

**THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA**

Wednesday, September 18, 2002

3:15 P. M. Special Session

Mental Health Reform--Governance

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman MaryAnn E. Black, Vice-Chairman Ellen W. Reckhow, and Commissioners Joe W. Bowser, and Becky M. Heron

Absent: Commissioner Philip R. Cousin, Jr. (Excused)

Others Present: Harold Batiste, Sr., Chairman Area Mental Health Board; Ellen Holliman, Interim Mental Health Director; Evester Bailey, Substance Abuse Program Director; and Bill Husey, Consultant

Announcement

Chairman MaryAnn E. Black called on Ms. Deborah Craig-Ray, Public Information Officer, to make an announcement about the cancellation of the Ten County Regional Issues luncheon that was scheduled for next Tuesday. The cancellation was due to the rally that the North Carolina Association of County Commissioners and the League of Municipalities had scheduled on Tuesday at the General Assembly concerning the sales tax shortfall.

Chairman Black asked Ms. Craig-Ray to copy letters written to the Durham Delegation to carry to the rally in Raleigh on Tuesday. Chairman Black wanted the delegation to know that the Commissioners would be present at the rally.

County Manager Ruffin said that he would forward a letter to the Commissioners tonight that was sent to Representative Paul Luebke, which chronicles how this revenue situation has impacted Durham County.

Vote to Excuse Commissioner Cousin from this Meeting

Commissioner Heron moved, seconded by Commissioner Bowser, to excuse Commissioner Cousin from this meeting due to a family emergency.

The motion carried unanimously.

Mental Health Reform–Governance

County Attorney Chuck Kitchen made a presentation regarding the October 1, 2002 deadline for notifying the State as to the governance model which will be used for the provision of Mental Health services in Durham County. The Board of Commissioners will have the option of determining whether to continue with an area authority or creating a County program to deliver services. The County Attorney will explain the differences among the various models, including liability and personnel.

Resource Person(s): Chuck Kitchen, County Attorney

County Manager's Recommendation:

Receive the information presented by the County Attorney and give direction to staff.

Chairman Black stated that the purpose of the special session was to further discuss Mental Health Reform concerning governance.

Chairman Black asked County Attorney Chuck Kitchen to review for the Commissioners the information that they have received. After Attorney Kitchen's presentation, each Commissioner would be given an opportunity to make comments and ask questions. Chairman Black wanted to be sure that each Commissioner was clear about the information and their direction. She wanted a vote taken that day or no later than the following Monday because the Board must get the information to Raleigh by October 1, 2002.

Attorney Kitchen began his power point presentation for the Commissioners, covering the following information and topics:

- Duties of Counties – Appropriation and Allocation of Funds
- Governance and Operations of MH/DD/SA Programs
- Timetable
- Governance Options
- Efficiency
- Core Services
- Services Provided
- Options for Efficiency
- Provision of Services
- Personnel
- Liability
- Pros and Cons
- Multi-County Area Authority
- Single County Program
- Multi-County Program

Commissioner Heron asked several questions about the clients currently being served, as well as the clients who would be served in the future.

Attorney Kitchen said the consultant gave a figure of 2,800 clients who would be eligible for state services in the new system. Currently, approximately 7,300 people were being served.

Bill Hursey, Consultant for the Area Mental Health Board, spoke about the number of clients that the department would be serving. The 2,800 figure was an estimated figure and would increase to approximately 4,000. However, there would be a number of people that would not be served in that targeted population.

The Board of Commissioners asked several questions and made remarks to which Mr. Hursey and Attorney Kitchen responded.

Chairman Black said one of her concerns was that the number of people not having access to care would increase if the plan was not written in a way to help provide such access.

The Commissioners and the Mental Health officials held a lengthy discussion.

Ms. Ellen Holliman, Interim Mental Health Director, said the preliminary figures of \$4.5 million was based on a stand alone Local Management Entity (LME). That would probably be one of the upper costs. Whatever model is chosen would impact the cost and the staff required to run it. The State was coming up with a cost model and planned to give the County a certain amount of money for a certain number of staff for the County's population. However, no decisions have been made yet. Ms. Holliman said it would be hard to make decisions before knowing how much money the State would allot. Nevertheless, the LME will be funded off of the top and at some point, the Board would be given that figure.

Mr. Harold Batiste, Sr., Chairman of the Mental Health Board, spoke about the Multi-County program. He shared with the group that Durham County had discussed with Orange and Person Counties about possibly combining Mental Health programs. However, the interest was not there. Thus, Durham County needed to assume that it would get less money and that the program would cost more money. Mr. Batiste, Sr. stated that Durham County need not entertain the possibility of combining with other counties.

Attorney Kitchen completed his power point presentation to the Commissioners and said he would be available to answer any questions that the Board might have.

Chairman Black called on the Board of County Commissioners to ask any questions they had.

Several questions were asked by the Commissioners and staff to which Attorney Kitchen responded.

Chairman Black said that she would like to see the Board move toward the LME with local control. The County Manager would hire the Executive Director, who would report to him. The Commissioners could discuss the citizens' advisory committee at a later date. Citizen input is very helpful. However, Chairman Black said she worried about going with an area authority because the citizens in this community place many demands on the Commissioners to implement and fund various needed programs. The Commissioners must consider what is happening in the entire community, not just with human services. Chairman Black said it would be easier to fund an area authority in order to provide a good level of mental health services for this community. That way, the County Manager and the Commissioners would end up having the necessary financial control. If the advisory committee were chosen, then the citizens who sit on that Committee would give their input regarding needs. Chairman Black said it would be wise to consider how to partner with other counties, but Commissioners still need to have local control. Thus, her vote would be for local control.

Commissioner Heron agreed with Chairman Black's remarks. Commissioner Heron asked if the Commissioners could inform the adjoining counties that they would be open to discussion about providing services through an interlocal agreement or multi-county program.

Attorney Kitchen said the Commissioners could inform the adjoining counties at any point now.

Ms. Holliman said that the Mental Health Department received a letter from the Area Director for Franklin, Vance, Granville, and Warren (FVGW) Counties asking if there was any interest in a joint venture or merger. FVGW is under the population threshold. Ms. Holliman said she needed to respond to FVGW, depending on what the Board decided at this meeting.

Commissioner Heron said that she would like for the Board to move in that direction.

Chairman Black said the Board could vote for the LME, then direct staff and Ms. Holliman to explore the possibility of having an interlocal agreement with FVGW Counties.

Commissioner Bowser suggested that the Board learn when the counties would implement their program so that Durham County could come on line at the same time.

Ms. Holliman said that FVGW Counties were beginning their program July 1, 2003, and that Chatham and Orange Counties would begin their program July 1, 2003.

Commissioner Bowser said Durham County should come on line July 1, 2003 if the other counties do.

Attorney Kitchen said that Durham County was planning to implement its program July 1, 2004. If the program is implemented July 1, 2004, there will be a transition period. The Board of County Commissioners must approve the program.

County Manager Mike Ruffin said the County would be well served if it had 22 months to implement the program in lieu of 10 months.

Chairman Black said that the resolution Attorney Kitchen gave the Commissioners included the order to continue exploring possibilities for interlocal cooperation agreements with other counties or mental health authorities. The County Commissioners all agreed with the information included in Section 4 of that resolution. That statement permitted the Commissioners to put the local plan in place.

Commissioner Heron moved, seconded by Commissioner Reckhow, to approve the resolution.

The motion carried with the following vote:

Ayes: Black, Bowser, Heron, and Reckhow
Noes: None
Absent: Cousin

The resolution follows:

RESOLUTION DESIGNATING GOVERNANCE
OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES,
AND SUBSTANCE ABUSE SERVICES

WHEREAS, N.C.G.S. § 122C-115.1 provides that counties may operate a program for mental health, developmental disabilities, and substance abuse services as a single or multi-county program; and

WHEREAS, the Board of Commissioners has held a public hearing after due advertisement on the creation of a county program to operate mental health, developmental disabilities, and substance abuse services in Durham County; and

WHEREAS, it appears that the most cost effective and efficient method of operating mental health, developmental disabilities, and substance abuse services at the present is as a single area program; and

WHEREAS, the County of Durham is interested in developing additional relationships with other counties for the provision of services through interlocal cooperation agreements.

NOW, THEREFORE, THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF DURHAM DO TH RESOLVE:

1. A single county program for the operation of mental health, developmental disabilities, and substance abuse services in Durham County is hereby established.
2. The effective date of the creation of the said single county program for the operation of mental health, developmental disabilities, and substance abuse services shall be July 1, 2004.
3. The County Manager is hereby ordered to prepare a letter for the signature of the Chairman of the Board to be sent notifying the State Mental Health Division of the election of a single county program by Durham County.
4. The County Manager or his designee, in conjunction with The Durham Center, is further ordered to continue to explore possibilities for interlocal cooperation agreements with other counties or other mental health authorities.

This the 18th day of September, 2002

Adjournment

Chairman Black adjourned the meeting at approximately 4:45 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board