

The Alleghany County Board of Commissioners held a special session on Friday, October 7, 2011, at 6:30pm in the Board Meeting Room of the County Administration Building, 348 South Main Street, Sparta, North Carolina. The purpose of this session was to discuss and take actions pertaining to the issues surrounding New River Service Authority which provides Mental Health Services in Alleghany County.

Present: Chairman Ken Richardson, Vice-Chair Tom Smith, Commissioner Larry Cox, Commissioner John Goudreau, Commissioner Steve Roten, County Attorney Donna Shumate and County Manager Don Adams. Clerk to the Board Karen Evans was absent.

Chair Richardson opened the meeting at 6:30pm. He explained the purpose of the meeting is to discuss an amendment to the previously adopted amendment to the 160A Agreement.

County Manager Don Adams reviewed the proposed changes to the amendment by reviewing each page, section and article of the changes.

Commissioner Goudreau talked about the changes to the proposed agreement has no protection for employees which was one of the strong points that the Alleghany County wanted to do. He further talked about other changes in the proposed agreement including not working with State/Federal authorities, goal of transition was deleted. He read the authority of the board in the proposed agreement, and with that language the new board can shut down immediately.

Commissioner Goudreau made a motion to reject the proposal as written because it doesn't protect the people the Commissioners wanted to protect in the transition.

Chair Richardson asked for a second on the motion. No one spoke.

Chair Richardson asked the County Manager/County Attorney if this proposed amendment destroys the intent of the amendment from Monday's meeting.

County Manager Don Adams asked the County Attorney how much of the original agreement plays into this now.

County Attorney Donna Shumate answered not much at all now. She explained that what is in the amendment governs and what is in the original is guidance. She talked about other areas of her concern in the amendment.

County Manager Don Adams talked about language in the original agreement about meetings, quorums, electing chair/vice-chair and asked how the amendment negates that.

County Attorney Donna Shumate talked about the wording of guideline. She stated she understands that everyone is trying to dissolve the 160A as quickly as possible. She said she has some concerns but this amendment does do that.

Chair Richardson and County Manager Don Adams talked about their conversations when the agreement wasn't written it was trying to rewrite all of the rules of meetings, as an example, to just follow the rules already in place. The County Manager explained the reason why the CEO information was removed because the Board already has control over employees. He further explained that the conversations about preserving the employees were held with the managers but the language was taken out.

Chair Richardson talked about the two things that the County Attorney was talking about. He further talked about the other four counties have approved the amendment. He asked if the Board approves the amendment, does it accomplish what the Board wanted to from Monday's meeting.

County Attorney Donna Shumate answered it accomplishes some of the items the Commissioners wanted but not all.

Chair Richardson said that the other part is the New River employees and orderly transition and that is still the intent.

County Manager Don Adams said that is his understanding but it is up to the new board.

Chair Richardson talked about the new board and their responsibilities.

Commissioner Cox stated we still have the responsibility to provide services and work with Smoky Mountain Center. He talked about his conversations with some of the other members and

their goals are similar to his of protecting the employees, providing services and protecting the counties/taxpayers.

County Attorney Donna Shumate said that is the feeling with the Ashe County Attorney and Wilkes County Attorney.

Commissioner Goudreau stated that it is just feelings but it isn't written. He reiterated that it was written in the prior amendment and if that was the intent then why remove it. He said he is uncomfortable with this. He further said that our intent was to protect the employees and clients. He stated so there really isn't any orderly transition in this amendment. He asked why we should go along with Watauga County.

Commissioner Cox talked about another week has gone by and the increasing liabilities. He further talked about passing this amendment would get us out of the 160A and move into the transition. He said that he understands what Commissioner Goudreau is saying and agrees.

Chair Richardson said he has confidence in the commissioners and the managers that will be on the new board.

Commissioner Cox made a motion to approve the revised 160A agreement amendment. Chair Richardson seconded the motion.

Commissioner Smith asked the County Attorney to explain why certain sections were deleted.

County Attorney Donna Shumate explained that the first amendment went farther than Watauga County wanted to go because all they wanted to do was dissolve the 160A and create the new board. She said she is the first to admit she doesn't like this one but didn't really like the other one either. She talked about having to look at what are the Commissioners' options. She explained the options available before the Board.

Commissioner Goudreau talked about this even takes out Smoky from the orderly transition.

Commissioner Cox said that they have to be in the transition according to the State.

County Attorney Donna Shumate read a portion of the proposed amendment.

Commissioner Goudreau talked about the intent of people writing the amendment and then why does it take that out if that is the intent to protect the employees and clients.

County Manager Don Adams talked about the managers' conversations where they were trying to put something together to get all five counties to approve it. He said we have to have something approved by all five counties then we can move forward. He further said that it has been in the managers' conversations to preserve the workforce. He stated that he can't tell people they have a job but hopes to be able to say they will have an opportunity to have a job,

Commissioner Roten asked is it correct that the other four counties have passed this.

County Attorney Donna Shumate said yes and talked about all five have to agree before the amendment is adopted.

The Board voted on the motion on the floor. Vote 4:1 (John Goudreau).

County Manager Don Adams talked about the need to appoint a Commissioner to the newly created New River board.

Commissioner Roten made a motion to appoint Larry Cox to serve on the newly created board. Commissioner Smith seconded the motion. Vote 4:1 (John Goudreau).

Being no further business, Commissioner Goudreau made a motion to adjourn at 7:09pm. Commissioner Cox seconded the motion. Vote 5:0.

Respectfully submitted,

Attest:

Karen Evans
Clerk to the Board

Ken Richardson
Chairman