

**MINUTES OF A  
WORK SESSION  
OF THE JACKSON COUNTY  
BOARD OF COMMISSIONERS  
HELD ON  
JUNE 16, 2020**

The Jackson County Board of Commissioners met in a work session on June 16, 2020, 1:00 p.m., Justice and Administration Building, Room A201, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman	Don Adams, County Manager
Boyce Deitz, Vice Chair	Heather C. Baker, County Attorney
Mickey Luker, Commissioner (via Zoom video conferencing)	Angela M. Winchester, Clerk to Board
Ron Mau, Commissioner	
Gayle Woody, Commissioner	

Chairman McMahan called the meeting to order.

Commissioner Mau stated that after being on the Zoom side of meetings, he had a couple of suggestions. The Commissioners needed to be closer to the microphone. Sometimes, staff was in and out, so just something to keep in mind.

(1) **VAYA HEALTH**: Shelly Foreman, Vaya Health Community Relations Regional Director (via Zoom video conferencing) stated that she wanted to provide a brief update. She had the opportunity to listen in to some of the Board of Commissioners' meetings and it was amazing to hear how many different agencies, systems, nonprofits and governments had come together to deal with some of the struggles related to COVID-19. In working with Vaya for over 21 years, she had never seen a time when the Federal Government, Center for Medicaid Services, the State Department of Health and Human Services, the Medicaid Division and the LME's and CMO's that manage both Medicaid and state funds for people with disabilities, come together to make so many changes so fast.

(a) Response to COVID-19: Vaya was committed to supporting providers, ensuring access to care and meeting the extraordinary behavioral health challenges faced by the communities as a result of COVID-19:

- They funded hardship payments and increased rates to providers to help stabilize their workforce and address COVID-19 impacts, from purchasing personal protective equipment to transitioning services to telehealth.
- They purchased 500 smartphones for high priority members to ensure they could receive telehealth services.
- In partnership with MAHEC and others, they launched the WNC COVID-19 Regional Report, a weekly update that provided the regional medical community with timely information on trends, needs, resources and training opportunities.
- As a part of statewide Hope4NC Helpline, their call center connected people in the region to mental health supports that help them cope and build resilience during times of crisis.

(b) Community Partnership: In conjunction with NC DMH/DD/SAS and the Division of Vocational Rehabilitation Services, Vaya designated and implemented NC CORE (the NC Collaborative for Ongoing Recovery through Employment), a milestone payment model for Individual Placement and Support (IPS). IPS was an evidence based best practice for adults with serious mental illness that helped individuals find and maintain enjoyment.

(c) Vaya's Efforts in the Opioid Epidemic: Vaya worked with local partners to support prevention, harm reduction and treatment efforts to improve the wellbeing of individuals, families and communities.

- 14% of North Carolinians receiving treatment through North Carolina's Opioid Crisis Grant were served by providers funded by Vaya.
- Substance use admissions/readmissions declined over the past two years as Vaya increased access to Medication Assisted Treatment throughout Western North Carolina.
- Since 2016, they had distributed 8,200 opioid overdose-reversal kits in the communities.

(d) Given the unprecedented nature of the pandemic, the LME/MCO system respectfully requested the Legislature's consideration of the following: A System Payment of \$81.4 Million to Cover Direct COVID-19 Related Care Costs for Current Fiscal Year. The COVID-19 pandemic was the largest crisis to ever hit behavioral health and IDD care providers. As a system, the LME/MCOs have incurred increased and unexpected cost increases as they have taken swift and measured action to preserve the continuity of care for members and offer needed assistance to providers. In addition, other pandemic-related impacts have led to increases in expenses, including:

- Increasing provider reimbursement rates to address COVID-19 impacts (hazard pay, PPE, operating costs of implementing social distance within their care model)
- Expansion of essential enhanced care by providing telehealth equipment, housing and food to the most vulnerable population
- Making financial stability payments to vital providers to keep their doors open throughout this crisis and beyond
- Converting services customarily performed in the community or group settings to virtual services

In addition, they have experienced significant increases in certain service utilization trends due to stay-at-home orders, as well as increased coverage costs due to new regulatory flexibilities such as the temporary lifting of payment caps for certain services.

(e) On behalf of North Carolina's seven Local Management Entity/Managed Care Organizations (LME/MCOs), they appreciate the opportunity to provide continuing feedback on how the COVID-19 pandemic impacted the state's publicly managed behavioral health system. LME/MCOs were responsible for managing Medicaid and other public behavioral health and intellectual/developmental disability (IDD) funds for millions of North Carolinians in all 100 counties. They were working 24/7 to support frontline healthcare providers, ensure access to and continuity of care, and meet the staggering behavioral health challenges faced by communities as a result of this terrible pandemic.

The LME/MCO system respectfully requests the Legislature's consideration of the following non-CARES Act budget and policy items:

- Stop Single-Stream Funding Cuts: Ensure the solvency of the state's health safety net to provide behavioral health access to increasing uninsured and underinsured individuals due to COVID-19.
- Increase Innovations Waiver Slots: Increase Innovations Waiver slots to meet the needs of over 12,000 North Carolina citizens on the waiting list for IDD services.
- Additional Policy Considerations:
  - Support allocation of additional revenue from alcohol sales during the COVID-19 emergency period for substance use disorder treatment
  - Support new funding to add reserved capacity (emergency) Innovations Waiver slots for COVID-19-related situations
  - Support sufficient allocation of personal protective equipment (PPE) to behavioral health providers and support staff

(f) Key COVID-19 Support for Vaya Network Providers: Vaya prioritized network stabilization efforts to address the most at-risk areas first. These efforts focused on supporting:

- Providers delivering a required crisis service to Vaya members;
- Providers delivering emergency walk-in services in the Vaya catchment area; and/or
- Providers unable to provide their contracted services via Telemedicine due to the nature of the service (e.g. direct care, clubhouse, day treatment).

Commissioner Woody stated that when it was first mentioned about the Balsam Center closing because of a lack of funding, there was a concern that there would be an increase in the Sheriff's Office involvement in these emergency situations. Have they seen that happen?

Ms. Foreman stated that it was the Behavioral Health Urgent Care, where people could go 24/7 to get a crisis assessment and stay for a period of time until placement. That included people for voluntary and involuntary commitment. When the Sheriff's Office did an involuntary commitment, they typically would usually take them to the closest facility, which was the hospital. They had seen the problem with people that went there voluntarily, transitioned to involuntary and had to travel to Buncombe County. It had put a lot of pressure on the system to get immediate access to that behavioral health crisis assessment and a place for people to stay and wait until placement happened.

In the first month and a half of the pandemic, they were seeing fewer people going to the hospitals and reaching out for crisis care. In the last two weeks, it appeared that those numbers were going back up. She thought they would get a better sense of what would be happening in the next month or two as more people were getting out from under the stay at home order and they began to collect more data. She could follow up with her on that question.

Chairman McMahan stated that it was important to note, because he thought there was some confusion, even among the Advisory Board and others in the early stages of the change in the way the Balsam Center did business. They were only talking about the Behavioral Health Urgent Care portion, the rest of the facility and the other services they provided would remain in place. The only part that really changed was the after-hours urgent care part.

Ms. Foreman stated that was correct. People could still walk in for an assessment and the facility based crisis was still in operation, although they had to limit the number of people by reducing the capacity because of social distancing.

Chairman McMahan thanked Ms. Foreman for her report and for all that they were doing amid all of the turmoil and crisis. He knew it had created some unique challenges, but Vaya had shown that they rose to the challenge to help continue to provide the services needed.

*Informational item.*

**(2) TAX COLLECTION CONTRACTS WITH TOWNS:** Mr. Adams stated that several months ago, it was discovered that the collection contracts with the towns had expired. He asked Tabitha Ashe, Tax Administrator, to begin working on the contracts.

Ms. Ashe stated that in February they discussed this and she sent out a letter to the municipalities at that time and asked if they wanted to continue the contract. All of them stated that they did want to continue. She sent contracts out to all of them and had heard back from all of them and was only waiting on the Town of Highlands, which would have their meeting on June 18<sup>th</sup>. They were all in agreement with the new contract, which was for ten years and allowed the County Collector to act as the Municipal Collector for Highlands, Webster, Dillsboro and Forest Hills for a fee of 2% of collections. Sylva did their own billing and collections.

**Consensus:** *Add this item to the next regular meeting agenda for consideration.*

**(3) HEALTH INSURANCE POLICY FOR USERS OF TOBACCO PRODUCTS:**

Mr. Adams stated that with the COVID-19 situation, it had become difficult to test for tobacco use. There were some recommendations for the Board to consider.

Kathleen Breedlove, Human Resources Director (via Zoom video conferencing) stated that last year the Board approved the Health Insurance Policy for Users of Tobacco Products on April 16, 2019. This policy required health plan eligible employees of any age and retirees under age 65 to certify their status as a user or nonuser of tobacco products at the time they begin health plan eligible employment, annually during the Open Enrollment period, and also submit to mandatory substance testing.

Due to the COVID-19 pandemic situation, an administrative decision was made to temporarily suspend the mandatory substance testing requirement during the recent Open Enrollment in May 2020. The Director of the Jackson County Department of Public Health recommends suspension of testing through at least April 2021.

Last year, they had 90 employees that certified or tested positive for tobacco. 87 attended a cessation program and three did not. They had 12 retirees certify or test for tobacco and nine attended the cessation program and three did not. The county was a provider of employee health insurance benefits and discouraged the use of tobacco products in any form and was seriously committed to assisting tobacco products users with cessation support. For the upcoming year, previously identified tobacco users would be encouraged to contact the Health Department for cessation assistance and education.

The County Manager was given administrative authorization as was necessary to implement this policy and ensure compliance. It was recommended the Board of Commissioners approve a suspension of this policy until Administration and the Health Department Director determined when it would once again be safe to resume mandatory tobacco swab testing as outlined in the policy.

Mr. Adams stated that they had two plans: 80/20 and 70/30. If tobacco users went to the cessation class, then they automatically qualified for the better plan. If they chose not to attend the class, they had to pay the difference in order to get to the better plan. They wanted to continue classes, but at that point, unless they went through the \$80 blood test, there was no economical way to test for tobacco use. Without being able to test, it was almost impossible to implement the program. If the Board suspended the program, they would start having this conversation again in January, 2021 to see if they were in a position to continue the program for next year.

**Consensus:** *Add this item to the next regular meeting agenda for consideration.*

**(4) FY 2020-2021 BUDGET DISCUSSIONS:** Mr. Adams stated that he would turn this item over to the Chairman and the Board for any additional discussions. He requested that Darlene Fox, Finance Officer review with the Board a few changes when the Board was ready to have those discussions.

Chairman McMahan requested to go ahead and hear the changes from Ms. Fox.

**(a)** Ms. Fox stated the changes:

- An increase of \$20,825 for HERE as they only requested 10-months, but this would make it a 12-month budget.
- The ABC Board additional \$60,000 in revenues was already included in the budget.
- The Green Energy transfer was a reduction in Fun 66 of \$12,392.
- A reduction in the 911 PSAP revenues of \$1,000, which was set by the state.
- Veteran Service supplies had a mistake on their request. They listed the current actual to-date number instead of the budget number, so they needed to add \$950.
- They had one increase for the Elections Office. They requested that a 70% position become a 100% position, which would be an increase of \$10,790 in wages.

Mr. Adams stated that the position requested by the Board of Elections was not included in the summary in the beginning. It came to their attention that it got missed in the overall process. The Board of Elections did request that a current 70% position of One Stop Absentee Coordinator with benefits be replaced with a full-time position of Election Data Manager and One Stop Absentee Coordinator. They requested to place this position at a Grade 20, but the recommendation would be Grade 18 based on the duties provided to them by the Board of Elections.

*Informational item.*

**(b)** Chairman McMahan stated that there was one additional item they may want to consider on the nonprofit grant applications. The Watershed Association of the Tuckasegee River (WATR) had submitted a request, which ranged from \$15,000, which was what they normally had been funding to \$30,000. This was contingent upon if they were able to obtain some additional grant funds to pay for an intern. They may want to go ahead and consider giving them at least the \$15,000, as they had done in the past. If they were able to secure additional grant funds and potentially hire someone as an intern, it required additional money and would have to come back to the Board at a later time.

Commissioner Woody stated that she thought they should go ahead and give them the initial \$15,000, with the understanding that if they secured additional funds, they could add to that. In light of what had been happening in the county in several different areas with erosion because of all the building going on, the service they provided was so important to the community. In talking with Ken Brown, she knew that he had just recently secured a program that allowed them to monitor the silt content, to a much higher degree, in the Tuckasegee River.

Chairman McMahan asked if any of the Commissioners objected to giving them the \$15,000?

*There were no objections.*

**(c)** Commissioner Woody requested to add \$500 to the Appalachian Women's Museum so that they could move forward to secure a test from Environmental Health.

Chairman McMahan asked if this was what they talked about doing in the current budget year? They would discuss that at the next meeting.

Commissioner Woody stated that yes, that was correct. Just so the other Commissioners knew, they had been trying to assist the Appalachian Women's Museum in moving forward. They had made significant renovations and TWSA was very gracious and Commissioner Mau significantly helped with that, to get water to the building, but they did not have a viable septic. They were working with the Town of Dillsboro on a vision to have a joint public bathroom in the future. Until they could have an analysis of the soil and a possible placement of the septic, they could not move forward with either proposal. The \$500 would be to get the site evaluated to see if there was a possibility.

Mr. Adams stated that the second part of the request would be for county staff to assist with the digging of the test pits. There really just needed to be assistance and coordination.

*Informational item.*

**(d)** Commissioner Mau stated that he had a question about departmental goals. 14 to 15 months ago, as a Board, they decided that they needed to look into moving forward with the Open Checkbook. He did not know if any progress had been made on that at all. He did know that Alleghany County had started to move in that direction and were in the early stages where they could look at three year trends in spending by category, so they were working on it. He was curious about the status of that and if it needed to be added to someone's goals?

Mr. Adams asked Ms. Fox if there was a quote from the vendor?

Ms. Fox stated she would have to pull the details since it had been a while.

Ms. Adams stated that they last he knew about it was that they were getting a quote from the vendor to try to put the county's information on. He could not remember if it was an Open Checkbook conversation or if it was a Dashboard conversation.

Ms. Fox stated it was Dashboard.

Mr. Adams requested that Ms. Fox get a revised quote.

Commissioner Woody stated that she was not familiar with what was involved. She asked Commissioner Mau to explain it briefly.

Commissioner Mau stated that it was a tool for employees, Commissioners, citizens, etc., to use that would provide an easier way to see where tax dollars were spent and how they were being spent. It was just a useful tool, which was more user friendly than looking at the budget document.

*Informational item.*

**(5) OTHER BUSINESS:**

(a) Commissioner Woody stated that she wanted to notify the Board that Swain County passed a resolution in support of the naming of the Dr. Jerry Wolfe Highway, which was required because the highway was partially in Swain County. All of the documents had been collected and would be sent to NCDOT the next day, so they were ready to move forward with that.

*Informational item.*

(b) Commissioner Woody inquired if they would be interested in requesting from the State Legislature that they would give the other 45% of the CRF funds. The controversy was with the wording where “should” was used instead of “shall”. The document read: “The guidance provides specific direction that states should distribute 45% of the states CRF allocation to local governments with populations of 500,000 or less to ensure equitable treatment among local governments of all sizes.”

As she stated before, three counties Guilford, Wake and Mecklenburg got the money, plus the City of Charlotte. So, they had already gotten their money because it went from the Federal Government to them. This left all of them with less population out and the intent of that act was to ensure equitable treatment. She requested a letter to be sent to the State Legislature encouraging them to follow the original intent.

Mr. Adams stated that a few items for the Board to think about. He would send a letter asking them to go with the original intent, but he thought it went beyond this letter. Vaya was requesting a one-time appropriation from the state for COVID-19 expenses and they had conversations about TWSA regarding if they would qualify for some of the funds. They not only had state government and local government, but they also had quasi-governmental entities, such as Vaya and TWSA that potentially had expenses. If they did get anywhere near the 45%, they would be in a position to take care of local needs as it related to some of these partnerships they had at the state. Mental health was technically a partnership between local governments, counties and the state. If they did retain all of the funds, then they hoped they would provide funding to these other quasi-governmental entities like Vaya and TWSA, if they had legitimate needs.

**Consensus:** *Draft a letter to the State Legislature on behalf of the Board as discussed.*

(c) Commissioner Deitz stated that the protest went well. There were no problems that he knew of and he thought that was a tribute to the people that protested and to the community and to Law Enforcement. He was approached by a person about the statue. He did not know if that was something they wanted to discuss at some point.

Chairman McMahan stated that at the last meeting, Commissioner Woody stated she wanted to see them have some kind of task force to talk about various issues. He suggested that a good starting point would be to not identify action items, but talk about relationships and better ways they could find in the community to come together, work together, live together and to see if they could start a dialogue. This was a time in the nation where a lot of communities were struggling to try to find ways to come together. It may mean that they start a process of having a group get together of stakeholders who could start the discussions about what they would do as a county. That may be something they would appoint people to serve on to start having this discussion.

Commissioner Mau stated that he had someone suggest something very similar to that. He knew it was on county property, but it was in downtown Sylva. This person suggested that each Board of Commissioner, for the county and town, would each get to appoint someone on that group as a way to create it.

Commissioner Woody stated that Ben Guiney, Sylva Town Commissioner approached her about that as well. They had a very good and respectful discussion about the thought that it was in Sylva and he had been approached by a lot of people. But, obviously, it was on county property. She wanted to see them move forward so that the citizens knew that they were hearing what they were requesting and that they could have an avenue for them to express concerns.

Chairman McMahan stated that the heart of this issue went way beyond monuments, statutes, flags and symbols. This went to the heart of people, their mindsets and culture. This was a huge issue and there was no easy answer. It was not going to happen overnight and it would not be one answer. It would take generations as they had been working on this for 400 years and still had not made a lot of progress.

Commissioner Deitz stated that he listened to Jon Meacham of CBS News, who was a Professor at Vanderbilt University. He was raised in Chattanooga, Tennessee and had become a renowned Presidential Historian. He heard him speak about statues and he respected him very much. There were so many ways to look at it, have a heart about it and be serious. He always thought about the statute in front of the old Courthouse and if there were people passing by it every day looking at it and was really bothered by it. His great granddad fought in the Civil War and lived on Buff Creek. He probably never saw a black man in his life, let alone know what a slave was. He worked in a wagon hauling supplies with horses. He was sure there were a lot of men that left the county that knew little about anything. He had thought about this and he had a lot of mixed feelings about it.

Commissioner Woody stated that she talked to the organizers of the protest and they expressed appreciation for Law Enforcement. The Sheriff's Office, the Police Department and the Town of Sylva all worked so hard and she thought what they did was very effective. They were able to keep some groups that had different views separate from each other. She thanked them for the hard work they did and the thought and planning that went into it.

She felt that in some areas of the country, these monuments or statues had become flashpoints for violence or protests where it became a safety issue. That was one concern that she had, that they be proactive in thinking how they could resolve this in a way that was respectful to all of the citizens, but avoid coming to the point where something was done violently that was disrespectful.

Commissioner Deitz stated that he thought if the statue came down, it would not make a difference in the county unless some things were done like the Chairman talked about such as programs and the way they worked with each other.

Commissioner Mau stated there was a movie called "Thirteen" that was good. There was a quote in there from Newt Gingrich: "If you are white in this country, you have no idea what it means or how it is to be a person of color".

Commissioner Woody stated that was one reason when Chairman McMahan stated to have stakeholders involved, she wanted to see the task force have black citizens that were long-time residents of the county, Sons of the Confederacy and people from the Historical Society to take in the divergent viewpoints, but to respectfully sit down and discuss ways they could move forward that respected all of the citizens and give a sense of resolution. She wanted to see Chairman McMahan lead that. She respected his long history of his family being in the county, but also his personal love of history and research in some of these areas as well.

Chairman McMahan stated that they had to find a way, as a people, that they could live together and respect each other and learn to understand that there were differences that they would never understand, but they could accept. It bothered him when people got on social media and expressed some of the views that they had that did not speak for him. He thought there were extremist out there on both sides and the vast majority of people in the county were probably in the middle and could find common ground, but all they heard were extremist views. That was what the media liked to harp on was the extremists sometimes because they were making the most noise. He thought they had to find a way to sit down and learn to live together and respect each other. It went way beyond one issue.

He wanted them to give it some thought. He was not asking for them to do anything on it that day. There had been a lot of ideas expressed at the meeting and if there had ever been a time when it was needed and the door had been opened to this kind of dialogue and discussion as a community, then it was now. Maybe by the next meeting, they would put that on the agenda again and further this idea. They could put some more thought into it between now and the next meeting and come up with some additional thoughts and maybe a path forward to start the process of developing some ideas.

Commissioner Luker stated that he agreed 100% that it was unfortunate that people have this perspective and a majority were so far from the truth and was hurtful. He did not think it was the majority's opinion or outlook. Unfortunately, the media portrayed it that way and it caused anger and hate, which was shameful. It was a simple way they could destroy people's lives individually or as a whole and that was sad. He definitely thought they needed to look at ways to move forward, get past this and look to the future.

Chairman McMahan stated that the official US Motto was "In God We Trust", but the unofficial US Motto for 100 years, which was never officially adopted was on all of the currency, which was "E pluribus Unum", meaning "Out of Many One". That was what they needed to be striving as a nation to be one, not be many. Unfortunately, that was what they were trying to do was become many, segregated and divided instead of coming together.

Commissioner Luker stated that when social media and the media started taking this position, it was making attempts to divide the people, which was so wrong.

*Informational item.*

There being no further business, Commissioner Luker moved to adjourn the meeting. Commissioner Mau seconded the Motion. Motion carried and the meeting adjourned at 2:20 p.m.

Attest:

Approved:

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Angela M. Winchester, Clerk to Board

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Brian Thomas McMahan, Chairman