REQUEST FOR BOARD ACTION

ITEM NO. 18.

DATE OF MEETING: December 9, 2013

REQUESTED BY: Foster Norman, Area Director, CoastalCare

SHORT TITLE: Resolution Approving Appointment of Commissioner to the CoastalCare County Commissioner Advisory Board.

BACKGROUND: Mr. Norman is making this request because of a new statutory requirement that can be found at G.S. 122C-118.2-"Establishment of County Commissioner Advisory Board." (Please see attached). The other four counties in the catchment area are simply appointing the commissioner that was appointed to serve on the Area Board. Since Pender does not have a commissioner on the Area Board, one needs to be appointed to this Commissioner Advisory Board. (Dr. Duvall was appointed to the area board on October 21, 2013.)

SPECIFIC ACTION REQUESTED: To consider a resolution approving appointment of a Commissioner to the CoastalCare County Commissioner Advisory Board.

COUNTY MANAGER'S RECOMMENDATION:

All appointment authority rests with the Board of Commissioners.

RESOLUTION

NOW THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that the following appointment is hereby made:

_____ is hereby appointed to the CoastalCare County Commissioner Advisory Board.

AMENDMENTS:

MOVED _____ **SECONDED** _____

APPROVED _____ **DENIED**_____ **UNANIMOUS**

YEA VOTES: Brown ___ McCoy ___ Tate ___ Ward ___Williams ___

_____ 12/9/13
George R. Brown, Jr., Chairman Date

_____ 12/9/13
ATTEST Date

~~demonstrating that continuity of services will be assured and~~ without prior approval of the Secretary."

SECTION 5.(c) G.S. 122C-115.3(e) reads as rewritten:

"(e) Any fund balance available to an area authority at the time of its dissolution ~~shall be distributed to those counties comprising the area authority on the same pro rata basis that the counties appropriated and contributed funds to the area authority's budget during the current fiscal year. Distribution to the counties shall be determined on the basis of an audit of the financial record of the area authority. The area authority board shall select a certified public accountant or an accountant who is subsequently certified by the Local Government Commission to conduct the audit. The audit shall be performed in accordance with G.S. 159-34. The same method of distribution of funds described in this subsection shall apply when one or more counties of an area authority withdraw from the area authority.~~that is not utilized to pay liabilities shall be transferred to the area authority contracted to operate the 1915(b)/(c) Medicaid Waiver in the catchment area of the dissolved area authority. If the fund balance transferred from the dissolved area authority is insufficient to constitute fifteen percent (15%) of the anticipated operational expenses arising from assumption of responsibilities from the dissolved area authority, the Secretary shall guarantee the operational reserves for the area authority assuming the responsibilities under the 1915(b)/(c) Medicaid Waiver until the assuming area authority has reestablished fifteen percent (15%) operational reserves."

SECTION 6. G.S. 122C-118.1(a) reads as rewritten:

"(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. 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. The boards of county commissioners within a multicounty area with a catchment population of at least 1,250,000 shall have the option to appoint members of the area board in a manner or with a composition other than as required by this section by each county ~~unanimously~~ adopting a resolution to that effect and receiving written approval from the ~~Secretary by January 1, 2013.~~Secretary. A member of the board may be removed with or without cause by the initial appointing authority. The area board may declare vacant the office of an appointed member who does not attend three consecutive scheduled meetings without justifiable excuse. The chair of the area board shall notify the appropriate appointing authority of any vacancy. Vacancies on the board shall be filled by the initial appointing authority before the end of the term of the vacated seat or within 90 days of the vacancy, whichever occurs first, and the appointments shall be for the remainder of the unexpired term."

SECTION 7. G.S. 122C-118.1 is amended by adding the following new subsection to read:

"(f) An area authority that adds one or more counties to its existing catchment area under G.S. 122C-115(c1) shall ensure that the expanded catchment area is represented through membership on the area board, with or without adding area board members under this section, as provided in G.S. 122C-118.1(a)."

SECTION 8. Article 4 of Chapter 122C of the General Statutes is amended by adding a new section to read:

"**§ 122C-118.2. Establishment of county commissioner advisory board.**

(a) There is established a county commissioner advisory board for each catchment area, consisting of one county commissioner from each county in the catchment area, designated by the board of commissioners of each county. The county commissioner advisory board shall meet on a regular basis, and its duties shall include serving as the chief advisory board to the area authority and to the director of the area authority on matters pertaining to the delivery of services for individuals with mental illness, intellectual or other developmental disabilities, and substance abuse disorders in the catchment area. The county commissioner advisory board serves in an advisory capacity only to the area authority, and its duties do not include authority over budgeting, personnel matters, governance, or policymaking of the area authority.

(b) Each board of commissioners within the catchment area shall designate from its members the commissioner to serve on the county commissioner advisory board. Each board of commissioners may determine the manner of designation, the term of service, and the conditions under which its designee will serve on the county commissioner advisory board."