
MEMORANDUM

TO: MANAGERS AND COMMISSIONERS OF ALEXANDER, ALLEGHENY, ASHE, AVERY, CALDWELL, CHEROKEE, CLAY, GRAHAM, HAYWOOD, JACKSON, MACON, MCDOWELL, SWAIN, WATAUGA, WILKES, BUNCOMBE, HENDERSON, MADISON, MITCHELL, POLK, RUTHERFORD, TRANSYLVANIA AND YANCEY COUNTIES

FROM: RICK FRENCH, CHAIR, SMOKY MOUNTAIN CENTER BOARD OF DIRECTORS

SUBJECT: SLATE OF PROPOSED BOARD MEMBERS IN COMPLIANCE WITH N.C.G.S. § 122C-118.1

DATE: OCTOBER 30, 2013

You will find attached a slate of Proposed Board Member Nominations for Smoky Mountain Center (SMC). This proposed slate represents the diligent efforts of the Executive Committee of the SMC Board, with representation from the Western Highlands Network (WHN) Board, to create a proposal for the reconstituted Board of Directors, as required by N.C.G.S. § 122C-118.1, which was passed during the 2012 N.C. Legislative Session.

Although the previous board composition statute allowed up to 30 members to serve on the board of an Area Authority, the current statute limits an Area Authority Board to 21 voting members. Further the current statute dictates the criteria for appointing 13 of the members of an Area Authority Board. SMC is required to appoint a Board of Directors that is in compliance with § 122C-118.1., Structure of area board, which provides as follows:

“(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.”[13 categories of members specified in subsection (b).] “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.”

All other Area Authorities (LME/MCOs) in the State of North Carolina have newly constituted boards in place as of October 1, 2013, the statutory deadline for

compliance. SMC, because it has been consolidated with WHN as a single LME/MCO, was given an extension of time within the statute (as amended in 2013 by HB399) to comply with the new board composition requirements. **The SMC Board of Directors must be reconstituted no later than 30 days following the DHHS Secretary's approval of the SMC-WHN Consolidation Agreement.** It is expected that the Secretary will formally approve the SMC-WHN Consolidation Agreement this week.

At its regular meeting on October 24, 2013, the SMC Board of Directors voted to request that each county within the consolidated 23 county catchment area consider and approve this slate of Proposed Board Member Nominations. Please make every effort to consider this at each of your next scheduled County Commission meetings. Thank you for your consideration.

If you have questions, please do not hesitate to contact me at rfrench@alexandercountync.gov or at (828) 632-9332, ext. 203.