

**Minutes of the 9 September 2013**  
**Regular Meeting of the Yancey County Board of Commissioners**  
**Held at 6:00 o'clock p.m. in the Yancey County Courtroom**  
**Yancey County Courthouse, Burnsville, North Carolina**

Present at the 9 September 2013 meeting of the Yancey County Board of Commissioners were, Chairman Johnny Riddle, Commissioner Jill Austin, Commissioner Jim Edwards, Commissioner Randy Ollis, and Commissioner Jeff Whitson, County Manager Nathan Bennett, Clerk to the Board Jason Robinson, County Planner Jamie McMahan, County Attorney Donny Laws, and members of the general public.

**Call to Order and Approval of Agenda**

Chairman Riddle called the meeting to order and delivered the invocation. Chairman Riddle then asked Commissioner Whitson to lead everyone in the Pledge of Allegiance. Chairman Riddle then asked for a motion to approve the agenda. Commissioner Ollis made a motion to approve the agenda and it was seconded by Commissioner Edwards. The vote to approve was unanimous. (Attachment A)

**Public Comment**

The first person to speak before the Board was Veronica Creech who thanked the Board for listening at last month's meeting. The second person to speak before the Board was Tom Robinson who gave a history of the Iran-Iraq War in the 1980's.

**Consent Agenda**

The Board next moved to the consent agenda portion of the agenda. On the consent agenda for September was the minutes for the August 12<sup>th</sup> regular meeting. In addition on the consent agenda this month were the performance review monthly reports for the CDBG projects in the county (Attachment B) and the August Tax Collection Report (Attachment C), which was for informational purposes only.

**County Manager Business**

The Board next heard from County Manager Nathan Bennett. Mr. Bennett informed the Board that Yancey County Schools has deemed two tracts of land as surplus and has offered them to the County for purchase. The first tract has been deemed the Longview Tract and is located on Longview Road close to the Board of Education office. It used to be used by the Parkway Playhouse to house actors. The second tract has been deemed the Burnsville School Tract and is located across from Burnsville School adjacent to Jones Farm Road. Mr. Bennett reported that he has looked at the Longview Tract and can't really see a use that the County might have for that piece of property. The Burnsville School Tract is a little more complicated. According to Mr. Bennett, the current East Yancey Recycling Center has a lot of uncertainty because of the expansion of Highway 19. The engineers have advised that the County might want to look at moving all of part of the operations at the current recycling center to another location. Mr. Bennett stated that he would like to have permission to have the engineers look at this tract of land to see if it can be used for the County's needs. Chairman Riddle asked how long this might take to assess the property. Mr. Bennett replied that it could take up to 30 days and that there might be a use for it but there might not be a use for it. Upon hearing from Mr. Bennett, Commissioner Ollis made a motion to turn the Longview Tract back to Yancey County Schools. The motion was seconded by Commissioner Whitson and the vote to approve was unanimous. Commissioner Whitson then made a motion to allow the county manager to look at feasibility of a convenience center at the Burnsville School property. The motion was seconded by Commissioner Edwards and the vote to approve was unanimous (Attachment D). Mr. Bennett next updated the Board concerning the merger of Western Highlands Network with Smoky Mountain Center. According to Mr. Bennett in April of this year as part of a redesign of Medicaid, Western Highlands Network was to merge with Smoky Mountain Center, which will be the entity to provide mental health and substance abuse services to Yancey County. As of October 1<sup>st</sup> all services that were handled by Western Highlands Network will be provided by Smoky Mountain. In the middle of this transition, the General Assembly directed the Managed Care Organizations (MCO's) such as Smoky Mountain that they must have a different board structure. This new board must be seated by April 1<sup>st</sup>. The new boards have 13 slots that are defined by statute and 8 slots that are open. In addition a "County Commissioner Advisory Board" will be formed by one member of all of the boards of commissioners in Smoky Mountain's service area. Mr. Bennett told the Board that within the next few months they will be asked to approve a slate of officers for the new board of directors for the combined Smoky

Mountain Center/Western Highlands Network (Attachment E). The Board must also appoint one of its own members to sit on the County Commissioner Advisory Board. Mr. Bennett also updated the Board that the transaction for the purchase of the DMV License Plate Agency is located is complete. The County purchased half interest in the property this year and will purchase the remaining interest next fiscal year. Commissioner Whitson asked if there has been any more discussion concerning the building that currently houses the Board of Elections. Mr. Bennett replied not that he was aware of at this time.

#### **County Attorney Business**

The Board next heard from County Attorney Donny Laws who stated that he had nothing to be discussed at this time.

#### **Commissioner Business**

Commissioner Whitson brought up an issue that he had heard about this month. A couple of families had come into the tax office and not received the 2% discount that is offered in August due to the fact that the check was written out for the entire amount. When the taxpayer learned that a 2% discount was offered they asked for the difference and it was refused. Discussion then followed about the need for a policy from the Board as to the August discount. Commissioner Ollis next reported that County Planner Jamie McMahan had been honored at the North Carolina Association of County Commissioners (NCACC) conference in August. Commissioner Ollis also reported on some programs that he attended while at the conference that focused on NCFASST and the federal sequester. Commissioner Ollis also updated the Board that Stanley Carroll had been seated as a member of the Social Services Board of Directors.

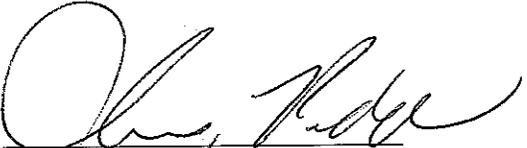
#### **Yancey County Transportation Authority**

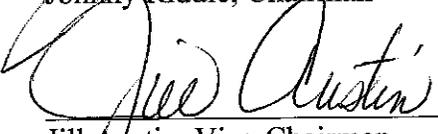
The Board next heard from Yancey County Transportation Authority (YCTA) director Lynn Austin. Mrs. Austin stated that she was coming before the Board because it was time to apply for the Rural Operating Assistance Program (ROAP) which is for Non-Medicaid assistance for older adults. Some of what the funds are used for is to take them to jobs or job training. This grant is also used to help keep fares low. The grant does require a 10% match and usually there is no problem getting the match from the fares. The match this year is \$5,900 and the grant is for \$117,606, which is the most that can be awarded. Mrs. Austin also informed the Board that this grant requires a public hearing. Upon hearing from Mrs. Austin, Chairman Riddle opened up the floor for any public comment. Receiving no public comment Chairman Riddle asked for a motion to close the public hearing. Commissioner Ollis made a motion to close the public hearing and it was seconded by Commissioner Edwards. The vote to close the public hearing was unanimous. Commissioner Edwards then stated that YCTA had helped out his family and was a blessing. Chairman Riddle stated that YCTA was doing good work with the vans. Upon conclusion of comments by the Board, Commissioner Ollis made a motion to approve the application for the ROAP grant and it was seconded by Commissioner Austin. The vote to approve was unanimous (Attachment F).

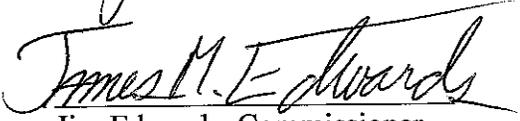
#### **Adjournment**

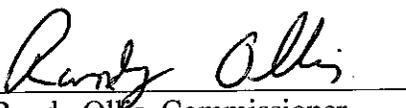
Having no further business Commissioner Whitson made a motion to adjourn and it was seconded by Commissioner Ollis. The vote to adjourn was unanimous.

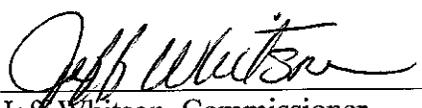
Approved and authenticated on this the 14<sup>th</sup> day of October 2013.

  
Johnny Riddle, Chairman

  
Jill Austin, Vice-Chairman

  
Jim Edwards, Commissioner

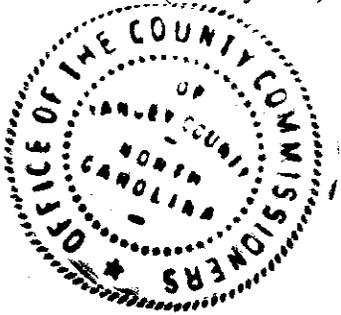
  
Randy Olks, Commissioner

  
Jeff Whitson, Commissioner

Attest:

  
J. Jason Robinson  
Clerk to the Board

(county seal)





**AGENDA**  
**YANCEY COUNTY BOARD OF COMMISSIONERS**  
**REGULAR BUSINESS MEETING**  
**September 9, 2013**  
**6:00 P.M.**

- I. Call to Order – Chairman Johnny Riddle
- II. Invocation and Pledge of Allegiance to the Flag
- III. Approval of the Agenda
- IV. Public Comment
- V. Consent Agenda
  - a. Approval of the Minutes- August 12<sup>th</sup> Regular Meeting
  - b. CDBG Performance Review Monthly Reports – Scattered Site Housing and Senior Center Projects
  - c. August Tax Collection Report – Informational
- VI. County Manager Report – Nathan Bennett, County Manager
  - a. Yancey County Schools Surplus Property
  - b. Western Highlands Network/Smokey Mountain Center Update
  - c. General Update
- VII. County Attorney Report – Donny Laws, County Attorney
- VIII. County Commissioners Report
- IX. Yancey County Transportation Authority – Lynn Austin, Director
  - a. Rural Operating Assistance Program-Grant Application Summary
  - b. **Public Hearing**
  - c. ROAP Grant Consideration
- X. Closed Session Pursuant to NCGS 143-318.11(a)(3) if deemed necessary
- XI. Adjourn





*Attachment C*  
YANCEY COUNTY TAX ADMINISTRATION

End of Month Breakout  
Posted Credits in Date Range 08/01/2013 to 08/31/2013 for Both

Description	Amount
NonVehicle Payments	
County NonVehicle Tax Payments 2013	\$6,272,738.78
County NonVehicle Tax Payments 2012	\$51,423.03
County NonVehicle Tax Payments 2011	\$34,823.70
County NonVehicle Tax Payments 2010	\$3,794.26
County NonVehicle Tax Payments 2009	\$50.98
County NonVehicle Tax Payments 2008	\$504.68
County NonVehicle Tax Payments 2007	\$33.77
County NonVehicle Tax Payments 2006	\$317.10
County NonVehicle Tax Payments 2005	\$36.49
County NonVehicle Tax Payments 2004	
County NonVehicle Tax Payments 2003	
County NonVehicle Advertising Payments	\$245.99
County NonVehicle Interest Payments	\$12,410.56
County NonVehicle Late List Penalty Paym	\$176.68
County Foreclosure Cost Payments	
County NonVehicle Refunds	\$3,687.82
 County NonVehicle Total Payments	 \$6,380,243.84
 Burnsville VFD NonVehicle Tax	 \$84,667.21
South Toe VFD NonVehicle Tax	\$112,215.47
Newdale VFD NonVehicle Tax	\$77,267.74
West Yancey VFD NonVehicle Tax	\$156,059.16
Egypt/Ramseytown VFD NonVehicle Tax	\$67,792.98
Clearmont VFD NonVehicle Tax	\$57,127.42
Double Island VFD NonVehicle Tax	\$21,326.32
Pensacola VFD NonVehicle Tax	\$50,687.09
 VFD NonVehicle Total Payments	 \$627,143.39
 NonVehicle Total Payments	 \$7,007,387.23
 NonVehicle BankCard Amount	 \$36,934.60
NonVehicle BankCard Fee	
 County NonVehicle Tax Discount	 \$125,151.11
County NonVehicle Late List Discount	\$3.46
VFD Total Discounts	\$12,076.05
 NonVehicle Total Discounts	 \$137,230.62
Vehicle Payments	

County Vehicle Tax Payments 2013	\$33,197.59
County Vehicle Tax Payments 2012	\$16,231.74
County Vehicle Tax Payments 2011	\$220.85
County Vehicle Tax Payments 2010	\$58.44
County Vehicle Tax Payments 2009	\$9.14
County Vehicle Tax Payments 2008	\$25.01
County Vehicle Tax Payments 2007	
County Vehicle Tax Payments 2006	
County Vehicle Tax Payments 2005	
County Vehicle Tax Payments 2004	
County Vehicle Tax Payments 2003	
County Vehicle Interest	\$1,173.96
 County Vehicle Total Payments	 \$50,916.73
 Burnsville VFD Vehicle Tax	 \$896.52
South Toe VFD Vehicle Tax	\$842.34
Newdale VFD Vehicle Tax	\$1,336.23
West Yancey VFD Vehicle Tax	\$903.60
Egypt/Ramseytown VFD Vehicle Tax	\$364.49
Clearmont VFD Vehicle Tax	\$728.55
Double Island VFD Vehicle Tax	\$192.56
Pensacola VFD Vehicle Tax	\$193.23
VFD Vehicle Interest	\$128.67
 VFD Vehicle Total Payments	 \$5,586.19
 Town of Burnsville Vehicle Tax	 \$4,780.48
Town of Burnsville Vehicle Interest	\$98.69
 Town of Burnsville Vehicle Total Payment	 \$4,879.17
 State Vehicle Interest	 \$744.70
 Vehicle Total Payments	 \$62,126.79
 Vehicle BankCard Amount	 \$2,823.31
Vehicle BankCard Fee	
 NonVehicle + Vehicle Total Payments	 \$7,069,514.02

09/03/2013

YANCEY COUNTY TAX ADMINISTRATION

Bank Card Register for Date Range:

08/01/2013 to 08/31/2013

Bill	Name	Credit Amount	Card Fee	Total
V201302064	ALLEN, SCOTT DAVID	\$136.84		\$136.84
N2013000500	AUSTIN, RUTH W	\$304.43		\$304.43
N2013000579	AVIATRIX TRUST	\$3,333.54		\$3,333.54
N2013000630	AZEL, ELIZABETH T & MARK A	\$322.15		\$322.15
N2013000754	BAILEY, WILLIAM JEFFERY	\$747.05		\$747.05
N2013001284	BENTLEY, JERRY & CINDY HUDDL	\$77.84		\$77.84
V201302211	BLOOD N FIRE MINISTRIES ATLAN	\$54.64		\$54.64
V201302251	BOWMAN, DON DANIEL	\$14.40		\$14.40
V201302266	BREWER, DANIEL CHRISTOPHER	\$8.60		\$8.60
V201302272	BRIGGS, J C	\$30.46		\$30.46
V201208190	BURIAN, ERIC RAY	\$7.72		\$7.72
V201208239	CASSIDA, CHARLES ANDERSON S	\$86.55		\$86.55
N2013003386	CIFALDI, MARIO & TANYA	\$67.20		\$67.20
N2013003472	CODY, JAMES L & SHARON L	\$1,905.12		\$1,905.12
V201302430	COOK, JANE ELIZABETH	\$66.46		\$66.46
V201302432	COOK, STANLEY EARLE	\$78.86		\$78.86
N2013003981	DAVIS, WILLIAM C JR & MELISSA I	\$813.26		\$813.26
N2013003982	DAVIS, WILLIAM C JR & MELISSA I	\$586.18		\$586.18
N2013004031	DEFRANCO, PETER A & TRENA J	\$121.19		\$121.19
N2013004032	DEFRANCO, PETER A & TRENA J	\$836.98		\$836.98
V201208342	DICRISTINO, MATTHEW PHILLIP	\$61.41		\$61.41
V201300493	DICRISTINO, MATTHEW PHILLIP	\$7.98		\$7.98
N2013004379	DOUGLAS, PATRICIA A & SHERRY	\$258.02		\$258.02
N2013004629	EDWARDS, CHARLES LEE	\$882.18		\$882.18
V201214102	FOX, DAVID DENNIS	\$8.04		\$8.04
V201217092	FOX, DAVID DENNIS	\$17.43		\$17.43
V201217093	FOX, DAVID DENNIS	\$46.22		\$46.22
V201300629	FRANKLIN, CASEY BROOKE	\$6.58		\$6.58
V201300629	FRANKLIN, CASEY BROOKE	\$6.58		\$6.58
V201208490	FRYE, CHARLES RAY	\$32.13		\$32.13
V201219919	FULLER, AMY MARIE	\$15.08		\$15.08
N2013005689	GARDNER, DAVID KEITH	\$307.88		\$307.88
N2013005716	GARLAND, CHARLES T	\$40.89		\$40.89
N2013005884	GILBERT, JOHN F & MARCIA A	\$1,084.10		\$1,084.10
N2013005885	GILBERT, JOHN F & MARCIA A	\$622.54		\$622.54
V201208519	GILBERTSON, BRIAN JEROME	\$23.66		\$23.66
V201210551	GODFREY, DELILAH FINK	\$4.06		\$4.06
V201210595	GURLEY, KAREN D STEVENS	\$48.12		\$48.12
V201219995	HALL, KRYSTAL ANN	\$66.37		\$66.37
N2011006809	HELMS, W FRANK & LIBBY Z	\$320.00		\$320.00
N2012006736	HELMS, W FRANK & LIBBY Z	\$19.32		\$19.32
N2013006770	HENDERSON, JUDITH B	\$203.71		\$203.71
V201208641	HENSLEY, RHONDA SPARKS	\$23.56		\$23.56
V201220066	HILL, ANDREW MICHAEL	\$72.00		\$72.00
V201220078	HOLLADY, TRAYA DODD	\$137.43		\$137.43

YANCEY COUNTY TAX ADMINISTRATION

Bank Card Register for Date Range:

08/01/2013 to 08/31/2013

Bill	Name	Credit Amount	Card Fee	Total
N2013007411	HOLT, MARYAN R	\$1,027.24		\$1,027.24
V201302871	HORST, DIANE ROMANE	\$159.79		\$159.79
V201206768	HUDGINS, JUSTIN SEWELL	\$12.84		\$12.84
V201215946	HUGHES, CHRISTOPHER VANCE	\$11.17		\$11.17
V201215946	HUGHES, CHRISTOPHER VANCE	\$11.17		\$11.17
V201206787	HUGHES, REBECCA SIMMONS	\$12.19		\$12.19
N2013008042	HUTTO, SAMMIE T	\$118.96		\$118.96
V201302955	JECKEL, STUART JOHN	\$51.91		\$51.91
N2013008673	KIRKINDOLL, DONALD W & JACQI	\$562.72		\$562.72
N2013008677	KIRKLAND, RICHARD I & ALICE C	\$313.31		\$313.31
N2013008779	KRAUSE, RICHARD A & SANDRA J	\$31.75		\$31.75
N2013008851	LAND-O-SUN DAIRIES INC	\$12.16		\$12.16
N2013009030	LECKEY, JAMES L & TINA PRINCE	\$2,331.12		\$2,331.12
N2013009030	LECKEY, JAMES L & TINA PRINCE	\$2,331.12		\$2,331.12
N2013009422	MAIO, JOSEPH & ANNA	\$107.96		\$107.96
V201305089	MARTIN, JAMES PROCTOR	\$12.60		\$12.60
N2013009525	MARTIN, JAMES PROCTOR & INGI	\$443.37		\$443.37
N2013009553	MASHBURN, JENNIFER LYNN	\$745.44		\$745.44
V201208981	MCDOWELL, STEVIE MICHAEL	\$14.31		\$14.31
N2013009895	MCELFRESH, JOHN K JR	\$864.80		\$864.80
N2013010580	MINK, APRIL P & LEE E	\$963.42		\$963.42
V201218922	MISCH, ADAM JOHN	\$23.58		\$23.58
V201303226	MONTGOMERY, ANITA DIANE	\$92.51		\$92.51
V201205118	MONTGOMERY, TAYLOR JAROD	\$79.22		\$79.22
V201212941	MUNCY, CINDY LOU	\$142.26		\$142.26
N2013011133	NEPTUNE DEVELOPMENT CORP	\$248.72		\$248.72
N2013011267	O'QUINN, GEORGE W	\$54.88		\$54.88
N2013011675	PERREE, BRUNO & REBECCA W	\$927.47		\$927.47
V201209183	PETERSON, KAYLEE BROOKE	\$30.38		\$30.38
N2013011821	PETHE, CRAIG	\$534.33		\$534.33
N2013011828	PHELAN, REBECCA B	\$1,278.46		\$1,278.46
V201220519	PHILLIPS, DONALD JOE	\$4.86		\$4.86
V201301385	PHILLIPS, DONALD JOE	\$1.58		\$1.58
V201303380	PHILLIPS, DONALD JOE	\$5.86		\$5.86
V201209266	RANSOM, JOHN HENRY JR	\$19.72		\$19.72
N2013012632	RED TAIL COTTAGE LLC	\$4,233.29		\$4,233.29
V201303483	REPOLEY, ROBERT ARTHUR	\$11.13		\$11.13
N2013012793	RICKMAN, REGGIE & CHRIS	\$254.95		\$254.95
N2013012930	RIPPLEY, JOYCE DAWN & THOMA	\$514.92		\$514.92
N2013012938	RITCHIE, WILLIAM H & CATHERIN	\$594.90		\$594.90
N2013012982	ROBERTS, MARGARET ELIZABET	\$156.96		\$156.96
N2013012984	ROBERTS, NIKITA EMMI	\$290.86		\$290.86
N2013013204	ROBINSON, MARK	\$12.50		\$12.50
V201303575	ROBINSON, MARK ALAN	\$24.66		\$24.66
V201211392	ROGERS, JAMES ELBERT III	\$74.20		\$74.20

YANCEY COUNTY TAX ADMINISTRATION

Bank Card Register for Date Range:

08/01/2013 to 08/31/2013

Bill	Name	Credit Amount	Card Fee	Total
V201303606	RUECKER, MAMTA	\$38.42		\$38.42
V201217738	SCARBROUGH, JOSEPH MICHAEL	\$235.28		\$235.28
N2013014097	SILVERS, MORRIS	\$10.98		\$10.98
V201303682	SILVERS, MORRIS LYNN	\$20.25		\$20.25
V201201707	SIMMONS, MICHAEL EMIL	\$3.95		\$3.95
N2013014238	SMAJSTRLA, CHARLES T & MARIE	\$322.04		\$322.04
N2013014239	SMAJSTRLA, CHARLES T & MARIE	\$47.10		\$47.10
N2013014387	SNYDER, ELOISE S TRUSTEE	\$260.00		\$260.00
N2013014387	SNYDER, ELOISE S TRUSTEE	(\$260.00)		(\$260.00)
N2013014388	SNYDER, ELOISE S TRUSTEE	\$260.00		\$260.00
N2012014430	STALEY, SHAUNA L	\$218.62		\$218.62
N2013014507	STALEY, SHAUNA L	\$215.60		\$215.60
N2013014947	TAYLOR, DONALD P & MARY P	\$1,829.97		\$1,829.97
N2010014879	TAYLOR, LOUISE M	\$206.73		\$206.73
N2011015009	TAYLOR, LOUISE M	\$191.82		\$191.82
N2012014879	TAYLOR, LOUISE M	\$176.97		\$176.97
N2013014960	TAYLOR, LOUISE M	\$173.42		\$173.42
N2012014990	THOMAS, BERL PATRICK	\$87.84		\$87.84
N2013015043	THOMAS, BERL PATRICK	\$83.97		\$83.97
V201203725	THOMAS, BERL PATRICK	\$24.68		\$24.68
V201211593	THOMASON, DANNY RAY	\$127.89		\$127.89
V201217866	TRESCOTT, TIMOTHY CLYDE	\$36.42		\$36.42
V201211643	VILLEGAS, ANTONIO RINCON	\$54.97		\$54.97
V201303890	WALKER, LINDA BRELSFORD	\$14.86		\$14.86
V201303893	WALTERS, DONNA RAE	\$26.79		\$26.79
V201301855	WEBB, WANDA FORD	\$24.68		\$24.68
N2013016003	WETHINGTON, SUSAN B &	\$487.36		\$487.36
V201119493	WHEELER, ELIZABETH HALL	\$18.48		\$18.48
N2010016042	WHITSON, ARTHUR L/E	\$178.87		\$178.87
N2011016170	WHITSON, ARTHUR L/E	\$301.13		\$301.13
V201211758	WILSON, JEFFEREY RUSSELL	\$12.16		\$12.16
N2013016899	WOODY, PHYNESSA G	\$162.99		\$162.99
V201304015	WOZNEY, KEVIN ROBERT	\$42.66		\$42.66
V201304016	WOZNEY, KEVIN ROBERT	\$118.90		\$118.90
V201304017	WOZNEY, KEVIN ROBERT	\$4.28		\$4.28
N2010016878	WYATT, ROBERT B & GLENDA W	\$170.00		\$170.00
V201216651	YOUNG, JOHN BRANDON	\$7.25		\$7.25
V201304056	ZERN, LEIDY DETWILER III	\$74.15		\$74.15
V201302034	ZERN, SHARON BRASWELL	\$54.89		\$54.89
V201302035	ZERN, SHARON BRASWELL	\$25.23		\$25.23
Vehicle Total:		\$2,823.31		\$2,823.31
NonVehicle Total:		\$36,934.60		\$36,934.60
Total:		\$39,757.91		\$39,757.91



	\$28,756.94	\$16,083.42	\$11,788.63	\$9,022.80	\$8,344.91	\$6,497.18	\$8,024.75	\$8,192.05	\$7,968.73	\$33,297.19	
County Advertising Cost	\$1,764.51	\$756.00	\$480.00	\$336.00	\$252.00	\$189.00	\$185.50	\$154.00	\$126.00	\$545.00	
NonVehicle	\$3,838.86	\$10,900.07						\$994.77	\$949.23	\$52,114.69	
Totals	\$5,142,515.84	\$504,933.68	\$164,956.16	\$67,950.13	\$40,316.50	\$28,532.41	\$19,500.97	\$21,414.95	\$20,919.30	\$19,297.82	\$6,096,940.55
											\$66,602.79

County NonVehicle Tax 2013      Billed to Date      % Collected

\$11,905,217.34      60.63%

09/03/2013



	\$456.21	\$4,925.33	\$4,562.07	\$6,481.19	\$9,287.12	\$13,198.74	
TOWN OF BURNSVILLE Vehicle Interest	\$27.78	\$375.71	\$460.71	\$463.43	\$729.40	\$953.44	\$3,010.47
BURNSVILLE FIRE DISTRICT Vehicle Interest	\$10.00	\$112.86	\$91.79	\$157.37	\$187.40	\$221.83	\$781.25
CANE RIVER FIRE DISTRICT Vehicle Interest	\$3.97	\$44.36	\$31.02	\$41.17	\$88.59	\$111.94	\$321.05
EGYPT FIRE DISTRICT Vehicle Interest	\$1.16	\$16.58	\$15.31	\$29.66	\$25.05	\$71.37	\$159.13
RAMSEY TOWN FIRE DISTRICT Vehicle Interest	\$0.80	\$15.38	\$9.49	\$21.90	\$21.91	\$17.98	\$87.46
GREEN MOUNTAIN FIRE DISTRICT Vehicle Interest	\$1.89	\$17.49	\$18.33	\$24.98	\$29.82	\$32.16	\$124.67
JACKS CREEK FIRE DISTRICT Vehicle Interest	\$5.04	\$63.78	\$54.43	\$77.14	\$87.54	\$125.39	\$413.32
BRUSH CREEK FIRE DISTRICT Vehicle Interest	\$1.89	\$18.08	\$14.48	\$28.81	\$52.55	\$85.48	\$201.29
CRABTREE FIRE DISTRICT Vehicle Interest	\$11.58	\$140.06	\$126.61	\$146.04	\$189.19	\$254.83	\$868.31
SOUTH TOE FIRE DISTRICT Vehicle Interest	\$7.87	\$61.98	\$63.26	\$86.31	\$145.17	\$209.26	\$573.85
PENSACOLA FIRE DISTRICT Vehicle Interest	\$2.84	\$20.88	\$16.06	\$23.66	\$26.98	\$48.44	\$138.86
PRICES CREEK FIRE DISTRICT Vehicle Interest	\$4.85	\$37.57	\$44.94	\$59.24	\$79.67	\$108.36	\$334.63
DMV Vehicle Interest	\$803.29	\$3,148.44	\$1,033.69	\$924.23	\$668.23	\$1,306.30	\$8,184.18
<b>Totals</b>	\$133,154.78	\$114,217.68	\$41,056.27	\$39,504.72	\$44,297.78	\$52,469.16	\$424,700.39

Billed to Date      % Collected

County Vehicle Tax 2013      \$187,317.56      40.86%



**Yancey County Schools**

OUR VISION - EXCELLENCE 100 School Circle P.O. Box 190 Burnsville, NC 28714 Ph: (828)682-6101 Fax (828)682-7110

12 August 2013

Mr. Nathan R. Bennett  
Yancey County Manager  
110 Town Square, Room 11  
Burnsville, NC 28714

RE: Resolution of Yancey County Board of Education Declaring Surplus Property

Dear Nathan

In regard to the matter referenced above please find enclosed along with this letter a copy of a Resolution adopted by the Yancey County Board of Education on 5 August 2013 declaring two tracts of real property owned by the Board surplus. We enclose a copy of the Resolution to describe more fully for your reference the specific tracts of land.

Pursuant to NC Gen. Stat. 115C-518 by this letter I am offering these two tracts on behalf of the Board of Education to Yancey County for the Board of County Commissioners for Yancey County to determine whether or not it wishes to purchase either or both of these tracts of land.

We would request that you bring this item before your Board and advise us of the Commissioners' decision regarding purchase of the tracts of land. Should you require any further information regarding the parcels, and further in the event that the Board of Commissioners does elect to purchase, we would request that you contact Donny Laws in order so that he may advise me and the Board and we can move forward through the purchase process.

As always many thanks for your time and kind attention in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Tony Tipton".

Dr. Tony Tipton, Superintendent  
Yancey County Board of  
Education

RESOLUTION  
Of The Yancey County Board of Education  
Regarding Disposition of School Property

WHEREAS, the Yancey County Board of Education, hereinafter "Board", is the owner of two tracts of land, to wit: 1) a tract of land located in Burnsville Township, Yancey County, North Carolina, in the Town of Burnsville, more particularly described in a deed dated 14 November 1961 to the Yancey County Board of Education recorded at Yancey County Deed Book 129, Page 144, to which reference is hereby made for a more particular description of such property, hereinafter referred to as the "Longview Tract", and 2) that tract of land located on Burnsville School Road, Yancey County, North Carolina, and being a portion of the tract of land described in that deed dated 6 September 1989 to the Yancey County Board of Education and recorded at Yancey County Deed Book 219, Page 363, which is located on the east side of Burnsville School Road and west of Crabtree Creek and is more particularly described as shown and delineated in the cross hatched area of Exhibit "A" which is attached hereto and incorporated herein by reference, hereinafter referred to as the "Burnsville School Tract"; and

WHEREAS it is the opinion of the Board that the use of the Longview Tract and the Burnsville School Tract now owned by the Board is unnecessary and undesirable for public school purposes and the Board desires to dispose of said properties according to the below set forth procedures prescribed in Article 12 of Chapter 160A of the North Carolina General Statutes; and

WHEREAS, as required by statute, this Board understands that the Yancey County Board of Commissioners shall be afforded the first opportunity to obtain said property and this Board must first offer the properties at fair market value, or a price to be negotiated between the two boards, to the Board of Commissioners; and

WHEREAS, that if the Yancey County Board of Commissioners does not choose to obtain the property as offered, this Board may then choose to dispose of the properties as set forth herein below.

NOW THEREFORE, be it hereby RESOLVED by the Board as follows:

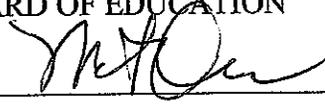
- 1) That the Longview Tract and the Burnsville School Tract are no longer necessary and are undesirable for public school purposes.
- 2) That said properties be offered to the Yancey County Board of Commissioners as required by NC Gen. Stat. 115C-518.
- 3) That in the event that the Yancey County Board of Commissioners does not choose to obtain the properties that the Superintendent be and hereby

is authorized to dispose of said properties, exclusive each from the other, by either of the following procedures as elected by the Superintendent, in his discretion:

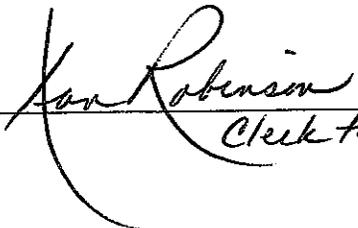
- a. Negotiated offer, advertisement, and upset bid as authorized in NC Gen. Stat. 160A-269, or
  - b. Advertisement for sealed bids as authorized by NC Gen. Stat. 160A-268.
- 4) That by whatever method the Superintendent elects to utilize the Board exclusively reserves the right to reject any and all offers and directs that the Superintendent include the right to reject any and all offers in any publication and/or offer made by the Superintendent.
  - 5) That the Superintendent is hereby authorized to take whatever steps he shall find necessary in order to more fully describe and offer for sale the properties referenced herein.
  - 6) That any sale resulting from the procedures set forth herein, resulting in a deed of conveyance, shall be executed by the Board.

Adopted by the Board on this the 5<sup>th</sup> day of August 2013.

YANCEY COUNTY  
BOARD OF EDUCATION

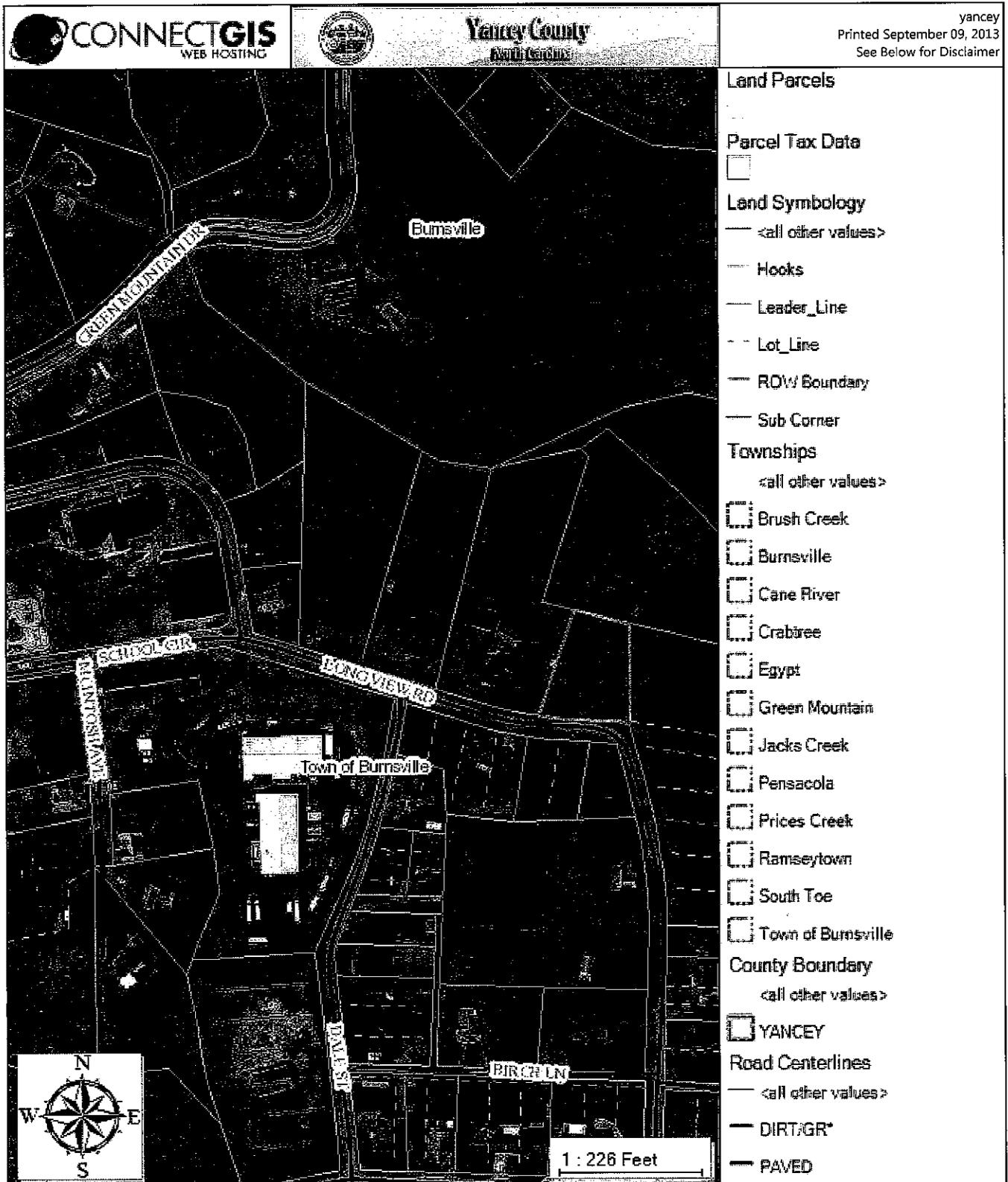
By: 

Attest:

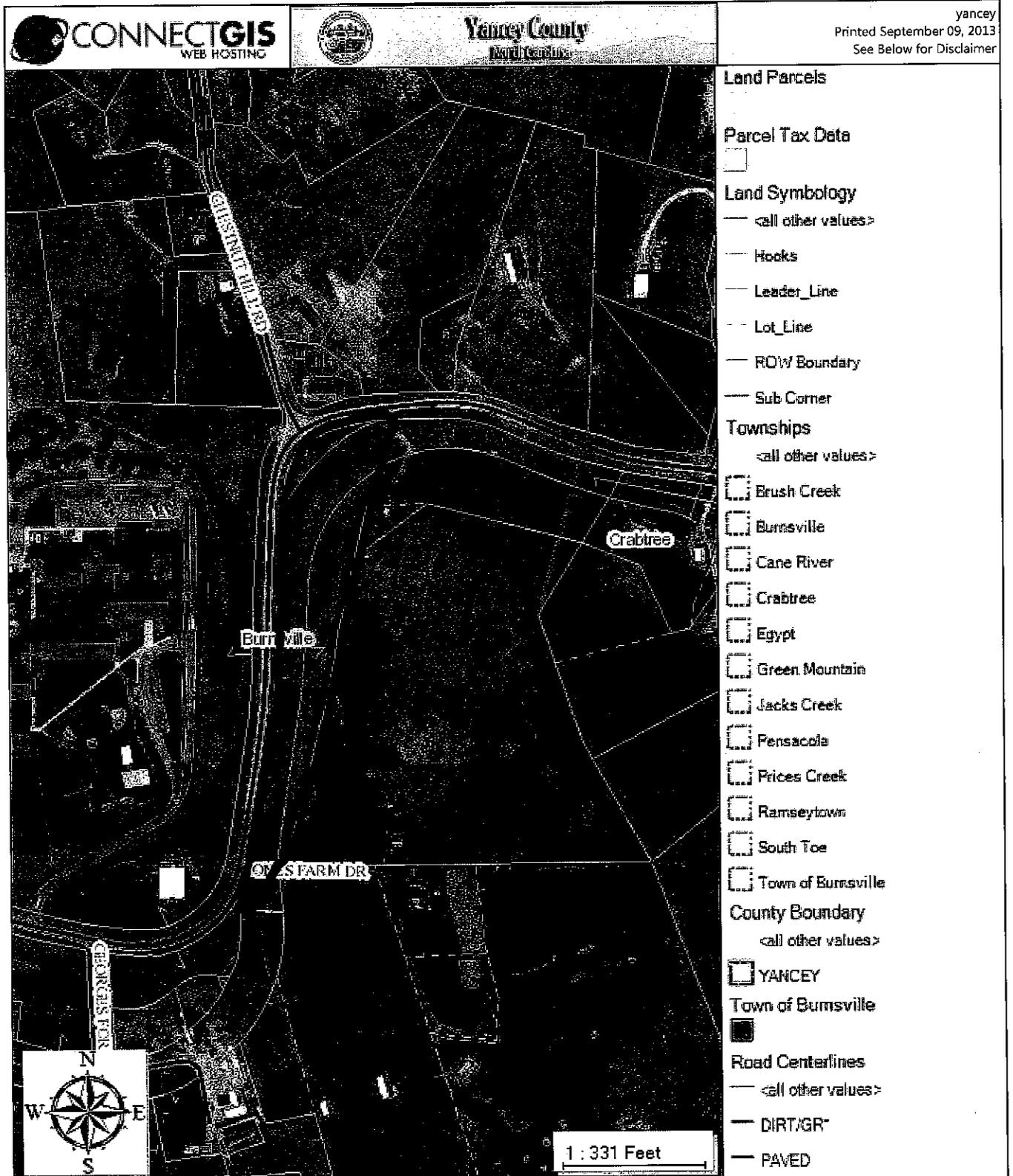
By: 

*Clerk to the Bd.*

(SEAL)



The County of Yancey acquires, develops, maintains and uses GIS data in support of its internal business functions and the public services it provides. The GIS data which Yancey County distributes and to which it provides access may not be suitable for other purposes or uses. It is the requestor's responsibility to verify any information derived from the GIS data before making any decisions or taking any actions based on the information. Yancey County shall not be held liable for any errors in the GIS data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. Source information used for these data may have been collected at different scales, times or definitions, resulting in inconsistencies among features represented together on this map. Primary sources from which these data were compiled must be consulted for verification of information contained in the data. Yancey County will not re-distribute data developed from other organizations. Parcel data was prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of the data are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information. Yancey County assumes no legal responsibility for this information. Data are presented using the North Carolina State Coordinate System 1983 North American Datum.



The County of Yancey acquires, develops, maintains and uses GIS data in support of its internal business functions and the public services it provides. The GIS data which Yancey County distributes and to which it provides access may not be suitable for other purposes or uses. It is the requestor's responsibility to verify any information derived from the GIS data before making any decisions or taking any actions based on the information. Yancey County shall not be held liable for any errors in the GIS data. This includes errors of omission, commission, errors concerning the content of the data, and relative and positional accuracy of the data. Source information used for these data may have been collected at different scales, times or definitions, resulting in inconsistencies among features represented together on this map. Primary sources from which these data were compiled must be consulted for verification of information contained in the data. Yancey County will not re-distribute data developed from other organizations. Parcel data was prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of the data are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information. Yancey County assumes no legal responsibility for this information. Data are presented using the North Carolina State Coordinate System 1983 North American Datum.



***Partnership for the Future***

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September 3, 2013

356 Biltmore Avenue  
Asheville, NC 28801

TO: Board of Commissioners of Western Highlands Network and Smoky Mountain Center  
County Managers of Western Highlands Network and Smoky Mountain Center

On behalf of the Boards of Directors of Smoky Mountain Center (SMC) and Western Highlands Network (WHN), we wanted to provide you and your county with an update on our recent progress. This update is designed to provide you with the information you will need to prepare for the consolidation of our two organizations and the establishment of a governance structure that will meet the statute requirements outlined in G.S. 122C-118.1. Our consolidation effort will also meet the timelines for this restructuring that were established for Managed Care Organizations (LME-MCOs) that are going through these types of efforts as outlined in S.L. 2012-151, passed in the last legislative session. In addition, please note that SB 208 has established a County Commissioner Advisory Board to ensure counties have a forum to discuss issues with the LME-MCO Board of Directors. We have included related legislation documents for your reference.

To date, the *Partnership for the Future* transition is going very well and targeted key milestones are being met. Meeting these milestones will facilitate the October 1, 2013 transition of the Medicaid 1915(b)(c) and IPRS (State funding) Contracts for the management of mental health, intellectual and developmental disability and substance abuse services to Smoky Mountain Center. The Boards of each organization have established an SMC/WHN Executive Transition Team to guide this process. The Executive Transition Team is working with administration in the implementation of a consolidated organizational structure, the identification and initiation of close out activities for WHN, the drafting of an agreement to create the consolidated organization to serve the combined 23 county catchment area, and to define the proposed membership of the Board of Directors for the new organization.

In this regard, both Boards feel it is important to move in a timely, thoughtful manner to finalize the Consolidation Agreement. The Consolidation Agreement would include the proposed governance structure to support the October 1, 2013 transition of the Medicaid 1915(b)(c) and IPRS (State) Contracts to SMC. This Agreement would then be presented to the SMC and WHN Board of Directors for approval, then sent to the Secretary of the Department of Health and Human Services for her review and approval.

To facilitate this process and in response to legislation passed over the last two legislative sessions, we felt it important to highlight the key issues that will require county Board of Commissioners review and approval. There are two specific areas and actions that each County Board of Commissioners will be asked to take in the near future, so we wanted to provide you with this information for consideration.

**Board of Directors of the SMC/WHN Consolidated Entity**

One of the most important issues associated with the creation of the consolidated organizational agreement is the designation of the Board of Directors. This reconfigured Board must meet the requirements of G.S. 122C-118.1. The SMC/WHN Executive Transition Team is working together to come up with a proposed Board of Directors and formalized system of representation and rotation that will assure that all counties continue to be represented by the Board. Attention to this Board process is critical because General Statute mandates a Board structure that can have no more than **21 voting members, 13 of which are positions that are defined in the legislation** (see attached governance structure requirements). The initial members of the Board of Directors of the new organization will be appointed on a staggered basis of one, two, and three year terms.

Once the proposed structure is developed, each County Board of Commissioners must review and approve the new consolidated Board of Directors. Based on S.L. 2012-151, the installation of the Board of Directors of the new consolidated entity must occur either 30 days after the effective date of the Consolidation Agreement, or April 1, 2014, whichever comes sooner, as per HB 399 which is also attached.

**Appointments to the County Commissioner Advisory Council**

As mentioned above, SB 208 establishes a County Commissioner Advisory Council designed to give each county in the 23 county catchment area of the consolidated organization the ability to participate in discussions with the LME-MCO Board in regard to mental health, substance abuse and developmental disability service issues.

To accomplish this end, each County Board of Commissioners will appoint a member of their Board to the Advisory Council, and 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.

Both the SMC and WHN Board of Directors feel that the addition of this County Commissioner Advisory Council is a very positive step that will promote partnership between the LME-MCO Board, each of our counties and the citizens we mutually serve.

We hope you will find this letter helpful in offering an update on the work of the Boards of Directors and the *Partnership for the Future* and in clearly defining the requirements that each County Board of Commissioners has as we work together to move this critical process forward.

If you have any questions regarding the transition or these requirements, please discuss with your SMC or WHN Board of Directors representative or Michael Lavender (McDowell County) at 828-803-9071, [michaelklavender@yahoo.com](mailto:michaelklavender@yahoo.com). We will continue to provide updates as this process continues.

Sincerely,

Rick French, Chair  
Smoky Mountain Center Board of Directors  
[rfrench@alexandercountync.gov](mailto:rfrench@alexandercountync.gov)

Charles Vines, Chair  
Western Highlands Network Board of Directors  
[manager@mitchell.main.nc.us](mailto:manager@mitchell.main.nc.us)

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

HOUSE BILL 399  
RATIFIED BILL

AN ACT TO MAKE CHANGES REQUESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO LAWS PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY; MEDICAID; PUBLIC HEALTH; AND MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

The General Assembly of North Carolina enacts:

**PART I. CHANGES TO LAWS PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY**

**SECTION 1.** G.S. 7B-507 reads as rewritten:

**"§ 7B-507. Reasonable efforts.**

(a) An order placing or continuing the placement of a juvenile in the custody or placement responsibility of a county department of social services, whether an order for continued nonsecure custody, a dispositional order, or a review order:

- (1) Shall contain a finding that the juvenile's continuation in or return to the juvenile's own home would be contrary to the juvenile's best interest;
- (2) Shall contain specific findings as to whether a county department of social services has made reasonable efforts to either prevent the need for placement or eliminate the need for placement of the juvenile, unless the court has previously determined under subsection (b) of this section that such efforts are not required or shall cease;
- (3) Shall contain findings as to whether a county department of social services should continue to make reasonable efforts to prevent or eliminate the need for placement of the juvenile, unless the court has previously determined or determines under subsection (b) of this section that such efforts are not required or shall cease;
- (4) Shall specify that the juvenile's placement and care are the responsibility of the county department of social services and that the department is to provide or arrange for the foster care or other placement of the juvenile. After considering the department's recommendations, the court may order a specific placement the court finds to be in the juvenile's best interest; and
- (5) May provide for services or other efforts aimed at returning the juvenile to a safe home or at achieving another permanent plan for the juvenile.

A finding that reasonable efforts have not been made by a county department of social services shall not preclude the entry of an order authorizing the juvenile's placement when the court finds that placement is necessary for the protection of the juvenile. Where efforts to prevent the need for the juvenile's placement were precluded by an immediate threat of harm to the juvenile, the court may find that the placement of the juvenile in the absence of such efforts was reasonable.

(b) In any order placing a juvenile in the custody or placement responsibility of a county department of social services, whether an order for continued nonsecure custody, a dispositional order, or a review order, the court may direct that reasonable efforts to eliminate the need for placement of the juvenile shall not be required or shall cease if the court makes written findings of fact that:

- (1) Such efforts clearly would be futile or would be inconsistent with the juvenile's health, safety, and need for a safe, permanent home within a reasonable period of time;



- (2) A court of competent jurisdiction has determined that the parent has subjected the child to aggravated circumstances as defined in G.S. 7B-101;
- (3) A court of competent jurisdiction has terminated involuntarily the parental rights of the parent to another child of the parent; or
- (4) A court of competent jurisdiction has determined that: the parent has committed murder or voluntary manslaughter of another child of the parent; has aided, abetted, attempted, conspired, or solicited to commit murder or voluntary manslaughter of the child or another child of the parent; ~~or~~ has committed a felony assault resulting in serious bodily injury to the child or another child of the ~~parent-parent~~; has committed sexual abuse against the child or another child of the parent; or has been required to register as a sex offender on any government-administered registry.

(c) When the court determines that reunification efforts are not required or shall cease, the court shall order a plan for permanence as soon as possible, after providing each party with a reasonable opportunity to prepare and present evidence. If the court's determination to cease reunification efforts is made in a hearing that was duly and timely noticed as a permanency planning hearing, then the court may immediately proceed to consider all of the criteria contained in G.S. 7B-907(b), make findings of fact, and set forth the best plan of care to achieve a safe, permanent home within a reasonable period of time. If the court's decision to cease reunification efforts arises in any other hearing, the court shall schedule a subsequent hearing within 30 days to address the permanent plan in accordance with G.S. 7B-907. At any hearing at which the court orders that reunification efforts shall cease, the affected parent, guardian, or custodian may give notice to preserve the right to appeal that order in accordance with G.S. 7B-1001. The party giving notice shall be permitted to make a detailed offer of proof as to any evidence that party sought to offer in opposition to cessation of reunification that the court refused to admit.

(d) In determining reasonable efforts to be made with respect to a juvenile and in making such reasonable efforts, the juvenile's health and safety shall be the paramount concern. Reasonable efforts to preserve or reunify families may be made concurrently with efforts to plan for the juvenile's adoption, to place the juvenile with a legal guardian, or to place the juvenile in another permanent arrangement."

## **PART II. CHANGES TO LAWS PERTAINING TO MEDICAID**

### **SECTION 2.** G.S. 108A-70.5(b)(2) reads as rewritten:

"(2) Estate. – All the real and personal property considered assets of the estate available for the discharge of debt pursuant to G.S. 28A-15-1. The Department has all rights available to estate creditors, including the right to qualify as personal representative or collector of an estate. For individuals who have received benefits under a qualified long-term care partnership policy as described in G.S. 108A-70.4, "estate" also includes any other real and personal property and other assets in which the individual had any legal title or interest at the time of death (to the extent of such interest), including assets conveyed to a survivor, heir, or assign of the deceased individual through joint tenancy, tenancy in common, survivorship, life estate, living trust, or other arrangement."

### **SECTION 3.** G.S. 28A-14-1(b) reads as rewritten:

"(b) Prior to filing the proof of notice required by G.S. 28A-14-2, every personal representative and collector shall personally deliver or send by first class mail to the last known address a copy of the notice required by subsection (a) of this section to all persons, firms, and corporations having unsatisfied claims against the decedent who are actually known or can be reasonably ascertained by the personal representative or collector within 75 days after the granting of ~~letters-letters and, if at the time of the decedent's death the decedent was receiving~~ medical assistance as defined by G.S. 108A-70.5(b)(1), to the Department of Health and Human Services, Division of Medical Assistance. Provided, however, no notice shall be required to be delivered or mailed with respect to any claim that is recognized as a valid claim by the personal representative or collector."

### **SECTION 4.** G.S. 28A-19-6(a) reads as rewritten:

"(a) After payment of costs and expenses of administration, the claims against the estate of a decedent must be paid in the following order:

First class. Claims which by law have a specific lien on property to an amount not exceeding the value of such property.

Second class. Funeral expenses to the extent of three thousand five hundred dollars (\$3,500). This limitation shall not include burial place or gravestone. The preferential limitation herein granted shall be construed to be only a limit with respect to preference of payment and shall not be construed to be a limitation on reasonable funeral expenses which may be incurred; nor shall the preferential limitation of payment in the amount of three thousand five hundred dollars (\$3,500) be diminished by any Veterans Administration, social security or other federal governmental benefits awarded to the estate of the decedent or to the decedent's beneficiaries.

Third class. Costs associated with gravestones and reasonable costs for the purchase of a suitable burial place as provided in G.S. 28A-19-9 to the extent of one thousand five hundred dollars (\$1,500). The preferential limitation herein granted shall be construed to be only a limit with respect to preference of payment and shall not be construed to be a limitation on reasonable gravestone or burial place expenses which may be incurred; nor shall the preferential limitation of payment in the amount of one thousand five hundred dollars (\$1,500) be diminished by any Veterans Administration, social security or other federal governmental benefits awarded to the estate of the decedent or to the decedent's beneficiaries.

Fourth class. All dues, taxes, and other claims with preference under the laws of the United States.

Fifth class. All dues, taxes, and other claims with preference under the laws of the State of North Carolina and its subdivisions.

Sixth class. Judgments of any court of competent jurisdiction within the State, docketed and in force, to the extent to which they are a lien on the property of the decedent at the decedent's death. The Department of Health and Human Services is a sixth-class creditor for purposes of determining the order of claims against the estate; provided, however, that judgments in favor of other sixth-class creditors docketed and in force before the Department seeks recovery for medical assistance shall be paid prior to recovery by the Department.

Seventh class. Wages due to any employee employed by the decedent, which claim for wages shall not extend to a period of more than 12 months next preceding the death; or if such employee was employed for the year current at the decease, then from the time of such employment; for medical services within the 12 months preceding the decease; for drugs and all other medical supplies necessary for the treatment of such decedent during the last illness of such decedent, said period of last illness not to exceed 12 months.

Eighth class. A claim for equitable distribution.

Ninth class. All other claims."

**SECTION 5.** Article 8A of Chapter 36C of the General Statutes is amended by adding a new section to read as follows:

**"§ 36C-8-818. Notice of deceased Medicaid beneficiaries.**

If a trust was established by a person who at the time of that person's death was receiving medical assistance, as defined in G.S. 108A-70.5(b)(1), and the trust was revocable at the time of that person's death, then any trustee of that trust who knows of the medical assistance within 90 days of the person's death shall provide notice of that person's death to the Department of Health and Human Services, Division of Medical Assistance, within 90 days of the person's death. This section does not apply to trustees of preneed funeral trusts established or created pursuant to Article 13D of Chapter 90 of the General Statutes."

**SECTION 6.** G.S. 108C-3 reads as rewritten:

**"§ 108C-3. Medicaid and Health Choice provider screening.**

(c) Limited Categorical Risk Provider Types. – The following provider types are hereby designated as "limited" categorical risk:

(12) Physician or nonphysician practitioners (including nurse practitioners, CRNAs, physician assistants, physician extenders, occupational therapists, speech/language pathologists, chiropractors, and audiologists), optometrists, dentists and orthodontists, and medical groups or clinics.

(15) Hearing aid dealers.

(16) Portable X-ray suppliers.

(17) Religious nonmedical health care institutions.

- (18) Registered dieticians.
- (19) Clearinghouses, billing agents, and alternate payees.
- (20) Local health departments.

...  
 (e) Moderate Categorical Risk Provider Types. – The following provider types are hereby designated as "moderate" categorical risk:

- ...  
(3) Critical Access Behavioral Health Agencies.
- (4) ~~Dentists and orthodontists.~~
- (5) Hospice organizations.
- ...  
(13) Revalidating agencies providing private duty nursing, home health, personal care services or in-home care services, or home infusion.
- (14) Nonemergency medical transportation.

...."

### **PART III. CHANGES TO LAWS PERTAINING TO PUBLIC HEALTH**

#### **SECTION 7.** G.S. 130A-22(b3) reads as rewritten:

"(b3) The Secretary may impose an administrative penalty on a person who violates Article 19A or 19B of this Chapter or any rules adopted pursuant to Article 19A or 19B of this Chapter. Each day of a continuing violation is a separate violation. The penalty shall not exceed ~~one five thousand dollars (\$1,000)~~(\$5,000) for each day the violation continues for Article 19A of this Chapter. The penalty shall not exceed ~~seven hundred fifty five thousand dollars (\$750.00)~~(\$5,000) for each day the violation continues for Article 19B of this Chapter. The penalty authorized by this section does not apply to a person who is not required to be certified under Article 19A or 19B."

#### **SECTION 8.** G.S. 130A-101(b) reads as rewritten:

"(b) When a birth occurs in a hospital or other medical facility, the person in charge of the facility shall obtain the personal data, prepare the certificate, secure the signatures required by the certificate and file it with the local registrar within ~~five~~10 days after the birth. The physician or other person in attendance shall provide the medical information required by the certificate."

#### **SECTION 9.** G.S. 130A-209(a) reads as rewritten:

#### **"§ 130A-209. Incidence reporting of cancer; charge for collection if failure to report.**

(a) ~~All~~By no later than October 1, 2014, all health care facilities and health care providers that detect, diagnose, or treat cancer or benign brain or central nervous system tumors shall submit by electronic transmission a report to the central cancer registry each diagnosis of cancer or benign brain or central nervous system tumors in any person who is screened, diagnosed, or treated by the facility or provider. The electronic transmission of these reports shall be in a format prescribed by the United States Department of Health and Human Services, Centers for Disease Control and Prevention, National Program of Cancer Registries. The reports shall be made within six months ~~of~~after diagnosis. Diagnostic, demographic and other information as prescribed by the rules of the Commission shall be included in the report."

### **PART IV. CHANGES TO LAWS PERTAINING TO MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES**

#### **SECTION 10.** Section 3.(b) of S.L. 2012-151 reads as rewritten:

"SECTION 3.(b) All~~Except as provided in this subsection,~~ all area boards shall meet the requirements of G.S. 122C-118.1, as amended by subsection (a) of this ~~section,section and Sections 6 and 7 of S.L. 2013-85,~~ no later than October 1, 2013. The requirements of G.S. 122C-118.1 do not apply when both of the following criteria are met:

- (1) An area authority receives approval from the Secretary to realign or merge with another area authority. In this circumstance, the new area board associated with the surviving area authority is not obligated to meet the requirements of G.S. 122C-118.1 until 30 days after the effective date of the realignment or merger, or until April 1, 2014, whichever is sooner.
- (2) A different area authority involved in the same realignment or merger approved by the Secretary pursuant to subdivision (1) of this subsection (i) receives approval on or before October 1, 2013, from the Secretary to

dissolve pursuant to G.S. 122C-115.3(b) and initiates plans for the dissolution or (ii) receives a directive on or before October 1, 2013, from the Secretary to dissolve pursuant to G.S. 122C-124.2."

**SECTION 11.** G.S. 122C-115(a), as amended by Section 4(a) of S.L. 2013-85, reads as rewritten:

"(a) A county shall provide mental health, developmental disabilities, and substance abuse services in accordance with rules, policies, and guidelines adopted pursuant to statewide restructuring of the management responsibilities for the delivery of services for individuals with mental illness, intellectual or other developmental disabilities, and substance abuse disorders under a 1915(b)/(c) Medicaid Waiver through an area authority. Beginning July 1, 2012, the catchment area of an area authority shall contain a minimum population of at least 300,000. Beginning July 1, 2013, the catchment area of an area authority shall contain a minimum population of at least 500,000. To the extent this section conflicts with ~~G.S. 153A-77(a)~~G.S. 153A-77 or G.S. 122C-115.1, the provisions of this section control."

**PART V. EFFECTIVE DATE**

**SECTION 12.** Section 10 of this act is effective when this act becomes law. Section 11 of this act becomes effective January 1, 2014. The remainder of this act becomes effective October 1, 2013.

In the General Assembly read three times and ratified this the 23<sup>rd</sup> day of July, 2013.

s/ Louis M. Pate, Jr.  
Deputy President Pro Tempore of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

\_\_\_\_\_  
Pat McCrory  
Governor

Approved \_\_\_\_\_ .m. this \_\_\_\_\_ day of \_\_\_\_\_, 2013

**North Carolina General Statutes § 122C-118.1.**  
**Structure of Area Board.**

*[All area boards must meet the requirements of G.S. 122C-118.1, as amended by Section 3.(a) of Session Law 2012-151 (Senate Bill 191), no later than October 1, 2013.]*

(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. 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.

(b) Within the maximum membership provided in subsection (a) of this section, the membership of the area board shall reside within the catchment area and be composed as follows:

- (1) At least one member who is a current county commissioner.
- (2) The chair of the local Consumer and Family Advisory Committee (CFAC) or the chair's designee.
- (3) At least one family member of the local CFAC, as recommended by the local CFAC, representing the interests of the following:
  - a. Individuals with mental illness.
  - b. Individuals in recovery from addiction.
  - c. Individuals with intellectual or other developmental disabilities.
- (4) At least one openly declared consumer member of the local CFAC, as recommended by the local CFAC, representing the interests of the following:
  - a. Individuals with mental illness.
  - b. Individuals with intellectual or other developmental disabilities.
  - c. Individuals in recovery from addiction.
- (5) An individual with health care expertise and experience in the fields of mental health, intellectual or other developmental disabilities, or substance abuse services.
- (6) An individual with health care administration expertise consistent with the scale and nature of the managed care organization.
- (7) An individual with financial expertise consistent with the scale and nature of the managed care organization.

- (8) An individual with insurance expertise consistent with the scale and nature of the managed care organization.
- (9) An individual with social services expertise and experience in the fields of mental health, intellectual or other developmental disabilities, or substance abuse services.
- (10) An attorney with health care expertise.
- (11) A 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.
- (12) The President of the LME/MCO Provider Council or the President's designee to serve as a nonvoting member who shall participate only in Board activities that are open to the public.
- (13) An administrator of a hospital providing mental health, developmental disabilities, and substance abuse emergency services to serve as a nonvoting member who shall participate only in Board activities that are open to the public.

Except as provided in subdivisions (12) and (13) of this subsection, an individual that contracts with a local management entity (LME) for the delivery of mental health, developmental disabilities, and substance abuse services may not serve on the board of the LME for the period during which the contract for services is in effect. No person registered as a lobbyist under Chapter 120C of the General Statutes shall be appointed to or serve on an area authority board. Of the members described in subdivisions (2) through (4) of this subsection, the boards of county commissioners shall ensure there is at least one member representing the interest of each of the following: (i) individuals with mental illness, (ii) individuals with intellectual or other developmental disabilities, and (iii) individuals in recovery from addiction.

(c) The board of county commissioners may elect to appoint a member of the area authority board to fill concurrently no more than two categories of membership if the member has the qualifications or attributes of the two categories of membership.

(d) Any member of an area board who is a county commissioner serves on the board in an ex officio capacity at the pleasure of the initial appointing authority, for a term not to exceed the earlier of three years or the member's service as a county commissioner. Any member of an area board who is a county manager serves on the board at the pleasure of the initial appointing authority, for a term not to exceed the earlier of three years or the duration of the member's employment as a county manager. The terms of members on the area board shall be for three years, except that upon the initial formation of an area board in compliance with subsection (a) of this section, one-third shall be appointed for one year, one-third for two years, and all remaining members for three years. Members shall not be appointed for more than three consecutive terms.

(e) Upon request, the board shall provide information pertaining to the membership of the board that is a public record under Chapter 132 of the General Statutes.

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

SENATE BILL 208  
RATIFIED BILL

AN ACT TO ENSURE EFFECTIVE STATEWIDE OPERATION OF THE 1915 (B)/(C)  
MEDICAID WAIVER.

Whereas, S.L. 2011-264, as amended by Section 13 of S.L. 2012-151, required the Department of Health and Human Services (Department) to restructure the statewide management of the delivery of services for individuals with mental illness, intellectual and developmental disabilities, and substance abuse disorders through the statewide expansion of the 1915(b)/(c) Medicaid Waiver; and

Whereas, a local management entity/managed care organization (LME/MCO) that is awarded a contract to operate the 1915(b)/(c) Medicaid Waiver was required to maintain fidelity to the Piedmont Behavioral Health (PBH) demonstration model; and

Whereas, LME/MCOs are acting as Medicaid vendors and the Department must ensure that they are compliant with the provisions of S.L. 2011-264, as amended by Section 13 of S.L. 2012-151, as well as all applicable federal, State, and contractual requirements; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 122C-3 is amended by adding a new subdivision to read:

**"(20c) "Local management entity/managed care organization" or "LME/MCO" means a local management entity that is under contract with the Department to operate the combined Medicaid Waiver program authorized under Section 1915(b) and Section 1915(c) of the Social Security Act."**

**SECTION 2.** Article 4 of Chapter 122C of the General Statutes is amended by adding a new section to read:

**"§ 122C-124.2. Actions by the Secretary to ensure effective management of behavioral health services under the 1915(b)/(c) Medicaid Waiver.**

**(a) For all local management entity/managed care organizations, the Secretary shall certify whether the LME/MCO is in compliance or is not in compliance with all requirements of subdivisions (1) through (3) of subsection (b) of this section. The Secretary's certification shall be made every six months beginning August 1, 2013. In order to ensure accurate evaluation of administrative, operational, actuarial and financial components, and overall performance of the LME/MCO, the Secretary's certification shall be based upon an internal and external assessment made by an independent external review agency in accordance with applicable federal and State laws and regulations. Beginning on February 1, 2014, and for all subsequent assessments for certification, the independent review will be made by an External Quality Review Organization approved by the Centers for Medicare and Medicaid Services and in accordance with applicable federal and State laws and regulations.**

**(b) The Secretary's certification under subsection (a) of this section shall be in writing and signed by the Secretary and shall contain a clear and unequivocal statement that the Secretary has determined the local management entity/managed care organization to be in compliance with all of the following requirements:**

**(1) The LME/MCO has made adequate provision against the risk of insolvency with respect to capitation payments for Medicaid enrollees. "Adequate provision" includes all of the following:**

**a. The LME/MCO has submitted to the Department all the financial records and reports required to be submitted to the Department under the Contract, including monthly balance sheets.**



- b. There are no consecutive three-month periods during which the LME/MCO's ratio of current assets to current liabilities is less than 1.0, based on a monthly review of the LME/MCO's balance sheets for each month of the three-month period, as determined by the Secretary.
  - c. An intradepartmental monitoring team, as designated by the Secretary and consisting of the Secretary or a designee, representatives of the Division of Medical Assistance, and representatives of the Division of Mental Health, Developmental Disabilities, and Substance Abuse Services, utilizing the monitoring team's solvency measures, determines that the LME/MCO has made adequate provisions against the risk of insolvency based on a quarterly review of the financial reports submitted to the Department by the LME/MCO.
- (2) The LME/MCO is making timely provider payments. The Secretary shall certify that an LME/MCO is making timely provider payments if there are no consecutive three-month periods during which the LME/MCO paid less than ninety percent (90%) of clean claims for covered services within the 30-day period following the LME/MCO's receipt of these claims during that three-month period. As used in this subdivision, a "clean claim" is a claim that can be processed without obtaining additional information from the provider of the service or from a third party. The term includes a claim with errors originating in the LME/MCO's claims system. The term does not include a claim from a provider who is under investigation by a governmental agency for fraud or abuse or a claim under review for medical necessity.
- (3) The LME/MCO is exchanging billing, payment, and transaction information with the Department and providers in a manner that complies with all applicable federal standards, including all of the following:
- a. Standards for information transactions and data elements specified in 42 U.S.C. § 1302d-2 of the Healthcare Insurance Portability and Accountability Act (HIPAA), as from time to time amended.
  - b. Standards for health care claims or equivalent encounter information transactions specified in HIPAA regulations in 45 C.F.R. § 162.1102, as from time to time amended.
  - c. Implementation specifications for Electronic Data Interchange standards published and maintained by the Accredited Standards Committee (ASC X12) and referenced in HIPAA regulations in 45 C.F.R. § 162.920, as from time to time amended.

(c) If the Secretary does not provide a local management entity/managed care organization with the certification of compliance required by this section based upon the LME/MCO's failure to comply with any of the requirements specified in subdivisions (1) through (3) of subsection (b) of this section, the Secretary shall do the following:

- (1) Prepare a written notice informing the LME/MCO of the provisions of subdivision (1), (2), or (3) of subsection (c) of this section with which the LME/MCO is deemed not to be in compliance and the reasons for the determination of noncompliance.
- (2) Cause the notice of the noncompliance to be delivered to the LME/MCO.
- (3) Not later than 10 days after the Secretary's notice of noncompliance is provided to the LME/MCO, assign the Contract of the noncompliant LME/MCO to a compliant LME/MCO.
- (4) Oversee the transfer of the operations and contracts from the noncompliant LME/MCO to the compliant LME/MCO in accordance with the provisions in subsection (e) of this section.

(d) If, at any time, in the Secretary's determination, a local management entity/managed care organization is not in compliance with a requirement of the Contract other than those specified in subdivisions (1) through (3) of subsection (b) of this section, then the Secretary shall do all of the following:

- (1) Prepare a written notice informing the LME/MCO of the provisions of the Contract with which the LME/MCO is deemed not to be in compliance and the reasons therefor.
- (2) Cause the notice of the noncompliance to be delivered to the LME/MCO.
- (3) Allow the noncompliant LME/MCO 30 calendar days from the date of receipt of the notice to respond to the notice of noncompliance and to demonstrate compliance to the satisfaction of the Secretary.
- (4) Upon the expiration of the period allowed under subdivision (3) of this subsection, make a final determination on the issue of compliance and promptly notify the LME/MCO of the determination.
- (5) Upon a final determination that an LME/MCO is noncompliant, allow no more than 30 days following the date of notification of the final determination of noncompliance for the noncompliant LME/MCO to complete negotiations for a merger or realignment with a compliant LME/MCO that is satisfactory to the Secretary.
- (6) If the noncompliant LME/MCO does not successfully complete negotiations with a compliant LME/MCO as described in subdivision (5) of this subsection, assign the Contract of the noncompliant LME/MCO to a compliant LME/MCO.
- (7) Oversee the transfer of the operations and contracts from the noncompliant LME/MCO to the compliant LME/MCO in accordance with the provisions in subsection (e) of this section.

(e) If the Secretary assigns the Contract of a noncompliant local management entity/managed care organization to a compliant LME/MCO under subdivision (3) of subsection (c) of this section, or under subdivision (6) of subsection (d) of this section, the Secretary shall oversee the orderly transfer of all management responsibilities, operations, and contracts of the noncompliant LME/MCO to the compliant LME/MCO. The noncompliant LME/MCO shall cooperate with the Secretary in order to ensure the uninterrupted provision of services to Medicaid recipients. In making this transfer, the Secretary shall do all of the following:

- (1) Arrange for the providers of services to be reimbursed from the remaining fund balance or risk reserve of the noncompliant LME/MCO, or from other funds of the Department if necessary, for proper, authorized, and valid claims for services rendered that were not previously paid by the noncompliant LME/MCO.
- (2) Effectuate an orderly transfer of management responsibilities from the noncompliant LME/MCO to the compliant LME/MCO, including the responsibility of paying providers for covered services that are subsequently rendered.
- (3) Oversee the dissolution of the noncompliant LME/MCO, including transferring to the compliant LME/MCO all assets of the noncompliant LME/MCO, including any balance remaining in its risk reserve after payments have been made under subdivision (1) of this subsection. Risk reserve funds of the noncompliant LME/MCO may be used only to pay authorized and approved provider claims. Any funds remaining in the risk reserve transferred under this subdivision shall become part of the compliant LME/MCO's risk reserve and subject to the same restrictions on the use of the risk reserve applicable to the compliant LME/MCO. If the risk reserves transferred from the noncompliant LME/MCO are insufficient, the Secretary shall guarantee any needed risk reserves for the compliant LME/MCO arising from the additional risks being assumed by the compliant LME/MCO until the compliant LME/MCO has established fifteen percent (15%) risk reserves. All other assets shall be used to satisfy the liabilities of the noncompliant LME/MCO. In the event there are insufficient assets to satisfy the liabilities of the noncompliant LME/MCO, it shall be the responsibility of the Secretary to satisfy the liabilities of the noncompliant LME/MCO.
- (4) Following completion of the actions specified in subdivisions (1) through (3) of this subsection, direct the dissolution of the noncompliant LME/MCO and deliver a notice of dissolution to the board of county commissioners of each

of the counties in the dissolved LME/MCO. An LME/MCO that is dissolved by the Secretary in accordance with the provisions of this section may be dissolved at any time during the fiscal year.

(f) The Secretary shall provide a copy of each written, signed certification of compliance or noncompliance completed in accordance with this section to the Senate Appropriations Committee on Health and Human Services, the House Appropriations Subcommittee on Health and Human Services, the Legislative Oversight Committee on Health and Human Services, and the Fiscal Research Division.

(g) As used in this section, the following terms mean:

(1) Contract. – The contract between the Department of Health and Human Services and a local management entity for the operation of the 1915(b)/(c) Medicaid Waiver.

(2) Compliant local management entity/managed care organization. – An LME/MCO that has undergone an independent external assessment and been determined by the Secretary to be operating successfully and to have the capability of expanding."

**SECTION 3.** G.S. 122C-112.1(a) is amended by adding a new subdivision to read: "(39) Develop and use a standard contract for all local management entity/managed care organizations for operation of the 1915(b)/(c) Medicaid Waiver that requires compliance by each LME/MCO with all provisions of the contract to operate the 1915(b)/(c) Medicaid Waiver and with all applicable provisions of State and federal law."

**SECTION 4.(a)** G.S. 122C-115(a) reads as rewritten:

"(a) A county shall provide mental health, developmental disabilities, and substance abuse services in accordance with rules, policies, and guidelines adopted pursuant to statewide restructuring of the management responsibilities for the delivery of services for individuals with mental illness, intellectual or other developmental disabilities, and substance abuse disorders under a 1915(b)/(c) Medicaid Waiver through an area authority ~~or through a county program established pursuant to G.S. 122C-115.1.~~ authority. Beginning July 1, 2012, the catchment area of an area authority ~~or a county program~~ shall contain a minimum population of at least 300,000. Beginning July 1, 2013, the catchment area of an area authority ~~or a county program~~ shall contain a minimum population of at least 500,000. To the extent this section conflicts with ~~G.S. 153A-77(a), G.S. 153A-77(a) or G.S. 122C-115.1,~~ the provisions of G.S. 153A-77(a) ~~this section control.~~"

**SECTION 4.(b)** G.S. 122C-115(a3) reads as rewritten:

"(a3) A county that wishes to disengage from a local management entity/managed care organization and realign with another multicounty area authority operating under the 1915(b)/(c) Medicaid Waiver may do so with the approval of the Secretary. The Secretary shall adopt rules to establish a process for county disengagement that shall ensure, at a minimum, the following:

(1) Provision of services is not disrupted by the disengagement.

(2) The disengaging county either is in compliance or plans to merge with an area authority that is in compliance with population requirements provided in G.S. 122C-115(a) of this section.

(3) The timing of the disengagement is accounted for and does not conflict with setting capitation rates.

(4) Adequate notice is provided to the affected counties, the Department of Health and Human Services, and the General Assembly.

(5) Provision for distribution of any real property no longer within the catchment area of the area authority."

**SECTION 4.(c)** G.S. 122C-115(c1) reads as rewritten:

"(c1) Area authorities may add one or more additional counties to their existing catchment area ~~by agreement of a majority of the existing member counties upon the adoption of a resolution to that effect by a majority of the members of the area board and the approval of the Secretary.~~"

**SECTION 5.(a)** G.S. 122C-115.3(a), (c), (d), (f), and (g) are repealed.

**SECTION 5.(b)** G.S. 122C-115.3(b) reads as rewritten:

"(b) Notwithstanding the provisions of subsection (a) of this section, ~~no~~ No county shall withdraw from an area authority nor shall an area authority be dissolved ~~without first~~

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. 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."

**SECTION 9.** G.S. 122C-142(a) is rewritten to read:

"(a) When the area authority contracts with persons for the provision of services, it shall use the standard contract adopted by the Secretary and shall assure that these contracted services meet the requirements of applicable State statutes and the rules of the Commission and the Secretary. However, an area authority ~~or county program~~ may amend the contract to comply with any court-imposed duty or responsibility. An area authority ~~or county program~~ that is operating under a Medicaid waiver may amend the contract subject to the approval of the Secretary. Terms of the standard contract shall require the area authority to monitor the contract to assure that rules and State statutes are met. It shall also place an obligation upon the entity providing services to provide to the area authority timely data regarding the clients being served, the services provided, and the client outcomes. The Secretary may also monitor contracted services to assure that rules and State statutes are met."

**SECTION 10.** G.S. 150B-1(e) is amended by adding a new subdivision to read:

"(21) The Department of Health and Human Services for actions taken under G.S. 122C-124.2."

**SECTION 11.** By no later than August 1, 2013, the Secretary of the Department of Health and Human Services shall complete an initial certification of compliance, in accordance with G.S. 122C-124.2(a), for each local management entity/managed care organization that has been approved by the Department to operate the 1915(b)/(c) Medicaid Waiver and provide a copy of the certification to the Senate Appropriations Committee on Health and Human Services, the House Appropriations Subcommittee on Health and Human Services, the Legislative Oversight Committee on Health and Human Services, and the Fiscal Research Division.

**SECTION 12.** Section 4(a) of this act becomes effective January 1, 2014. The remainder of this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 6<sup>th</sup> day of June, 2013.

s/ Daniel J. Forest  
President of the Senate

s/ Thom Tillis  
Speaker of the House of Representatives

\_\_\_\_\_  
Pat McCrory  
Governor

Approved \_\_\_\_\_ .m. this \_\_\_\_\_ day of \_\_\_\_\_, 2013

**YCTA**

**2013-2014 ROAP GRANT**

- EDTAP stands for Elderly and Disabled Transportation Assistance Program. This is what we use to take people 60 years of age and above or disabled to the doctor or at little or no charge.

**EDTAP-\$35,685.00**

**Supplemental EDTAP- \$16,788**

**TOTAL EDTAP- \$52,473.00**

- Employment Transportation Assistance Program (EMPL) - Taking eligible citizens to and from work or work related activities.

**EMPL - \$5,812.00**

**Supplemental EMPL - \$ 0**

**TOTAL EMPL - \$5,812.00**

- Rural General Public Program (RGP) - is intended to provide transportation services for individuals from the county who do not have a human service agency or organization that will pay for the transportation service.

**RGP -\$27,757.00**

**RGP Supplemental-\$31,564.00**

**TOTAL RGP - \$59,321.00**

**\*\*\*THE RGP FUNDS REQUIRE A 10% MATCH. THE TOTAL LOCAL MATCH WOULD BE \$5,932.10. YCTA USUALLY COVERS THIS WITH OUR FARE CHARGE EACH YEAR.**

**\*\*\*Attached is the Expense Matrix for the ROAP Grant.\*\*\***

**CERTIFIED STATEMENT**  
**FY2014**  
**RURAL OPERATING ASSISTANCE PROGRAM**  
County of **Yancey**

**WHEREAS**, the state-funded, formula-based Rural Operating Assistance Program (ROAP) administered by the North Carolina Department of Transportation, Public Transportation Division provides funding for the operating cost of passenger trips for counties within the state;

**WHEREAS**, the county uses the most recent transportation plans (i.e. CTSP, CTIP, LCP) available and other public involvement strategies to learn about the transportation needs of agencies and individuals in the county before determining the sub-allocation of these ROAP funds;

**WHEREAS**, the county government or regional public transportation authorities created pursuant to Article 25 or Article 26 of Chapter 160A of the General Statutes (upon written agreement with the municipalities or counties served) are the only eligible recipients of Rural Operating Assistance Program funds which are allocated to the counties based on a formula as described in the Program Guidelines included in the ROAP State Management Plan. NCDOT will disburse the ROAP funds only to counties and eligible transportation authorities and not to any sub-recipients selected by the county;

**WHEREAS**, the county finance officer will be considered the county official accountable for the administration of the Rural Operating Assistance Program in the county, unless otherwise designated by the Board of County Commissioners;

**WHEREAS**, the passenger trips provided with ROAP funds must be accessible to individuals with disabilities and be provided without discrimination on the basis of national origin, creed, age, race or gender (FTA C 4702.1A, FTA C 4704.1, Americans with Disabilities Act 1990); and

**WHEREAS**, the period of performance for these funds will be July 1, 2013 to June 30, 2014 regardless of the date on which ROAP funds are disbursed to the county.

**NOW, THEREFORE**, by signing below, the duly authorized representatives of the County of **Yancey** North Carolina certify that the following statements are true and accurate:

- The county employed a documented methodology for sub-allocating ROAP funds that involved the participation of eligible agencies and citizens. Outreach efforts to include the participation of the elderly and individuals with disabilities, persons with limited English proficiency, minorities and low income persons in the county's sub-allocation decision have been documented.
- The county will advise any sub-recipients about the source of the ROAP funds, specific program requirements and restrictions, eligible program expenses and reporting requirements. The county will be responsible for invoicing any sub-recipients for unexpended ROAP funds as needed.
- The county will monitor ROAP funded services routinely to verify that ROAP funds are being spent on allowable activities and that the eligibility of service recipients is being properly documented. The county will maintain records of trips and services for five years that prove that an eligible citizen was provided an eligible transportation service on the billed date, by whatever conveyance at the specified cost.
- The county will be responsible for monitoring the safety, quality and cost of ROAP funded services and assures that any procurements by subrecipients for contracted services will follow state guidelines.
- The county will conduct regular evaluations of ROAP funded passenger trips provided throughout the period of performance.

- The county will only use the ROAP funds to provide trips when other funding sources are not available for the same purpose or the other funding sources for the same purpose have been completely exhausted.
- The county assures that the required matching funds for the FY2014 ROAP can be generated from fares and/or provided from local funds.
- The county will notify the Mobility Development Specialist assigned to the county if any ROAP funded services are discontinued before the end of the period of performance due to the lack of funding. No additional ROAP funds will be available.
- The county will provide an accounting of trips and expenditures in a semi-annual report and a final year-end report to NCDOT – Public Transportation Division or its designee.
- Any interest earned on the ROAP funds will be expended for eligible program uses as specified in the ROAP application. The County will include ROAP funds received and expended in its annual independent audit on the schedule of federal and state financial assistance. Funds passed through to other agencies will be identified as such.
- The county is applying for the following amounts of FY2014 Rural Operating Assistance Program funds:

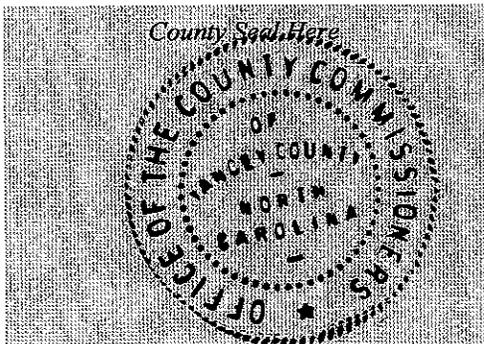
State Funded Rural Operating Assistance Program	Allocated	Requested
Elderly & Disabled Transportation Assistance Program (EDTAP)	52,473.00	52,473.00
Employment Transportation Assistance Program (EMPL)	5,812.00	5,812.00
Rural General Public Program (RGP)	59,321.00	59,321.00
<b>TOTAL</b>	<b>117,606.00</b>	<b>117,606.00</b>

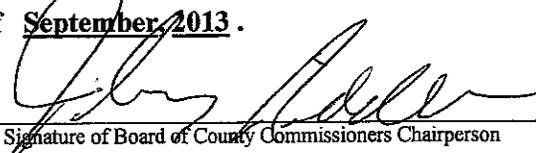
WITNESS my hand and county seal, this 9th day of September, 2013.

  
 Signature of Board of County Manager/Administrator  
 Nathan Bennett

Printed Name of County Manager/Administrator

State of North Carolina County of Yancey



  
 Signature of Board of County Commissioners Chairperson  
 Johnny Riddle

Printed Name of Chairperson

  
 Signature of County Finance Officer  
 Brandi Burleson  
 Printed Name of County Finance Officer