

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: November 4, 2013

SUBJECT: Resolution – Concerning the limitation of voting Board Members on area mental health authority boards

PRESENTER: Steve Wyatt

ATTACHMENTS: Yes
1.) Resolution
2.) Memorandum from Smokey Mountain Center Board of Directors
3.) Slate of Proposed Board Members

SUMMARY OF REQUEST:

The North Carolina General Assembly recently adopted NCGS §122C-118.1 - Structure of area board. The statute states that “An area board shall have no fewer than 11 and no more than 21 voting members.” Because the newly consolidated Smokey Mountain Mental Health Authority is comprised of 23 member counties, the impact of this statute effectively prevents each county from having the ability to appoint a member to represent their county. The Board is requested to adopt a Resolution, requesting the General Assembly amend the law, removing the limitation of twenty one (21) members.

To be in compliance with §122C-118.1 at this time however, the Smokey Mountain Center (SMC) Board of Directors must be reconstituted no later than 30 days following the DHHS Secretary’s approval of the SMC-WHN Consolidation Agreement. To that end, the SMC Board of Directors has voted to request that each county within the consolidated 23 county catchment area consider and approve the slate of Proposed Board Member Nominations as presented.

BOARD ACTION REQUESTED:

The Board is requested to adopt the attached Resolution and approve the slate of proposed Board Members as presented.

SUGGESTED MOTION:

I move that the Board adopt the attached Resolution requesting that the North Carolina General Assembly amend NCGS §122C-118.1 to remove the limitation of twenty one members and replace that with language allowing each Board of County Commissioners to appoint a representative of their choosing.

I further move the Board approve the slate of proposed Board Members as presented.

HENDERSON COUNTY BOARD OF COMMISSIONERS

CHARLIE MESSER
Chairman
THOMAS THOMPSON
Vice-Chairman

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LARRY YOUNG
J. MICHAEL EDNEY
GRADY HAWKINS

RESOLUTION

- WHEREAS,** NCGS 122C-118.1 Structure of area board - limits the membership of area mental health authority boards to twenty one voting members; and
- WHEREAS,** the newly consolidated Smokey Mountain Mental Health Authority is constituted of twenty three Western North Carolina counties; and
- WHEREAS,** NCGS 122C-118.1 effectively prevents each member county from appointing and being represented by an individual selected by the County Commissioners of each member county; and
- WHEREAS,** the need for the equitable and effective representation of all constituents served by the Smokey Mountain Mental Health Authority, as well as potentially other mental health authorities throughout the State in the near future is self evident;

NOW, THEREFORE, BE IT RESOLVED, that the Henderson County Board of Commissioners respectfully requests that the North Carolina General Assembly amend the law to remove the limitation of twenty one members and replace that with language allowing each Board of County Commissioners to appoint a representative of their choosing.

Adopted this 4th day of November, 2013.

TERESA L. WILSON, CLERK TO THE BOARD

CHARLIE MESSER, CHAIRMAN

MEMORANDUM

TO: MANAGERS AND COMMISSIONERS OF ALEXANDER, ALLEGHENY, ASHE, AVERY, CALDWELL, CHEROKEE, CLAY, GRAHAM, HAYWOOD, JACKSON, MACON, MCDOWELL, SWAIN, WATAUGA, WILKES, BUNCOMBE, HENDERSON, MADISON, MITCHELL, POLK, RUTHERFORD, TRANSYLVANIA AND YANCEY COUNTIES

FROM: RICK FRENCH, CHAIR, SMOKY MOUNTAIN CENTER BOARD OF DIRECTORS

SUBJECT: SLATE OF PROPOSED BOARD MEMBERS IN COMPLIANCE WITH N.C.G.S. § 122C-118.1

DATE: OCTOBER 30, 2013

You will find attached a slate of Proposed Board Member Nominations for Smoky Mountain Center (SMC). This proposed slate represents the diligent efforts of the Executive Committee of the SMC Board, with representation from the Western Highlands Network (WHN) Board, to create a proposal for the reconstituted Board of Directors, as required by N.C.G.S. § 122C-118.1, which was passed during the 2012 N.C. Legislative Session.

Although the previous board composition statute allowed up to 30 members to serve on the board of an Area Authority, the current statute limits an Area Authority Board to 21 voting members. Further the current statute dictates the criteria for appointing 13 of the members of an Area Authority Board. SMC is required to appoint a Board of Directors that is in compliance with § 122C-118.1., Structure of area board, which provides as follows:

“(a) An area board shall have no fewer than 11 and no more than 21 voting members. The board of county commissioners, or the boards of county commissioners within the area, shall appoint members consistent with the requirements provided in subsection (b) of this section.”[13 categories of members specified in subsection (b).] “The process for appointing members shall ensure participation from each of the constituent counties of a multicounty area authority. If the board or boards fail to comply with the requirements of subsection (b) of this section, the Secretary shall appoint the unrepresented category.”

All other Area Authorities (LME/MCOs) in the State of North Carolina have newly constituted boards in place as of October 1, 2013, the statutory deadline for compliance. SMC, because it has been consolidated with WHN as a single LME/MCO, was given an extension of time within the statute (as amended in 2013 by HB399) to comply with the new

board composition requirements. **The SMC Board of Directors must be reconstituted no later than 30 days following the DHHS Secretary's approval of the SMC-WHN Consolidation Agreement.** It is expected that the Secretary will formally approve the SMC-WHN Consolidation Agreement this week.

At its regular meeting on October 24, 2013, the SMC Board of Directors voted to request that each county within the consolidated 23 county catchment area consider and approve this slate of Proposed Board Member Nominations. Please make every effort to consider this at each of your next scheduled County Commission meetings. Thank you for your consideration.

If you have questions, please do not hesitate to contact me at rfrench@alexandercountync.gov or at (828) 632-9332, ext. 203.

SMOKY MOUNTAIN CENTER
 SLATE OF PROPOSED BOARD MEMBER NOMINATIONS
 10-31-13

Position Requirement as Specified in N.C.G.S § 122C-118.1	Recommended Candidate	Additional Information	County Commissioner/Manager Regional Affiliation
Current County Commissioner § 122C-118.1(b)(1)	Michael Lavender	County Commissioner McDowell County	SMC Central Region
Local Consumer and Family Advisory Committee Chair (CFAC) or designee § 122C-118.1(b)(2)	Judy Johannsen	SMC CFAC Chair's designee	
Local family member CFAC § 122C-118.1(b)(3)	Nancy Baker	Legacy Western Highlands Network (WHN) CFAC, family	
Consumer member of local CFAC § 122C-118.1(b)(4)	Pat McGinnis	SMC CFAC openly declared consumer	
Individual with health care experience in the fields of Mental Health (MH), Intellectual Developmental Disabilities (IDD) or Substance Abuse (SA) § 122C-118.1(b)(5)	Maggie Faulkner	Director/Disability Services Counselor, Blue Ridge Community College; Current WHN Board member	

Position Requirement as Specified in N.C.G.S § 122C-118.1	Recommended Candidate	Additional Information	County Commissioner/ Manager/ Regional Affiliation
An individual with health care administration expertise consistent with the scale and nature of the MCO § 122C-118.1(b)(6)	Jeff Heck, MD	CEO, Mountain Area Health Education Center (MAHEC)	
An individual with financial expertise consistent with the scale and nature of the MCO § 122C-118.1(b)(7)	Rick French	County Manager, Alexander County, Current Chair, SMC Board	SMC Central Region
An individual with insurance expertise consistent with the scale and nature of the MCO § 122C-118.1(b)(8)	Craig Sappenfield	NC Association of County Commissioners, Risk Manager	
Individual with social services expertise and experience in the fields of MH, IDD or SA services § 122C-118.1(b)(9)	Joyce Edwards	Caldwell County DSS, current SMC Board member	SMC Central Region
An attorney with health care expertise § 122C-118.1(b)(10)	Carolyn Coward	Health care specialist, Van Winkle Law Firm, Asheville	

Position Requirement as Specified in North Carolina General Statute 122c-118.1	Recommended Candidate	Additional Information	County Commissioner/Manager/ Regional Affiliation
Member who represents the general public and who is not employed by or affiliated with the Department of Health and Human Services as appointed by the Secretary of NC Health and Human Services § 122C-118.1(b)(11)	Ed Tarleton	Chair, North Carolina Council of Community Programs; past Chair SMC Board of Directors; current Wilkes County at-large SMC Board member	
President of the LME/MCO Provider Council or designee § 122C-118.1(b)(12) <i>Non-voting member</i>	Duncan Sumpter	President of SMC Provider Council; CEO Appalachian Community Services	
An administrator of a hospital providing mental health, developmental disability and substance abuse emergency services § 122C-118.1(b)(13) <i>Non-voting member</i>	Casey Cooper	CEO, Cherokee Indian Hospital	
Additional member- criteria or classification unspecified by statute § 122C-118.1(a)	Vicki Greene	Jackson County Commissioner; Jackson County SMC Board member	SMC Western Region
Additional member- criteria or classification unspecified by statute § 122C-118.1(a)	Ronnie Beale	Macon County Commissioner; Macon County SMC Board Member; President-Elect, NC County Commissioner Association	SMC Western Region

Position Requirement as Specified in North Carolina General Statute 122c-118.1	Recommended Candidate	Additional Information	County Commissioner/Manager/ Regional Affiliation
Additional member- criteria or classification unspecified by statute § 122C-118.1(a)	Larry Cox	Alleghany County Commissioner; SMC Alleghany Board Member	SMC Northern Region
Additional member- criteria or classification unspecified by statute § 122C-118.1(a)	Judy Poe	Ashe County Commissioner; SMC Ashe County Board Member	SMC Northern Region
Additional member- criteria or classification unspecified by statute § 122C-118.1(a)	Mandy Stone	Assistant County Manager, Buncombe County, Current Western Highlands Network Board member	Western Highlands Region
Additional member- criteria or classification unspecified by statute § 122C-118.1(a)	D. Marche Pittman	Interim County Manager, Polk County, Current Western Highlands Network Board member	Western Highlands Region
Additional member- criteria or classification unspecified by statute § 122C-118.1(a)	Charles Vines	County Manager, Mitchell County, Current Chair, Western Highlands Network Board	Western Highlands Region
Additional member- criteria or classification unspecified by statute § 122C-118.1(a)	Carl Classen	County Manager, Rutherford County, Current Western Highlands Network Board member	Western Highlands Region