

**STATE OF NORTH CAROLINA
COUNTY OF AVERY**

The Avery County Board of Commissioners met in an Emergency Meeting on Friday, October 7, 2011 at 8:30 a.m. in the Commissioners Board Room, Avery Administrative Complex, 175 Linville Street, Newland, NC for the purpose of reviewing and adopting an amendment to the Interlocal Agreement between Avery, Ashe, Alleghany, Watauga and Wilkes Counties with respect to provision of mental health services.

Members Present: Kenny Poteat, Chairman; Phyllis Forbes, Vice-Chair; Scott Heath; Martha Hicks; Glenn Johnson

Members Absent: None

Call To Order

Chairman Poteat called the meeting to order at 8:30 a.m.

Chairman Poteat led prayer.

Chairman Poteat then read aloud the Notice of Emergency Meeting.

Interlocal Agreement

County Manager, Robert Wiseman, said he would begin by referring to the Board of Commissioner's meeting held on October 3, 2011. He read an excerpt from the minutes of that meeting which detailed the three motions made and passed on that date in connection with the New River Service Agency.

Mr. Wiseman stated that the only issue to be addressed is with the first motion passed to amend the Interlocal Agreement. Previously, Ashe, Alleghany, Avery and Wilkes all agreed to the amendment. However, following our Board meeting, Watauga did not accept the amendment as presented. They proceeded to make amendments to the amendment. Mr. Wiseman said that unless all five counties are exactly in unison, "this doesn't fly". He said that after Watauga voiced its concerns, the County Managers plus three attorneys reviewed the changes via telephone conference and incorporated, for the most part, all proposed changes and mailed each County a new copy with those changes. Mr. Wiseman said that he met with the Avery County Attorney and went over the proposed changes. Our attorney is in court this morning and could not be present for this meeting; however, she found no fault with the changes. There are no additions to the original amendment; there were deletions made to the amendment. Mr. Wiseman said that Watauga's concern was liability in the long run. Watauga had issues and thought some items and wording needed to be removed. There should be no increased liability on Avery County's part if we adopt this revised amendment with the changes. It appears the other counties have no problem with these changes. Mr. Wiseman stated that "the clock is ticking." For whatever reasons, our Medicaid reimbursements to NRSA have been ceased by Medicaid and until everyone moves forward, nothing will happen. If there are issues to be resolved, it needs to be done now. If one county throws a stumbling block in this, it will prolong the agony.

Mr. Wiseman stated that everyone has the latest amendment before them. All counties, excluding Watauga, have no problem with these changes. Watauga is the one who requested the changes, so they should not have a problem. The five counties are over one million dollars in the hole; now the issue is what to do to move forward.

Kenny Poteat expressed that Sam Ray and himself have both served on the Board of New River for approximately 20 years. He doesn't like the fact that this has come up and there will be a cost to the taxpayers when they had no prior knowledge of it. Chairman Poteat said that no one knows more about 160A than Tony Triplett, who helped originate this document, so he trusts what Tony suggests. All proposed changes have been struck through on the amendment before the Board today. Watauga's attempt was to lessen the liability for all five counties.

Robert Wiesman said although these changes are to decrease the liabilities, either individually or congregate, it does not relieve the counties of potential liability. Counties still have the potential liability of the Interlocal Agreement.

Commissioner Heath said that what has been stricken appears not to be liabilities, but to de-commit us from certain items, and guarantees, such as the number of personnel, which is good. These changes appear to give us more freedom to do what will be best for all.

Commissioner Johnson stated it is the intent of this board to continue services and preserve as many employees as possible. There will be some glitches in the transition, but the main goal is to continue services and make the transition to another provider as seamlessly as possible.

Chairman Poteat said it is our understanding that there will be little to no disruption in services and most employees will remain; but there is no guarantee during a transition.

Commissioners Hicks mentioned that Sam Ray and Kenny Poteat are on the New River Board, and in the agreement approved in 2006, it required quarterly reports be issued. She is asking them to make sure we get those quarterly reports. Mr. Poteat agreed with this.

Mr. Wiseman reviewed that, at the last meeting, there were three motions: (1) to amend the Interlocal Agreement; (2) to name a Commissioner to the transition board (Kenny Poteat) and; (3) to commit up to \$90,000 to keep the doors open contingent on the other counties. The last two motions remain in place unless we re-address them. The only one under consideration is number one (1), adoption of the amendment to the amendment.

Motion made by Phyllis Forbes with second by Martha Hicks to approve the amendments made to the amendment to the Interlocal Agreement for the Provision of Behavioral Healthcare Services for our area. There was discussion that all the counties involved were meeting today to address this issue. Chairman Poteat called for a vote and the **motion passed unanimously.**

Commissioner Forbes said she would like to know what the other counties approved for funds. There was discussion that Avery County always meets its' obligations, that Avery County won't cut off important services, and that these services are mandated by the State. It was discussed that if the counties don't agree on the fair share, then we have a problem. We should know what the financial support is from each county today. If any county doesn't come up with their fair share, the possibility exists that the county could be excluded from the agreement.

Mr. Wiseman read that Alleghany has 16 people employed; Ashe has 37 employed; Avery has 31 employees; Watauga has 64 and Wilkes has 68 employees. Avery would be responsible for approximately 10% of the deficit.

Being no further business, motion made by Phyllis Forbes with second by Martha Hicks to adjourn the meeting at 9:05 a.m.

**Kenny Poteat, Chairman
Avery County Board of Commissioners**

ATTEST: _____
Sondra Austin, Clerk Pro-Tem