department shall submit a report of  
26 findings and recommendations, including any necessary statutory changes, to the Joint  
27 Legislative Oversight Committee on Health and Human Services on or before January 1, 2018.

28 **SECTION 4.** This act is effective when it becomes law.





DEPARTMENT OF HEALTH AND HUMAN SERVICES  
 DIVISION OF AGING AND ADULT SERVICES  
 OFFICE OF THE STATE LONG-TERM CARE OMBUDSMAN

**NOTIFICATION REQUESTING REMOVAL OF  
 COMMUNITY ADVISORY COMMITTEE MEMBER(S)**

TO: Clerk/County Manager \_\_\_\_\_  
 FROM: \_\_\_\_\_ Regional Ombudsman, Region \_\_\_\_\_  
 Volunteer: \_\_\_\_\_  
 Date: \_\_\_\_\_  
 County Committee Assignment: \_\_\_ Adult Care Home \_\_\_ Nursing Home \_\_\_ Joint  
 Date of Appointment \_\_\_\_\_

**Reason for Request**

Volunteers are a vital part of the services that support older adults in your county. However, the volunteer indicated above is not eligible for continued service for the following reason:

\_\_\_\_\_ Conflict of Interest

1. G.S. 131 E-128 (f) Nursing Home
2. G.S. 131 D-31 (g) Adult Care Home
3. 45 CFR §1324.21

\_\_\_\_\_ Failure to attend required on-going training complete required orientation and training

1. G.S. 131 E- 128 (g) Nursing Home
2. G.S. 131 D- 31 (h) Adult Care Home

Dates offered: \_\_\_\_\_

\_\_\_\_\_ Other (Non-attendance at quarterly meetings and facility visits)

1. As determined by the Long-Term Care Ombudsman Program Policies and Procedures
2. As determined by the committee by-laws.
3. As determined by resignation of the member
4. As determined by removal of designation by the Office of the State Long-Term Care Ombudsman

**This is an official notification to the Board of Commissioners to remove individual from service on the above-mentioned committee (HB 248, July 2017).** Should you have any questions, please contact \_\_\_\_\_, Regional Ombudsman, xxx-xxx-xxxx. Thank you in advance for your prompt attention to this matter.

693 Taylor Drive, Raleigh, NC 27603 / applicable address

Phone: xxx-xxx-xxxx Fax: xxx-xxx-xxxx

www.

**MACON COUNTY BOARD OF COMMISSIONERS**

**AGENDA ITEM**

**MEETING DATE:** October 10, 2017

**DEPARTMENT/AGENCY:** Finance/Solid Waste

**SUBJECT MATTER:** Resolution approving document changes to allow use of bond proceeds for landfill equipment

**COMMENTS/RECOMMENDATION:**

Please see the attached resolution as well as the attached modification agreement. The Finance Director can provide additional information at the meeting.

Attachments   2   Yes        No

**Agenda Item 11A**

**Resolution approving document changes to allow County to use bond proceeds for landfill equipment**

***WHEREAS --***

Macon County has previously issued its special obligation bonds to finance construction of a new landfill cell, and to pay related costs. The County has bond proceeds remaining after completing the planned work. Staff recommends that the County use those remaining proceeds to buy additional equipment for use in landfill operations. To allow that use of the proceeds, the County must approve a change to the bond documents.

***THEREFORE, BE IT RESOLVED*** by the Board of Commissioners of Macon County, North Carolina, as follows:

1. The Board approves the proposed modification in the use of bond proceeds described to this meeting.
2. The Board approves the form of a Modification Agreement submitted to this meeting that is designed to carry out the proposed change in the use of proceeds. The Board authorizes the Board's Chairman and the County Manager, or either of them, to execute and deliver the Agreement in its final form. The Agreement in its final form must be in substantially the form presented, with such changes as the Chairman or the County Manager may approve. The execution and delivery of any Agreement by an authorized County officer will be conclusive evidence of that officer's approval of any changes.
3. The Board directs all County officers and representatives to take all such further action as they may consider appropriate to carry out the purposes of this resolution, including obtaining consent to the modification from the bondholder and the Local Government Commission. The Board ratifies all prior actions of County officers and employees in this regard. This resolution takes effect immediately.

\*\*\*\*\*

I certify as follows: that the foregoing resolution was properly adopted at a meeting of the Board of Commissioners of Macon County, North Carolina; that the meeting was properly called and held on \_\_\_\_\_, 2017; that a quorum was present and acting throughout the meeting; and that this resolution has not been modified or amended, and remains in full effect as of today.

Dated this \_\_\_ day of \_\_\_\_\_, 2017.

[SEAL]

\_\_\_\_\_  
Clerk, Board of Commissioners  
Macon County, North Carolina

## **MODIFICATION AGREEMENT**

**THIS MODIFICATION AGREEMENT** is dated as of October 1, 2017, and is among Macon County, North Carolina (the "County"), Entegra Bank (the "Bank"), and the North Carolina Local Government Commission, a division of the Department of the North Carolina State Treasurer.

This Modification Agreement modifies and amends a Bond Purchase Agreement among the parties dated as of April 7, 2016 (the "Original Agreement"). Pursuant to the Original Agreement, the Bank purchased the County's Special Obligation Bond, Series 2016 (the "2016 Bond"), and the County used the bond proceeds to pay costs of constructing a landfill cell and related costs. The parties want to modify the Original Agreement to allow the County to use bond proceeds to pay a wider variety of costs.

**Now, for and in consideration of the premises, the parties agree as follows:**

1. Notwithstanding any contrary provision of the Original Agreement or the 2016 Bond, the definition of "Project Costs" in Exhibit B of the Original Agreement is amended by adding the following sentence to the end of the existing definition:

In addition, "Project Costs" means all capital costs of acquiring and otherwise placing in service equipment that is used or to be used by the County for collecting and disposing of solid waste.

2. Except as provided by this Modification Agreement, the parties ratify, approve and confirm the terms of the Original Agreement and the 2016 Bond.

3. This Modification Agreement may be executed in counterparts, including separate counterparts, but all together constitute a single agreement.

4. This Modification Agreement takes effect immediately.

*[The remainder of this page has been left blank intentionally.]*

**MACON COUNTY, NORTH CAROLINA**

By: \_\_\_\_\_

Derek Roland  
County Manager

**ENTEGRA BANK**

By: \_\_\_\_\_

Printed name: \_\_\_\_\_

Title: \_\_\_\_\_

**NORTH CAROLINA LOCAL GOVERNMENT COMMISSION**

By Greg C. Gaskins, Secretary

By: \_\_\_\_\_

[Greg C. Gaskins or Designated Assistant]

[Modification Agreement dated as of October 1, 2017]

# MACON COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

**MEETING DATE:** October 10, 2017

**DEPARTMENT/AGENCY:** Macon County Schools

**SUBJECT MATTER:** South Macon Elementary

**COMMENTS/RECOMMENDATION:**

The County Manager and the commission's liaisons to the school system have some items for discussion regarding South Macon that they will share at the meeting.

Attachments \_\_\_\_\_ Yes  No

Agenda Item 11B

**MACON COUNTY BOARD OF COMMISSIONERS**

**AGENDA ITEM**

**MEETING DATE: October 10, 2017**

**DEPARTMENT/AGENCY: Governing Board**

**SUBJECT MATTER: Consent Agenda**

**DEPARTMENT HEAD COMMENTS/RECOMMENDATION:**

- A. **Minutes** – Consideration of the minutes from the September 12, 2017 regular meeting, per Attachment 12A.
- B. **Finance** – Consideration of budget amendments #56 through #62, per Attachment 12B.
- C. **Tax releases** – Consideration of tax releases for September 2017 in the amount of \$3,022.93, per Attachment 12C.
- D. **Ad valorem tax collection report** – No action is necessary. Attachment 12D.

**COUNTY MANAGER'S COMMENTS/RECOMMENDATION:**

Attachments   X   Yes        No

Agenda Item 12 (A) (B) (C) and (D)



**MACON COUNTY BOARD OF COMMISSIONERS**  
**SEPTEMBER 12, 2017**  
**MINUTES**

Chairman Tate called the meeting to order at 6:04 p.m. and welcomed those in attendance. All Board Members, the County Manager, Deputy Clerk, Finance Director, County Attorney, members of the news media and interested citizens were present.

**ANNOUNCEMENTS:** Those in attendance watched a video from the North Carolina Association of County Commissioners (NCACC) that provided an update on recent NCACC activities. Chairman Tate noted that the Highlands area "took a pretty big hit" the night before from the remnants of Hurricane Irma. Emergency Services Director Warren Cabe and Solid Waste Director Chirs Stahl updated the board members on the status of recovery efforts and the opening of a temporary site for storm-related vegetative debris. Mr. Stahl also invited the board members to attend an upcoming meeting of the state's chapter of the Solid Waste Association of North America (SWANA) to be held in Raleigh. Commissioner Beale pointed out the Macon County Fair starts on September 13<sup>th</sup>.

**MOMENT OF SILENCE:** Chairman Tate asked those in attendance to observe a moment of silence.

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

**PUBLIC COMMENT PERIOD:** No one signed up to speak.

**ADDITIONS, ADJUSTMENTS TO AND APPROVAL OF THE AGENDA:** Upon a motion by Commissioner Beale, seconded by Commissioner Gillespie, the board voted unanimously to make additions to and approve the agenda as adjusted, as follows:

- To add discussion of appointments to the Community Funding Pool task force as the new Item 13(B) under Appointments, per Chairman Tate.
- To add consideration of a Satisfaction of Security Instrument as the new Item 11(E) under New Business, per the County Attorney.

- To remove Item 10(D) under Old Business, "Southwestern Community College (SCC) Burn Building property appraisal," per the County Manager.
- To remove Budget Amendment #49 from the Consent Agenda (Item 12B) and to add it as the new item 10(B)(1) under Old Business, per the County Manager.
- To add a report on the Tourism Development Committees and the chambers of commerce in both Franklin and Highlands as the new Item 9(A) under Reports and Presentations, per the County Manager.
- The County Attorney requested a closed session under Item 14 in order to preserve the attorney/client privilege.
- To add a presentation by Sarah Thompson, Executive Director of the Southwestern Commission, as the new Item 9(B) under Reports and Presentations, per the County Manager.
- To add an update from a county delegation's recent trip to Nantahala as the new Item 9(C) under Reports and Presentations, per Commissioner Higdon.

**UPDATE ON TOURISM DEVELOPMENT COMMITTEES:** The County Manager reported that he and the County Attorney had visited with representatives of the chambers of commerce of Franklin and Highlands and with members of the Tourism Development Committee (TDC) of each. He said those visits stemmed from questions that were being asked about the function of each one, and that he had asked the County Attorney to evaluate the governing documents of each, adding that the chamber and TDC representatives were asked to operate as close to those regulations and guidelines as possible. No action was taken.

**SOUTHWESTERN COMMISSION ANNUAL REPORT:** Sarah Thompson, the executive director of the Southwestern Commission, also known as Region A, presented the 2016 annual report for the regional council of governments. She reviewed the agency's primary areas of work and the dues structure that supports the seven-county organization. She also talked about a regional broadband assessment, noting that broadband is "the infrastructure issue of this era." No action was necessary.

**NANTAHALA FACILITIES:** Commissioner Higdon explained that he, Commissioner Shields, the County Manager and Mr. Cabe recently spent time in Nantahala visiting the library, school, community building, recreation park and emergency services building. Improvements for these facilities were briefly discussed and Commissioner Higdon asked about including them in the upcoming Capital Improvement Plan (CIP), which in turn led to a discussion about the CIP process. No action was taken.

**BOARD MEETING IN HIGHLANDS:** The board members, County Manager and County Attorney briefly discussed the possibility of holding the board's October regular meeting in Highlands. No action was taken.

**BUDGET AMENDMENT #49/LANDSCAPING AT THE ROBERT C. CARPENTER COMMUNITY BUILDING:** The County Manager began by explaining that he had asked to remove Budget Amendment #49 from the Consent Agenda. That amendment would appropriate \$100,000 in revenue from a grant-in-aid from the State of North Carolina and allocate it for the renovations to the Robert C. Carpenter Community Building. The County Manager said this money came about through state Sen. Jim Davis of Franklin, and is to be used for "community purposes." The County Manager went on to explain that he initially thought the grant would be great for the Community Funding Pool. However, as he went deeper into the conditions of the contract for the grant, he realized that the task force for the funding pool was not a fiduciary body, meaning the county would have to administer each "mini-grant" stemming from the \$100,000. Also, any organization receiving the funding would have to be a 501(C)3, which he said would create some inequities as to which ones could be considered. With these factors in mind, he requested, if the board agreed, to use the money toward the renovations at the community building, since it is used by many residents for a wide variety of uses, and thus fulfills the community purpose intent of the grant. This led to discussion among the board members, which then turned toward landscaping for the community building. The County Manager said that the landscaping plan has been sent out to prospective bidders, and that those bids are due on September 20<sup>th</sup>. Following discussion about the completion of final punch lists for the building renovations, the board took two separate actions. Upon a motion by Commissioner Shields, seconded by Commissioner Beale, the board voted unanimously to approve Budget Amendment #49 as presented, a copy of which is attached (Attachment 1) and is hereby made a part of these minutes. Secondly, upon a motion by Commissioner Beale, seconded by Commissioner Gillespie, the board voted unanimously to authorize the County Manager to enter into a landscape contract with the lowest responsible bidder once bids are received.

**MACON/JACKSON COUNTY LINE ISSUE:** Wes Hall, the county's Geographic Information System (GIS) analyst, gave the board members an update on the ongoing issue of "redrawing" portions of the county line between Macon and Jackson. This project is now in its fifth year and involves state officials as well. Mr. Hall provided the board with a number of maps that show as many as three possibilities under consideration for some locations, and told them he would be preparing a map with a single county line in the near future. This led to discussion and questions from the board members. Mr. Hall pointed out that the best way to accomplish this task would be through actual surveys, but

that is cost prohibitive. Chairman Tate said if both counties can agree on a new line, state officials will "rubber stamp it." He also noted that the issue primarily involves properties along ridgelines, some of which contain "very, very high dollar residences." He gave the example of Highlands Falls Country Club, half of which is in Macon and half is in Jackson, but is only accessible from the Macon County side, and thus Macon provides county services such as emergency response, garbage collection and recreation for Jackson County residents. Other situations similar to this one also exist, and he said that once the new line can be determined, the two counties can begin talking about how those services provided by Macon are to be paid for, perhaps resulting in an interlocal agreement between the counties. No action was necessary.

**BROADBAND COMMITTEE:** The board members discussed the possibility of having the county planning board review the county's telecommunication tower ordinance with an eye toward providing flexibility to expand broadband services. This included discussion of provisions in Jackson County's ordinance. The County Attorney said it would be helpful for the planning board if the commissioners would "clearly define what you want them to do." The board members agreed to ask the planning board to assess the feasibility of revisions to the telecommunications ordinance to further the buildout of wireless internet capacity in the county, and suggested a joint meeting of the planning board, the broadband committee and the state consultant working with the broadband committee. Commissioner Shields made a motion to include the items outlined above, and to make this the planning board's priority. Commissioner Gillespie seconded the motion, and it passed unanimously.

**MOBILITY MANAGER POSITION FOR TRANSIT:** Transit Director Kim Angel joined the meeting by video/audio means to request approval of a new position for a mobility manager for her department. She explained that the county was awarded a \$50,968 grant for the position, which requires a 10 percent county match of \$5,098. However, the position will be shared with Swain County, which will reduce Macon's portion to \$2,549. Ms. Angel told the board that money is already in her departmental budget. She said the job will be posted as a "grant funded position," and if the funding is not continued, the position will be eliminated. Following her explanation of why the position was needed, Commissioner Beale made a motion to approve the request as presented. It was seconded by Commissioner Shields, and the board unanimously approved. The Finance Director requested that a budget amendment in the amount of \$50,958 be made a part of the motion, and the County Attorney noted that an interlocal agreement with Swain County regarding the shared position would also be required.

**TRANSIT FACILITY EXPANSION:** Ms. Angel told the board that she became aware of an opportunity to secure federal and/or state funding for the expansion of the Transit Services facility. The department no longer has a conference/training room, as that space was converted to offices. She informed the board that she is seeking \$183,500 for an addition that would replace the conference/training room, plus add a possible second story for storage. Due to a quick turnaround time, the County Manager wrote a letter to state Public Transportation Division officials confirming that the county has the funds for the required 10 percent local match. A copy of that letter is attached (Attachment 2) and is hereby made a part of these minutes. The local match of approximately \$18,000 could come from the sale of surplus transit vehicles. Commissioner Beale asked Ms. Angel if she had any plans for the proposed addition, and she told him only some rough drawings and some cost estimates that were three to four years old. This was followed by discussion of whether this project would be part of the county's CIP. Commissioner Beale made a motion to authorize Chairman Tate to write a letter approving up to a 10 percent match – pending the Transit Department's ability to provide the matching funds. Commissioner Shields seconded the motion, and it was unanimously approved.

**REVISED FIRE DISTRICT MAP FOR BURNINGTOWN-IOTLA FIRE AND RESCUE DEPARTMENT:** Mr. Cabe requested approval of the revised fire district map for the Burningtown-Iotla Fire and Rescue Department. He handed out copies of the map to the board members. With a new substation now open, he said the department meets all of the current stipulations, with the revised map moving 126 structures into a new insurance rating area of an 8B instead of a 9. Mr. Cabe noted that if the board approves the new map, it will be forwarded to the North Carolina Office of the State Fire Marshal to schedule their inspection and grant the department final approval. Upon a motion by Commissioner Higdon, seconded by Commissioner Gillespie, the board voted unanimously to approve the revised fire district map as presented.

**ELECTING COUNTY STATUS FOR SOCIAL SERVICES:** Director of Social Services Patrick Betancourt asked the board to vote to continue to have Macon as one of seven counties statewide with the designation of "electing status" for the Work First Program. He said that the county has held this designation since 1998, and it gives the department additional latitude, including the ability to reinvest unspent funds in child protective services. Following additional details from Mr. Betancourt, Commissioner Beale gave a brief history of the program and made a motion to remain an electing county. Commissioner Gillespie seconded the motion, and the board voted unanimously to approve the motion.

**CONSTITUTION WEEK PROCLAMATION:** Following a brief explanation by the County Manager, and upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted unanimously to proclaim the week of September 17 through 23 as "Constitution Week." A copy of the proclamation is attached (Attachment 3) and is hereby made a part of these minutes.

**SATISFACTION OF SECURITY INSTRUMENT:** Following brief comments from the County Attorney and upon the recommendation of Housing Director John Fay, upon a motion by Commissioner Beale, seconded by Commissioner Gillespie, the board voted unanimously to approve a Satisfaction of Security Instrument for Wylene Wall, a copy of which is attached (Attachment 4) and is hereby made a part of these minutes.

**CONSENT AGENDA:** Upon a motion by Commissioner Higdon, seconded by Commissioner Beale, the board voted unanimously to approve the items on the consent agenda as follows: the minutes of the August 8, 2017 regular meeting; the following budget amendments: #38 for the Health Department to roll \$13,843 in unexpended Cost Settlement Money to the current fiscal year; #39 for the Health Department to carry forward \$1,606 in unexpended money (donations for Animal Control) to the current fiscal year; #40 for the Health Department to roll \$535 in unexpended Tobacco Grant money to the current fiscal year; #41 for the Health Department to roll \$2,978 in unexpended grant revenue to the current fiscal year; #42 for the Health Department to roll \$837 in unexpended Minority Diabetes Prevention Grant money to the current fiscal year; #43 for the Sheriff's Department to appropriate \$1,067 from fund balance left from an anonymous donation; #44 for Soil Conservation to appropriate \$136,746 for a Natural Resources Conservation Service Environmental Quality Incentives Program grant; #45 for the Health Department to reverse Budget Amendment #25 and to carry forward \$5,283 in Zonta money already included in the original budget; #46 for the Health Department to roll \$508 in unexpended School Health-Sharing Center contribution funds to the current fiscal year; #47 for the Department of Social Services to allocate a total of \$183,176 in additional TANF and TEA Foster Care funds; and #48 for Emergency Services to allocate \$3,840 in insurance proceeds to cover the replacement of a garage door. (Copies of the amendments are attached); tax releases for the month of August in the amount of \$11,813.01. (Copies of the releases are on file in the Deputy Clerk's office.) the write-off of taxes 10 years old or older in the amount of \$82,182.71 (letter from Tax Collections Supervisor attached.) monthly ad valorem tax collections report (no action necessary).

**APPOINTMENTS: (1) Board of Health:** Upon a motion by Commissioner Gillespie, seconded by Commissioner Shields, the board voted unanimously to

appoint Dr. Julie Farrow, a physician from Highlands, to the licensed physician slot on the Board of Health and to appoint Mitchell Bishop, an engineer with the North Carolina Department of Transportation, to the licensed professional engineer slot on the board. Terms of appointment are for three years each. **(2) Community Funding Pool:** The board members and staff held a lengthy discussion regarding the current status of the Community Funding Pool task force. During this time, the County Manager reviewed the membership makeup of the 12-member task force that was originally created in 2000, with two-thirds of those members to represent non-profit organizations. Following further discussion, no formal action was taken.

**CLOSED SESSION:** At the request of the County Attorney, and upon a motion by Commissioner Beale, seconded by Commissioner Shields, the board voted unanimously to go into closed session at 8:34 p.m. in order to preserve the attorney/client privilege. Upon a motion by Commission Gillespie, seconded by Commissioner Shields, the board voted unanimously to come out of closed session and return to open session at 8:58 p.m. No action was taken.

**ADJOURN:** With no other business, and at 8:58 p.m., upon a motion by Commissioner Shields, seconded by Commissioner Gillespie, the board voted unanimously to adjourn.

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Derek Roland  
Ex Officio Clerk to the Board

---

Jim Tate  
Board Chairman

MACON COUNTY BUDGET AMENDMENT  
AMENDMENT # \_\_\_\_\_

56

DEPARTMENT: HEALTH

EXPLANATION: Additional monies received from the State. Need to increase total Budget from \$82,705 to \$120,205 in expenditures and revenue.

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
115125-555106	Contracted Services	12,768	
115125-556011	Operating	19,732	
115125-558901	Travel	5,000	
113511-426001	Tobacco Settlement	37,500	

REQUESTED BY DEPARTMENT HEAD [Signature]

RECOMMENDED BY FINANCE OFFICER [Signature]

APPROVED BY COUNTY MANAGER \_\_\_\_\_

ACTION BY BOARD OF COMMISSIONERS \_\_\_\_\_

APPROVED AND ENTERED ON MINUTES DATED \_\_\_\_\_

CLERK \_\_\_\_\_



MACON COUNTY BUDGET AMENDMENT

AMENDMENT # 57

FROM: Robert L Holland

DEPARTMENT: Sheriff

EXPLANATION: For crown vic struck by falling limb

ACCOUNT    DESCRIPTION    INCREASE    DECREASE

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
11-3839-4850-00	Insurance Settlement	\$2,843	
11-4310-5565-03	Vehicle Repairs	\$2,843	

REQUESTED BY DEPARTMENT HEAD \_\_\_\_\_ *[Signature]*

RECOMMENDED BY FINANCE OFFICER \_\_\_\_\_ *[Signature]*

APPROVED BY COUNTY MANAGER \_\_\_\_\_

ACTION BY BOARD OF COMMISSIONERS \_\_\_\_\_

APPROVED AND ENTERED ON MINUTES DATED \_\_\_\_\_

CLERK \_\_\_\_\_

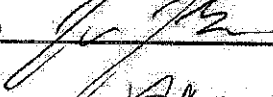
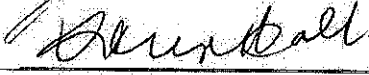
MACON COUNTY BUDGET AMENDMENT  
AMENDMENT # 58

Date: 9/26/2017

DEPARTMENT: HEALTH

EXPLANATION: Macon County Humane Society prepaid for 3 doses of Rabies vaccines. This expense and revenue is not something that we budget for. We need to increase the Revenue and Expense lines.

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
113511-437204	Foreign Travel/ Other Vaccines	\$ 867.00	
115145-565002	Disease Control- Foreign Travel/Other Vac	\$ 867.00	

REQUESTED BY DEPARTMENT HEAD   
RECOMMENDED BY FINANCE OFFICER   
APPROVED BY COUNTY MANAGER  
ACTION BY BOARD OF COMMISSIONERS  
APPROVED AND ENTERED ON MINUTES DATED  
CLERK

AMENDMENT # 59

FROM: FINANCE

DEPARTMENT: SOCIAL SERVICES  
EXPLANATION: Additional HCCBG allocation

	DESCRIPTION	INCREASE	DECREASE
11-3584-4440-08	INFO ASSISTANCE	\$16,679	
11-3584-4399-04	SR CENTER OUTREACH	1,853	
11-3584-4395-05	GENERAL PURPOSE	1,139	
11-5831-5500-02	ADMIN PT SALARY	17,215	
11-5831-5502-01	ADMIN FICA	1,317	
11-5831-5592-02	TELEPHONE		379
11-5831-5684-02	GENERAL PURPOSE	1,518	

REQUESTED BY DEPARTMENT HEAD 

RECOMMENDED BY FINANCE OFFICER 

APPROVED BY COUNTY MANAGER \_\_\_\_\_

ACTION BY BOARD OF COMMISSIONERS \_\_\_\_\_

APPROVED AND ENTERED ON MINUTES DATED \_\_\_\_\_

CLERK \_\_\_\_\_

MACON COUNTY BUDGET AMENDMENT  
AMENDMENT # \_\_\_\_\_

Date: 9/14/2017

60

DEPARTMENT: HEALTH

EXPLANATION: New AA Revisions for Healthy Communities. Rev. #1 additional \$3810 for Healthy Communities.  
Rev. #2 additional \$4000 for School Nurses- Asthma Intervention.

We also received more money than we budgeted for Prescription Drug Overdose Program.

ACCOUNT	DESCRIPTION	INCREASE	DECREASE
115120-565017	School Health- In Home Asthma Intervention	\$ 4,000.00	
115146-555106	Healthy Communities- Contracted Services	\$ 3,810.00	
115146-565016	Healthy Communities- Prescription Drug Overdose	\$ 3,500.00	
113511-438504	Health Promotion	\$ 11,310.00	

REQUESTED BY DEPARTMENT HEAD \_\_\_\_\_

RECOMMENDED BY FINANCE OFFICER *Karen Ball* \_\_\_\_\_

APPROVED BY COUNTY MANAGER \_\_\_\_\_

ACTION BY BOARD OF COMMISSIONERS \_\_\_\_\_

APPROVED AND ENTERED ON MINUTES DATED \_\_\_\_\_

CLERK \_\_\_\_\_

MACON COUNTY BUDGET AMENDMENT

September 13, 2017

AMENDMENT # \_\_\_\_\_

61

FROM: FINANCE

DEPARTMENT: SOCIAL SERVICES

EXPLANATION: Additional allocation

	DESCRIPTION	INCREASE	DECREASE
11-3584-4389-22	SHIPP REVENUE	\$279	
11-5831-5675-26	SHIPP	\$279	

REQUESTED BY DEPARTMENT HEAD 

RECOMMENDED BY FINANCE OFFICER 

APPROVED BY COUNTY MANAGER \_\_\_\_\_

ACTION BY BOARD OF COMMISSIONERS \_\_\_\_\_

APPROVED AND ENTERED ON MINUTES DATED \_\_\_\_\_

CLERK \_\_\_\_\_

MACON COUNTY BUDGET AMENDMENT

AMENDMENT # 62

DEPARTMENT 11-4370

EXPLANATION DONATION - HAWKINS

ACCOUNT		DESCRIPTION	INCREASE	DECREASE
113850	445807	DONATIONS EMS	\$ 1,000.00	
114370	575055	DONATIONS/GIFTS	\$ 1,000.00	

REQUESTED BY DEPARTMENT HEAD \_\_\_\_\_

RECOMMENDED BY FINANCE OFFICER *[Signature]*

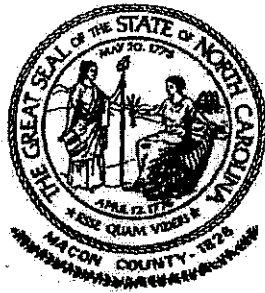
APPROVED BY COUNTY MANAGER \_\_\_\_\_

ACTION BY BOARD OF COMMISSIONERS \_\_\_\_\_

APPROVED & ENTERED ON MINUTES DATED \_\_\_\_\_

CLERK: \_\_\_\_\_

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



Phone: (828) 349-2149  
Fax: (828) 349-2564  
tmcowell@maconnc.org

**TO:** MACON COUNTY COMMISSIONERS

**FROM:** Macon County Tax Office  
Teresa McDowell, Tax Collections Supervisor

**DATE:** October 3, 2017

**RE:** Releases

Attached please find the report of releases for real estate 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 regarding these releases. The report of the releases formatted in alphabetical order is attached.

AMOUNT OF RELEASES FOR September, 2017: \$3022.93

Releases - September, 2017

Tax Collections  
10/02/17

Detail Transactions by Group

RTC020303  
Page 1

Group Number REL\*17\*09 Abatement Effective Date 09/01/17

Seq Nbr	Date	Account Number	Taxbill Number	Tax Code	Transaction Amount	Levy Amount	Penalty Amount	Addl Chgs	Interest Amount	Discont Amount	Trn Cde	Check Number	Trans Rev Descriptn
2	09/08/17	96936	17A6582835183	G01 F03 L02	196.28- 36.50- 95.00-	196.28- 36.50- 0.00	0.00 0.00 0.00	95.00-	0.00 0.00 0.00				
***			BIG BEAR OF NORTH CAROLINA LLC		327.78-	232.78-	0.00	95.00-	0.00	0.00	R		CLERICA
3	09/08/17	96936	17A6582836080	G01 F03 L01	104.70- 19.50- 95.00-	104.70- 19.50- 0.00	0.00 0.00 0.00	95.00-	0.00 0.00 0.00				
***			BIG BEAR OF NORTH CAROLINA LLC		219.20-	124.20-	0.00	95.00-	0.00	0.00	R		CLERICA
4	09/11/17	57140	17A57140.08	G01 L01	1.28- 95.00-	1.28- 0.00	0.00 0.00	95.00-	0.00 0.00				
***			CARPENTER, STEVE		96.28-	1.28-	0.00	95.00-	0.00	0.00	R		CLERICA
5	09/15/17	88202	17A88202.01	G01 F02 L01	5.57- 1.22- 95.00-	5.57- 1.22- 0.00	0.00 0.00 0.00	95.00-	0.00 0.00 0.00				
***			HEDDEN, GLENN H		101.79-	6.79-	0.00	95.00-	0.00	0.00	R		CLERICA
6	09/15/17	88202	17A88202.01	L01	285.00-	0.00	0.00	285.00-	0.00				
***			HEDDEN, GLENN H		285.00-	0.00	0.00	285.00-	0.00	0.00	R		CLERICA
7	09/21/17	2067	17A7512678385	G01 F04	92.66- 14.26-	92.66- 14.26-	0.00 0.00	0.00	0.00 0.00				
***			HOLLAND, JAMES CLIFTON		106.92-	106.92-	0.00	0.00	0.00	0.00	R		CLERICA
8	09/27/17	22116	17A7449135549	G01 F10 H01	872.50- 27.00- 410.00-	872.50- 27.00- 410.00-	0.00 0.00 0.00	0.00	0.00 0.00 0.00				
***			MCKEY, JOHN D JR		1309.50-	1309.50-	0.00	0.00	0.00	0.00	R		CLERICA
1	09/01/17	135980	17A7523017885	G01 F04	499.59- 76.87-	499.59- 76.87-	0.00 0.00	0.00	0.00 0.00				
***			PINE GROVE BAPTIST CHURCH, INC		576.46-	576.46-	0.00	0.00	0.00	0.00	R		CLERICA



Effective Date 09/01/17

Detail Transactions by Group

Abatement

Seq Nbr	Date	Account Number	Taxbill Number	Tax Code	Transaction Amount	Levy Amount	Penalty Amount	Addl Chgs	Interest Amount	Discont Amount	Trn Check Number	Trans Rev	Description
Tax Code Totals													
				F02*17- CL CH FR	1.22-	1.22-	0.00	0.00	0.00	0.00		0.00	
				F03*17- OTTO FR	56.00-	56.00-	0.00	0.00	0.00	0.00		0.00	
				F04*17- CULL FR	91.13-	91.13-	0.00	0.00	0.00	0.00		0.00	
				F10*17- HLD FR	27.00-	27.00-	0.00	0.00	0.00	0.00		0.00	
				G01*17- GEN TAX	1772.58-	1772.58-	0.00	0.00	0.00	0.00		0.00	
				H01*17- HLD CITY	410.00-	410.00-	0.00	0.00	0.00	0.00		0.00	
				L01*17- RES FEE	570.00-	570.00-	0.00	570.00-	0.00	0.00		0.00	
				L02*17- COM FEE	95.00-	95.00-	0.00	95.00-	0.00	0.00		0.00	
Total for Group					3022.93-	2357.93-	0.00	665.00-	0.00	0.00		0.00	
					REL*17*09								

\*\*\*\*\* Totals By Tax Cycle \*\*\*\*\*  
 Cycle Current Delinquent  
 A 3022.93- 0.00

MACON COUNTY MONTHLY  
AD VALOREM TAX COLLECTIONS REPORT

Sep-17

Month to Date	Beginning Balance	Levy Added	Less Releases	Less Write-Offs	Equals Adj Levy	Gross Payments	Less Refunds	Misc Dr/Cr	Net Payments	Outstanding Balance
General Tax	17812816.18	557290.65	-7249.14	-11.75	18362845.94	-2532339.7	4124.37	332.93	-2527882.38	15834963.56
Fire Districts	2232517.79	100626.86	-610.12	-1.8	2332532.73	-293674.65	0	60.73	-293613.92	2038918.81
Landfill User Fee	1812592.41	0	-950	-0.76	1811641.65	-223008.3	0	95	-222913.3	1588728.35
Totals	21857926.38	657917.51	-8809.26	-14.31	22507020.32	-3049022.6	4124.37	488.66	-3044409.6	19462610.72

Year to Date	Beginning Balance	Levy Added	Less Releases	Less Write-Offs	Equals Adj Levy	Gross Payments	Less Refunds	Misc Dr/Cr	Net Payments	Outstanding Balance	Collection Percentage
General Tax	0	26888943.23	-12747.98	-1225.65	26874969.6	-11066784	18619.7	8157.77	-11040006.04	15834963.56	41.08
Fire Districts	0	3231583.83	-1481.25	-192.48	3229910.1	-1191230.5	0	239.24	-1190991.29	2038918.81	36.87
Landfill User Fee	0	2540205	-1615	-10.38	2538579.62	-950779.27	0	928	-949851.27	1588728.35	37.42
Totals	0	32660732.06	-15844.23	-1428.51	32543459.32	-13208793	18619.7	9325.01	-13180848.6	19462610.72	40.38

41.08% COLLECTED ON 2017 COUNTY GENERAL TAXES, LATE LISTING PENALTIES, DISCOVERIES AND DEFERRED TAXES AS OF 9/30/2017 AS COMPARED TO 41.88% COLLECTED ON 2016 TAXES AS OF 9/30/2016

# MACON COUNTY BOARD OF COMMISSIONERS

## AGENDA ITEM

**MEETING DATE:** October 10, 2017

**DEPARTMENT/AGENCY:** Governing Board

**SUBJECT MATTER:** Appointments

**COMMENTS/RECOMMENDATION:**

**(A) Community Funding Pool** – The County Manager will have an update at the meeting.

**(B) Economic Development Commission (EDC) –**

(1) Town of Franklin: -- Please see the attached letter from Franklin Town Manager Summer Woodard regarding the town council's vote to reappoint Barbara McRae.

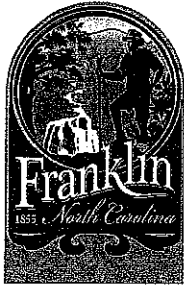
(2) Highlands Area Chamber of Commerce – Please see the attached letter from David Bock, Chairman of the Board, which nominates Bill Futral to serve another term as the chamber's representative.

(3) Franklin Area Chamber of Commerce – Please see the attached e-mail from Linda Harbuck, Executive Director, regarding the chamber board's vote to appoint Jim Breedlove

All terms of appointment will be for three years.

Attachments   3   Yes        No

Agenda Item 13(A) and (B)



# TOWN OF FRANKLIN

Post Office Box 1479  
Franklin, North Carolina 28744  
(828) 524-2516

September 25, 2017

Tommy Jenkins  
Macon County Economic Development Director  
5 West Main Street  
Franklin, North Carolina 28734

Mr. Jenkins,

The Town Council voted on Monday September 18, 2017 to re-appoint Town Council member Barbara McRae to the Economic Development Commission.

If you have any questions or need additional information please feel free to contact me at 828-524-2516 ext 305.

Sincerely,

Summer Woodard  
Town Manager



September 28, 2017

Macon County Economic Development Commission  
Attn: Tommy Jenkins, Executive Director  
5 West Main Street  
Franklin, NC 28734

Dear Tommy;

The Highlands Area Chamber of Commerce proudly nominates Bill Futral to serve another term as its representative on the Macon County EDC. Please submit Mr. Futral's name to the Macon County Commissioners for appointment to the EDC.

Respectfully,

David Bock  
Chairman of the Board

HIGHLANDS CHAMBER OF COMMERCE  
POST OFFICE BOX 62 HIGHLANDS, NC 28741  
TEL (828) 526-5841 FAX (828) 526-5803  
EMAIL [president@highlandschamber.org](mailto:president@highlandschamber.org)

ELEVATION 4118 FEET

[www.highlandschamber.org](http://www.highlandschamber.org)

HIGHLANDS VISITOR CENTER  
POST OFFICE BOX 404 HIGHLANDS, NC 28741  
TEL (828) 526-2112 FAX (828) 526-5805  
EMAIL [visitor@highlandschamber.org](mailto:visitor@highlandschamber.org)

## Tommy Jenkins

---

**From:** Linda Harbuck <lindah@franklin-chamber.com>  
**Sent:** Wednesday, October 4, 2017 10:54 AM  
**To:** Tommy Jenkins  
**Cc:** Jim Breedlove  
**Subject:** Franklin Chamber EDC appointment

**Importance:** High

Good morning Tommy,

Per our recent conversation the Franklin Chamber Board voted to appoint the following representative to the Macon County EDC:

Jim Breedlove  
380 Country Walk Drive  
Franklin, NC 28734  
(828)371-1582 or (828)524-1601  
Jim\_Breedlove@ucbi.com

If you need any further information, please let me know. Is that a 2 or 3 year term? Sorry, I am dealing with to many committees right now and they all have different terms so just need to confirm this one with you and let Jim know.

Thank you for the opportunity to have representation on the Macon County EDC.

Kind regards,  
Linda H.

*Linda Harbuck, Executive Director*  
Franklin Area Chamber of Commerce  
425 Porter Street  
Franklin, North Carolina 28734  
(828)524-3161  
[lindah@franklin-chamber.com](mailto:lindah@franklin-chamber.com)