

State of North Carolina

Minutes

County of Madison

The Madison County Board of Commissioners met in regular session on Tuesday, April 2, 2019 at 7:00 p.m. at the Madison Campus of AB Tech, 4646 Hwy 25-70 Marshall, North Carolina.

In attendance were Chairman Norris Gentry; Commissioners Matt Wechtel, Craig Goforth, and Mark Snelson; County Manager Forrest Gilliam; County Attorney Donny Laws; Clerk Mandy Bradley.

The meeting was called to order at 7:02 p.m. by Chairman Gentry.

Agenda Item 1: Agenda Approval

Chairman Gentry called for agenda approval. Chairman Gentry requested that Terry Fuller be added to Item 3 which would then move each numbered item on the agenda down by one number. Also, Chairman Gentry requested to add Closed Session at the end of Public Comment, prior to Adjournment. County Manager Forrest Gilliam then requested that Item 9, Personnel and Item 11d, Surplus Property be deleted from the agenda. Chairman Gentry moved to approve the amended agenda. The motion was seconded by Commissioner Goforth and unanimously approved by the board.

Agenda Item 2: Approval of March 12, 2019 (Special) Minutes, March 12, 2019 (Regular) Minutes, and March 19, 2019 (Special) Minutes

No changes to the minutes were made. Commissioner Wechtel made a motion to accept the minutes as submitted. The motion was seconded by Commissioner Snelson and unanimously approved by the board.

Agenda Item 3: Terry Fuller, North Carolina Division of Motor Vehicles

County Manager Forrest Gilliam discussed with the board, the closing of the NC Driver's License Office in Marshall. Mr. Gilliam noted that present at the meeting was Mr. Terry Fuller, Chief Examiner for the NC Division of Motor Vehicles. Mr. Fuller appeared before the board and discussed with members the closing of the Driver's License Office.

Agenda Item 4: Jan Lounsbury, Senior Tar Heel Legislative Report

Ms. Lounsbury presented a report regarding the Senior Tar Heel Legislature meeting which was held March 11-13, 2019. Information from the meeting was discussed with the board. (Attachment 4.1)

Agenda Item 5: Barbara Zimmerman, Great Madison County Litter Sweep

Ms. Zimmerman discussed with the board, the Great Madison County Litter Sweep. She provided information regarding the program which is being held April 13-27, 2019 in Madison County. (Attachment 5.1)

Agenda Item 6: Commissioner Craig Goforth, Service Weapon Purchase

Commissioner Goforth discussed with the board, information regarding the purchase of service weapon by retired Madison County Sheriff's Deputy, Jeffrey Tweed. Commissioner Goforth presented the Resolution from the Office of the Sheriff on behalf of Madison County Sheriff, James Harwood. Chairman Gentry moved to honor the request. The motion was seconded by Commissioner Snelson and unanimously approved by the board. (Attachment 6.1)

Agenda Item 7: Tammy Cody, Deputy Health Director

Ms. Cody presented information and a video as well as offered to answer questions regarding the 2018 Madison County Community Health Assessment. She discussed with the board, information regarding the process of the assessment and health priorities which are outlined as well as the importance of working together to meet needs. (Attachment 7.1)

Mr. Gilliam discussed with the board, the US News & World Report article that highlights the work of the Health Department, Substance Awareness Coalition, Hot Springs Health Program, and the Sheriff's Department. He commended the Health Department for their work.

Ms. Cody also discussed with the board, trainings that are upcoming for the community.

Agenda Item 8: Dee Heinmuller, Community Services Director

a. Transportation Drug and Alcohol Policy

Ms. Heinmuller presented the Madison County Transportation Drug and Alcohol Policy to the board. She discussed the policy with the board and advised them that yearly approval is required for the policy. Chairman Gentry called for a motion to approve the Madison County Transit Authority Drug and Alcohol Policy as presented by the director. Commissioner Wechtel made a motion to approve. The motion was seconded by Commissioner Snelson and the board voted unanimously to approve. (Attachment 8.1)

b. Title VI Program

Ms. Heinmuller presented the Title VI Program to the board. She discussed the program with members and advised them that their approval is required. Chairman Gentry called for a motion to approve the Title VI Program Policy recommendation for civil rights as presented. Commissioner Goforth made a motion to approve. The motion was seconded by Commissioner Snelson and the board voted unanimously to approve. (Attachment 8.2)

Mr. Gilliam asked that Ms. Heinmuller speak to the board about how the Home Community Care Block Grant which was discussed earlier by Ms. Lounsbury affects programs in Madison County. Ms. Heinmuller discussed the information with the board.

Agenda Item 9: Terry Bellamy, Economic Development Director

a. Economic Development Board By-Laws Approval

Ms. Bellamy presented the 2019 amended By-Laws for the Economic Development Board. Information regarding the amendment was discussed with the Commissioners. Commissioner Wechtel moved that the By-Laws be approved as revised and submitted. Commissioner Goforth seconded the motion and the board voted unanimously to approve. (Attachment 9.1)

b. Board Re-Appointment Request

Ms. Bellamy presented to the board, the Madison County Economic Development Board of Directors' Terms of Service Resolution and discussed the Resolution with the board. Discussion regarding the term expiration of board members was had. County Attorney, Donny Laws suggested that the Commissioners adopt the Resolution to cover term expiration. Commissioner Wechtel made a motion that based on council from the County Attorney and review of the Madison County Economic Development Board of Directors' Terms of Service, he would move that the Resolution be approved. Chairman Gentry seconded the motion and the board voted unanimously to approve. Re-appointed to the Economic Development Board were, Mitch Hampton serving as Chair and Tammie Whitlock. Each were appointed to serve terms until June 2020 as stated in the Resolution. (Attachment 9.2)

c. Economic Development Board Legislative Agenda

Discussed with the board by Ms. Bellamy was the recommendation from the Madison County Economic Development Board regarding the Board's 2019 Legislative Agenda. Ms. Bellamy requested that the board vote to

approve the points of the Agenda. Chairman Gentry made a motion to approve the Madison County Economic Development Board's 2019 Legislative Agenda. The motion was seconded by Commissioner Wechtel and the board voted unanimously to approve. (Attachment 9.3)

Agenda Item 10: Brooke Smith, Human Resources

Item 10 deleted from the agenda.

Agenda Item 11: Rhea Hollars, Finance

a. Budget Amendment

Ms. Hollars presented Budget Amendment # 12 and discussed the information with the board.

Mr. Gilliam discussed County Medicaid Costs/Revenues.

Chairman Gentry requested if there was any discussion from the board and called for a motion. Commissioner Goforth stated that he would make that motion. Chairman Gentry stated motion to approve Budget Amendment # 12. Commissioner Snelson seconded the motion and the board voted unanimously to approve. (Attachment 11.1)

b. Tax Refunds and Releases

Tax refunds and releases for February 2019 and March 2019 were presented and discussed with the board by Ms. Hollars. Commissioner Gentry called for a motion to approve both February and March. Commissioner Snelson made a motion. The motion was seconded by Commissioner Goforth and the board voted unanimously to approve. (Attachment 11.2)

Agenda Item 12: Forest Gilliam, County Manager

a. County Manager's Report

Mr. Gilliam provided an update on the Cooperative Extension County Wide Farm Breakfast in partnership with Soil and Water, Mountain Valleys Resource Conservation and Development, and the Farm Service Agency.

Information regarding the Town of Marshall's designation as a Downtown Strong Community through the Department of Commerce was discussed with the board by Mr. Gilliam.

Mr. Gilliam thanked the Town of Marshall for their partnership in cleanup of debris from previous flooding on Blannahassett Island. Also noted for their work in the cleanup were Madison County Maintenance, the Bridge Crew, the Landfill, and Department of Corrections.

b. Annual Report/Budget Allocation, Nursing and Adult Care Homes Advisory Committee

The Annual Nursing and Adult Care Homes Advisory Update was discussed with the board by Mr. Gilliam. He also noted that the Nursing and Adult Care Homes Advisory Board had requested a budget allocation of \$300 to continue the support of residents in homes by sending cards and small gifts. Chairman Gentry moved that the board approve the budget allocation of \$300 that will go to the Madison Community Advisory Committee for the Adult Care Homes and County Nursing. Commissioner Wechtel seconded the motion and the board unanimously approved. (Attachment 12.2)

c. Board Appointments

Mr. Gilliam presented potential appointee applications and discussed with the board, appointments for the month of April which included The Board of Health and Library Trustees as well as Boards that Commissioners serve on.

Commissioner Wechtel made a motion to re-appoint Hanna Wallin Hardin to sit on the Board of Health in the position of pharmacist and to re-appoint Rachel Smith to sit on the Board of Health in the position of Registered Nurse, each for three year terms. Commissioner Snelson seconded the motion and the board voted unanimously to approve.

Chairman Gentry also requested to make an appointment to the Library Trustees. He moved to re-appoint Elizabeth Ayers. The motion was seconded by Commissioner Goforth and unanimously approved by the board.

Chairman Gentry recommended that the remaining board appointments be held until the next meeting. The board agreed with Chairman Gentry.

Mr. Gilliam discussed with the board, the seats that they could potentially hold for various Boards.

Discussion regarding the Land of Sky Board of Delegates was had by the board. Commissioner Wechtel made a motion that in regards to the Land of Sky Board of Delegates, to make any eligible elected Commissioner an active delegate to serve on the board as needed. Commissioner Snelson seconded the motion and the board voted unanimously to approve.

Chairman Gentry discussed with Commissioner Wechtel his continued serving on the Land of Sky Rural Planning Organization. Commissioner Wechtel stated that he would continue to serve on the Land of Sky Rural Planning Organization and would also serve on the Metropolitan Planning Organization.

Chairman Gentry discussed with the board, the Vaya Health Board and stated that he would be willing to volunteer to serve on the board. Commissioner Wechtel nominated Chairman Gentry to serve as the representative on the board for the Vaya Health Advisory Board. The nomination was seconded by Commissioner Goforth and the board voted unanimously to approve.

Chairman Gentry discussed with Mr. Gilliam information regarding the filling of all urgent board vacancies and questioned if those had now been filled. Mr. Gilliam discussed with the board that a vote was needed for the Land of Sky Rural Planning Organization and the Metropolitan Planning Organization. Chairman Gentry discussed with Commissioner Wechtel his willingness to serve these boards. Chairman Gentry moved that Commissioner Wechtel retain those two slots and asked that one of the new Commissioners serve as an alternate for the Metropolitan Planning Organization. Commissioner Snelson volunteered to serve as the alternate. Chairman Gentry then stated that Commissioner Snelson would serve as the alternate for the Metropolitan Planning Organization. Chairman Gentry called for a motion and a second to that affect. Commissioner Goforth stated that he would make that motion. Commissioner Wechtel seconded the motion and the board voted unanimously to approve.

Commissioner Wechtel moved to nominate Commissioner Craig Goforth to be the representative on the Animal Control Board for the Commissioners. Chairman Gentry seconded the motion and the board voted unanimously to approve.

d. Surplus Property

Item 12d deleted from the agenda.

Agenda Item 13: Public Comment

Ellen Holmes Pearson-Ms. Pearson spoke regarding the live streaming of county board meetings.

Jim Tibbetts-Mr. Tibbetts spoke regarding the proposed asphalt plant.

Pete Fland-Mr. Fland discussed county planning documents and the proposed asphalt plant.

Holly West-Ms. West spoke regarding the proposed asphalt plant.

(Attachment 13.1)

Agenda Item 14: Closed Session

Chairman Gentry called for a motion for the board to go into executive session for personnel, property, and attorney client privilege. Commissioner Wechtel made the motion. Commissioner Snelson seconded the motion and the board voted unanimously to approve.

Chairman Gentry called for a motion to return to open session. Commissioner Snelson made a motion. Commissioner Wechtel seconded the motion and the board voted unanimously to return to open session.

Agenda Item 15: Adjournment

Chairman Gentry called for a motion to adjourn the meeting. Commissioner Goforth made a motion. Commissioner Snelson seconded the motion and the board voted unanimously to adjourn.

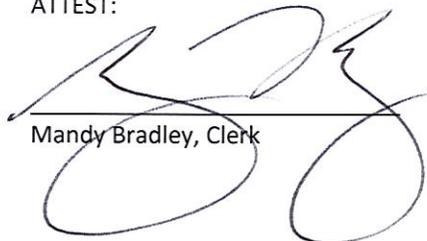
This the 2nd day of April, 2019.

MADISON COUNTY



Norris Gentry, Chairman
Board of Commissioners

ATTEST:



Mandy Bradley, Clerk



NC DEPARTMENT OF
HEALTH AND
HUMAN SERVICES

Division of Aging and Adult Services

North Carolina is Aging!

- ◆ The state's total population has exceeded 10 million!
- ◆ North Carolina ranks 9th nationally, both in total population and in the number of people 65 and over.
- ◆ In 2025, one in five North Carolinians will be 65 and over.
- ◆ In 2019, the state is estimated to have more people 60 and over than under 18 years.
- ◆ In 2017, 78 counties in the state had more people 60 and over than under 18 years. By 2025, this number is expected to increase to 89 counties and by 2037 to 94 counties.
- ◆ In 2017, an estimated 39,381 people 60 and older migrated from other states and abroad to North Carolina.
- ◆ In the next two decades, our 65 and over population will increase from 1.6 to 2.6 million, a projected growth of 64%. The projected growth among the age groups 65-74 (38%), 75-84 (100%) and 85+ (111%) indicates that as the baby boomers continue to age, there will be an increased proportion of older adults in the state creating challenges for long-term services and supports.

NC Population Change 2017-2037

Age	2017		2037		% Change 2017-2037
	#	%	#	%	
Total	10,283,255		12,684,352		23%
0-17	2,312,886	23%	2,606,213	21%	13%
18-44	3,658,073	36%	4,419,187	35%	21%
45-59	2,072,070	20%	2,304,524	18%	11%
60+	2,240,226	22%	3,354,428	26%	50%
65+	1,617,993	16%	2,660,084	21%	64%
85+	181,695	2%	382,686	3%	111%

Source: NC Office of State Budget and Management, Facts and Figures

Race and Hispanic or Latino Origin, 2017

Race/Ethnicity, age 65 and over	NC	US
White alone	80.4%	83.5%
Black or African American alone	16.3%	8.9%
American Indian and Alaska Native alone	0.9%	0.5%
Asian alone	1.3%	4.2%
Some other race	0.4%	1.7%
Two or more races	0.6%	1.0%
Hispanic or Latino origin (of any race)	1.8%	7.9%

*As a % of age 65 and over

Source: US Census, 2013-2017 American Community Survey, 5-year estimates

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social and Economic Characteristics of population, 2017

Characteristics, age 65 and over	NC	US
Living alone	26.6%	26.2%
Veterans	19.7%	19.4%
Speak English less than "very well"	2.1%	8.7%
Have a disability	36.6%	35.5%
Have less than high school education	18.6%	17.2%
Have high school, GED/Alternative education	31.6%	32.1%
In labor force	16.2%	16.8%
Income is below poverty level	9.4%	9.3%
Income is between 100%-199% of the poverty level	22.4%	20.0%
Median household income (householder 65 and over)	\$38,466	\$41,876

*As a % of 65 and over

Source: US Census, 2013-2017 American Community Survey, 5-year estimates

- Of the estimated 94,821 grandparents responsible for grandchildren under 18, 40% are age 60 and over.

Health Profile

- According to the Alzheimer's Association, North Carolina currently (2018) has 170,000 adults 65 and over with **Alzheimer's disease** and this number is projected to rise to 210,000 by 2025, an increase of 24%. Alzheimer's disease is the fifth leading cause of death among people age 65 and over.
- NC Division of Public Health, Office of the Chief Medical Examiner, reported **104 opioid related deaths among people 60 and over, in 2018**. 78% of them were White and 57% were males.
- Of the **people 65 and over**, according to the Behavioral Risk Factor Surveillance System (BRFSS) survey, 2017:
 - 82% had at least one chronic disease, 55% of them had 2 or more chronic diseases;
 - 66% had an adult flu shot/spray and 72% had a pneumonia shot ever;
 - Only 10% reported that their health is poor and 65% reported exercising in the past 30 days.

Rank	Leading causes of death, age 65 and over, 2017	Number of deaths	% of Total deaths
1	Diseases of the heart	14,710	22%
2	Cancer	13,656	20%
3	Chronic lower respiratory diseases	4,599	7%
4	Cerebrovascular disease	4,295	6%
5	Alzheimer's disease	4,245	6%
6	Diabetes mellitus	1,973	3%

Source: North Carolina State Center for Health Statistics

Type of disability, age 65 and over, 2017	% with a disability
Ambulatory difficulty	24%
Independent living difficulty	15%
Hearing difficulty	15%
Cognitive difficulty	10%
Self-care difficulty	8%
Vision difficulty	7%

Source: US Census, ACS, 5-year estimates

- Given the potential social and economic impact of this unprecedented growth in the aging population, it is critical that NC focus efforts to improve those social determinants of health shown to have a direct positive effect on the health and well-being of individuals as they age including food security, access to health care services and transportation, availability of home and community-based services and other supports that promote aging within the community and postpone or avoid the necessity for long-term care.

NORTH CAROLINA SENIOR TAR HEEL LEGISLATURE 2019 FACT SHEET

Increase funding for the Senior Tar Heel Legislature

The Senior Tar Heel Legislature (STHL), created by an act of the North Carolina General Assembly in 1993, is an advocate for North Carolina senior citizens at the General Assembly. STHL, with one delegate and one alternate who serve as direct liaisons to each of the 100 counties in our state, provides information to senior citizens on relevant legislative activity and promotes advocacy for aging issues before the General Assembly. By law, the STHL conducts an annual meeting in the Raleigh area, as well as two other meetings during the year. Previously, the STHL received \$9,000 in annual state funding which was adequate at that time. Unfortunately, over the years that funding has decreased to only \$3,000 per year. With the ever-increasing rates of hotel/convention meeting space, costs have risen to approximately \$4,500 per meeting and are likely to increase in the future. These are minimal operational expenses and do not include hotel room, meals, and travel costs which are the responsibility of the individual delegates and alternates and/or their home counties. In the next 20 years, the 65 and older population in North Carolina will rise from 1.5 to 2.5 million. To meet the needs of this growing senior population in our state, the Senior Tar Heel Legislature needs to be adequately supported in its work. **The Senior Tar Heel Legislature recommends increasing its operational funding to \$20,000 per year to cover the costs of its three yearly meetings.**

NORTH CAROLINA SENIOR TAR HEEL LEGISLATURE 2019 FACT SHEET

HOME AND COMMUNITY CARE BLOCK GRANT

The North Carolina Senior Tar Heel Legislature requests that the General Assembly increase the Home and Community Care Block Grant (HCCBG) funding by \$7 million in recurring funds. Investing in home and community-based programs makes social and economic sense. Where social isolation and physical inactivity make seniors at greater risk for depression, suicide, self-neglect, hospitalization and chronic illness, a system of community supports contributes to more positive outcomes. Services like these often help the frailest seniors continue to live at home and prevent more costly interventions.

As of September 2018, there were over 10,300 people waiting for services – primarily waiting for home-delivered meals, in-home personal care services, and help with home management tasks. Additional state funds are needed to help serve the age wave of older North Carolinians and reduce the number of people on the HCCBG waiting list.

Quick Facts about the Home and Community Care Block Grant

- The N.C. General Assembly consolidated funding sources when it established the Home and Community Care Block Grant in 1992 and took an important step toward establishing a well-coordinated service delivery system to meet the needs of older adults.
- There are 19 fundable services. Examples of these services include: home-delivered and congregate nutrition, in-home personal care, adult day services, information and options counseling, transportation, home modification/repairs, and respite services to help family caregiver.
- 69% of HCCBG funds are spent on in-home aide services and nutrition programs.
- The typical HCCBG recipient is a 78-year-old woman who lives alone and has two or more impairments to activities of daily living (ADL) and/or instrumental activities of daily living (IADL).
- Current funding for the Home and Community Care Block Grant:

State Funding:	\$31,375,969	47%
Federal Funding:	\$28,899,806	43%
Required Local Match:	<u>\$6,697,494</u>	<u>10%</u>
SYF 18-19 TOTAL:	\$66,973,269	100%

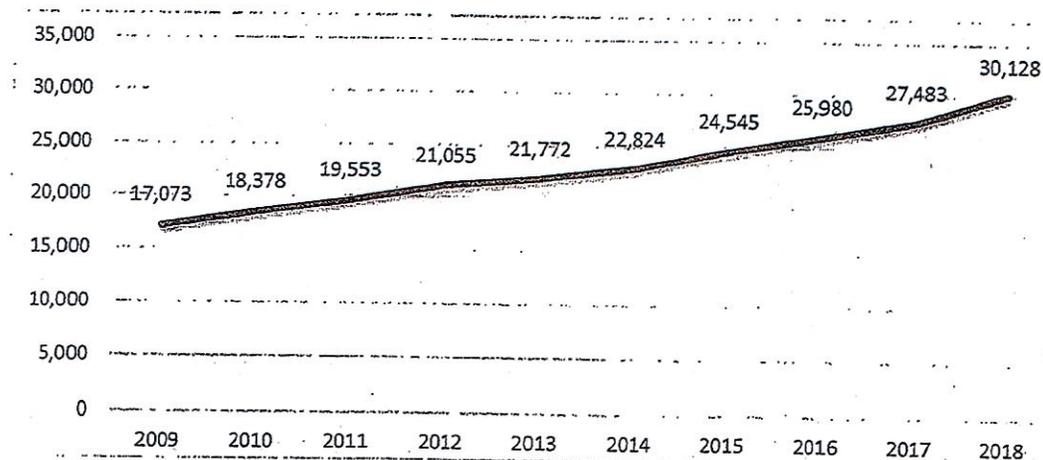
NORTH CAROLINA SENIOR TAR HEEL LEGISLATURE 2019 FACT SHEET

ADULT PROTECTIVE SERVICES PROGRAM

The Senior Tar Heel Legislature urges the General Assembly recognize and value its vulnerable citizens by making available \$7 million in recurring funds in the State budget to meet the growing need for Adult Protective Services in North Carolina and conduct a comprehensive evaluation/review of these services to ensure this protection is adequate. Funds are needed in order to respond to the accelerated growth in the State's aging population, some of whom may be at risk of becoming victims of abuse, neglect or exploitation. The State of North Carolina has not provided any funding for the APS Program since the 2010-2012 State budget. The only funding for the APS Program is provided by county governments and a decreasing federal Social Services Block Grant.

North Carolina APS Statute, Chapter 108A, Article 6, requires that county departments of social services receive, evaluate and provide protective services to adults 18 and over who are abused, neglected and exploited. The majority of persons receiving Adult Protective Services are older adults. Specifically, 73% were 60 years of age or older, 56% were women and 86% lived alone or with family members.

APS reports have increased over the past eight years. In State Fiscal Year 2008, 15,337 reports were received. In State Fiscal Year 17-18, 30,128 reports were received. Based on this data, the number of reports received over the past ten years has increased by 96 percent.



Due to the aging of the population, APS reports are projected to continue to increase in the coming years. According to U.S. Census Bureau, 15.5% of the total population was 65 and over in 2016. In 2034, 20.5% of the State's population will be 65 and over.¹

The current system is underfunded and understaffed. County Departments of Social Services use Social Service Block Grant funding to partially fund their APS program, however, this resource has decreased in recent years resulting in insufficient staff to handle reports. The total expenditures for APS in SFY 2017-18 was \$26,216,078. Of this total, \$4,846,003 comes from the federal Social Services Block Grant, \$1,474 from the State and \$21,368,602 from counties.

We recommend that the General Assembly make available \$7 million in the state budget to meet the growing need for Adult Protective Services in North Carolina. During State Fiscal Year 2011-2012 of the North Carolina General Assembly, \$2 million was eliminated from the state budget. This was the only state funding allocated to support Adult Protective Services in 53 county Departments of Social Services. A comprehensive evaluation/review is needed to better reflect the challenges counties currently face in meeting the changing needs of vulnerable and older adults who have been abused, neglected or exploited and are in need protective services.

¹ NC State Office of Budget and Management. Population estimates and projections:
http://www.osbm.state.nc.us/ncosbm/facts_and_figures/socioeconomic_data/population_estimates.shtm.

NORTH CAROLINA SENIOR TAR HEEL LEGISLATURE
2019 FACT SHEET

Staff-to-Patient Ratios in Nursing Homes

The Senior Tar Heel Legislature recommends that the General Assembly enact legislation, which establishes either a mandatory Standardized HPPD (hours per patient daily) or minimum staff-to-patient ratios for direct patient care, including enforcement standards and consequences to ensure quality care in nursing homes in the state of North Carolina, regardless of whether they are a for-profit or non-profit organization.

The positive relationship between nurse staffing levels and the quality of nursing home care has been demonstrated widely. Increasing nurse (RN, LPN, and CNA) staffing levels facilitates enhancement of the outcomes of nursing home care. The federal Nursing Home Reform Act (NHRA), as part of the Omnibus Budget Reconciliation Act (OBRA) of 1987, requires minimum staffing levels for registered nurses (RNs) and licensed practical nurses (LPNs), and a minimum educational training for certified nurse's aides (CNAs), but fails to establish a specific requirement for minimum caregiver/resident ratio or a minimum standard for the number of hours per patient day that a resident should be receiving care. In a nursing home, the CNA is the true point-person when it comes to providing adequate one-on-one care to the resident. The quality of care that facilities provide to their residents is frequently evaluated across three domains including structure (resources used to provide care; e.g., staffing), process (actions used to provide care; e.g., restraints) and outcomes (end results for patients; may be bad outcomes or good outcomes).

Certified Nurse Aides, also known as CNAs, are responsible for performing routine tasks and providing hands-on patient care in nursing homes. Under the supervision of nursing and medical staff, CNAs answer patient call bells, serve meals, make beds, and help patients eat, dress and bathe. CNAs provide skin care, take vital signs, and help patients walk and get in and out bed. In a nursing home, the quality of care each resident receives is largely dependent upon the one-on-one care provided by CNAs. Studies have shown that facilities with a higher CNA staffing ratio have fewer health care deficiencies, lower hospitalization rates and fewer government cited deficiencies. The health and safety of residents are compromised when the facility is understaffed. Residents are at a higher risk of receiving poor care and being victims of abuse when the staff is unable to respond adequately to the patient needs.

There are staffing standards for health care workers in hospitals, nursing homes, and other long-term care facilities. Each state can mandate its own staffing ratios. The District of Columbia and seven states-Arkansas, Delaware, Maine, Michigan, Oklahoma, Oregon and South Carolina mandate ratios that specify the maximum numbers of residents to CNA. If you work as a CNA in one of these states, then the **maximum** number of patients assigned to your care on any given shift can not exceed the one specified by the state.

CNA: Resident Ratio

	Day	Evening	Night
Arkansas	1:6	1:9	1:14
District of Columbia	1:6	1:10	1:15
Delaware	1:7	1:10	1:15
Maine	1:5	1:10	1:15
Michigan	1:8	1:12	1:15
Oklahoma	1:6	1:8	1:15
Oregon	1:10	1:15	1:20
South Carolina	1:9	1:13	1:22

There is not a staffing ratio mandate in North Carolina. Many nursing facilities in North Carolina are understaffed to the point of endangering the health of patients. The problem is not with the staff in nursing homes, it is with the staffing requirements as stated below:

10A NCAC 13D .2303 NURSE STAFFING REQUIREMENTS

(a) The facility shall provide licensed nursing personnel consistent with applicable occupational regulations and sufficient to accomplish the following:

- (1) patient needs assessment;
- (2) patient care planning; and
- (3) supervisory functions in accordance with the levels of patient care advertised or offered by the facility.

(b) The facility must have sufficient nursing staff to provide nursing and related services to attain or maintain the physical, mental, and psychosocial well-being of each patient, as determined by patient assessments and individual plans of care.

(c) A multi-storied facility shall have at least one direct-care staff member on duty on each patient care floor at all times.

(d) Except for designated units with higher staffing requirements noted elsewhere in this Subchapter, daily direct patient care nursing staff, licensed and unlicensed, shall include:

- (1) At least one licensed nurse on duty for direct patient care at all times.
- (2) A registered nurse for at least eight consecutive hours a day, seven days a week. This coverage can be spread over more than one shift if such a need exists. The director of nursing may be counted as meeting the requirements for both the director of nursing and patient staffing for facilities with a total census of 60 nursing beds or less.



The Great Madison County Litter Sweep Contest

April 13-27 2019

Along the Backroads of Madison County

**The group with the
most bags of
recyclables will
receive \$1,000.**

**The group with the
most bags of non-
recyclables will
receive \$500.**

Open to Madison County residents
ages 12 and older. Minors ages
12-17 must have parental consent.
Minimum of 4 people per group.

For more information contact Vickie
Sealock at 828-689-4257 or e-mail her at
vsealock@nccommerce.com.

Also, using your Facebook page search
area, follow us at The Great Madison
County Litter Sweep Contest or Litter
Sweep MCNC for more information!

Starting April 7, 2019 team
leaders must sign up and pick up
supplies at one of the following
supply pick-up stations. Supplies
include trash bags, gloves, vests
and signage.

Hot Springs Welcome Center
106 Bridge Street, Hot Springs
828-622-9932
Open Monday-Sunday 10-5

Madison County Visitor Center
56 S. Main Street, Mars Hill
828-680-9031
Open Monday-Saturday 10-4

I-26 NC Welcome Center
6178 I-26, Mars Hill
828-689-4257
Open Monday-Sunday 8-5

NC Cooperative Extension Center
258 Carolina Lane, Marshall
828-649-2411
Open Monday-Friday 8-4:30

**You must sign up at one of
the locations above or you
will forfeit your chance to
win the prize money.**



SHERIFF
JAMES (BUDDY) HARWOOD

348 MEDICAL PARK DRIVE
MARSHALL, NC 28753
OFFICE: 828-649-2721
FAX: 828-649-1968

March 28, 2019

Retired deputy, Jeffery Tweed with the Madison County Sheriff's Office has been presented his service weapon serial number BDHTF01, Glock 31 per North Carolina General Statute, §20-187.2 for the price of \$1.00.

With Gratitude,



Sheriff James Harwood

§ 20-187.2. Badges and service side arms of deceased or retiring members of State, city and county law-enforcement agencies; weapons of active members.

(a) Surviving spouses, or in the event such members die unsurvived by a spouse, surviving children of members of North Carolina State, city and county law-enforcement agencies killed in the line of duty or who are members of such agencies at the time of their deaths, and retiring members of such agencies shall receive upon request and at no cost to them, the badge worn or carried by such deceased or retiring member. The governing body of a law-enforcement agency may, in its discretion, also award to a retiring member or surviving relatives as provided herein, upon request, the service side arm of such deceased or retiring members, at a price determined by such governing body, upon determining that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law, or if the weapon has been rendered incapable of being fired. Governing body shall mean for county and local alcohol beverage control officers, the county or local board of alcoholic control; for all other law-enforcement officers with jurisdiction limited to a municipality or town, the city or town council; for all other law-enforcement officers with countywide jurisdiction, the board of county commissioners; for all State law-enforcement officers, the head of the department.

(b) Active members of North Carolina State law-enforcement agencies, upon change of type of weapons, may purchase the weapon worn or carried by such member at a price which shall be the average yield to the State from the sale of similar weapons during the preceding year.

(c) For purposes of this section, certified probation and parole officers shall be considered members of a North Carolina State law enforcement agency. (1971, c. 669; 1973, c. 1424; 1975, c. 44; 1977, c. 548; 1979, c. 882; 1987, c. 122; 2013-369, s. 19; 2016-77, s. 9(b).)

COMMUNITY HEALTH ASSESSMENT 2018 Madison County

WHAT IS THE COMMUNITY HEALTH ASSESSMENT?

The Community Health Needs Assessment, or CHA leads to a better understanding of the health of our county's residents.

The CHA helps local agencies and organizations working on health issues to ensure that the most pressing health concerns are being addressed, and to plan and coordinate their efforts. It is also used by our Health Department in its strategic planning process.

Collaborating agencies in western NC have chosen to repeat this cycle every three years.

Health Priorities



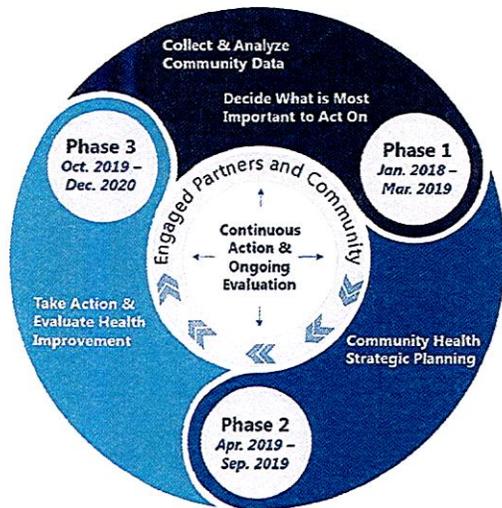
Health Priority 1: Physical Activity and Nutrition

Physical Activity and Nutrition were discovered to be issues of high concern in both secondary data and the Online Key Informant Survey of community leaders in a data review from our Community Health Assessment data team.



Health Priority 2: Substance Use & Mental Health

Substance Use and Mental Health were both discovered to be issues of high concern in both secondary data and the Online Key Informant Survey of community leaders in a data review from our Community Health Assessment data team.



The CHA is a collaborative effort between **Madison County Health Department** and **Mission Health**.



WHO'S INVOLVED?



The **CHA Team** led the CHA process and determined health priorities.



Madison County residents shared their input through surveys and additional local data collection.

Support of this process was provided by **WNC Healthy Impact**, a partnership between hospitals and public health agencies to improve community health in western North Carolina.



Highlights

Overweight and obesity can lead to serious health concerns and is attributed as a risk factor for many chronic diseases. In 2018, 27% of Madison County residents surveyed stated that they were at a healthy weight (BMI of 18.5-24.9).

72.3% of respondents stated that they were overweight or obese (BMI of 25 or higher), a percentage that is higher in Madison County than WNC, the state, and the US. Approximately 55% of children in grades K-8 are at a healthy weight.

A Community Survey on Substance Use in Madison County in 2018 revealed 92.91% of Madison residents think substance use is a problem within our community among youth under the age of 18 years old and 100% of those surveyed thought substance use is a problem within our community among adults. This survey data also reflects 94.83% are concerned/very concerned about pain medication and other prescription medication abuse in our community.

Unintentional Poisoning Mortality in Madison County reflects an increase from a total of 8 from years 2006-2010 to 14 for years 2012-2016, which is a concerning trend for the community.

RESOURCES

- Healthy Eating Active Living Team
- Community Calendar
- Health Living Mobile Market
- Madison Substance Awareness Coalition
- Naloxone Distribution
- Permanent Medication Drop Off Locations(4)
- For additional resources visit www.nc211.org/



FOR MORE INFORMATION & TO GET INVOLVED...

2018 Madison Community Health Assessment findings are shared with stakeholders, community partners, and the general population.

Where to Access this Report

The 2018 Madison Community Health Assessment can be accessed in person and online at the following locations:

--Madison County Health Department - www.madisoncountyhealth.org

--WNC Health Network - www.wnchn.org

--Madison County Public Libraries

For More Information and to Get Involved visit:

www.madisoncountyhealth.org
or call 828-649-3531

Key Madison County stakeholders characterized a healthy community as containing the following:

Access to Care/Services, Recreational/Outdoor Activities, Affordable Care/Services, Access to Healthy Foods, and Preventative Health Care.



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DRUG AND ALCOHOL TESTING POLICY
Madison County Transportation Authority
Adopted as of January 9, 2018

A. PURPOSE

- 1) The Madison County Transportation Authority provides public transit and paratransit services for the residents of Madison County with service to Buncombe, Yancey, Mitchell and other counties depending on trip. These areas are very mountainous and rural. Madison County alone is 496 miles large with roughly 20,000 residents. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. In keeping with this mission, Madison County Transportation Authority declares that the unlawful manufacture, distribution, dispense, possession, or use of controlled substances or misuse of alcohol is prohibited for all employees.
- 2) Additionally, the purpose of this policy is to establish guidelines to maintain a drug and alcohol-free workplace in compliance with the Drug-Free Workplace Act of 1988, and the Omnibus Transportation Employee Testing Act of 1991. This policy is intended to comply with all applicable Federal regulations governing workplace anti-drug and alcohol programs in the transit industry. Specifically, the Federal Transit Administration (FTA) of the U.S. Department of Transportation has published 49 CFR Part 655, as amended, that mandates urine drug testing and breath alcohol testing for safety-sensitive positions, and prohibits performance of safety-sensitive functions when there is a positive test result, or a refusal to test. The U. S. Department of Transportation (USDOT) has also published 49 CFR Part 40, as amended, that sets standards for the collection and testing of urine and breath specimens.
- 3) Any provisions set forth in this policy that are included under the sole authority of Madison County Transportation Authority and are not provided under the authority of the above named Federal regulations are underlined. Tests conducted under the sole authority of Madison County Transportation Authority will be performed on non-USDOT forms and will be separate from USDOT testing in all respects.

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B. APPLICABILITY

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

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

C. DEFINITIONS

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

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

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

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

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

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

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

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

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

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

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

DOT, The Department, DOT Agency: These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). For purposes of 49 CFR Part 40, the United States Coast Guard (USCG), in the Department of Homeland Security, is considered to be a DOT agency for drug testing purposes. These terms include any designee of a DOT agency.

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

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

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

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

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

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

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification program as meeting standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD): The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation: For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

Medical Review Officer (MRO): A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the drug

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testing program who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history, and any other relevant bio-medical information.

Negative Dilute: A drug test result which is negative for the five drug/drug metabolites but has a specific gravity value lower than expected for human urine.

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

Non-negative test result: A urine specimen that is reported as adulterated, substituted, invalid, or positive for drug/drug metabolites.

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

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

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

Prohibited drug: Identified as marijuana, cocaine, opioids, amphetamines, or phencyclidine at levels above the minimum thresholds specified in 49 CFR Part 40, as amended.

Reconfirmed: The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

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

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

Safety-sensitive functions: Employee duties identified as:

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

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

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

Substituted specimen: A urine specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

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

- (1) Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
- (2) Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the testing process commences for a pre-employment test has not refused to test.
- (3) Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- (4) In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- (5) Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.

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- (6) Fail or decline to take a second test as directed by the collector or the employer for drug testing.
- (7) Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
- (8) Fail to cooperate with any part of the testing process.
- (9) Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- (10) Possess or wear a prosthetic or other device used to tamper with the collection process.
- (11) Admit to the adulteration or substitution of a specimen to the collector or MRO.
- (12) Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- (13) Fail to remain readily available following an accident.
- (14) As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

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

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

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

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

D. EDUCATION AND TRAINING

- 1) Every covered employee will receive a copy of this policy and will have ready access to the corresponding federal regulations including 49 CFR Parts 655 and 40, as amended. In addition, all covered employees will undergo a minimum of 60 minutes of training on the signs and symptoms of drug use including the effects and consequences of drug use on

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personal health, safety, and the work environment. The training also includes manifestations and behavioral cues that may indicate prohibited drug use.

- 2) All supervisory personnel or company officials who are in a position to determine employee fitness for duty will receive 60 minutes of reasonable suspicion training on the physical, behavioral, and performance indicators of probable drug use and 60 minutes of additional reasonable suspicion training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

E. PROHIBITED SUBSTANCES

- 1) Prohibited substances addressed by this policy include the following.
 - a. Illegally Used Controlled Substance or Drugs Under the Drug-Free Workplace Act of 1988 any drug or any substance identified in Schedule I through V of Section 202 of the Controlled Substance Act (21 U.S.C. 812), and as further defined by 21 CFR 1300.11 through 1300.15 is prohibited at all times in the workplace unless a legal prescription has been written for the substance. This includes, but is not limited to: marijuana, amphetamines, opioids, phencyclidine (PCP), and cocaine, as well as any drug not approved for medical use by the U.S. Drug Enforcement Administration or the U.S. Food and Drug Administration. Illegal use includes use of any illegal drug, misuse of legally prescribed drugs, and use of illegally obtained prescription drugs. Also, the medical use of marijuana, or the use of hemp related products, which cause drug or drug metabolites to be present in the body above the minimum thresholds is a violation of this policy

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

- b. Legal Drugs: The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills, or judgment may be adversely affected must be reported to a Madison County Transportation Authority supervisor and the employee is required to provide a written release from his/her

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doctor or pharmacist indicating that the employee can perform his/her safety-sensitive functions.

- c. Alcohol: The use of beverages containing alcohol (including any mouthwash, medication, food, candy) or any other substances such that alcohol is present in the body while performing safety-sensitive job functions is prohibited.

F. PROHIBITED CONDUCT

- 1) All covered employees are prohibited from reporting for duty or remaining on duty any time there is a quantifiable presence of a prohibited drug in the body above the minimum thresholds defined in 49 CFR Part 40, as amended.
- 2) Each covered employee is prohibited from consuming alcohol while performing safety-sensitive job functions or while on-call to perform safety-sensitive job functions. If an on-call employee has consumed alcohol, they must acknowledge the use of alcohol at the time that they are called to report for duty. The covered employee will subsequently be relieved of his/her on-call responsibilities and subject to discipline for not fulfilling his/her on-call responsibilities.
- 3) The Transit Department shall not permit any covered employee to perform or continue to perform safety-sensitive functions if it has actual knowledge that the employee is using alcohol
- 4) Each covered employee is prohibited from reporting to work or remaining on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater regardless of when the alcohol was consumed.
 - a. An employee with a breath alcohol concentration which measures 0.02-0.039 is not considered to have violated the USDOT-FTA drug and alcohol regulations, provided the employee hasn't consumed the alcohol within four (4) hours of performing a safety-sensitive duty. However, if a safety-sensitive employee has a breath alcohol concentration of 0.02-0.039, USDOT-FTA regulations require the employee to be removed from the performance of safety-sensitive duties until:
 - i. The employee's alcohol concentration measures less than 0.02; or

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- ii. The start of the employee's next regularly scheduled duty period, but not less than eight hours following administration of the test.
- 5) No covered employee shall consume alcohol for eight (8) hours following involvement in an accident or until he/she submits to the post-accident drug/alcohol test, whichever occurs first.
- 6) No covered employee shall consume alcohol within four (4) hours prior to the performance of safety-sensitive job functions.
- 7) Madison County Transportation Authority, under its own authority, also prohibits the consumption of alcohol at all times the employee is on duty, or anytime the employee is in uniform.
- 8) Consistent with the Drug-free Workplace Act of 1988, all Madison County Transportation Authority employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, or use of prohibited substances in the work place including transit system premises and transit vehicles.

G. DRUG STATUTE CONVICTION

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

H. TESTING REQUIREMENTS

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

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Under MCTA authority, a non-DOT alcohol test can be performed any time a covered employee is on duty.

- 3) All covered employees will be subject to urine drug testing and breath alcohol testing as a condition of ongoing employment with Madison County Transportation Authority. Any safety-sensitive employee who refuses to comply with a request for testing shall be removed from duty and subject to discipline as defined in Section Q of this policy.

I. DRUG TESTING PROCEDURES

- 1) Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Service (HHS). All testing will be conducted consistent with the procedures set forth in 49 CFR Part 40, as amended. The procedures will be performed in a private, confidential manner and every effort will be made to protect the employee, the integrity of the drug testing procedure, and the validity of the test result.
- 2) The drugs that will be tested for include marijuana, cocaine, opioids, amphetamines, and phencyclidine. After the identity of the donor is checked using picture identification, a urine specimen will be collected using the split specimen collection method described in 49 CFR Part 40, as amended. Each specimen will be accompanied by a DOT Custody and Control Form and identified using a unique identification number that attributes the specimen to the correct individual. The specimen analysis will be conducted at a HHS certified laboratory. An initial drug screen and validity test will be conducted on the primary urine specimen. For those specimens that are not negative, a confirmatory Gas Chromatography/Mass Spectrometry (GC/MS) test will be performed. The test will be considered positive if the amounts of the drug(s) and/or its metabolites identified by the GC/MS test are above the minimum thresholds established in 49 CFR Part 40, as amended.
- 3) The test results from the HHS certified laboratory will be reported to a Medical Review Officer. A Medical Review Officer (MRO) is a licensed physician with detailed knowledge of substance abuse disorders and drug testing. The MRO will review the test results to ensure the scientific validity of the test and to determine whether there is a legitimate medical explanation for a confirmed positive, substitute, or adulterated test result. The MRO will attempt to contact the employee to notify the employee of

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the non-negative laboratory result, and provide the employee with an opportunity to explain the confirmed laboratory test result. The MRO will subsequently review the employee's medical history/medical records as appropriate to determine whether there is a legitimate medical explanation for a non-negative laboratory result. If no legitimate medical explanation is found, the test will be verified positive or refusal to test and reported to Madison County Transportation Authority. If a legitimate explanation is found, the MRO will report the test result as negative.

- 4) If the test is invalid without a medical explanation, a retest will be conducted under direct observation. Employees do not have access to a test of their split specimen following an invalid result.
- 5) Any covered employee who questions the results of a required drug test under paragraphs L through P of this policy may request that the split sample be tested. The split sample test must be conducted at a second HHS-certified laboratory. The test must be conducted on the split sample that was provided by the employee at the same time as the primary sample. The method of collecting, storing, and testing the split sample will be consistent with the procedures set forth in 49 CFR Part 40, as amended. The employee's request for a split sample test must be made to the Medical Review Officer within 72 hours of notice of the original sample verified test result. Requests after 72 hours will only be accepted at the discretion of the MRO if the delay was due to documentable facts that were beyond the control of the employee. Madison County Transportation Authority will ensure that the cost for the split specimen analysis is covered in order for a timely analysis of the sample, however Madison County Transportation Authority will seek reimbursement for the split sample test from the employee.
- 6) If the analysis of the split specimen fails to confirm the presence of the drug(s) detected in the primary specimen, if the split specimen is not able to be analyzed, or if the results of the split specimen are not scientifically adequate, the MRO will declare the original test to be canceled.
- 7) The split specimen will be stored at the initial laboratory until the analysis of the primary specimen is completed. If the primary specimen is negative, the split will be discarded. If the primary specimen is positive, it will be retained in frozen storage for one year and the split specimen will also be retained for one year. If the primary is positive, the primary and the split will be retained for longer than one year for testing if so requested by the employee through the Medical Review Officer, or by the employer, by the MRO, or by the relevant DOT agency.

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8) Observed collections

- a. Consistent with 49 CFR Part 40, as amended, collection under direct observation (by a person of the same gender) with no advance notice will occur if:
 - i. The laboratory reports to the MRO that a specimen is invalid, and the MRO reports to Madison County Transportation Authority that there was not an adequate medical explanation for the result;
 - ii. The MRO reports to Madison County Transportation Authority that the original positive, adulterated, or substituted test result had to be cancelled because the test of the split specimen could not be performed;
 - iii. The laboratory reported to the MRO that the specimen was negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, and the MRO reported the specimen as negative-dilute and that a second collection must take place under direct observation (see §40.197(b)(1)).
 - iv. The collector observes materials brought to the collection site or the employee's conduct clearly indicates an attempt to tamper with a specimen;
 - v. The temperature on the original specimen was out of range;
 - vi. Anytime the employee is directed to provide another specimen because the original specimen appeared to have been tampered with.
 - vii. All follow-up-tests; or
 - viii. All return-to-duty tests

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J. ALCOHOL TESTING PROCEDURES

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

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- 4) The alcohol testing form (ATF) required by 49 CFR Part 40 as amended, shall be used for all FTA required testing. Failure of an employee to sign step 2 of the ATF will be considered a refusal to submit to testing.

K. PRE-EMPLOYMENT TESTING

- 1) All applicants for covered transit positions shall undergo urine drug testing prior to performance of a safety-sensitive function.
 - a. All offers of employment for covered positions shall be extended conditional upon the applicant passing a drug test. An applicant will not be allowed to perform safety-sensitive functions unless the applicant takes a drug test with verified negative results.
 - b. An employee shall not be placed, transferred or promoted into a position covered under FTA authority or company authority until the employee takes a drug test with verified negative results.
 - c. If an applicant fails a pre-employment drug test, the conditional offer of employment shall be rescinded and the applicant will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals. Failure of a pre-employment drug test will disqualify an applicant for employment for a period of at least one year. Before being considered for future employment the applicant must provide the employer proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G. The cost for the assessment and any subsequent treatment will be the sole responsibility of the applicant.
 - d. When an employee being placed, transferred, or promoted from a non-covered position to a position covered under FTA authority or company authority submits a drug test with a verified positive result, the employee shall be subject to disciplinary action in accordance with Section Q herein.
 - e. If a pre-employment test is canceled, Madison County Transportation Authority will require the applicant to take and pass another pre-employment drug test.
 - f. In instances where a FTA covered employee does not perform a safety-sensitive function for a period of 90 consecutive days or more regardless of reason, and during that period is not in the random testing pool the employee will be required to take a pre-

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employment drug test under 49 CFR Part 655 and have negative test results prior to the conduct of safety-sensitive job functions.

- g. Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- h. Applicants are required (even if ultimately not hired) to provide Madison County Transportation Authority with signed written releases requesting USDOT drug and alcohol records from all previous, USDOT-covered, employers that the applicant has worked for within the last two years. Failure to do so will result in the employment offer being rescinded. Madison County Transportation Authority is required to ask all applicants (even if ultimately not hired) if they have tested positive or refused to test on a pre-employment test for a USDOT covered employer within the last two years. If the applicant has tested positive or refused to test on a pre-employment test for a USDOT covered employer, the applicant must provide Madison County Transportation Authority proof of having successfully completed a referral, evaluation and treatment plan as described in section 655.62 of subpart G.

L. REASONABLE SUSPICION TESTING

- 1) All Madison County Transportation Authority FTA covered employees will be subject to a reasonable suspicion drug and/or alcohol test when the employer has reasonable suspicion to believe that the covered employee has used a prohibited drug and/or engaged in alcohol misuse. Reasonable suspicion shall mean that there is objective evidence, based upon specific, contemporaneous, articulable observations of the employee's appearance, behavior, speech or body odor that are consistent with possible drug use and/or alcohol misuse. Reasonable suspicion referrals must be made by one or more supervisors who are trained to detect the signs and symptoms of drug and alcohol use, and who reasonably concludes that an employee may be adversely affected or impaired in his/her work performance due to possible prohibited substance abuse or alcohol misuse. A reasonable suspicion alcohol test can only be conducted just before, during, or just after the performance of a safety-sensitive job function. However, under Madison County Transportation Authority's authority, a non-DOT reasonable suspicion alcohol test may be performed any time the covered employee is on duty. A reasonable

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suspicion drug test can be performed any time the covered employee is on duty.

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

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M. POST-ACCIDENT TESTING

- 1) **FATAL ACCIDENTS** – A covered employee will be required to undergo urine and breath testing if they are involved in an accident with a transit vehicle, whether or not the vehicle is in revenue service at the time of the accident, that results in a fatality. This includes all surviving covered employees that are operating the vehicle at the time of the accident and any other whose performance could have contributed to the accident, as determined by the employer using the best information available at the time of the decision.

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

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

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

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

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

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

Nothing in this section shall be construed to require the delay of necessary medical attention for the injured following an accident, or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

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

N. RANDOM TESTING

- 1) All covered employees will be subjected to random, unannounced testing. The selection of employees shall be made by a scientifically valid method of randomly generating an employee identifier from the appropriate pool of safety-sensitive employees. Employees who may be covered under company authority will be selected from a pool of non-DOT-covered employees.
- 2) The dates for administering unannounced testing of randomly selected employees shall be spread reasonably throughout the calendar year, day of the week and hours of the day.
- 3) The number of employees randomly selected for drug/alcohol testing during the calendar year shall be not less than the percentage rates set each year by the FTA administrator. The current year testing rates can be viewed online at <https://www.transportation.gov/odapc/random-testing-rates>.
- 4) Each covered employee shall be in a pool from which the random selection is made. Each covered employee in the pool shall have an equal chance of selection each time the selections are made. Employees will remain in the pool and subject to selection, whether or not the

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employee has been previously tested. There is no discretion on the part of management in the selection.

- 5) Covered transit employees that fall under the Federal Transit Administration regulations will be included in one random pool maintained separately from the testing pool of non-safety-sensitive employees that are included solely under Madison County Transportation Authority's authority.
- 6) Random tests can be conducted at any time during an employee's shift for drug testing. Alcohol random tests can only be performed just before, during, or just after the performance of a safety sensitive duty. However, under Madison County Transportation Authority's authority, a non-DOT random alcohol test may be performed any time the covered employee is on duty. Testing can occur during the beginning, middle, or end of an employee's shift.
- 7) Employees are required to proceed immediately to the collection site upon notification of their random selection.

O. RETURN-TO-DUTY TESTING

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

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P. FOLLOW-UP TESTING

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

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

Q. RESULT OF DRUG/ALCOHOL TEST

- 1) Any covered employee that has a verified positive drug or alcohol test, or test refusal, will be removed from his/her safety-sensitive position, informed of educational and rehabilitation programs available, and will be provided with a list of at least two (2) USDOT qualified Substance Abuse Professionals (SAP) for assessment, and will be terminated.
- 2) Following a negative dilute the employee will be required to undergo another test. Should this second test result in a negative dilute result, the test will be considered a negative and no additional testing will be required unless directed to do so by the MRO.
- 3) Refusal to submit to a drug/alcohol test shall be considered equivalent to a positive test result and a direct act of insubordination and shall result in termination and referral to a list of USDOT qualified SAPs. A test refusal includes the following circumstances:
 - a. Fail to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer.
 - b. Fail to remain at the testing site until the testing process is complete. An employee who leaves the testing site before the

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testing process commences for a pre-employment test has not refused to test.

- c. Fail to attempt to provide a breath or urine specimen. An employee who does not provide a urine or breath specimen because he or she has left the testing site before the testing process commenced for a pre-employment test has not refused to test.
- d. In the case of a directly-observed or monitored urine drug collection, fail to permit monitoring or observation of your provision of a specimen.
- e. Fail to provide a sufficient quantity of urine or breath without a valid medical explanation.
- f. Fail or decline to take a second test as directed by the collector or the employer for drug testing.
- g. Fail to undergo a medical evaluation as required by the MRO or the employer's Designated Employer Representative (DER).
- h. Fail to cooperate with any part of the testing process.
- i. Fail to follow an observer's instructions to raise and lower clothing and turn around during a directly-observed test.
- j. Possess or wear a prosthetic or other device used to tamper with the collection process.
- k. Admit to the adulteration or substitution of a specimen to the collector or MRO.
- l. Refuse to sign the certification at Step 2 of the Alcohol Testing Form (ATF).
- m. Fail to remain readily available following an accident.

As a covered employee, if the MRO reports that you have a verified adulterated or substituted test result, you have refused to take a drug test.

- 4) An alcohol test result of ≥ 0.02 to ≤ 0.039 BAC shall result in the removal of the employee from duty for eight hours or the remainder of the work day whichever is longer. The employee will not be allowed to return to safety-sensitive duty for his/her next shift until he/she submits to a NONDOT alcohol test with a result of less than 0.02 BAC.
- 5) In the instance of a self-referral or a management referral, disciplinary action against the employee shall include:
 - a. Mandatory referral for an assessment by an employer approved counseling professional for assessment, formulation of a treatment plan, and execution of a return to work agreement;
 - b. Failure to execute, or remain compliant with the return-to-work agreement shall result in termination from Madison County Transportation Authority employment.

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- i. Compliance with the return-to-work agreement means that the employee has submitted to a drug/alcohol test immediately prior to returning to work; the result of that test is negative; the employee is cooperating with his/her recommended treatment program; and, the employee has agreed to periodic unannounced follow-up testing as described in Section P of this policy; however, all follow-up testing performed as part of a return-to-work agreement required under section Q of this policy is under the sole authority of Madison County Transportation Authority and will be performed using non-DOT testing forms.
 - c. Refusal to submit to a periodic unannounced follow-up drug/alcohol test shall be considered a direct act of insubordination and shall result in termination. **All tests conducted as part of the return to work agreement will be conducted under company authority and will be performed using non-DOT testing forms.**
 - d. **A self-referral or management referral to the employer's counseling professional that was not precipitated by a positive test result does not constitute a violation of the Federal regulations and will not be considered as a positive test result in relation to the progressive discipline defined in Section Q of this policy.**
 - e. Periodic unannounced follow-up drug/alcohol testing conducted as a result of a self-referral or management referral which results in a verified positive shall be considered a positive test result in relation to the progressive discipline defined in Section Q of this policy.
 - f. A Voluntary Referral does not shield an employee from disciplinary action or guarantee employment with Madison County Transportation Authority.
 - g. A Voluntary Referral does not shield an employee from the requirement to comply with drug and alcohol testing.
- 6) Failure of an employee to report within five days a criminal drug statute conviction for a violation occurring in the workplace shall result in termination.

R. GRIEVANCE AND APPEAL

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

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S. PROPER APPLICATION OF THE POLICY

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

T. INFORMATION DISCLOSURE

- 1) Drug/alcohol testing records shall be maintained by the Madison County Transportation Authority's Drug and Alcohol Program Manager and, except as provided below or by law, the results of any drug/alcohol test shall not be disclosed without express written consent of the tested employee.
- 2) The employee, upon written request, is entitled to obtain copies of any records pertaining to their use of prohibited drugs or misuse of alcohol including any drug or alcohol testing records. Covered employees have the right to gain access to any pertinent records such as equipment calibration records, and records of laboratory certifications. Employees may not have access to SAP follow-up testing plans.
- 3) Records of a verified positive drug/alcohol test result shall be released to the Drug and Alcohol Program Manager, and other transit system management personnel on a need to know basis.
- 4) Records will be released to a subsequent employer only upon receipt of a written request from the employee.
- 5) Records of an employee's drug/alcohol tests shall be released to the adjudicator in a grievance, lawsuit, or other proceeding initiated by or on behalf of the tested individual arising from the results of the drug/alcohol test. The records will be released to the decision maker in the proceeding.
- 6) Records will be released to the National Transportation Safety Board during an accident investigation.
- 7) Information will be released in a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information

is relevant to the case and issues an order to the employer to release the information. The employer will release the information to the decision maker in the proceeding with a binding stipulation that it will only be released to parties of the proceeding.

- 8) Records will be released to the DOT or any DOT agency with regulatory authority over the employer or any of its employees.
- 9) Records will be released if requested by a Federal, state or local safety agency with regulatory authority over Madison County Transportation Authority or the employee.
- 10) If a party seeks a court order to release a specimen or part of a specimen contrary to any provision of Part 40 as amended, necessary legal steps to contest the issuance of the order will be taken
- 11) In cases of a contractor or sub-recipient of a state department of transportation, records will be released when requested by such agencies that must certify compliance with the regulation to the FTA.

This Policy was adopted by the *Madison County Board of Commissioners* on
December 12, 2017.
Yearly Approval: April 2018.

Norris Gentry, BOC, Chair, Madison County

Attachment A

<u>Job Title</u>	<u>Job Duties</u>	<u>Testing Authority</u>
Driver: Transport Passengers		Nationwide Testing Association, INC
Dispatch: Create manifests/support drivers/route decisions		NTA, INC
Operations/Fiscal: Create manifests/support drivers/Route decisions		NTA, Inc
Coordinator: Create manifest/support drivers/route decisions		NTA, Inc.
Director: Support drivers/route decisions		NTA, Inc.

Attachment B Contacts

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

Madison County Transportation Authority Drug and Alcohol Program Manager

Name: Dee Heinmuller

Title: Director of Madison County Community Services

Address: 387 Long Branch Road, Marshall, NC 28753

Telephone Number: 828 649 2219

Medical Review Officer

Name: Dr. Jerome Cooper

Title:

Address: PO Box 508, Mooresville, NC 28115

Telephone Number:

800-452-0030

Substance Abuse Professional

Name: Jay Zeller, III

Title: Licensed Clinical Addiction Specialist, DOT qualified SAP

Address: 1268 Lyday Creek Road, Pisgah Forrest, NC 28768

Telephone Number: 828 329 8693

HHS Certified Laboratory Primary Specimen

Name: Lab Corp RTP

Address: 1904 Alexander Drive, Research Triangle Park, NC 27709

Telephone Number:

HHS Certified Laboratory Split Specimen

Name:

Address:

Telephone Number:

Madison County Transportation Authority



Date Adopted
June/15/2018

Title VI Program Plan



PLAN REVIEW AND APPROVAL

On behalf of the Madison County Board of Commissioners for Madison County Transportation Authority (MCTA), I hereby acknowledge receipt of the Title VI Nondiscrimination Plan. We, the Madison County Board of Commissioners, have **reviewed and hereby approve** this Plan. We are committed to ensuring that all decisions are made in accordance with the nondiscrimination guidelines of this Plan, to the end the no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any MCTA transportation services and activities on the basis of race, color, national origin, sex, age, religion, or disability, as protected by Title VI of the Civil Rights Act of 1964 and the nondiscrimination provisions of the Federal Transit Administration.

Signature of Authorizing Official

DATE

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TITLE VI NONDISCRIMINATION AGREEMENT
BETWEEN
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
AND
MADISON COUNTY TRANSPORTATION AUTHORITY (MCTA)

In accordance with DOT Order 1050.2A, the Madison County Transportation Authority (MCTA) assures the North Carolina Department of Transportation (NCDOT) that no person shall, on the ground of **race, color, national origin, sex, religion, age, or disability**, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and related nondiscrimination authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity undertaken by MCTA .

Further, MCTA hereby agrees to:

1. Designate a Title VI Coordinator that has a responsible position within the organization and easy access to the Madison County Community Services Director of MCTA and the Madison County Manager.
2. Issue a policy statement, signed by the Madison County Community Services (MCCS) Director of the organization, which expresses a commitment to the nondiscrimination provisions of Title VI and related applicable statutes. The signed policy statement shall be posted and circulated throughout the organization and to the general public, and published where appropriate in languages other than English. The policy statement will be re-signed when there is a change of the MCCS Director.
3. Insert the clauses of the contract language from Section 6.1 in every contract awarded by the organization. Ensure that every contract awarded by the organization's contractors or consultants also includes the contract language.
4. Process all and, when required, investigate complaints of discrimination consistent with the procedures contained within this Plan. Log all complaints for the administrative record.
5. Collect statistical data (race, color, national origin, sex, age, disability) on participants in, and beneficiaries of, programs and activities carried out by the organization.
6. Participate in training offered on Title VI and other nondiscrimination requirements. Conduct or request training for employees or the organization's subrecipients.
7. Take affirmative action, if reviewed or investigated by NCDOT, to correct any deficiencies found within a reasonable time period, not to exceed 90 calendar days, unless reasonable provisions are granted by NCDOT.
8. Document all Title VI nondiscrimination-related activities as evidence of compliance. Submit information and reports to NCDOT on a schedule outlined by NCDOT.

THIS AGREEMENT is given in consideration of, and for the purpose of obtaining, any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding.

Authorized Signature

Date

Printed Name and Title

1.0 INTRODUCTION

Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000d provides that: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The broader application of nondiscrimination law is found in other statutes, executive orders, and regulations, which provide additional protections based on age, sex, religion, and disability, including the 1987 Civil Rights Restoration Act, which extended nondiscrimination coverage to all programs and activities of federal-aid recipients, subrecipients, and contractors, including those that are not federally-funded (see Appendix A – Applicable Nondiscrimination Authorities).

MCTA is a recipient of Federal financial assistance from the North Carolina Department of Transportation (NCDOT) and the United States Department of Transportation (USDOT), receiving Federal Transit Administration (FTA) funds through the NCDOT. As the primary recipient of USDOT funds in North Carolina, the NCDOT's comprehensive Title VI Nondiscrimination Program includes compliance oversight and technical assistance responsibilities towards its subrecipients and those subrecipients must use federal and state funds in a nondiscriminatory manner.

MCTA establishes this Title VI Nondiscrimination Plan for the purpose of complying with Title VI of the Civil Rights Act of 1964, as required by FTA Circular 4702.1B, and related requirements outlined under Group 01.D, "Nondiscrimination Assurance," of the FTA Certifications and Assurances. This document details the nondiscrimination program, policies, and practices administered by this organization, and will be updated periodically to incorporate changes and additional responsibilities as they are made.

2.0 DESCRIPTION OF PROGRAMS AND SERVICES

2.1 PROGRAM(S) AND SERVICES ADMINISTERED

MCTA provides public transportation options to its customers within Madison, Yancey, Mitchell, Avery and Buncombe Counties, North Carolina. MCTA operates M-F from 8:00-4:30 a demand response service. Those who are Veterans, over the age of 60 years and attendants are invited to ride for free. Those under 60 years of age have fares accordingly: Madison County- \$2.50 one way, \$5.00 round trip, Weaverville- \$3.00 one way, \$6.00 round trip, Asheville- \$6.00 one way and \$12.00 round trip. You must register with MCTA and then schedule at least 48 hours in advance for transport. We provide NEMT transport, to those who qualify through the local DSS Medicaid program.

MCTA is under the direction of Madison County Government and Madison County Board of Commissioners. The Department of Community Services is the direct supervision provider with the Transportation Advisory Board. MCTA has one (1) Transportation Coordinator, one (1) Administrative Assistant/Dispatcher/Scheduler, five (5) full time drivers, two (2) part time drivers and is supported by the Madison County Community Services Director and the Fiscal Officer/Operations Manger.

2.2 FUNDING SOURCES / TABLES

For the purpose of federally-assisted programs, "federal assistance" shall include:

1. grants and loans of Federal funds;
2. the grant or donation of Federal property and interest in property;
3. the detail of Federal personnel;
4. the sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is

reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and

5. any Federal agreement, arrangement, or other contract which has, as one of its purposes, the provision of assistance.

Grant Title	NCDOT	FTA	Details (i.e., purpose, frequency, and duration of receipt)
5307 (Urbanized Area Formula)	<input type="checkbox"/>	<input type="checkbox"/>	
5309 (b)(2) (Fixed Guideway Modernization)	<input type="checkbox"/>	<input type="checkbox"/>	
5310 (Transportation for Elderly Persons and Persons with Disabilities)	X	<input type="checkbox"/>	Senior Center Transport
5311 (Formula Grants for Other than Urbanized Areas)	X	X <input type="checkbox"/>	\$121,000 Administrative Budget: Annually
5311 (b)(3) (Rural Transit Assistance)	<input type="checkbox"/>	<input type="checkbox"/>	
5316 (Job Access and Reverse Commute)	<input type="checkbox"/>	<input type="checkbox"/>	
5317 (New Freedom)	<input type="checkbox"/>	<input type="checkbox"/>	
5303, 5304 and/or 5305 (Metropolitan & Statewide Planning)	<input type="checkbox"/>	<input type="checkbox"/>	
5339 (Bus and Bus Facilities Formula)	<input type="checkbox"/>	<input type="checkbox"/>	
Other:	<input type="checkbox"/>	<input type="checkbox"/>	

2.3 DECISION-MAKING PROCESS

The Madison County Board of Commissioners and the County Manager make direct monetary, hiring and policy approval decisions. These are voted on, placed in BOC minutes and signed by the BOC, Chairperson.

The Madison County Transportation Authority's Transportation Advisory Board works with recommendations and approves policy changes for the BOC approval.

Board or Committee Name	Appointed	Elected	# of Members
Transit Advisory Board	X <input type="checkbox"/>	<input type="checkbox"/>	15
Board of Commissioners	<input type="checkbox"/>	x <input type="checkbox"/>	5
County Manager	x <input type="checkbox"/>	<input type="checkbox"/>	1
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input type="checkbox"/>	

2.4 TITLE VI COORDINATOR

The individual below has been designated as the Title VI Coordinator for MCTA, and is empowered with sufficient authority and responsibility to implement the Title VI Nondiscrimination Program:

Dee Heinmuller
Director of Madison County Community Services
386 Long Branch Road, Marshall, NC 28753
828-649-2219
dheinmuller@madisoncountync.gov

Key responsibilities of the Coordinator include:

- Maintaining knowledge of Title VI and related requirements.
- Attending civil rights training when offered by NCDOT or any other regulatory agency.
- Administering the Title VI Nondiscrimination Program and coordinating implementation of this Plan.
- Making sure internal staff and officials are familiarized and complying with their Title VI nondiscrimination obligations.
- Disseminating Title VI information internally and to the general public, including in languages other than English.
- Presenting Title VI-related information to decision-making bodies for input and approval.
- Ensuring Title VI-related posters are prominently and publicly displayed.
- Developing a process to collect data related to race, national origin, sex, age, and disability to ensure minority, low-income, and other underserved groups are included and not discriminated against.
- Ensuring that non-elected boards and committees reflect the service area and minorities are represented.
- Implementing procedures for prompt processing (receiving, logging, investigating and/or forwarding) of discrimination complaints.
- Coordinating with, and providing information to, NCDOT and other regulatory agencies during compliance reviews or complaint investigations.
- Promptly resolving areas of deficiency to ensure compliance with Title VI nondiscrimination requirements.

2.5 CHANGE OF TITLE VI COORDINATOR AND/OR MADISON COUNTY MANAGER

- 2.6 If Title VI Coordinator or Madison County Manager changes, this document and all other documents that name the Coordinator, will immediately be updated, and an updated policy statement and assurance will be signed by the new County Manager.

2.7 ORGANIZATIONAL CHART

An organizational chart showing the Title VI Coordinator's place within the organization is located in **Appendix B**.

2.8 SUB-RECIPIENTS

Organization Name does not have pass through funds to any other organizations and, therefore, does not have any sub-recipients.

3.0 TITLE VI NONDISCRIMINATION POLICY STATEMENT

It is the policy of MCTA, as a federal-aid recipient, to ensure that no person shall, on the ground of **race, color, national origin, sex, religion, age or disability**, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs and activities, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all other related nondiscrimination laws and requirements.

Dee Heinmuller, Director of Madison County
Community Services

Date

Title VI and Related Authorities

Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d) provides that, "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." The 1987 Civil Rights Restoration Act (P.L. 100-259) clarified and restored the original intent of Title VI by expanding the definition of "programs and activities" to include all programs and activities of federal-aid recipients (such as, MCTA), sub-recipients, and contractors, whether such programs and activities are federally-assisted or not.

Related nondiscrimination authorities include, but are not limited to: U.S. DOT regulation, 49 CFR part 21, "Nondiscrimination in Federally-assisted Programs of the Department of Transportation—Effectuation of Title VI of the Civil Rights Act"; 49 U.S.C. 5332, "Nondiscrimination (Public Transportation)"; FTA Circular 4702.1B - Title VI Requirements and Guidelines for Federal Transit Administration Recipients; DOT Order 5610.2a, "Actions to Address Environmental Justice in Minority Populations and Low-Income Populations"; FTA C 4703.1 - Environmental Justice Policy Guidance For Federal Transit Administration Recipients; Policy Guidance Concerning (DOT) Recipient's Responsibilities to Limited English Proficient (LEP) Persons, 74 FR 74087; The Americans with Disabilities Act of 1990, as amended, P.L. 101-336; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790; Age Discrimination Act of 1975, as amended 42 U.S.C. 6101; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601; Section 508 of the Rehabilitation Act of 1973, 29 U.S.C. 794d; or any other PTD requirements.

Implementation

- This statement will be signed by the Director of Madison County Community Services, and re-signed whenever a new person assumes that position.
- The signed statement will be posted on office bulletin boards, near the receptionist's desk, in meeting rooms, inside vehicles, and disseminated within brochures and other written materials.
- The *core* of the statement (signature excluded) will circulate *internally* within annual acknowledgement forms.
- The statement will be posted or provided in languages other than English, when appropriate.

4.0 NOTICE OF NONDISCRIMINATION

- Madison County Transportation Authority operates its programs and services without regard to **race, color, national origin, sex, religion, age, and disability** in accordance with Title VI of the Civil Rights Act and related statutes. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice may file a complaint with MCTA's Coordinator, MCCA Director and the MCTA Transportation Advisory Board.
- For more information on MCTA's civil rights program, and the procedures to file a complaint, contact 828-649-2219; email dheimmuller@madisoncountync.gov; or visit our administrative office at 386 Long Branch Road, Marshall, NC 28753. For more information, visit www.madisoncountync.org.
- If information is needed in another language, contact Rebekah Sharp 828-575-7904 or 828 329-0675.
- A complainant may file a complaint directly with the North Carolina Department of Transportation by filing with the Office of Equal Opportunity and Workforce Services, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511, Attention: Title VI Nondiscrimination Program; phone: 919-508-1808 or 800-522-0453, or TDD/TTY: 800-735-2962.
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

Implementation

- The notice will be posted in its entirety on our website and in any documents and reports we distribute.
- Ads in newspapers and other publications shall include the first three (3) bullets.
- The statement will be posted or provided in languages other than English, when appropriate.

5.0 PROCEDURES TO ENSURE NONDISCRIMINATORY ADMINISTRATION OF PROGRAMS AND SERVICES

We are committed to the nondiscriminatory administration of our programs and services. As with the implementation of our programs in general, organization-wide compliance is required. Thus, employees and staff will periodically be reminded of our Title VI nondiscrimination obligations through staff training and use of the **Annual Education and Acknowledgment Form** below. The Title VI Coordinator will periodically assess program operations to ensure that this policy is being followed. A single copy of the form is located in Appendix...

Annual Education and Acknowledgement Form

Title VI Nondiscrimination Policy

(Title VI and related nondiscrimination authorities)

No person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a Federal-aid recipient.

All employees and representatives of MCTA are expected to consider, respect, and observe this policy in their daily work and duties. If any person approaches you with a civil rights-related question or complaint, please direct him or her to Dee Heinmuller at 828-649-2219, dheinmuller@madisoncountync.gov or at 386 Long Branch Road, Marshall, NC 28753.

In all dealings with the public, use courtesy titles (e.g., Mr., Mrs., Miss, Dr.) to address or refer to them without regard to their race, color, national origin, sex, age or disability.

Acknowledgement of Receipt of Title VI Program

I hereby acknowledge receipt of MCTA's Title VI Program and other nondiscrimination guidelines. I have read the Title VI Program and I am committed to ensuring that no person is excluded from participation in or denied the benefits of MCTA's programs, policies, services and activities on the basis of race, color, national origin, sex, age, or disability, as provided by Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes.

Signature

Date

Implementation

- Periodically, but not more than once a year, employees and representatives will receive, review and certify commitment to the Title VI Program.
- New employees shall be informed of Title VI provisions and expectations to perform their duties accordingly, asked to review the Title VI Program, and required to sign the acknowledgement form.
- Periodic review of operational practices and guidelines by the Title VI Coordinator to verify compliance with the Title VI Program.
- Signed acknowledgement forms and records of internal assessments will remain on file for at least three years.

6.0 CONTRACT ADMINISTRATION

MCTA ensures all contractors will fulfill their contracts in a nondiscriminatory manner. While contractors are not required to prepare a Title VI Program, they must comply with the nondiscrimination requirements of the organization to which they are contracted. MCTA and its contractors will not discriminate in the selection and retention of contractors (at any level) or discriminate in employment practices in connection with any of our projects.

6.1 CONTRACT LANGUAGE

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

(1) **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

(2) **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, national origin, sex, religion, age, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.

(3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.

(4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the MCTA or the North Carolina Department of Transportation (NCDOT), the Federal Highway Administration (FHWA) and/or Federal Transit Administration (FTA) to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the MCTA, or the NCDOT, FHWA and/or FTA as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the MCTA shall impose such contract sanctions as it or the NCDOT, FHWA and/or FTA may determine to be appropriate, including, but not limited to:

- (a) withholding of payments to the contractor under the contract until the contractor complies, and/or
- (b) cancellation, termination or suspension of the contract, in whole or in part.

(6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the MCTA or the NCDOT, FHWA and/or FTA may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the MCTA to enter into such litigation to protect the interests of the MCTA, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

*The Contractor has read and is familiar with the terms above:

Contractor's Initials

Date

Implementation

- The nondiscrimination language above (**with** initials line) will be appended to any *existing* contracts, purchase orders, and agreements that do not include it, and initialed by the responsible official of the other organization.
- The nondiscrimination language above (**without** initials line) will be incorporated as standard language before the signature page of our standard contracts, purchase orders, and agreements.
- The Title VI Coordinator will review *existing* contracts to ensure the language has been added.

6.2 NONDISCRIMINATION NOTICE TO PROSPECTIVE BIDDERS

The MCTA, in accordance with Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities, and Title 49 Code of Federal Regulations, Parts 21 and 26, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority and women business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, or sex in consideration for an award.

Implementation

- The nondiscrimination language above will be included in all solicitations for bids for work or material and proposals for negotiated agreements to assure interested firms that we provide equal opportunity and do not discriminate.
- Outreach efforts will be made to minority and women-owned firms that work in requested fields, and documented.
- Unless specifically required under Disadvantaged Business Enterprise (DBE) or Affirmative Action programs, all contractors will be selected without regard to their race, color, national origin, or sex.

7.0 EXTERNAL DISCRIMINATION COMPLAINT PROCEDURES

These discrimination complaint procedures describe the process used by MCTA to process and investigate complaints of alleged discrimination filed under Title VI of the Civil Rights Act of 1964 and related nondiscrimination laws that are applicable to programs, services, and activities carried out by MCTA.

Complaints will be investigated by the appropriate authority. Upon completion of every investigation, MCTA will inform the complainant of all avenues of appeal. MCTA will make every effort to obtain early resolution of complaints at the lowest level possible. The option of informal mediation between the affected parties and MCTA staff may be utilized for resolution.

FILING OF COMPLAINTS

1. **Applicability** – The complaint procedures apply to the beneficiaries of MCTA programs, activities, and services, such as the members of the public and any consultants/contractors hired by MCTA.
2. **Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities based upon race, color, sex, age, national origin, or disability, may file a written complaint with MCTA. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative, and must be in writing.
3. **Time Limits and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
 - The date of the alleged act of discrimination; or
 - The date when the person(s) became aware of the alleged discrimination; or
 - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Complaints may be submitted to the following entities:

- **Madison County Transportation Authority**, 387 Long Branch Road, Marshall, NC
 - **North Carolina Department of Transportation**, Office of Equal Opportunity and Workforce Services, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453
 - **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
 - Federal Transit Administration**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor – TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
 - Federal Highway Administration**, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8th Floor, E81-314, Washington, DC 20590, 202-366-0693 / 366-0752
 - Federal Highway Administration**, North Carolina Division Office, 310 New Bern Avenue, Suite 410, Raleigh, NC 27601, 919-747-7010
 - Federal Aviation Administration**, Office of Civil Rights, 800 Independence Avenue, SW, Washington, DC 20591, 202-267-3258
 - **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228
4. **Format for Complaints** – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone or in person will be reduced to writing, may be recorded and will be provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille.
 5. **Discrimination Complaint Form** – The Discrimination Complaint Form is consistent with the Nondiscrimination Assurance in Group 01.D of the FTA Certifications & Assurances.
 6. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, or disability. The term "basis" refers to the complainant's membership in a protected group category.

Protected Categories	Definition	Examples	Applicable Statutes and Regulations	
			FHWA	FTA
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 23 CFR 200	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; Circular 4702.1B
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.		
National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person's accent is also covered.	Mexican, Cuban, Japanese, Vietnamese, Chinese		
Sex	Gender	Women and Men	1973 Federal-Aid Highway Act	Title IX of the Education Amendments of 1972
Age	Persons of any age	21 year old person	Age Discrimination Act of 1975	
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990	

Complaint Processing

1. When a complaint is received by MCTA, a written acknowledgment and a Consent Release form will be mailed to the complainant within ten (10) business days by registered mail.
2. **MCTA cannot investigate Title VI complaints filed against itself**, but can investigate ADA complaints against itself. MCTA will consult with the NCDOT External Civil Rights Section to determine the acceptability and jurisdiction of all complaints received. (Note: If NCDOT has jurisdiction, the External Civil Rights Section will be responsible for the remainder of this process. MCTA will record the transfer of responsibility in its complaints log).
3. Additional information will be requested if the complaint is incomplete. The complainant will be provided 15 business days to submit any requested information and the signed Consent Release form. Failure to do so may be considered good cause for a determination of no investigative merit.
4. Upon receipt of the requested information and determination of jurisdiction, MCTA will notify the complainant and respondent of whether the complaint has sufficient merit to warrant investigation.
5. If the complaint is investigated, the notification shall state the grounds of MCTA's jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
6. If the complaint does not warrant investigation, the notification to the complainant shall specifically state the reason for the decision.

Complaint Log

1. When a complaint is received by MCTA, the complaint will be entered into the Discrimination Complaints Log with other pertinent information, and assigned a **Case Number**. (Note: All complaints must be logged).
2. The complaints log will be submitted to the NCDOT's Civil Rights office during Title VI compliance reviews. (Note: NCDOT may also be request the complaints log during pre-grant approval processes).
3. The **Log Year's of seven** since the last submittal will be entered (e.g., 2012-2015, 2014-2015, FFY 2015, or 2015) and the complaints log will be signed before submitting the log to NCDOT.
4. When reporting **no complaints**, check the **No Complaints or Lawsuits** box and sign the log.

Madison County Transportation Authority (MCTA)
DISCRIMINATION COMPLAINT FORM

<p>Any person who believes that he/she has been subjected to discrimination based upon race, color, religion, sex, age, national origin, or disability may file a written complaint with MCTA, within 180 days after the discrimination occurred.</p>				
Last Name:		First Name:		<input type="checkbox"/> Male <input type="checkbox"/> Female
Mailing Address:		City	State	Zip
Home Telephone:	Work Telephone:	E-mail Address		
<p>Identify the Category of Discrimination:</p> <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> AGE <input type="checkbox"/> RELIGION <input type="checkbox"/> DISABILITY <input type="checkbox"/> SEX				
<p><i>*NOTE: Title VI bases are race, color, national origin. All other bases are found in the "Nondiscrimination Assurance" of the FTA Certifications & Assurances.</i></p>				
<p>Identify the Race of the Complainant</p> <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian American <input type="checkbox"/> American Indian <input type="checkbox"/> Alaskan Native <input type="checkbox"/> Pacific Islander <input type="checkbox"/> Other _____				
<p>Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination.</p>				
<p>Names of individuals responsible for the discriminatory action(s):</p>				
<p>How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. (Attach additional page(s), if necessary).</p>				
<p>The law prohibits intimidation or retaliation against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.</p>				
<p>Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary).</p>				
<u>Name</u>		<u>Address</u>		<u>Telephone</u>
1. _____		_____		_____
2. _____		_____		_____
3. _____		_____		_____
4. _____		_____		_____

DISCRIMINATION COMPLAINT FORM

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

- NC Department of Transportation _____
- Federal Transit Administration _____
- Federal Highway Administration _____
- US Department of Transportation _____
- Federal or State Court _____
- Other _____

Have you discussed the complaint with any MCTA representative? If yes, provide the name, position, and date of discussion.

Please provide any additional information that you believe would assist with an investigation.

Briefly explain what remedy, or action, are you seeking for the alleged discrimination.

****WE CANNOT ACCEPT AN UNSIGNED COMPLAINT. PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.**

COMPLAINANT'S SIGNATURE

DATE

MAIL COMPLAINT FORM TO:

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
OFFICE OF EQUAL OPPORTUNITY & WORKFORCE SERVICES
EXTERNAL SERVICES SECTION
1511 MAIL SERVICE CENTER
RALEIGH, NC 27699-1511
919-508-1808 or 800-522-0453

Madison County Transportation Authority
386 Long Branch Road
Marshall, NC 28753
828-649-2219

FOR OFFICE USE ONLY

Date Complaint Received: _____

Processed by: _____

Case #: _____

Referred to: NCDOT FTA Date Referred: _____

INVESTIGATIVE GUIDANCE

- A. Scope of Investigation** – An investigation should be confined to the issues and facts relevant to the allegations in the complaint, unless evidence shows the need to extend the issues.
- B. Developing an Investigative Plan** – It is recommended that the investigator prepares an Investigative Plan (IP) to define the issues and lay out the blueprint to complete the investigation. The IP should follow the outline below:
1. Complainant(s) Name and Address (Attorney name and address if applicable)
 2. Respondent(s) Name and Address (Attorney for the Respondent(s) name and address)
 3. Applicable Law(s)
 4. Basis/(es)
 5. Allegation(s)/Issue(s)
 6. Background
 7. Name of Persons to be interviewed
 - a. Questions for the complainant(s)
 - b. Questions for the respondent(s)
 - c. Questions for witness(es)
 8. Evidence to be obtained during the investigation
 - a. Issue – Complainant allege that there are only six African American contractors participating in the highway construction industry in the State and their contract awards are very small.
 - i. Documents needed: documents which show all DBE firms which currently have contracts and must include the following 1) name and race of DBE firm; 2) Date of initial certification into the DBE program; 3) type of business; 4) contracts awarded anytime during the period to the present; 5) dollar value of contract.
- C. Request for Information** – The investigator should gather data and information pertinent to the issues raised in the complaint.
- D. Interviews** – Interviews should be conducted with the complainant, respondent, and appropriate witnesses during the investigative process. Interviews are conducted to gain a better understanding of the situation outlined in the complaint of discrimination. The main objective during the interview is to obtain information that will either support or refute the allegations.
- E. Developing an Investigative Report** – The investigator should prepare an investigative report setting forth all relevant facts obtained during the investigation. The report should include a finding for each issue. A sample investigative report is provided below.

Investigative Report

- I. **COMPLAINANT(S) NAME** (or attorney for the complainant(s) – name and address if applicable)
Name, Address, Phone: 999-999-9999
- II. **RESPONDENT(S)** (or attorney for the respondent(s) – name and address if applicable)
Name, Address, Phone: 999-999-9999
- III. **APPLICABLE LAW/REGULATION**
[For example, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); 49 CFR §21.11; 49 CFR §26.53]
- IV. **COMPLAINT BASIS/(ES)**
[For example, Race, Color, National Origin, Religion, Sex, Age, Disability]
- V. **ISSUES/ALLEGATIONS**
[Describe in logical sequence, each allegation including the prohibited basis for the alleged discriminatory conduct, (e.g., race, color, religion, sex, national origin, age, or disability) and the specific statutory or regulatory provision the allegation would violate, if proven to be true.]

Issue #1 – Complainant alleges that transit system failed to inform minority communities of rate increases.
Issue #2 – Complainant alleges that transit system has not sufficiently publicized or held public meetings to share information regarding fare increases and route changes that impacts low-income and minority citizens.
- VI. **BACKGROUND**
[Provide detailed information regarding the complaint, including a historical overview of the case, including any activities or actions taken prior to accepting the complaint for investigation.]
- VII. **INVESTIGATIVE PROCEDURE**
[Describe in detail, methods used to conduct the investigation, such as document requests, interviews and site visits. Include witnesses' names and addresses, documents received and/or reviewed, emails sent and received.]
- VIII. **ISSUES / FINDINGS OF FACT**
[Provide a detailed description of the investigator's analysis of each allegation, based on clear and factual findings. Include specific evidence used to support your findings.]
- IX. **CONCLUSION**
[State whether discrimination did or did not occur. Conclusions must be evidence-based and defensible. Test conclusions by considering all possible rebuttal arguments from the respondent and complainant. Both respondent and the complainant should be given an opportunity to confirm or rebut the assertions of the other party and your findings, but all the evidence you've presented should speak for itself.]
- X. **RECOMMENDED ACTIONS**
[Outline what should be done to remedy the findings or, if necessary, provide justice for the complainant.]

APPENDIX

[Include in the Appendix any supplemental materials that support your findings and conclusion.]

8.0 SERVICE AREA POPULATION CHARACTERISTICS

To ensure that Title VI reporting requirements are met, MCTA will collect and maintain population data on potential and actual beneficiaries of our programs and services. This section is intended as a compilation of relevant population characteristics from our overall service area. This data will provide context to the Title VI Nondiscrimination Program and be used to ensure nondiscrimination and improve public outreach initiatives and delivery of ongoing programs.

8.1 RACE AND ETHNICITY

The following table was completed using data from Census Table QT-P3, Race and Hispanic or Latino Origin: 2010:

Race and Ethnicity	Number	Percent
Total Population	20764	100
White	20035	96.5
Black or African American	240	1.2
American Indian or Alaska Native	48	.2
Asian	70	.3
Native Hawaiian and Other Pacific Islander	8	0.0
Some other Race	94	.5
Two or More Races	269	1.3
HISPANIC OR LATINO (of any race)	423	2.0
Mexican	263	1.3
Puerto Rican	41	.2
Cuban	25	.1
Other Hispanic or Latino	94	.5

8.2 AGE & SEX

The following table was completed using data from Census Table QT-P1, Age Groups and Sex: 2010:

Age	Number			Percent		
	Both sexes	Male	Female	Both sexes	Male	Female
Total Population	20764	10273	10491	100%	49.47%	50.52%
Under 5 years	939	506	433	4.5	4.9	4.1
Under 18 years	4092	2168	1924	19.7	21.1	18.3
18 to 64 years	13006	6468	6538	62.5	63	62.3
65 years and over	3666	1637	2029	17.7	15.9	80.7
Median Age	43.2	42.1	44.3			

Federal-aid recipients are required to know the characteristics and locations of populations they serve, particularly by race/ethnicity, poverty and limited English proficiency. This can be accomplished through maps that overlay boundaries and demographic features on specific communities.

8.3 DISABILITY

The following table was completed using data from Census Table S1810, Disability Characteristics:

Subject	Total		With a Disability		Percent with a Disability	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
Total civilian noninstitutionalized population	20899	+/-111	3135	+/-302	15.0%	+/-1.4
Population under 5 years	924	+/-34	0	+/-22	0%	+/-3.5
Population 5 to 17 years	2962	+/-42	197	+/-103	6.7%	+/-3.5
Population 18 to 64 years	12968					
Population 65 years and over	4045					
SEX						
Male	10349	+/-122	1396	+/-211	13.5%	+/-2.0
Female	10550	+/-135	1739	+/-202	16.5%	+/-1.9
RACE AND HISPANIC OR LATINO ORIGIN						
White	20110	+/-147	3040	+/-308	15.1%	+/-1.5
Black or African American	376	+/-54	54	+/-50	14.4%	+/-11.8
American Indian and Alaska Native	36	+/-38	0	+/-22	0%	+/-49.4
Asian	105	+/-18	0	+/-22	0%	+/-26.1
Native American and Other Pacific Islander	0	+/-22	0	+/-22	-	**
Some other Race	57	+/-51	0	+/-22	0%	+/-39.3
Two or more races	215	+/-51	41	+/-55	19.1%	+/-25.2
Hispanic or Latino	507	+/-4	33	+/-45	6.5%	+/-8.9

8.4 POVERTY

The following table was completed using data from Census Table S1701, Poverty Status in the Past 12 Months:

Subject	Total		Below poverty level		Percent below poverty level	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
Population for whom poverty status is determined	20067	+/-188	3337	+/-597	16.6%	+/-3.0
AGE						
Under 18	3790	+/-62	850	+/-280	22.4%	+/-7.4
18 to 64	12232	+/-159	2053	+/-397	16.8%	+/-3.2
65 years and over	4045	+/-144	434	+/-120	10.7%	+/-2.9
SEX						
Male	9739	+/-182	1436	+/-300	14.7%	+/-3.1
Female	10348	+/-140	1901	+/-336	18.4%	+/-3.5
RACE AND HISPANIC OR LATINO ORIGIN						
White	19560	+/-200	3186	+/-603	16.3%	+/-3.1
Black or African American	109	+/-91	40	+/-35	36.7%	+/-34.6
American Indian and Alaska Native	36	+/-38	0	+/-22	0%	+/-49.4
Asian	99	+/-18	24	+/-30	24.2%	+/-31.4
Native American and Other Pacific Islander	0	+/-22	0	+/-22	-	**
Some other Race	51	+/-50	40	+/-48	78.4%	+/-31.8

Two or more races	212	+/-50	47	+/-58	22.2%	+/-26.1
Hispanic or Latino	493	+/-21	129	+/-99	26.2%	+/-20.3
RACE AND HISPANIC OR LATINO ORIGIN						
All individuals below:						
50 percent of poverty level						
125 percent of poverty level						
150 percent of poverty level						
185 percent of poverty level						
200 percent of poverty level						

8.5 HOUSEHOLD INCOME

The following table was completed using data from Census Table S1901, Income in the Past 12 Months (In 2013 Inflation-Adjusted Dollars):

Subject	Households	
	Estimate	Margin of Error +/-
Total	8400	+/-282
Less than \$10,000	8.9%	+/-1.9
\$10,000 to \$14,999	8.6%	+/-2.1
\$15,000 to \$24,999	13.7%	+/-2.6
\$25,000 to \$34,999	10.8%	+/-2.0
\$35,000 to \$49,999	17.0%	+/-2.8
\$50,000 to \$74,999	20.3%	+/-3.2
\$75,000 to \$99,999	8.1%	+/-2.2
\$100,000 to \$149,999	8.0%	+/-2.3
\$150,000 to \$199,999	2.8%	+/-1.3
\$200,000 or more	1.8%	+/-0.8
Median income (dollars)	40408	+/-2959
Mean income (dollars)	53919	+/-3403

8.6 LIMITED ENGLISH PROFICIENCY POPULATIONS

Complete the table below utilizing data from Census table B16001 To get started:

1. Open the following link:

http://factfinder.census.gov/faces/tableservices/sst/pages/productview.xhtml?pid=ACS_13_5YR_B16001&prodType=table

2. Add your service area using the **Add/Remove Geographies** button at the Census page that opens.

3. In the upper right corner of the page, select **VIEW ALL AS PDF**.

4. Utilize the PDF to complete the table in Factor #1 of Section 10.5 Limited English Proficiency of this document. Insert the PDF within the Appendix at the end of this entire document.

5. Once you're done, delete #1 to 3 of this highlighted text.

8.3 POPULATION LOCATIONS

Federal-aid recipients are required to identify the characteristics and locations of populations they serve, particularly by race/ethnicity, poverty and limited English proficiency. We will document this narratively or through maps that overlay boundaries and demographic features on specific communities, and provide this information to NCDOT, upon request.

9. TITLE VI EQUITY ANALYSES (AND ENVIRONMENTAL JUSTICE ASSESSMENTS)

As required under FTA C 4702.1B and 4703.1, Title VI equity and environmental justice (EJ) analyses will be conducted whenever we plan to construct (or modify) a facility, such as a vehicle storage facility, maintenance facility, operation center, etc., or when there will be a change in fares. These studies will be conducted to see if the change could result in either a disparate impact based on race, color or national origin (Title VI) or a disproportionately high and adverse impact to minority and/or low-income populations (EJ). Thus, they will look at various alternatives before selecting a site for the facility. Project-specific demographic data will be collected on potentially affected communities and their involvement in associated decision-making activities will be documented. Specific studies will be made available to oversight agencies during compliance reviews or to evidence our due diligence should a complaint be filed in relation to the location and effect of a proposed facility or fare increases. Project-related equity and EJ studies will remain on file indefinitely.

10. PUBLIC INVOLVEMENT :

10.1 INTRODUCTION

Effective public involvement is a key element in addressing Title VI in decision-making. Recipients engaged in planning and other decision-making activities must have a documented public participation process that provides adequate notice of public participation activities, and early and continuous opportunities for public review and comment at key decision points. Underlying these efforts is our commitment to determining the most effective outreach methods for a given project or population.

This **Public Participation Plan** describes how Madison County Transportation Authority will disseminate vital agency information and engage the public by seeking out and considering the needs and input of interested parties and those traditionally underserved by existing transportation systems, such as minority and limited English proficient persons, who may face challenges accessing programs and other services. General public involvement practices will include:

- Scheduling meetings at times and locations that are convenient and accessible for minority and LEP communities.
- Employing different meeting sizes and formats.
- Coordinating with community- and faith-based organizations, educational institutions, and other entities to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP persons could also include audio programming available on podcasts.

10.2 PUBLIC NOTIFICATION

Passengers and other interested persons will be informed of their rights under Title VI and related authorities with regard to our program. The primary means of achieving this will be posting and disseminating the policy statement and notice as stipulated in Sections 3.0 and 4.0, respectively. Additional measures may include openly stating our obligations and the public's rights at meetings, placing flyers at places frequented by targeted populations, and an equal opportunity tag-on at the end of radio announcements. The method of notification will be determined through an initial screening of the area.

10.3 DISSEMINATION OF INFORMATION

Information on Title VI and other programs will be crafted and disseminated to employees, contractors and sub-recipients, stakeholders, and the general public. Public dissemination efforts may vary depending on factors present, but will generally include: posting public statements setting forth our nondiscrimination policy in eye-catching designs and locations; placing brochures in public places, such as government offices, transit facilities, and libraries; having nondiscrimination language within contracts; including nondiscrimination notices in meeting announcements and handouts; and displaying our Notice of Nondiscrimination at all our public meetings.

At a minimum, nondiscrimination information will be disseminated on our website and on posters in conspicuous areas at our office(s). Project-related information and our most current Title VI-related information will be maintained online.

10.4 MEETINGS AND OUTREACH

There is no one-size-fits-all approach to public involvement. A variety of comprehensive and targeted public participation methods will be used to facilitate meaningful public involvement. Methods for engaging stakeholders and target audiences, including traditionally underserved and excluded populations (i.e., minorities, youth, low-income, the disabled, etc.) will include the following:

Public Relations and Outreach

Public relations and outreach (PRO) strategies aim to conduct well-planned, inclusive and meaningful public participation events that foster good relations and mutual trust through shared decision-making with the communities we serve.

- We will seek out and facilitate the involvement of those potentially affected.
- Public events will aim to be collaborative, fun, and educational for all, rather than confrontational and prescriptive.
- Media plans will typically involve multiple channels of communication like mailings, radio, TV, and newspaper ads.
- Abstract objectives will be avoided in meeting announcements. Specific “attention-grabbing” reasons to attend will be used, such as “Help us figure out how to relieve congestion on [corridor name]” or “How much should it cost to ride the bus? Let us know on [date].”
- Efforts will be made to show how the input of participants can, or did, influence final decisions.
- We will do our best to form decision-making committees that look like and relate to the populations we serve.
- We will seek out and identify community contacts and partner with local community- and faith-based organizations that can represent, and help us disseminate information to, target constituencies.
- Demographic data will be requested during public meetings, surveys, and from community contacts and committee members.

Public Meetings

- “Public meeting” refers to any meeting open to the public, such as hearings, open house and board meetings.
- Public meetings will be conducted at times, locations, and facilities that are convenient and accessible.
- Meeting materials will be available in a variety of predetermined formats to serve diverse audiences.
- An assortment of advertising means may be employed to inform the community of public meetings.
- Assistance to persons with disabilities or limited English proficiency will be provided, as required.

Small Group Meetings

A small group meeting is a targeted measure where a meeting is held with a specific group, usually at their request or consent. These are often closed meetings, as they will typically occur on private property at the owner's request.

- If it is determined that a targeted group has not been afforded adequate opportunities to participate, the group will be contacted to inquire about possible participation methods, including a group meeting with them individually.
- Unless unusual circumstances or safety concerns exist, hold the meeting at a location of the target group's choosing.
- Share facilitation duties or relinquish them to members of the target group.
- Small group discussion formats may be integrated into larger group public meetings and workshops. When this occurs, the smaller groups will be as diverse as the participants in the room.

Community Surveying

- Opinion surveys will occasionally be used to obtain input from targeted groups or the general public on their transportation needs, the quality or costs of our services, and feedback on our public outreach efforts.
- Surveys may be conducted via telephone, door-to-door canvassing, at community fairs, by placing drop boxes in ideal locations, or with assistance from other local agencies like social services.

10.5 LIMITED ENGLISH PROFICIENCY

Limited English Proficient (LEP) persons refers to persons for whom English is not their primary language who have a limited ability to read, write, speak, or understand English. It includes people who reported to the U.S. Census that they speak English less than very well, not well, or not at all.

In an effort to comply with DOT's LEP policy guidance and Executive Order 13166, this section of our public participation plan outlines the steps we will take to ensure meaningful access to all benefits, services, information, and other important portions of our programs and activities by individuals who are limited-English proficient. Accordingly, a four factor analysis was conducted to determine the specific language services appropriate to provide, and to whom, to inform language assistance planning and determine if our communication with LEP persons is effective.

Four Factor Analysis

This Four Factor Analysis is an individualized assessment that balances the following four factors:

- (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee;
- (2) The frequency with which LEP individuals come in contact with the program;
- (3) The nature and importance of the program, activity, or service provided by the recipient to people's lives; and
- (4) The resources available to the recipient and costs.

Factor #1: *The number or proportion of LEP persons eligible to be served or likely to be encountered by the program, activity, or service of the recipient.*

See Attachment;

With a 1.3% estimate of LEP persons eligible to be served or likely to be encountered by MCTA we have found it is best to have a number for a Spanish speaking interpreter available.

Factor #2: *The frequency with which LEP individuals come in contact with the program.*

MCTA has had two identified LEP persons use the public transportation program. Both have the medical doctor write out their appointments to give to the driver. If they choose to attend non-medical appointments they have English speaking relatives contact MCTA.

Factor #3: *The nature and importance of the program, activity, or service provided by the recipient to people's lives.*

MCTA has found that the importance of transportation is proportional to the number of LEP persons in Madison County. More outreach can occur through the Churches and local Hispanic restaurant. The use for medical appointments is the only service that is utilized currently.

Factor #4: *The resources available to the recipient and costs.*

Currently MCTA provides a brochure in Spanish to Madison County persons. We have not found much of an LEP community, though we will continue to be welcoming and available. The monetary resources are no different from our English based advertising. We work with a LARC for Madison County to offer interpreters and suggestions.

LANGUAGE ASSISTANCE PLAN

As a result of the above four factor analysis, a Language Assistance Plan (LAP) was not required. However, reasonable attempts will be made to accommodate any persons encountered who require written translation or oral interpretation services.

Language Assistance Measures

The following general language assistance measures are reasonable and achievable for our organization at this time:

- Making a concerted effort to inform LEP persons of available language assistance via staff, broadcast media, relationship-building with organizations, and our website.
 - Posting vital bulletin board information and disseminating community surveys in various languages.
 - Providing translation and interpretive services when appropriate (upon request or predetermined) at meetings.
 - Determining how best to take public involvement to LEP groups directly, including through small group meetings.
 - Utilizing or hiring staff who speak a language other than English and can provide competent language assistance.
- Note: We will not ask community-based organizations to provide, or serve as, interpreters at our meetings. Relying upon CBOs in that capacity could raise ethics concerns. If a CBO decides (on its own) to translate any materials for its constituents, or bring interpreters it trusts to our meetings, we cannot object. That is their right.

Written Translation and Oral Interpretation

Vital documents will be translated for each eligible LEP language group in our service area that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be encountered. Translated materials will be placed online and in appropriate public (or private) places accessible to LEP persons. The safe harbor provisions apply to the translation of written documents only, and do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. When appropriate, translation of any document will be communicated orally in the appropriate language.

In the event that the 5% trigger is reached for a LEP language group that is fewer than 50 persons, written notice will be provided in the primary language of that group of the right to receive competent oral interpretation of vital written materials, free of cost. The most effective method of notice, which could be an ad in the local newspaper or other publication, a radio commercial, or door hangers, will be determined in consideration of the circumstances on the ground and in coordination with language access resource contacts (LARCs).

Staff Support for Language Assistance

- Agency staff (including call center staff) will be provided a list of referral resources that can assist LEP persons with written translation and oral interpretation, including the Title VI Officer and any outside consultant contracted to provide language services. This list will be updated as needed to remain current.
- All main offices and vehicles will have on hand a supply of language assistance flashcards and materials translated into the languages of the largest LEP language groups. When encountered by an LEP person, staff (including drivers) should present the individual with a flashcard and let them choose the language. Do not assume you know their preferred language. Drivers are permitted to seek volunteer assistance from other passengers before contacting a referral resource. Document the encounter and report it to the Title VI Coordinator.
- Training: All employees will be instructed on our procedures for providing timely and reasonable assistance to LEP persons. New employee orientation will also explain these procedures to new hires. Staff routinely encountering LEP persons by telephone or in person will receive annual refresher training. All other employees will be reminded of LEP through annual Title VI program acknowledgements (Section 5.0) and basic Title VI trainings (Section 11.0).

Project-Specific LEP Outreach

A project-specific four factor analysis will be conducted for any project being planned or scheduled outreach event limited to a specific geographical area delineated for that activity (i.e., the project study area or outreach area, respectively). Language assistance will be provided in accordance with the measures already outlined, including translating written materials for each LEP language group that is 5% or 1,000, whichever is less, of the project or outreach area population.

Monitoring and Updating the LAP

Monitoring of daily interactions with LEP persons will be continuous, thus assistance techniques may be refined at any time. This LAP will be periodically reviewed to determine if our language assistance measures and staff training are working. Resource availability and feedback from agency staff and the general public will be factors in the evaluation and any proposed updates. Among other practices, this process will include working with LEP community contacts to determine if our employees are responding appropriately to requests made with limited English or in languages other than English, and observing how agency staff responds to requests, including observing drivers or surveying riders. To the best of our ability, we will attempt to never eliminate a successful existing LEP service. Significant LEP program revisions will be approved or adopted by our board or designated official and dated accordingly. LEP data and procedures will be reviewed and updated at least once every three years.

10.6 DEMOGRAPHIC REQUEST

The following form was used to collect required data on Key Community Contacts and nonelected committee members. A single copy of the "Demographic Request" form is located in Appendix...:

MCTA is required by Title VI of the Civil Rights Act of 1964 and related authorities to record demographic information on members of its boards and committees. Please provide the following information:

<p>Race/Ethnicity:</p> <input type="checkbox"/> White <input type="checkbox"/> Black/African American <input type="checkbox"/> Asian <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Native Hawaiian/Pacific Islander <input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> Other (please specify): _____	<p>National Origin: (if born outside the U.S.)</p> <input type="checkbox"/> Mexican <input type="checkbox"/> Central American: _____ <input type="checkbox"/> South American: _____ <input type="checkbox"/> Puerto Rican <input type="checkbox"/> Chinese <input type="checkbox"/> Vietnamese <input type="checkbox"/> Korean <input type="checkbox"/> Other (please specify): _____
<p>Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female</p>	<p>Age:</p> <input type="checkbox"/> Less than 18 <input type="checkbox"/> 45-64 <input type="checkbox"/> 18-29 <input type="checkbox"/> 65 and older <input type="checkbox"/> 30-44
<p>Disability: <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>I choose not to provide any of the information requested above: <input type="checkbox"/></p>	

Completed forms will remain on file as part of the public record. For more information regarding Title VI or this request, please contact the Madison County Transportation Authority at 828 649 2219 or by email at MCTA@madisoncountync.gov .

Please sign below acknowledging that you have completed this form.

Thank you for your participation!

Name (print): _____

Signature: _____

Implementation

- Forms will be completed prior to triennial Title VI compliance reviews and remain on file for three years.
- All new and existing members of appointed decision-making boards or committees will be **required** to complete this form for reporting purposes.
- If a member, for whatever reason, selects "I choose not to provide any of the information requested above," they will have also **completed** the form.
- If a member chooses not to provide any of the information on the form, the Title VI Coordinator will be permitted to indicate that member's race and gender, based on the Coordinator's best guess.
- Data from these forms will be used to complete the Demographic Request Table in Appendix....
- Once a new member submits this form, the Demographic Request Table for the associated committee will be updated.

10.7 KEY COMMUNITY CONTACTS

Contact Name	Community Name	Interest or Affiliation	Also a Committee Member? (Y/N)

Contact information for key community contacts is not public information and is maintained outside of this document. Any staff member who wishes to contact anyone listed above must request that information from the Title VI Coordinator.

10.8 SUMMARY OF OUTREACH EFFORTS MADE SINCE THE LAST TITLE VI PROGRAM SUBMISSION

The following format will be used to report all outreach efforts made since our last NCDOT Title VI Compliance Review. All meetings and disseminations of information shall enable collection of information for the table below:

Meeting Date	Meeting Time	Meeting Purpose	Target Audience	Information Disseminated

11. STAFF TRAINING

All employees will receive basic Title VI training at least once every three years. New hires will receive this training within 15 days of their start date. Basic training will cover all sections of this Plan and our overall Title VI obligations. Staff may receive specialized training on the application of Title VI in their specific work areas. Those who routinely encounter the public, such as office personnel, call center staff, and vehicle drivers, will receive annual refresher training. Trainings will be provided or organized by the Title VI Coordinator, and will often coincide with updates to our nondiscrimination policies and procedures. Records of staff trainings will be remain on file for at least three years (and in personnel files), and will include agendas, sign-in sheets, copies of calendars, and any certificates issued.

12. NONELECTED BOARDS AND COMMITTEES – BY RACE AND GENDER

The table below depicts race and gender compositions for each of our nonelected (appointed) decision-making bodies. Refer to Appendix... for member names and full demographics for each committee.

Body	Male %	Female %	Caucasian %	African American %	Asian American %	Native American %	Other %	Hispanic %
Service Area Population								
Transit Advisory Board	33	66	100	0	0	0	0	0
Committee Name								
Committee Name								
Committee Name								

Strategies for Representative Committees

We will seek minority participation and strive for committees that are representative of our constituencies by:

- Openly asking public and small group meeting participants if they would be interested in serving on a committee.
- Seeking referrals from local organizations and key community contacts that serve or represent minorities.
- Exploring different types of committees, such as ad hoc minority- or youth-only Citizen Advisory Committees.
- Outreach efforts and responses (or lack thereof from those asked to serve or refer others) will be documented.

13. **RECORD-KEEPING AND REPORTS:** Records will be kept to document compliance with the requirements of the Title VI Program. Unless otherwise specified, Title VI-related records shall be retained indefinitely. These records will be made available for inspection by authorized officials of the NCDOT and/or FTA. As a sub-recipient of FTA funds through NCDOT, we are required to submit a Title VI Program update to NCDOT every three years, the next of which is due in **2022**. Reports on Title VI-related activities and progress to address findings identified in civil rights compliance reviews and assessments may also be submitted on an as-requested basis. It will occasionally be necessary to update this program plan and its component parts (e.g., complaints, Public Involvement, and LEP), applicable documents, and responsible officials. Updates will be submitted to NCDOT for review and approval.

In addition to other items throughout this plan, records and reports due at the time of compliance reviews or investigations will include:

Compliance Reviews

- Title VI Program Plan
- List of civil rights trainings provided or received
- Summaries from any *internal* reviews conducted
- Ads and notices for specific meetings
- Findings from reviews by any other *external* agencies
- Title VI equity analyses and EJ assessments
- Discrimination Complaints Log

Complaint Investigations

- Investigative Reports
- Discrimination complaint, as filed
- List of interviewees (names and affiliations)
- Supporting Documentation (e.g., requested items, photos taken, dates and methods of contact, etc.)

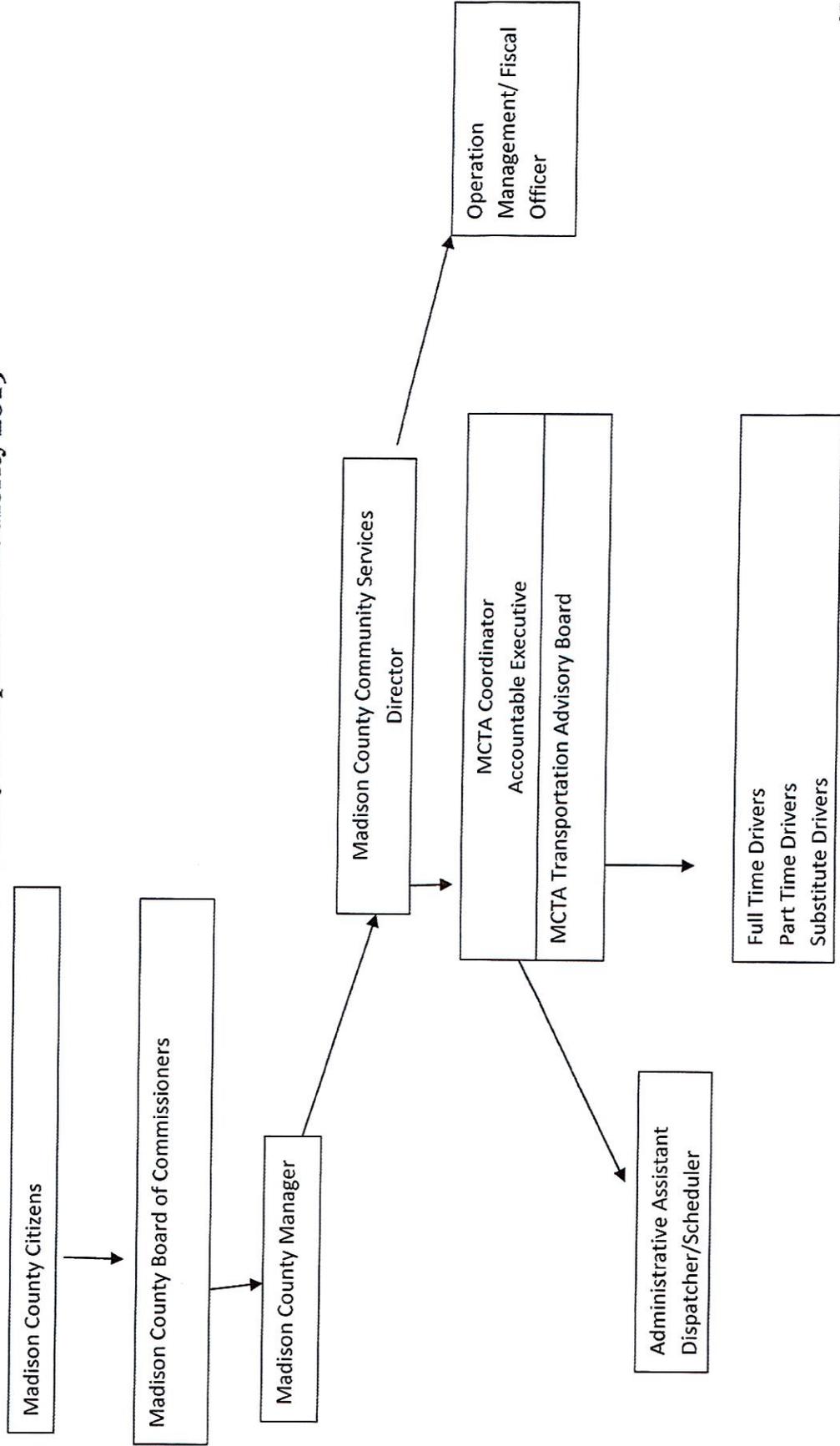
Appendix A Applicable Nondiscrimination Authorities

During the implementation of this Title VI Program, the organization, for itself, its assignees and successors in interest, is reminded that it has agreed to comply with the following non-discrimination statutes and authorities, including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).
- Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e *et seq.*, Pub. L. 88-352), (prohibits employment discrimination on the basis of race, color, religion, sex, or national origin);
- 49 CFR Part 26, regulation to ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs;
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).

Appendix B
Organizational Chart

Organizational Structure
Madison County Transportation Authority 2019



Appendix C
NCDOT's Compliance Review Checklist for Transit

I. Program Administration (General Requirements)

Requirement: FTA C 4702.1B – Title VI Requirements and Guidelines for FTA Recipients, Chapter III – General Requirements and Guidelines.

Note: Every NCDOT subrecipient receiving any of the FTA Formula Grants listed above must complete this section.

Requested Items (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)	Completed
1. A copy of the recipient's <i>signed</i> NCDOT's Title VI Nondiscrimination Agreement	<input type="checkbox"/>
2. Title VI Policy Statement (<i>signed</i>)	<input type="checkbox"/>
3. Title VI Notice to the Public, including a list of locations where the notice is posted	<input type="checkbox"/>
4. Type the name and title of your Title VI Coordinator and attach a list of their Title VI duties Name/Title:	<input type="checkbox"/>
5. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)	<input type="checkbox"/>
6. Title VI Complaint Form	<input type="checkbox"/>
7. List of transit-related Title VI investigations, complaints, and lawsuits (i.e., discrimination complaints log)	<input type="checkbox"/>
8. Public Participation Plan, including information about outreach methods to engage traditionally underserved constituencies (e.g., minorities, limited English proficient populations (LEP), low-income, disabled), as well as a summary of outreach efforts made since the last Title VI Program submission	<input type="checkbox"/>
9. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance, which requires conducting four-factor analyses	<input type="checkbox"/>
10. A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees	<input type="checkbox"/>
11. A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions <i>reviewed and approved</i> the Title VI Program	<input type="checkbox"/>
12. A description of the procedures the agency uses to ensure nondiscriminatory administration of programs and services	<input type="checkbox"/>
13. If you pass through FTA funds to other organizations , include a description of how you monitor your subrecipients for compliance with Title VI, and a schedule for your subrecipients' Title VI Program submissions. > No Subrecipients <input type="checkbox"/>	<input type="checkbox"/>
14. A Title VI equity analysis if you have constructed or conducted planning for a facility , such as a vehicle storage facility, maintenance facility, operation center, etc. > No Facilities Planned or Constructed <input type="checkbox"/>	<input type="checkbox"/>
15. Copies of environmental justice assessments conducted for any construction projects during the past three years and, if needed based on the results, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities > No Construction Projects <input type="checkbox"/>	<input type="checkbox"/>

<p>16. If the recipient has undergone a Title VI Compliance Review in the last 3 years, please indicate the year of the last review and who conducted it. Year/Agency:</p>	<input type="checkbox"/>
<p>II. Transit Providers <i>Requirement: FTA C 4702.1B, Chapter IV – Requirements and Guidelines for Fixed Route Transit Providers.</i> Note: All NCDOT subrecipients that provide fixed route public transportation services (e.g., local, express or commuter bus; bus rapid transit; commuter rail; passenger ferry) must complete this section. > Not Applicable <input type="checkbox"/> (Check this box if you do not provide fixed route services, and skip questions 17 and 18. This section does not apply to you if you only provide demand response services.)</p>	
<p style="text-align: center;">Requested Items (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)</p>	<p style="text-align: center;">Completed</p>
<p>17. Service standards (quantitative measures) developed for <i>each specific fixed route mode</i> that the recipient provides (standards may vary by mode) must be submitted for each of the following indicators:</p> <ul style="list-style-type: none"> • Vehicle load for each mode (Can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees.) <input type="checkbox"/> • Vehicle headway for each mode (Measured in minutes (e.g., every 15 minutes), headway refers to the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Service frequency is measured in vehicles per hour (e.g., 4 buses per hour).) <input type="checkbox"/> • On time performance for each mode (Expressed as a percentage, this is a measure of runs completed as scheduled. The recipient must define what is considered to be "on time." Performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along a route.) <input type="checkbox"/> • Service availability for each mode (Refers to a general measure of the distribution of routes within a transit provider's service area, such as setting the maximum distance between bus stops or train stations, or requiring that a percentage of all residents in the service area be within a one-quarter mile walk of bus service.) <input type="checkbox"/> <p>18. Service policies (system-wide policies) adopted to ensure that service design and operations practices do not result in discrimination on the basis of race, color or national origin, must be submitted for each of the following:</p> <ul style="list-style-type: none"> • Transit amenities for each mode (e.g., benches, shelters/canopies, printed materials, escalators/elevators, and waste receptacles. NOTE: Attach this information <u>only</u> if you have decision-making authority over siting transit amenities or you set policies to determine the siting of amenities.) <input type="checkbox"/> • Vehicle assignment for each mode (Refers to the process by which transit vehicles are placed into service throughout a system. Policies for vehicle assignment may be based on the type or age of the vehicle, where age would be a proxy for condition, or on the type of service offered.) <input type="checkbox"/> 	



Madison County Economic Development
Board

MADISON COUNTY ECONOMIC DEVELOPMENT BOARD
BY-LAWS

ARTICLE 1

Section 1 – Name of Organization

The name of the organization shall be the Madison County Economic Development Board, herein referred to as the Economic Development Board.

ARTICLE 2

Section 1 – Purpose

The purpose of the Economic Development Board is to promote quality economic development within Madison County, North Carolina through a focus on the retention and growth of existing business and industry, the attraction of new commercial and industrial development, and the encouragement of entrepreneurship to improve the lives of all Madison County residents. The Economic Development Board shall establish a framework for recommending economic development policies, guidelines, and expenditures to the Madison County Board of Commissioners, as well as establish strong partnerships with all local, state, and federal agencies deemed appropriate. The board will seek the involvement and input of local educational institutions, utility companies, and other private and public stakeholders.

The Economic Development Board shall strive to facilitate a strong environment for a diverse and growing economy, as well as to increase the prosperity of all Madison County citizens.

ARTICLE 3
Membership

Section 1 –Members of the Board

The Board shall be composed of at least six (6) members but not more than nine (9), and appointed by the Madison County Board of County Commissioners. For the initial composition of the Board terms shall be staggered with, three (3) members for one (1) year, three members for two (2) years, and three members for three (3) years. All appointments thereafter shall be for three (3) year terms.

Section 2 – Voting Rights

Each member of the board shall be entitled to one vote on each matter submitted to the vote of its members. Assignment of voting privileges is not permitted.

Section 3 – Resignation

Any member of the Board may resign by filing a written resignation with the Chair of the Economic Development Board and Madison County Director of Economic Development.

Section 4 – Compensation



Madison County Economic Development Board

Members of the Board shall serve without compensation. Members may however be reimbursed for previously approved expenses actually incurred in connection with the performance of their duties for economic development. In order to receive reimbursement, the board must give prior approval for all expenses or costs to be incurred.

Section 5 – Attendance of Board Meetings

In the case that any member of the Board misses three (3) consecutive regular meetings, the Chair may recommend to the Madison County Board of Commissioners that said member be replaced.

Section 6 – Disclosure

All members of the Economic Development Board shall be required to sign a financial disclosure and conflict of interest statement as well as a confidentiality agreement.

ARTICLE 4 Meetings of the Board

Section 1 – Regular Meetings

Meeting of the Economic Development Board to conduct Economic Development Business will be on a bi-monthly basis with meetings taking place on the fourth (4th) Thursday of those months at 2:00pm. The Board may, by majority vote, change the time and location of the meetings provided advanced notice is provided to the public and members of the Board consistent with the North Carolina Open Meetings Law.

Section 2 – Special Meetings

Special meetings of the board for any purpose may be called by the Chair of the Board or by the Director of Economic Development.

Section 3 – Notice of Meetings

A standing meeting schedule, including time and location of meetings, will be posted on the bulletin board of the Madison County Courthouse and the Madison County Government website. Written notice of any special called meetings stating the place, day, hour, and purpose of the meeting shall be mailed by the Clerk to the Board to the members not less than two (2) days before the date of the called meeting, and shall be posted in accordance with the North Carolina Open Meetings Law.

Section 4 – Quorum

A simple majority of the membership present at a meeting shall constitute a quorum.



Madison County Economic Development
Board

ARTICLE 5

Section 1 – Officers

The Officers of the Economic Development Board shall be Chair, Vice-Chair, and Clerk. These officers shall perform the duties prescribed by these by-laws and the parliamentary authority adopted by the Board.

Section 2 – Election

Board Officers other the Chair shall be elected by a majority of the votes cast by the membership at the Board's last meeting of the fiscal year. The Board of Commissioners shall appoint the Chair.

Section 3 – Terms of Office

The Officers shall be elected for a term of one year.

Section 4 – Duties

Chair: The Chair shall preside at all meetings of the Economic Development Board. The Chair shall appoint, and be an ex-officio member of, all committees. The Chair will communicate the recommendations and needs of the Economic Development Board to the Commissioners.

Vice-Chair: The Vice-Chair shall assume the duties of the Chair in his or her absence. The Vice-Chair shall temporarily assume the duties of the Chair upon resignation of the Chair, pending the appointment of a new Chair by the Board of Commissioners.

Clerk: The Clerk shall keep minutes of all meetings of the Economic Development Board. The Clerk shall conduct all official correspondence of the Economic Development Board and send all official notices.

ARTICLE 6

Staff and Ex-officio members

Section 1 – Staff

The Economic Development Board shall work with the staff of the Economic Development office. Working with the County Manager, the Director of Economic Development will be the lead staff person for the County's economic development efforts, and will provide support to the Economic Development Board as necessary. The Director shall communicate the directives of the Madison County Commissioners and the County Manager to the Economic Development Board. This office shall also assist the board in the carrying out of their duties as noted in Article 7 section 2.

Section 2- Ex-officio Members

The Economic Development Board shall also be served by certain ex-officio, non-voting members. These members are: Town of Hot Springs designee, Town of Mars Hill designee, and



Madison County Economic Development
Board

Town of Marshall designee. Designees should be an elected official, appointed board member, or employee of the entity they represent.

ARTICLE 7

Fiscal Policies and Board Duties

Section 1 – Fiscal Year

The fiscal year for the Economic Development Board shall coincide with the fiscal year of the Madison County Government, commencing on July 1 and ending on June 30.

Section 2- General Board Duties

1. Make recommendations to the Madison County Board of Commissioners regarding economic development policies, guidelines, and expenditures.
2. Make recommendations to the Madison County Planning Board regarding land use planning and zoning regulations related to economic development
3. Participate in the comprehensive planning process of Madison County with a strict focus on economic development.
4. Represent Madison County at events, forums, and other meetings related to economic development.
5. Recommend policies and county activities that encourage private development corporations to locate and develop properties in Madison County. Focus developments on job recruitment, housing, and infrastructure needs.
6. Provide recommendations in planning and locating appropriate infrastructure so as best to maximize commercial and industrial development.
7. Work with local school system, community colleges, and universities to adequately plan for workforce, technical, and higher educational needs for Madison County.
8. Develop partnerships with county and regional entities to create a network of support for entrepreneurs.

ARTICLE 8

Parliamentary Authority

The rules contained in the current edition of Roberts Rules of Order shall govern the Economic Development board in all cases to which they are applicable and in which they are not inconsistent with these By-laws and any special rules of order that the Economic Development Board may adopt.



Madison County Economic Development
Board

ARTICLE 9
Amendment of By-Laws

The By-Laws of the Economic Development Board may be amended by a two-thirds vote of the membership of the Board and upon approval by the Madison County Board of Commissioners. Any proposed amendments shall be presented in writing not less than seven (7) days before a regularly scheduled Economic Development Board meeting or a special meeting called for the purpose of considering such changes.

ARTICLE 10
Adoption

The Amended By-Laws were adopted by an affirmative vote of the Madison County Board of Commissioners at their regularly scheduled meeting in _____ 2019



Madison County Economic Development
Board

Madison County Economic Development Board of Directors'
Terms of Service Resolution

Whereas, the Madison County Economic Development Board is an officially created entity of the Madison County Board of County Commissioners;

Whereas, the Board shall be composed of at least six(6) members but not more than nine(9), and appointed by the Madison County Board of County Commissioners;

Whereas, Economic Development requires a county-wide effort in order to be successful;

Whereas, the following entities shall be invited to appoint a designee to serve as an ex-officio non-voting member to the Board: Town of Hot Springs, Town of Mars Hill, and Town of Marshall. The designee should be an elected official, appointed board member, or employee of the entity they represent.

Whereas, the following Board Members are eligible to be reappointed to the Madison County Economic Development Board of Directors - Tammie Whitlock, and Mitch Hampton;

Be it therefore resolved, that the Madison County Commissioners reappoint Tammie Whitlock and Mitch Hampton to another a three year term and affirm Mitch Hampton as the Chair of the Madison County Economic Development Board until June 2020.

Approved this day April 2, 2019.

Signature of Chair

Date



Madison County Economic Development
Board

Staff Report

To: Madison County Commissioners

From: Terry Bellamy, Community and Economic Development Director

Date: April 2, 2019

RE: Madison County Economic Development Board's 2019 Legislative Agenda

During the March 21, 2019 meeting of the Madison County Economic Development Board, the members of unanimously approved recommending this Legislative Agenda to the Madison County Commissioners for your consideration.

Event history:

On May 1, 2019, a representative from Madison County may attend the 2019, North Carolina Association of County Commissioners "County Assembly Day," in Raleigh, North Carolina on behalf of Madison County's government. The "County Assembly Day" "is an opportunity for North Carolina's county officials to meet with and hear from the state's legislative leaders and meet with their state legislative representatives." In the past, Madison County has had County Commissioners and/or staff members participate in the activities that were planned by the North Carolina Association of County Commissioners.

The 2019 Economic Development Legislative Agenda that is being provided is based upon the Economic Development needs within Madison County. The items were chosen from legislative agendas created by the North Carolina Economic Development Association, which is dedicated to focusing on the enhancement of economic development opportunities throughout North Carolina and the North Carolina Association of County Commission, which is dedicated to ensuring that County governments effectively work to improve the quality of life for the citizens of North Carolina.

Legislative Recommendations:

- Seek the creation of a state-supported funding program for the development of speculative buildings and the acquisition and development of land in the state.
- Seek modification of state regulations to enhance funding of water and wastewater extensions for all counties in order to increase available, marketable product for new or existing companies.
- State of North Carolina's Broadband Infrastructure Office, as authorized under S.L. 2018-5, is providing grants to private providers of broadband services to facilitate the deployment of broadband service to underserved areas of the State. The Growing Rural Economies with Access to



Madison County Economic Development Board

Technology (GREAT) Grant program funds are only eligible for projects in Tier One counties. These funds are not presently available to Madison County due to our status as a Tier Two county.

- Support reinstatement of affordable housing tax credits.
- Seek legislation to increase funding for the state's current film grant program and review existing legislation to allow tax incentives and other measures that would encourage expansion of the statewide film industry.
- Seek legislation, funding, and other efforts to expand digital infrastructure/broadband capability to the unserved and under-served areas and residents of the state.
- Support increased state funding for transportation construction and maintenance needs, and support legislation to ensure that the Strategic Transportation Investments (STI) funding formula recognizes that one size does not fit all and that projects in both rural and urban areas are prioritized and funded.
- Seek funding to increase access to high quality childcare and early childhood education.
- Support state funding and staffing for agricultural research, Cooperative Extension services and other agriculture-related efforts, including Community Conservation Assistance Program, to support the largest economic driver in North Carolina.

Source: North Carolina Economic Development Association - <https://www.nceda.org/> and North Carolina Association of County Commissioners - <http://www.ncacc.org/>

**Madison County
Board of Commissioners**

**2019 Budget Amendment # 12
April 2, 2019**

Description	Line Item	Debit	Credit
Health Department			
State Mini Grant	10.3513.7002		\$ 20,757.00
State Mini Grant	10.5110.7002	\$ 20,757.00	
A Mini Grant was received to create a teen friendly atmosphere.			
Ad Valorem Taxes			
Ad Valorem Tax - Late Listing	10.3100.1800		\$ 2,000.00
2007 Ad Valorem Tax	10.3100.2007		\$ 250.00
Ad Valorem Tax - Interest	10.3100.1700	\$ 2,250.00	
To adjust budgeted amounts to reflect actual collections.			
Interest Earned			
Interest Earned	10.3831.4910		\$ 30,000.00
To adjust budget for amounts actually received and future projection.			
Contingency			
Contingency	10.7000.0000	\$ 30,000.00	
		\$ 53,007.00	\$ 53,007.00
	Difference		\$ -
Net effect of all budget amendments			
	General Fund	Revenues	\$ 53,007.00
		Expenses	\$ 50,757.00

Date run: 3/8/2019 10:35:07 AM
 Data as of: 3/7/2019 7:38:30 PM

TR-304 Bill Release Report

NCPTS V4

Attachment 11.2

Report Parameters:

Release Date Start: 2/1/2019 Release Date End: 2/28/2019
 Tax District: ALL
 Default Sort-By: Bill #, Taxpayer Name, Release Date, Billing Date, Operator ID, Release Amount
 Grouping: No Grouping

Bill #	Taxpayer Name	Bill Date	Release Reason	Operator ID (Name)	Release Date	Orig Bill Amount(\$)	Release Amount(\$)	Bill Amount after
000001672-2018-2018-0000-00-REG	CUTSHALL, LAWRENCE P.	8/15/2018	Removal of SW	DIANA	2/18/2019	344.68	344.68	0.00
000001767-2018-2018-0000-00-REG	FRANKLIN, VAN	8/15/2018	Assessed In Err	APRIL	2/15/2019	103.69	103.69	0.00
000009889-2018-2018-0000-00-REG	CHANDLER, BRENDA LYNN AND	8/15/2018	Removal of SW	DIANA	2/22/2019	301.59	160.00	141.59
000017859-2018-2018-0000-00-REG	BÜCKNER, JEREMIAH	8/15/2018	Listed In Error	APRIL	2/12/2019	533.99	31.90	502.09
0000452584-2017-2017-0000-00-REG	SUNSWEPT FARM	8/15/2017	Business closed	APRIL	2/28/2019	141.11	141.11	0.00
0000452588-2015-2015-0000-00-REG	SUNSWEPT FARM	8/15/2015	Business closed	APRIL	2/28/2019	112.89	112.89	0.00
0000452589-2016-2016-0000-00-REG	SUNSWEPT FARM	8/15/2016	Business closed	APRIL	2/28/2019	141.11	141.11	0.00
Subtotal							1,035.38	
Total							1,035.38	

Tax Year	Bill Number	Parcel #	Adjustment Reason	Refund Recipient Name	Refund Address Line 1	Refund City	Refund State	Refund Zip Code	Refund Amount (\$)	MADISON Portion Refund (\$)	Fire District	Fire Refund (\$)
MADISON Refunds												
2018	0000015597-2018-2018-0000-01		Situs error	AMERICAN HANDYMAN	211 BACK BRANCH RD	MARSHALL	NC	28753	0.77	0.77		0.00
2018	0000015597-2018-2018-0000-01		Situs error	AMERICAN HANDYMAN	211 BACK BRANCH RD	MARSHALL	NC	28753	-5.11	0.00	BIG PINE FD	-5.11
2018	0000015597-2018-2018-0000-01		Situs error	AMERICAN HANDYMAN	211 BACK BRANCH RD	MARSHALL	NC	28753	7.72	0.00	WALNUT FD	7.72
2016	0000429160-2016-2016-0000-00	9729350147L	Processed In Error	OGLE, BRYAN	108 NORTON BRANCH RD	MARSHALL	NC	28753	202.35	202.35		0.00
2018	0000006248-2018-2018-0000-00	9840585957	Removal of Fee	SW SHELTON, HARLON	4014 GRAPEVINE RD	MARSHALL	NC	28753	160.00	160.00		0.00
2018	0000011878-2018-2018-0000-01	8766968244	Situs error	VERNON, DANIEL	211 BACK BRANCH RD	MARSHALL	NC	28753	-36.79	0.00	BIG PINE FD	-36.79
2018	0000011879-2018-2018-0000-01	8766968244	Situs error	VERNON, DANIEL	211 BACK BRANCH RD	MARSHALL	NC	28753	61.32	0.00	WALNUT FD	61.32
2018	0000014721-2018-2018-0000-01	8776066499	Situs error	VERNON, DANIEL	211 BACK BRANCH ROAD	MARSHALL	NC	28753	-13.10	0.00	BIG PINE FD	-13.10
2018	0000014721-2018-2018-0000-01	8776066499	Situs error	VERNON, DANIEL	211 BACK BRANCH ROAD	MARSHALL	NC	28753	21.84	0.00	WALNUT FD	21.84
Subtotal									399.00	363.12		35.88

Authorization _____
Date: 3/27/2019

TOTAL REFUNDS FOR MARCH 2019=\$399
AMERICAN HANDYMAN = \$ 3.38
DANIEL VERNON= \$33.27
BRYAN OGLE= \$202.35
HARLON SHELTON= \$160.00



Annual Report For
Madison Community Advisory Committee

COUNTY: Madison

REPORTING YEAR: 2018

COMMITTEE: Madison County Nursing & Adult Care Homes **CHAIRPERSON: Barbara Rice**

1. Were all homes in the county served by the committee?

There were five, now three occupied Adult Care Homes, (ACH's) and three Nursing/Retirement Facilities in Madison County. All the facilities were audited as required. Special emphasis is given to the ACH's with several friendly visits during holiday periods to distribute gifts, cards, treats or decorations.

Linda Freeman continues to be an advocate for helping ACH residences with personal issues on a regular basis and has assisted with the following;

- Obtained a Divorce Decree.
- Obtained one certified Birth Certificate.
- Social Security Cards for five residents
- Voter Registration for five residents.
- Photo ID for five residents.
- Obtained Library cards for four residents.
- Obtained one hearing aid.
- Lion's Club eye exam/glasses, (up to \$100) for five residents.

2. Describe educational efforts by the committee.

During all visits, CAC members seek to engage residents and ensure they understand their rights. This has included discussions concerning snack timing, smoking privileges, what advocates are doing for increased personal care allowance etc.

At times there are specific issues which are addressed on a case by case basis, for example HIPAA Regulation, Guardianship Laws, Confidentiality Protections, Grievance Procedures.

We also spent some time suggesting activities which could be used at the ACH's with the residents. "Activity Kits" for the homes were delivered in April.

3. Describe community involvement by the committee.

- Each resident at the Mintz ACHs received their own Christmas gift bags containing items they desired, (24 in total).

Through coordination with Tonya (Mintz ACH Administrator) and the SICs, a register of desired gifts by resident was listed on an Angel tag for Madison citizens to donate. The Marshall radio station and sentinel helped direct citizens to the "Angel Tree".

The First Baptist Church Youth Group put together Toiletry Kits either Men's or Women's for distribution at Christmas. The Youth Group also made Christmas Wreaths for each ACH door.

- The Smokey Mountain of Hot Springs and Church of God, ("Kids for Christ") served meals, at the Burger Parlor, sang songs and gave a gift to residents of the ACH's in April.
- The "Walking Ladies" of the Marshall Presbyterian Church, contacted Skip Dickens about organizing a picnic for the Madison ACH's with the CAC. The picnic was held at Blennerhassett Island in Marshall, in September. The Church members sang and also served the estimated fifty participants. We organized press coverage of the event in the hopes of encouraging new CAC membership interest.

3. Describe problems encountered by the committee.

- The Nursing/Retirement Care Facilities are professional, clean, and have adequate staff to provide care and activities for their residents. They are always welcoming and helpful during the CAC audits and give us free access to staff to answer any questions.

During this year we had an example of delayed "call button" response and made that a special focus of future audits and determined the problem was not endemic.

Our remit requires these facilities be audited quarterly, yet our committee feels our presence at the ACH's is more a

necessity. Certainly, the Mars Hill Retirement Community does not require our attention on a quarterly basis.

- The ACH's are more of a challenge. There have been significant changes in staff with a change in the Minzt ACH Administrator and the closure of the last remaining Miller Road ACH and the closure of one of the two Mato Road Homes. Ironically there had been several upgrades to the Miller Road property prior to closing all these homes. The Personal Needs Allowance is \$66/mo. This to cover clothes, toiletries, cigarettes and now the medication co-pay (previously covered by Minzt). This has not changed in 20 years. The CAC feels this is not enough!
- We lost two volunteers of the CAC this year and we are down to four auditing members, we feel we need at least two new volunteers to return to a six-member committee. The activities we encourage like the picnic and celebrating the holidays, require the committee members to personally cover these expenses. We request a modest budget of \$300/yr. to help with these expenses. (Reference separate "Budget" request letter to Commissioners.)

4. Was the committee involved in grievance resolution during the year?

No—Any concerns are voiced during the visits are resolved by the administrators, the SIC of the facility or referred to the Ombudsman or Adult Protective Services/Adult Home Specialist.

If so, identify what type facility was involved and the nature of the problem.

5. Summarize the strengths and weaknesses of the facilities in the county.

- The three Nursing/Retirement facilities; Elderberry, Madison Health and Rehabilitation and Mars Hill Retirement facilities are adequately staffed with a ratio of approximately one staff per resident. They employ all the disciplines required to cater to the needs of the residents; nursing, administration, activities director, maintenance, nutrition, housekeeping etc. They have resident counsels and several orchestrated activities designed to keep residents engaged. A variety of food choices and restaurant style dining is available.

These facilities also attract volunteers that regularly visit residents without family in the area.

During this year Elderberry completed a new physical/occupational therapy facility and completed refurbishing six rooms in a process which will see all the rooms refurbished. Madison Health and Rehabilitation has also been refurbishing halls and common areas to improve the appearance of the facilities.

- The Mintz Family Care Homes now number three functioning homes, one at Mato Road and two at Hot Springs. The staff is caring and trained in the basic requirements to administer medication and basic first aid. These SIC's have a 24/7 duty to feed, keep facilities clean and supervise up to six residents. This can be a problem when seeking time off as they need to arrange their own relief.

There has been a change in management of the facilities with Tonya Roberts assuming the Administration role from Violet Clark.

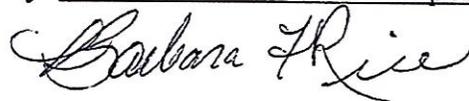
Outings for the residences seems have increased and there is now a van used to provide transport.

Comments: The CAC for Madison County feels confident that the residents in the Nursing and Adult Care Facilities are afforded their rights, as listed in the Resident Bill of Rights. In routine interactions with the residents they express appreciation for the staff and the facilities and are generally happy with the accommodations. The staff at all facilities seems to genuinely care for their residents and treat them as family.

Goal: Be an advocate for the Rights of residents in the Madison County Nursing and Adult Care Homes. Auditing these facilities and interacting with the residents to ensure these Rights are respected. Demonstrate to these residents that we care about them as individuals and that the County has taken measures, through the CAC, to monitor their state mandated Rights.

Submitted by: John M. Fenwick, CAC Secretary Date: 3/20/2019

Approved by: Barbara F. Rice, CAC Chairperson Date: 3/25/2019



Madison County Nursing/Adult Care Homes Community Advisory Committee

Advocates for Residents in Long-Term Care
Appointed by Madison County Commissioners

<u>NAME</u>	<u>PHONE</u>
Barbara Rice, Chair	779-2368
John Fenwick	808-3630
Linda Freeman	206-9601
Skip Dickens	803-606-0266

Cori Search
Regional Ombudsman
Madison County

339 New Leicester Hwy.,
Suite 140
Asheville, NC 28806

(828)251-7433



Please contact the Ombudsman if you have concerns or questions regarding resident rights, quality of care, or need information about long term care facilities in Madison County. All services are confidential and free.

10/5/2018



2/25/2019

To: Madison County Board of Commissioners

As your appointees, the Madison County Community Advisory Committee, audits and serves as advocated for Residents Rights in Nursing Homes and Adult Care Homes. We also try to improve the ties to the community and improve the quality of living, (in our unofficial capacity), for residents of the Adult Care Homes. This has included doing something special during the holidays; Valentine Cards, Easter Baskets, Pies at Thanksgiving and an attempt to provide some gift to each resident during Christmas. Most of the residents in Adult Care Homes have no family or friends to recognize them with a gift.

Last year we also organized a picnic for the thirty family care home residents with the Marshall Presbyterian Church.

We feel that these activities are important in demonstrating someone cares for these residents as individuals and increases their self-esteem.

As you are aware, Community Advisory Committees in Buncombe, Henderson, and Transylvania Counties in WNC, are all provided with a modest budget by their County Commissioners. In Madison we funded the picnic and made-up the shortfall in donated Christmas gifts with our own personal funds.

The Madison CAC is asking you to consider a modest budget for the Madison CAC so we can continue our efforts to support the Madison County Adult Care Home residents. We feel we can leverage the monies several fold through the donation of our time and efforts.

We feel that a budget allocation of \$300 should allow us to fund our activities in 2019. We appreciate your consideration.

Sincerely Yours

Barbara Rice

Chairperson; Madison County CAC



Madison County Commissioners Meeting Public Comment

April 2, 2019

7:00pm

A-B Tech, Madison Campus

3 Minute Time Limit

----- Public Comment Sign-In Sheet -----

- | Name | Signature |
|-------------------------------|-----------|
| 1. Ellen Holmes Pearson | |
| 2. Jim Tibbets | |
| 3. Etaine Rabben | |
| 4. Pete Klau | |
| 5. Hollie West - Sweet Monkey | |
| 6. | |
| 7. | |
| 8. | |
| 9. | |
| 10. | |
| 11. | |
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| 13. | |
| 14. | |
| 15. | |
| 16. | |
| 17. | |
| 18. | |
| 19. | |
| 20. | |

Handwritten signatures corresponding to the names in the sign-in sheet.