REQUEST FOR BOARD ACTION

ITEM NO. 17.

DATE OF MEETING: April 4, 2011

REQUESTED BY: Board of Commissioners

SHORT TITLE: Resolution and Discussion of Legislation Pertaining to Appointments to Boards, Authorities, Committees and Commissions

BACKGROUND: A bill has been introduced in the General Assembly on behalf of New Hanover County providing for more oversight, and accountability for, the work of boards, commissions, authorities or committees the New Hanover Commissioners fund or appoint. It has been requested that this item be placed on the agenda for discussion and possible action.

SPECIFIC ACTION REQUESTED: 1) To have discussion regarding the legislation that has been introduced; and 2) to consider a resolution requesting the Pender County legislative delegation take action to add Pender County to this legislative bill.

COUNTY MANAGER'S RECOMMENDATION

The Board should consult with the County Attorney regarding implications of accountability for the activities of the various boards, committees, etc. Also note that Section 2 provides that appointments remain subject to other laws that may contrary to this bill.

PB
Initial

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

the Board hereby requests the Pender County legislative delegation take action to add Pender County to the NH County Commissioners Accountability Act. The Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED_____ SECONDED_____

APPROVED_____ DENIED_____UNANIMOUS

YEA VOTES: Brown___ Tate ___ Rivenbark ___ Ward___Williams ___

_____ _____
George R. Brown, Chairman Date

_____ _____
ATTEST Date

HOUSE BILL 437

Short Title:	NH County Commissioners Accountability Act.	(Local)
Sponsors:	Representative McComas (Primary Sponsor). For a complete list of Sponsors, see Bill Information on the NCGA Web Site.	
Referred to:	Government.	

March 24, 2011

A BILL TO BE ENTITLED

AN ACT HOLDING THE NEW HANOVER COUNTY BOARD OF COMMISSIONERS ACCOUNTABLE FOR THE WORK OF GOVERNMENTAL AND QUASI-GOVERNMENTAL AUTHORITIES, BOARDS, COMMITTEES, AND COMMISSIONS APPOINTED BY THE COMMISSION OR RECEIVING COUNTY FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. It is the duty of the New Hanover County Board of Commissioners (Board) to provide oversight of, and to be accountable for, the activities of the authorities, boards, committees, and commissions acting under the Board's control or authority. To that end, the Board shall monitor the activities of each of the following authorities, boards, committees, or commissions in order (i) to evaluate whether continued county funding is warranted in each case, as appropriate, and (ii) to determine whether the Board's appointees are carrying out their respective responsibilities in the best interest of New Hanover County:

(1) Adult Care Home Community Advisory Committee.
(2) Airlie Gardens Foundation Board of Directors.
(3) Airport Authority.
(4) Alcoholic Beverage Control.
(5) Board of Elections.
(6) Board of Examiners of Electricians.
(7) Board of Fire Commissioners.
(8) Board of Health.
(9) Board of Mechanical Examiners.
(10) Board of Social Services.
(11) Cape Fear Community College Board of Trustees.
(12) Cape Fear Museum Advisory Board.
(13) Cape Fear Public Transportation Authority.
(14) Cape Fear Public Utility Authority.
(15) Commission for Women.
(16) Cooperative Extension Advisory Council.
(17) Criminal Justice Partnership Advisory Board.
(18) Industrial Facilities and Pollution Control Financing Authority.
(19) Inspections Department Advisory Council.
(20) Jury Commission.
(21) Juvenile Crime Prevention Council.

(22) Library Advisory Board.
(23) Lower Cape Fear Water and Sewer Authority.
(24) New Hanover Regional Medical Center Board of Trustees.
(25) Nursing Home Community Advisory Board.
(26) Parks and Recreation Advisory Board.
(27) Planning Board.
(28) Plumbing Board of Examiners.
(29) Port, Waterway & Beach Commission.
(30) Risk Management Advisory Committee.
(31) Solid Waste Advisory Board.
(32) Southeastern Economic Development Commission.
(33) Special Board of Equalization and Review.
(34) Tourism Development Authority.
(35) Youth Empowerment Services Advisory Board.
(36) Zoning Board of Adjustment.
(37) Any other authority, board, committee, or commission created by the New Hanover County Board of Commissioners.

SECTION 2. Notwithstanding any provision of law to the contrary, the members of the entities listed in Section 1 of this act who are appointed by the Board serve at the pleasure of the Board and may be removed by the Board immediately at any time upon the unanimous vote of the members of the Board.

SECTION 3. By December 1, 2011, the New Hanover County Board of Commissioners shall conduct a review of each entity listed in Section 1 of this act to determine (i) whether continued County funding is warranted in each case, as appropriate, and (ii) if the Board's appointees are carrying out their respective responsibilities in the best interest of New Hanover County.

SECTION 4. The Wilmington City Council (Council) is encouraged to review the authorities, boards, committees, and commissions under its control and authority in the same manner as provided in this act for New Hanover County. Upon adoption of a resolution by the Council to conform to the provisions of this act, and to conduct the required review by December 1, 2011, the Council shall have the same powers as the County under this act relative to the authorities, boards, committees, commissions, and other entities under the Council's control or authority; and further, its appointees will be subject to removal as provided by Section 2 of this act.

SECTION 5. The governing board of any other incorporated municipality within New Hanover County that adopts a resolution in the same manner as provided by Section 4 of this act shall likewise have the same powers as the County under this act relative to the authorities, boards, committees, commissions, and other entities under the governing board's control or authority; and further, its appointees will be subject to removal as provided by Section 2 of this act.

SECTION 6. This act applies only to New Hanover County, to the City of Wilmington, and to any other incorporated municipality in New Hanover County.

SECTION 7. This act is effective when it becomes law.

Pender County Appointed Boards/Committees/Commissions

Alcoholic and Beverage Control Board

Board of Adjustment

Board of Elections

Equalization and Review

Board of Health

Cape Fear Council of Governments

Cape Fear Community College

Cape Fear River Program

Cape Fear Rural Transportation Planning Organization (RPO)

Council on Community Affairs

Criminal Justice Partnership

Fire Commission

Four County Community Services

Home & Community Care Block Grant Advisory Board

Hampstead Kiwanis Park Board

Industrial Facilities and Pollution Control

Jury Commission

Juvenile Crime Prevention Council

Library Advisory Board

Lower Cape Fear Water and Sewer Authority

Nursing/Adult Care Homes Advisory Committee

Parks and Recreation Advisory Board

Partnership for Children (Smart Start)

Pender EMS and Rescue

Pender Housing Initiative

Planning Board

Pender Memorial Hospital Board

Pender Municipal Association

Priority One Committee

Regional Aging Advisory Committee

Social Services Board

Southeastern Center for Mental Health

Southeastern Economic Development Commission

Topsail Island Shoreline Protection Commission

Tourism Development Authority

Voluntary Agricultural District Board

Wallace Airport Commission

Wilmington Area Metropolitan Planning Organization (MPO)

Wilmington Industrial Development

Work First Planning Committee