

**PITT COUNTY BOARD OF COMMISSIONERS
GREENVILLE, NORTH CAROLINA
February 23, 2007**

The Pitt County Board of Commissioners met in a special called meeting on Friday, February 23, 2007 at 1:00 p.m. in the Commissioners' Auditorium, Pitt County Office Building, Greenville, North Carolina.

Commissioners present:

Beth Ward, Chairman
Mark Owens, Jr., Vice Chairman
Eugene James, Commissioner
David Hammond, Commissioner
Jimmy Garris, Commissioner
Melvin McLawhorn, Commissioner
Tom Coulson, Commissioner
Tom Johnson, Commissioner
Kenneth Ross, Commissioner

Staff present:

Scott Elliott, County Manager
Trish Staton, Clerk to the Board
JoAnne Burgdorff, County Attorney
Melonie Bryan, Deputy County Manager/Financial Services
Phil Dickerson, Deputy County Manager/Public Services
Michael Taylor, Chief Information Officer
Jeff Niebauer, Tax Collector
Noel Lee, Director Emergency Services
Florida Hardy, Human Resource Director

Call to Order

Meeting Notes

Chairman Ward called the special meeting to order and welcome everyone.

Roll Call

Invocation and Pledge

Meeting Notes

The Invocation was offered by Commissioner Jimmy Garris.
The Pledge of Allegiance was led by Commissioner Tom Johnson.

Approval of Agenda

Meeting Notes

Commissioner Johnson asked to add the Medical Director to the agenda. Chairman Ward asked the County Attorney, JoAnne Burgdorff, if an item can be added to the agenda at a special meeting. Ms. Burgdorff said yes, if the commissioners vote to allow it
Chairman Ward asked if there was a second. Motion died for a lack of a second.

Commissioner Coulson asked for clarification on the motion made by Commissioner Johnson.

Commissioner Johnson said he was asking for the Board to hear Dr. March speak because he has information related to costs and income. He said because he is the Medical Director he should be allowed to speak.

Chairman Ward stated that after the Board met on February 19, 2007 there was some concern expressed by more than one person about the process and the action taken by the Board on collection process for Pitt County EMS. That collection plan had been previously passed by the Board prior to December 1, 2006. The Attorney was asked to research and get clarification on the Board's action to rescind the EMS Collection procedure. Chairman Ward said General Statutes states you have 48 hours to notify Board members and to post the meeting time and place. The posting should have said "EMS vote that was taken" instead of "EMS". She said this is why this meeting was called.

Motion:

Approval of agenda as submitted.

Motion made by Commissioner Melvin McLawhorn.

Motion seconded by Commissioner Jimmy Garris.

Motion Passed Unanimously.

Kenneth Ross Yes
Tom Coulson Yes
Jimmy Garris Yes
David Hammond Yes
Eugene James Yes
Tom Johnson No
Mark Owens, Jr. Yes
Melvin McLawhorn Yes
Beth Ward Yes

Total Yes Votes: 8

Total No Votes: 1

Motion Passed.

Chairman Ward asked County Attorney, JoAnne Burgdorff, to report her finding to the Board.

Ms. Burgdorff said she read six or seven different resources in regards to Parliamentary Law. She said according to the majority of the sources, the proper way to bring a motion to rescind the following rules apply. It can be brought with regard to a vote taken at another meeting, it can be brought by any member of the Board. It is amendable, debatable and must have a two thirds vote to pass. At the meeting on Monday, February 19, 2007 motion was made to rescind the previous action taken by the Board on aggressive EMS collections. The vote was 5 to 4 in favor of the motion to rescind that Board action. The vote is void. All the resources and the experts advise this action must be passed by two thirds vote of the Board. The effect of this decision is previous Board action authorizing aggressive EMS collections is still in place.

Commissioner Coulson said since he seconded the motion on February 19, 2007, he does not remember the motioned stated that way. He asked for the exact wording to verify what was

said.

Ms. Burgdorff said she had not realized that was the motion made. She said she has watched the tape of the meeting and the motion was to rescind aggressive billing.

Commissioner Coulson said assuming that is correct. He said does the Board just walk out and ignore the fact that five commissioners would like to see something in the process that would allow for those in the community that are struggling to not go after them and take everything they have. He said the Board would have his support for something that makes reasonable sense was adopted. He spoke about an ordinance being passed.

Chairman Ward said the Board has heard his concerns. She said it was not spelled out what process the County would follow to collect on EMS bills. She said she asked the manager to meet with staff to come up with a proposal. It is not in stone.

Mr. Elliott said passed out a draft copy of the proposed EMS Transport Billing & Collections Process. He asked Melonie Bryan to explain the process to the Board.

EMS Transport Billing & Collections Process

It is the purpose of the EMS Transport Billing & Collections process to ensure funds are collected to help cover the costs of operating the County-wide EMS system. It is our intent to bill and collect all 3rd party payments (ie: Insurance, Medicaid, Medicare) where available before collecting any balances from the individual users of the system.

The EMS Billing Office Process:

- (1) Initial letter requesting insurance information is mailed to the user.
 - (a) Once received back – billing is processed to any/all available 3rd party payor sources. Once 3rd party sources are exhausted – the balance is either written off [^] (ie: Medicaid balances) or the balance is then assessed to the user and the rest of the balance becomes self pay/client responsible.
 - OR
 - (b) If the letter is not returned – the account bills as self pay/client responsible.
- (2) For self pay accounts/balances – a 2nd letter goes out in 30 days and a 3rd and final letter goes out after 60 days.

If the self pay user contacts EMS Billing – the Billing Technician can establish a reasonable formal payment arrangement. Notices are then generated each month reflecting payments to date and the current balance.

If the self pay user simply starts making partial payments, we continue to send a notice each month and accept their monthly payments.

If a month passes without a partial payment, the account – under either a formal or informal payment arrangement – advances to the next notice stage.

Once an account has reached the 3rd and final notice with no actions on the part of the user to resolve, the account would be referred to the Tax Collector's Office for action.

The Tax Collector's Office Process:

- (1) A letter from the Tax Office is mailed advising of the balance due. This letter will also act as the 30-day notice the County is required to provide on any debt prior to sending it to the State's Debt Set-off Program for collections. This letter, again, offers the user the opportunity to make a payment arrangement. It also spells out the process for an appeal should the user feel there is a discrepancy in

the billing. Modeled after the debt set-off process, these appeals will be reviewed by a Hearing Officer outside of the tax office. For other accounts submitted to Debt Set-off (Mental Health, Public Health and EMS when under the contract collection agency several years ago), the Deputy Finance Director acts as the Hearing Officer and it is recommended that he continue in that role. This is the point where the user has the opportunity to provide financial information and any other items which might lead to a decision to adjust/abate any balances.

- (2) If the user does not contact the Tax Office, the account is forwarded to the Debt Set-off Program

AND

- (3) Standard collection efforts will be pursued as follows: Garnishment, Bank Attachment, and/or Levy on Personal Property. In each of these actions, notice and the opportunity to settle the account is given (ie: Garnishments allow a time period to resolve prior to the employer actually processing against a payroll check).

As you can see, there are numerous opportunities for the user of the EMS system to handle their balances PRIOR to any aggressive collection efforts. It is the policy and practice of both the Financial Services and Tax Collector's offices to work with our citizens while ensuring that balances due are collected.

02/23/07.

Ms. Bryan said aggressive collections does not mean beat someone over the head to collect at all costs. It means the same process Jeff Niebauer, Tax Collector, currently uses. She said if given the opportunity the County will work with citizens.

Commissioner Coulson asked about a written procedure. What are the rights of a consumer. Can the County insert something in the letter in big bold letters stating the process.

The tax collector is going to do what is allowed. He asked about creating an ordinance that would demand citizens to do what the letter says.

Ms. Bryan said the County has not implemented aggressive collections. The document before you was created at the Board's request this week.

Chairman Ward asked what process occurs is used when a citizen uses mental health or public health services and do not pay their bill.

Ms. Bryan said the citizen is sent to debt payoff. They can make payments. They use the same process that is being proposed for aggressive billing.

Chairman Ward said it was not her intent for the Board to vote on the EMS Transport Billing & Collections Process presented today. She asked the Board to take some time to review. The levy on personal property, can that be eliminated.

Ms. Bryan said Jeff Niebauer collects on bills using reason and common sense that the Board never hear complaints about. He will collect in a fair manner.

Commissioner Hammond said when the tax collector makes a payment arrangement with a citizen once the arrangement is violated, that payment arrangement is null and void. He said he agrees with Commissioner Coulson, the Board said they would not take what a person does not have.

Chairman Ward said she would like the Board to consider a committee to review the aggressive billing process.

Commissioner James spoke about the Special EMS Committee. The Board is not going to mistreat the citizens.

Chairman Ward appointed Jimmy Garris, Kenneth Ross and Tom Coulson to represent the commissioners to work with staff on the EMS Transport Billing & Collections Process. She asked the results be brought back to the Board for discussion.

Commissioner Johnson spoke about the Special EMS Study Committee Meeting. He said there were discussions that members of the Board did not hear. He spoke about asking to have Dr. March speak at the meeting. He said those who attended the Special EMS Study Committee heard him speak. Commissioner Johnson said the Medical Director is in charge of the squads and the Board should hear him speak. He spoke about EMS squads using a controlled substance supplied by the hospital being ceased.

Commissioner James asked for a ruling on the motion to adjourn. He said Commissioner Johnson had no right to speak; he had not been recognized.

Adjourn

Motion:

Motion to adjourn meeting at 1:45 pm.

Motion made by Commissioner David Hammond.

Motion seconded by Commissioner Eugene James.

Motion Passed Unanimously.

Respectfully Submitted,

Patricia A. Staton
Clerk to the Board