

**MINUTES OF A
WORK SESSION
OF THE JACKSON COUNTY
BOARD OF COMMISSIONERS
HELD ON
FEBRUARY 12, 2019**

The Jackson County Board of Commissioners met in a Work Session on February 12, 2019, 1:00 p.m., Justice and Administration Building, Room A227, 401 Grindstaff Cove Road, Sylva, North Carolina.

Present: Brian McMahan, Chairman
Boyce Deitz, Vice Chair
Mickey Luker, Commissioner
Ron Mau, Commissioner
Gayle Woody, Commissioner

Don Adams, County Manager
Heather C. Baker, County Attorney
Angela M. Winchester, Clerk to Board

Chairman McMahan called the meeting to order.

(1) WHITTIER WASTE WATER PLANT TRANSFER: Dan Harbaugh, Tuckaseegee Water and Sewer Executive Director, stated that as per discussions between Tuckaseegee Water and Sewer Authority (TWSA) and county staff, the proposed transfer of ownership of the Whittier Sanitary District Sewer System to TWSA was making progress and was anticipated to be ready for final approvals in March, 2019. As part of that process, they had been verifying the status of the assets that were proposed to be transferred and had been working due diligence to clear up any questions or concerns on property ownership, easements and rights of way.

One issue that had been identified to be resolved was the ownership of the Waste Water Treatment Plant (WWTP) site. This plant was constructed on land owned by Jackson County. Ownership of the land underlying the WWTP was intended to be transferred by the county to TWSA as demonstrated by a plat prepared by Joel Johnson, dated November, 2008. The survey indicated that the intent was for the dedication of the easements shown and two tracts of land to TWSA. The two tracts were shown as:

- Tract B Archeological Site 0.73 acres
- Tract C Waste Water Treatment Plant Site 3.46 acres

TWSA requested that the Board of Commissioners consider taking action to approve the transfer of land ownership contingent upon the finalization of the pending ownership transfer of the Whittier Sanitary District Sewer System to TWSA. This was requested so clear title to the WWTP site was in place.

Mr. Adams stated that the sewer system as a whole was not self-sufficient. The county supplemented the cost by \$35,000 per year. TWSA put a plan of action in place to guarantee self-sufficiency and would take the county out of the position to have to supplement the system.

Mr. Harbaugh stated that the agreement with the county was to provide five years of supplement, but if they had a large development come in and the system became operationally revenue neutral, they would reduce the payments from the county in the future.

Commissioner Woody stated to become operational neutral, TWSA would have to raise rates for private citizens and that concerned her.

Mr. Harbaugh stated that the commitment would be to raise the rates 20% on average each year, but also accounting for any new customer bases coming in, so those rates would be tempered on an annual basis.

Chairman McMahan stated that what was unique about the system was that it was started and put in place without mandatory hookups. Everyone on the system either had a failing system or they chose to be on it. The vast majority chose to be on the system and would rather have access to a public sewer system.

Mr. Harbaugh stated that the next steps were that he would meet with the TWSA Board that night and he was anticipating a joint meeting the next month with the Whittier Sanitary District. A motion from the Board of Commissioners would be to authorize county staff to draft documents contingent on the actual transfer of ownership to TWSA.

Ms. Baker stated they could prepare a deed and resolution and approve with that contingency. There was one other issue in that the entire property was leased to Thomas Valley Growers. They would need to get a release from them for the tracts that would be conveyed. They would need to work that in at the same time.

Consensus: *In favor of the transfer. Add this item to a future regular meeting agenda for consideration.*

(2) RECYCLING PROGRAM UPDATE: Chad Parker, Public Works Director and Emily Burnette, Recycling Education Coordinator, were present for this item.

Ms. Burnette presented: Recycling Update:

- Applied for Keep America Beautiful / Coca-Cola Public Spaces Recycling Bin Grant – December, 2018.
- Attended Carolina Recycling Association’s Lunch, Learn and Network, Beating Contamination in Your Community – December 6, 2018.
- Visited all Jackson County Schools with Laura Cabe, School Nutrition Director – January 17, 2019.
- Presented at Department on Aging – Recycling and Composting 101 – January 24, 2019.
- Partnered with NC DEQ to create Recycling Brochure – 500 printed
- Partnered with NC DEQ to create Recycling Accepted Materials List, Postcard Mailer, Print Ad and Bus Ad – not printed yet.
- Present at the Principal’s Meeting on February 14, 2019 at 9:00 a.m.
- Applying for NC DEQ Community Waste Reduction and Recycling Grant, partnering with Laura Cabe – due February 22, 2019.
- Attending Carolina Recycling Association’s 29th Annual Conference and Trade Show, Charleston Convention Center on March 18-21, 2019. Applied for scholarship from NC DEACS to have the conference registration fee of \$515 covered.
- Cleaning Up the Mountains litter cleanup week – March 31-April 6th
- HHW Collection Day, partnering with 3RC EnviroStation of Winston-Salem on April 20, 2019 10:00 a.m.
- Booth at Greening Up the Mountains on April 27, 2019
- Master Gardener presentation Composting – NC State Extension Christy Bredenkamp – TBA
- PIO Training - TBA

Informational item.

(3) FY2018-2019 RECREATION CAPITAL IMPROVEMENTS UPDATE: Rusty Ellis, Recreation and Parks Director and Mr. Parker were present for this item.

Mr. Ellis presented: FY2018-2019 Recreation Capital Improvements:

(a) General Fund Public Works Budget: Total \$70,000

- Cullowhee Recreation Center Roof \$70,000
- Metal flashing would be fixed in February and roof repaired late April-May, per Chad Parker, Public Works Director

(b) Conservation Preservation Fund: Total \$283,700

- Andrews Park Campground \$26,000:
 - Pave additional sections – lower hill \$14,000
 - Waiting for warmer weather, time of completion was April

- Connect upper and lower areas \$10,000
 - Waiting for warmer weather, time of completion was April
- New flooring in campground office \$800
 - February, currently working on
- New mixer valve \$1,200
 - Would replace in April when the water was turned back on
- Mark Watson Park \$68,000
 - Resurface tennis courts \$17,000
 - Spoke with contractor and they would start work late April
 - Lights on walking trail \$16,000
 - Midnight Electric ordered the parks and would start work the 2nd week of February
 - Renovate bathrooms/concession \$35,000
 - Work currently being done. Tile, toilets, urinals have been ordered. Completion time was late February
- Cullowhee Complex \$37,200
 - Construct new concrete tee boxes \$7,200
 - April
 - Regrade ditches \$10,000
 - Bids from contractors were high, waiting to hear back from Mr. Parker on other ways
 - Lights/power at Bay \$5,000
 - Parts have been ordered by public works, waiting to install, February completion
 - Matching grant from SORBA for Pump Tract \$15,000
- Cashiers Area \$45,500
 - Cashiers Pool/Complex Masterplan \$30,000
 - Meeting with Equinox in Cashiers to discuss January 30th
 - Maintenance Building Extension \$5,000
 - May completion
 - Solid bathroom countertops \$7,500
 - Western Builders \$7,400
 - Miscellaneous weight room equipment \$3,000
- Recreation other combined areas \$107,000
 - Playground \$55,000
 - Playground Unit-Bliss Products \$45,571
 - Fencing at Cullowhee and Fairview
 - Meeting with Asheville Fence February 11th, completion February-early March
 - New scoreboards \$10,000
 - John Davis \$7,758
 - Outdoor Fit Exercise System \$15,000
 - Waiting on second price quote, completion March
- (c) Greenway Fund: Total 125,000
 - Update Greenway Masterplan \$50,000
 - May-June to start working on Plan, this would roll over into 2019-2020 budget
 - Construct parking lot, trail, steps \$25,000
 - April-May completion. Work order was been submitted to start on steps and connector trail. Still waiting on permit from NCDOT for the parking lot
 - Greenway Property \$50,000
- (d) Total Recreation Capital Improvements \$478,700

(e) Batting cage at Mark Watson: Batting cage building and netting were sitting at Mark Watson Park. They were currently waiting for the contractor to deliver dirt and pour footers. Plans for completion were April.

(f) East Laporte River Park: Met with Public Works Staff and they were going to replace toilets, urinals, sinks and replace and/or add new lighting and repaint. Plans for completion were May.

(g) Fairview concessions: Roger Bartlett of Western Builders looked at the concessions and bathrooms. Mr. Bartlett suggested they demo the entire building and use the footprint where the existing slab was. Odell Thompson, Architect, gave a rough estimate cost of plans would be \$20,000-\$30,000. He gave an estimate of construction cost to be \$300,000.

Mr. Adams stated that it could take two years to replace the building. If there were real safety issues, they may need to deal with them at that time.

Informational item.

(4) **VETERAN MEMBERSHIP DISCOUNT:** Mr. Ellis stated that they had been approached by several veterans asking about discounted membership rates for veterans. After researching online and calling several different recreation centers, the average discount for veterans ranged from free to the center's senior citizen rates. He suggested offering veterans the senior rates at both of the recreation centers and would be as follows:

	<u>Senior/Veteran</u>	<u>Individual</u>	<u>Family</u>
Day Pass	\$3	\$5	\$8
12 Visit Pass	\$32	\$48	
Month	\$21	\$40	\$64
6 Months	\$90	\$180	\$212
Year	\$148	\$297	\$350

Veteran families would be double the veteran rate.

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

(5) **PROPERTY RELEASE OF GAP AREA:** Ms. Baker presented a survey showing Dr. Edwards Dental Office on Highway 107 in Lovesfield. To the east of the property was the high school property that the county owned. Dr. Edwards wanted to make improvements to his building and had the property surveyed. The surveyor pointed out a gap area, which was 0.001 of an acres and no one was claiming it in their deed. Dr. Edwards thought the gap area was his as he had a shed located in part of the gap area for some time.

Since the property owned by the county was leased to the school, they took the matter to the Board of Education. Like the county, the school never claimed interest in the gap area. The deed or the deed of trust for funding of the new gym did not include the gap area, so the Board of Education was fine to quitclaim the gap area to Dr. Edwards.

Since the county did not claim ownership in the gap area, she did not feel that the county should receive fair market value or any compensation. The county would be releasing any interest they had in the gap area by quitclaim deed. The request was for the county to quitclaim the gap area to Dr. Edwards.

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

(6) **QUASI-JUDICIAL HEARING TRAINING:** Ms. Baker stated they would be having a Quasi-Judicial hearing coming up soon for a wireless communications tower. She presented: Procedure for Quasi-Judicial Hearing:

(a) General Information: A Quasi-Judicial Hearing was an evidentiary hearing where the Board of Commissioners would make a decision based solely on competent, material and substantial evidence in the record. The record was all of the material and input that were presented to the Board, including the application, exhibits, testimony and related materials. The record may include some insufficient evidence, but the Board may not base its decision on it. The procedures provided here were not meant to be binding rules but to be flexible guidance for the conduct of the hearing.

(b) Opening the Hearing: The Chairman of the Commissioners would call the case as advertised on the agenda and call for a Motion to open the Public Quasi-Judicial hearing for a wireless communication facility permit.

(c) Disclosures: Members of the Board of Commissioners shall disclose any site visits, Ex parte communications with any person, including County Staff, specialized knowledge related to the case, fixed opinion on the case, family, business or other similar relationship with the applicant or other affected person, financial interest in the outcome or any other relevant information.

(d) Parties: The Chairman of the Commissioners would inquire if there was anyone other than the Applicant and the County Staff who wants to be a party to this action. Anyone other than the Applicant.

(e) Swearing In: All persons, including County Staff and consultants, who intend to present evidence shall be sworn in.

(f) Evidence:

- Staff Presentation of Report.
 - Cross examination by the Applicant, followed by other parties.
 - Questions from the Board of Commissioners or County Attorney.
- Applicant Presentation of Evidence and Witnesses.
 - Cross examination by other parties.
 - Questions from the Board of Commissioners or County Attorney.
- Other parties' presentation of Evidence and Witnesses.
 - Cross examination by the Applicant, followed by other parties.
 - Question from the Board of Commissioners or County Attorney.
- Rebuttal.
 - Applicant may present brief rebuttal evidence.
 - Other parties may present brief rebuttal evidence.
- Closing Statements.
 - Each party who presented evidence may give a brief closing statement.
 - Additional questions from the Board of Commissioners.

(g) Board Discussions: (This ends the public input section of the Hearing).

- The Board of Commissioners would discuss the application and whether it meets the requirements set forth in the applicable Ordinance and make findings relevant to each of these factors based on the evidence and testimony presented. The County Staff would be available to guide the Board of Commissioners through the standards of the Ordinance. Findings shall be made on each applicable requirement and standard. The applicable Ordinance for the hearing was the Jackson County Wireless Communications Ordinance approved August 18, 2015 and the requirements were set forth in Section 30-23 (b)(3).
- The Board of Commissioners would make a decision to deny the approval of the permit, table the request pending submittal of additional information or approve the application with or without additional conditions and direct who would prepare the Order.

(h) The Hearing was concluded.

(i) Notes:

- Witnesses shall avoid hearsay evidence.
- The Chairman of the Board of Commissioners may rule on any objections or requests from participants regarding the procedure of the hearing or the evidence presented with or without objection.

- The Applicant had the burden of proof of producing substantial, competent and material evidence for the Commissioners to conclude that the standards of the applicable ordinance have been met. If the applicant shows that they meet these standards than the Applicant was entitled to approval unless those opposed present competent, material and substantial evidence that one or more of the standards have not been met.
- Substantial evidence was “that which a reasonable mind would regard as sufficiently supporting a specific result”.

(j) Date for the hearing: February 26th at 1:00 p.m.

Informational item.

(7) **GREEN ENERGY PARK SITE MASTER PLAN**: Mr. Adams stated the Board had previously been presented the Master Plan. He requested that WithersRavenel look at the overall costs for the Master Plan and provide options such as building all or phase the plan over a period of time.

Gary Warner, Landscape Architect and Planner with WithersRavenel, stated that at the last meeting, he presented the Master Plan to the Board for consideration:

(a) Proposed Park Program:

- Animal Rescue Center
- Innovation Center (approximately 17,000 SF)
- Event Space
- Walking Trails / Art Walk
- Dog Run / Park
- Open Space
- Parking
- Relocate Recycling Center

Mr. Warner presented Green Energy Park Site Master Plan Cost Estimates:

(b) Phase 1:

- Relocate kilns to Art Center
- Construct new SRC at Haywood Drive with retaining wall
- Demolition of existing SRC
- Demolition of concrete storage bins
- Grade existing SRC down to Art Center level
- Stockpile excavated soil on landfill
- Landscaping
- Phase 1 Engineer’s Opinion of Probable Cost:

<u>Item Description</u>	<u>Total</u>
Erosion Control	\$95,641.46
Demolition/Building Additions	\$37,000
Grading	\$1,073,821.06
Storm Drainage	\$45,100.94
Paving	\$84,744.68
Curb and Gutter	\$43,296.91
Striping and Signage	\$9,020.19
Landscaping	\$85,000.00
Subtotal	\$1,473,625.24
20% Contingency	\$294,725.05
TOTAL	\$1,768,350.29

(c) Phase 2:

- Demo building and metal frame on existing pad
- Construct Animal Rescue and utilities
- Demo greenhouses and pad
- Construct entry drive and parking
- Construct new event pad and Art Center
- Spread soil over landfill
- Preliminary pad preparation for Innovation Center
- Landscaping
- Phase 1 Engineer's Opinion of Probable Cost:

<u>Item Description</u>	<u>Total</u>
Erosion Control	\$87,556.47
Demolition/Building Additions	\$3,211,200.00
Grading	\$754,662.68
Storm Drainage, Sanitary Sewer, Water	\$92,517.15
Paving	\$79,889.73
Curb and Gutter	\$40,816.47
Striping and Signage	\$8,503.43
Landscaping	\$130,000.00
Subtotal	\$4,405,145.93
20% Contingency	\$881,029.19
TOTAL	\$5,286,175.12

(d) Phase 3:

- Construct Innovation Center including final pad preparation and utilities
- Spread soil over landfill
- Construct landfill paths
- Construct dog park
- Landscaping
- Phase 1 Engineer's Opinion of Probable Cost:

<u>Item Description</u>	<u>Total</u>
Erosion Control	\$16,896.17
Demolition/Building Additions	\$3,925,000.00
Grading	\$184,621.95
Storm Drainage, Sanitary Sewer, Water	\$14,929.29
Paving	\$2,000.00
Curb and Gutter	\$0.00
Signage	\$2,000.00
Landscaping	\$25,000.00
Subtotal	\$4,170,447.41
20% Contingency	\$834,089.48
TOTAL	\$5,004,536.89

Mr. Adams stated this would be a topic he wanted to discuss at the Budget Planning Session and make a decision on if and how they would proceed forward. If they wanted to proceed forward with the true final design of the whole facility, the next step for him would be to engage an architect and start preparing for a process to eventually go out to bid. In general terms, was there a range or did they want to proceed forward with everything and continue to negotiate with WCU about the Innovation Center.

Chairman McMahan stated they identified this parcel as a potential site for not only an animal rescue center, but other things. They engaged WithersRavenel to look at the property, evaluate it and perform a series of tests to determine if they could do anything on the property. What they received from WithersRavenel was that they believed there were possibilities to do some really nice things on this piece of property and they provided potential cost projections to do those things. With next steps and as they went into the budget process, the Board would need to determine if they wanted to do it there and if so, how could they do it in phases and were they willing to pay. The next step would be to engage an architect to get down to the fine details to figure out the exact cost to put it in the budget.

Mr. Adams stated they needed to discuss this from a budgetary standpoint, how it would fit within the CIP and what would be the payment plan. Those were all the future conversations to be had.

General discussions were held.

Chairman McMahan stated this was the first time seeing a lot of the information and he thought the Board needed to study and think about it. They needed to ask questions and talk with people in the community and bring it back to the next budget work session to detail it even more.

Commissioner Luker requested that the County Manager bring proposals to the next budget work session regarding the costs and recommendations regarding architect firms and next steps

Informational item.

(8) GRANT APPLICATION AUTHORITY: Mr. Adams stated that a portion of Section 43 of the FY18-19 adopted budget ordinance stated:

“The County Manager is hereby authorized to accept grant funding which has been previously approved for application by the Board of Commissioners, including any local match involved. The County Manager is authorized to execute any resulting grant documents”.

It was requested that the Board consider allowing the County Manager to apply for certain grants without immediate approval of the Board of Commissioners under certain conditions. The proposed conditions were as follows:

- The authority would only extend to capital grants that do not require a cash match. Grants that require operational contracts, personnel and a cash match would still need to come before the Board in mid-year for approval prior to submittal.
- The County Manager would report to the Board any new mid-year capital grant applications within the next month after submittal.

The reason for this request was so that the County Manager could sign off on simple capital grant applications in mid-year when the opportunities would arise. This authority would assist when there were timing issues.

Consensus: *Place this item on the next regular meeting agenda for consideration.*

(9) SOCIAL SERVICES BOARD AND HEALTH BOARD CREATION: Mr. Adams presented a summary of the initial process to create an independent social services board and health board. Currently, the Board of Commissioners served as the Board of Social Services and the Health Board. The duties of the social services board could be found in NCGS 108-9. The duties of the health board could be found in NCGS 130A-39. If the county desired to convert back to a separate, independent social services board and health board, then the following provided a brief summary of the necessary process:

(a) Social Services Board: First, the Board of Commissioners must determine that they want to create a separate, independent social services board. At that point, it was not believed that a public hearing was necessary prior to voting to create a separate, independent social services board. The public hearing requirement only applied when the Board of Commissioners moved to take over the functions of a social services board. It was up to the Board of Commissioners to decide if it wanted to hold a public hearing on the issue.

Second, the Board of Commissioners must decide the size of the social services board. NCGS automatically set the board size at three members, unless the Board of Commissioners choose that the social services board consist of five members. The only qualification for a social services board member was that they be a resident of the county. Social services board members may only serve two consecutive three year terms at a time. The staggered terms were set by NCGS 108A-5. The following details how and by whom the social services board members were appointed:

<u>3 Member Board</u>	<u>5 Member Board</u>	<u>Appointment Made By</u>	<u>Term Ending</u>
1	2	County Commissioners	June 30, 2022
1	2	NC Social Services Commission	June 30, 2020
1	1	Sitting Social Services Board	June 30, 2021

The Board of Commissioners could adopt a resolution creating the independent social services board. The resolution could choose the size of the social services board members and the time when the new board would become official. The new board's effective creation date could be tied to when the Board of Commissioners make their appointments.

The NC Social Services Commission had a formal nomination process that required an official nomination form to be sent to their agency. The NC Commission met the 2nd Tuesday of each month and attempted to fill the vacancies quickly. The Board of Commissioners could develop its own process to nominate and appoint its members to the social services board. Once the state makes their appointments, then the Board of Commissioners could formally make their appointments that could trigger the formation of the social services board. The sitting social services board could develop its own process to nominate and appoint the final board member. The sitting social services board chooses their own chair. This process should be accomplished within two to three months after the adoption of the formation resolution.

(b) Health Board: First the Board of Commissioners must determine that they want to create a separate, independent health board. At that point, it was not believed that a public hearing was necessary prior to voting to create a separate, independent health board. The public hearing requirement only applied when the Board of Commissioners moved to take over the functions of a health board. It was up to the Board of Commissioners to decide if it wanted to hold a public hearing on this issue.

Members of the health board shall be appointed by the Board of Commissioners and shall be comprised of 11 members. The composition of the board shall reasonably reflect the population makeup of the county and shall include: one physician licensed to practice medicine in this state, one licensed dentist, one licensed optometrist, one licensed veterinarian, one registered nurse, one licensed pharmacist, one county commissioner, one professional engineer and three representatives from the general public. Terms were for three years and could be staggered. Term limits were for three consecutive terms. There were some minor exceptions to term limits and residential requirements depending on availability of some of the professionals. The health board elects their own chair. The Board of Commissioners could develop their own process to nominate and appoint the members to the health board.

The Board of Commissioners could adopt a resolution creating the independent health board. The resolution could reiterate the mandated composition of the health board and the time when the new board would become official. The new board's effective creation date could be tied to when the Board of Commissioners make their appointments. The timing of this process would be dictated on how long it took the Board of Commissioners to make the appointments after the adoption of the formation resolution.

Commissioner Mau inquired if any of the Commissioners were familiar with HB630. It put taxpayer dollars more at risk because of the MOU signed and those metrics not being met. The environment that DSS operated in had changed greatly in the last eight months. Part of the process for him wanting to consolidate was to create a structure that he thought made more sense. It was not about how things were operating and now with the issue of HB630, he was hearing that the Commissioners were not even aware of. He thought they needed to at least get a presentation about HB630 so that they all understood the risks that the county was assuming with this new operating structure, where financially if any of the metrics were not met, the county was responsible for finding the way to fix those. They were going to have this voluntary board putting taxpayer dollars at risk if they went that route. This was one of the reasons that counties that consolidated stated that they were glad they consolidated because of the changes and they were very happy they were ahead of the game. The same argument had been made about Medicaid/Medicare Reform also. There was the potential for those lost revenues at health boards - had they fully looked at that and did they need to get a presentation on that as well. So there were two big changes going on, changes in the environment that these boards operated in and there were some questions he thought needed to be looked at closer before they went ahead and moved forward.

Commissioner Luker stated that seeing the decline in the number of folks that came into the health department as more were going to Blue Ridge. He would be interested to know the metrics of that. At the last meeting they talked about discussing this item at the budget retreat. That would give time to bring in any of those folks to give those presentations.

Mr. Adams stated that they could discuss more about that at the budget retreat. Regarding HB630, the state created a series of measurable metrics that social services had to comply with and at that point, if they did not comply there were clawback provisions. They were more specific and measurable now, but they had always had some form of metrics and clawback provisions when they were audited. Medicaid Reform would also impact social services. Those were issues and if that was the information they wanted, he would ask Jennifer Abshire, DSS Director to present to the Board.

Commissioner Luker stated that with the allowance of the independent health insurance card as where before they were almost limited by being referred to the health department and now they had more choices.

Commissioner Woody stated that the reason for an increase of people going to the Blue Ridge Clinic was because of the lack of Medicaid expansion. They were not getting the service as that was the only place they could go because they had no insurance.

Commissioner Luker stated that people were going there even if Medicaid was involved because they were still responsible for a certain portion of the monies and therefore they could not afford it.

Mr. Adams stated they had more information on the social services side of the new bill. They were still learning about the Medicaid Transformation and this area was not one of the two areas that was switching over first. It would be a couple of years before this area switched over. He did not know what the transformation would do yet, they were still learning that.

Commissioner Woody stated that regardless of what happened with HB630, if they selected good people to be on these boards, she personally felt that they would be more qualified to make those decisions than she would be. If they got people like they previously had on those boards, she had every faith that they would make good decisions.

Commissioner Mau stated he did not have a problem with what she was saying. He had a problem structurally thinking there was not a link to taxpayer dollars to someone that had been elected to office and a direct line of communication was not there. It had nothing to do with who would perform anything. If they took everything out of it and were drawing an organizational chart, what made the most sense. The taxpayers would want to have their tax dollars protected.

Chairman McMahan stated that he was still in favor of looking at going back to the way it was.

Commissioner Deitz stated he was for sure in favor of putting the boards back the way they were.

Chairman McMahan stated that at that point, prepare the resolutions and they could debate the rest as they went through the process.

Informational item.

(10) BUDGET RETREAT DISCUSSIONS: Mr. Adams stated this item was for the Board to discuss any issues they wanted at the retreat. He was looking to spend time on capital and capital improvements to include Savannah Park and Whittier. Also, he wanted to bring David Nicholson, NCACC Outreach Associate, back if the Board was agreeable. They would also have a visit from the WCU Interim Chancellor.

Informational item.

(11) ONLINE FINANCIAL INFORMATION: Darlene Fox, Finance Director was present for this item.

Mr. Adams stated that Commissioner Mau reached out to him on this item and they had been having conversations for the last couple of weeks. He also brought in finance and legal to look at a law that was part of the 2016 Legislation: Governmental Budgetary Transparency/Expenditures Online:

Section 7.17.(a) In coordination with the State Controller and the Office of State Budget and Management (OSBM), the State Chief Information Officer (State CIO) shall establish a State budget transparency Internet Web site to provide information on budget expenditures for each State agency for each fiscal year beginning 2015-2016.

Section 7.17.(b) In addition, the State CIO shall coordinate with counties, cities, and local education agencies to facilitate the posting of their respective local entity budgetary and spending data on their respective Internet Web sites and to provide the data to the Local Government Commission (LGC) to be published, in a standardized format, on the State budget transparency Internet Web site established in subsection (a) of this section.

Section 7.17.(c) The Internet Web sites mandated by this section shall be fully functional by April 1, 2016. Each Internet Web site shall:

- (1) Be user-friendly with easy-to-use search features and data provided in formats that can be readily downloaded and analyzed by the public.
- (2) Include budgeted amounts and actual expenditures for each State agency or local entity budget code.
- (3) Include information on receipts and expenditures from and to all sources, including vendor payments, updated on a monthly basis.

Section 7.17.(d) Each State agency, county, city, and local education agency shall work with the State CIO, the State Controller, and the OSBM to ensure that complete and accurate budget and spending information is provided in a timely manner as directed by the State CIO. Each State agency Internet Web site shall include a hyperlink to the State's budget transparency Internet Web site. The LGC shall work with the State CIO to post data on the LGC's Internet Web site in a consistent manner that allows comparisons between the local entities providing data under subdivision (2) of subsection (c) of this section.

Section 7.17.(e) There is appropriated from the General Fund to the Office of State Budget and Management in the sum of eight hundred fourteen thousand dollars (\$814,000) for the 2015-2016 fiscal year for the purpose of implementing the provisions of this section.

Mr. Adams stated they had no real communication with the state in regards to the type of information. Even though the state had not contacted them, did that require the county to move forward, legally. Whether they were required to or not, should they provide the information anyway.

There was a blog post on this issue from the School of Government that basically stated they recognized that the law was there, but as far as local governments were concerned, it was questioned whether or not legally they had to proceed forward if the state had not done their part. The post did discuss voluntary compliance by local units even though the state had not done its part. Legally, he thought it was unclear whether or not it was mandated to do this.

Ms. Baker agreed that it was unclear, but she thought the blog summed it up well. Their conclusion was that they did not have to comply with it at the time, because there was a question as the whether they could comply with it because the state had not done all of their part. Some counties had taken a more conservative approach and said they needed to do this and found a way to do it.

Mr. Adams stated at that point they had received no direction from the state on what Section 7.17(c) meant. He wanted to discuss what the county actually did put online on a monthly basis and was there any additional information they would want to post on a voluntary basis. He spoke with David Nicholson and he had been asked by the Local Government Commission (LGC) to help them deal with this law. Mr. Nicholson was working with the LGC to help them develop software reporting standards to empower local governments to comply with this law and also to receive direction from the state. There was action going on with this issue at the beginning stages.

Since they were talking about transparency, he would argue that they did have searchable pdf records including budgeted actuals for departments. (Corrected on March 5, 2019 by Commissioner Mau and voted on by the Board unanimously to state "...did *not* have searchable..."). Without knowing what the standards were from the state, there could be an argument that they do versions of Section 7.17.(c) (1) and (2) already. Regarding information on receipts and expenditures, including vendor payments, what they saw other counties do was they put a list of expenditures out. The question became how much time it would be. It would have to be a vendor report on a monthly basis that would require a couple hours to go through to make sure whatever was being posted was not confidential. Eventually, it would evolve to a policy decision if they wanted to include the vendor payments that may or may not meet the law.

Commissioner Mau stated that it had been three years since the law passed before the state had done anything. Yet, some counties were being conservative and some county attorneys stated that they should absolutely be doing this.

Chairman McMahan stated that he was interested in hearing from Mr. Nicholson to get an update on where he realistically thought this was going. He thought they should speak with Mr. Nicholson first before they made a decision.

Ms. Fox stated that in the monthly report provided to the Board, it was broken out by type of revenues and broken out by department with the actual budget year to date. Project reports were required quarterly and they did them monthly. They also downloaded all annual financial information to the state and it was on their website.

Chairman McMahan stated they all wanted to be transparent and make sure that the public had access to the workings of the government, they just needed to work out the details.

Commissioner Mau stated or they could go ahead and do it and set the bar and be a good example for Sylva, Webster, the school district and other counties and they could be the example.

Informational item.

(12) CLOSED SESSION:

Motion: *Commissioner Luker moved that the Board go into closed session pursuant to G.S.143-318.11(a)(6) Personnel. Commissioner Mau seconded the Motion. Motion carried.*

Chairman McMahan called the work session back to order and stated that no action was taken in closed session.

There being no further business, Commissioner Mau moved to adjourn the meeting. Commissioner Woody seconded the Motion. Motion carried and the meeting adjourned at 4:09 p.m.

Attest:

Approved:

Angela M. Winchester, Clerk to Board

Brian Thomas McMahan, Chairman