ITEMS FOR DISCUSSION

ITEM NO._____

1. Items from County Manager
   a. NCACC Legislative Questionnaire and Discussion of Legislative Issues

2. Items from County Attorney

3. Items from County Commissioners

NORTH CAROLINA
ASSOCIATION OF COUNTY COMMISSIONERS

NCACC District Meetings Questionnaire

The 2011 General Assembly is moving rapidly and legislators remain intent on adopting a state budget by June 1. The NCACC is seeking feedback from counties as the House and Senate debate how to close the $2.4 billion deficit. Please answer the following questions with specific details about impacts on your county.

At the April District Meetings, counties will be asked to report their primary budget and non-budget concerns. Please designate a commissioner to give your county's report at the meeting. If for any reason your county cannot be represented at the meeting, please fax your report to your District Director, who will give the report on your behalf.

Please be as specific as possible in your answers. Your feedback will be used to guide staff as we work with your Legislators to protect counties' interests.

1. Please state with specificity your county's No. 1 issue of concern about the state budget. (Please tell us why it is No. 1, and how it specifically impacts your county, including projected revenue losses or additional costs incurred.)

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2. What have you heard from your legislators on this subject? (Please let us know who said what.)

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3. Please state with specificity your county's No. 1 non-budget related legislative issue. (State why it is No. 1, and how it specifically impacts your county, including projected revenue loss or additional costs incurred.)

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4. What have you heard from your legislators on this subject? (Please let us know who said what.)

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VARIOUS 2011 LEGISLATIVE ISSUES

Budget Related

- Loss of state public school funding (5 to 10% cuts)
- Shifting of public school cost responsibilities to counties (school bus replacement, workers compensation)
- Reduction/loss of lottery and ADM monies for school construction/debt
- Charter school access to limited school construction monies
- Housing of state misdemeanants in county jails
- Full funding of State Aid Funding to libraries
- Reduction in Cooperative Extension funding (30% possible)

Non-Budget Related

- Usurping of traditional local authority
- Annexation reform
- Opening up of personnel records
- Cap on state gas tax
- Permitting of terminal groins
- Reduction in Corridor Preservation timeframe from 3 years to 18 months
- Authority for electronic public notices
- Accountability Act
- Local Human Services Administration

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

S 1

SENATE BILL 433*

Short Title:	Local Human Services Administration.	(Public)
Sponsors:	Senator Hartsell.	
Referred to:	Health Care.	

March 29, 2011

A BILL TO BE ENTITLED

AN ACT CONCERNING ADMINISTRATION OF HUMAN SERVICES IN COUNTIES THAT HAVE ELECTED TO CONSOLIDATE THOSE SERVICES DIRECTLY EITHER UNDER THE COUNTY OR UNDER A CONSOLIDATED HUMAN SERVICE BOARD, AND TO MAKE THAT STATUTE STATEWIDE IN APPLICABILITY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 153A-77 reads as rewritten:

"**§ 153A-77. Authority of boards of commissioners in certain counties over commissions, boards, agencies, etc.**

(a) In the exercise of its jurisdiction over commissions, boards and agencies, the board of county commissioners may assume direct control of any activities theretofore conducted by or through any commission, board or agency by the adoption of a resolution assuming and conferring upon the board of county commissioners all powers, responsibilities and duties of any such commission, board or agency. This subsection shall apply to the board of health, the social services board, area mental health, developmental disabilities, and substance abuse area board and any other commission, board or agency appointed by the board of county commissioners or acting under and pursuant to authority of the board of county commissioners of said county. A board of county commissioners exercising the power and authority under this subsection may, notwithstanding G.S. 130A-25, enforce public health rules adopted by the board through the imposition of civil penalties. If a public health rule adopted by a board of county commissioners imposes a civil penalty, the provisions of G.S. 130A-25 making its violation a misdemeanor shall not be applicable to that public health rule unless the rule states that a violation of the rule is a misdemeanor. The board of county commissioners may exercise the power and authority herein conferred only after a public hearing held by said board pursuant to 30 days' notice of said public hearing given in a newspaper having general circulation in said county.

The board of county commissioners may also appoint advisory boards, committees, councils and agencies composed of qualified and interested county residents to study, interpret and develop community support and cooperation in activities conducted by or under the authority of the board of county commissioners of said county.

(b) In the exercise of its jurisdiction over commissions, boards, and agencies, the board of county commissioners of a county having a county manager pursuant to G.S. 153A-81 may:

(1) Consolidate the provision of human services in the county under the direct control of a human services director appointed and supervised by the county manager <u>or by the consolidated human services board under subdivision (2) of this subsection,</u> in accordance with subsection (e) of this section;

(2) Create a consolidated human services board having the powers conferred by subsection (c) of this section;

(3) Create a consolidated county human services agency having the authority to carry out the functions of the local health department, the county department of social services, and the area mental health, developmental disabilities, and substance abuse services authority; and

(4) Assign other county human services functions to be performed by the consolidated human services agency under the direction of the human services director, with policy-making authority granted to the consolidated human services board as determined by the board of county commissioners.

(c) A consolidated human services board appointed by the board of county commissioners shall serve as the policy-making, rule-making, and administrative board of the consolidated human services agency. The consolidated human services board shall be composed of no more than 25 members. The composition of the board shall reasonably reflect the population makeup of the county and shall include:

(1) Eight persons who are consumers of human services, public advocates, or family members of clients of the consolidated human services agency, including: one person with mental illness, one person with a developmental disability, one person in recovery from substance abuse, one family member of a person with mental illness, one family member of a person with a developmental disability, one family member of a person with a substance abuse problem, and two consumers of other human services.

(2) Eight persons who are professionals, each with qualifications in one of these categories: one psychologist, one pharmacist, one engineer, one dentist, one optometrist, one veterinarian, one social worker, and one registered nurse.

(3) Two physicians licensed to practice medicine in this State, one of whom shall be a psychiatrist.

(4) One member of the board of county commissioners.

(5) Other persons, including members of the general public representing various occupations.

The board of county commissioners may elect to appoint a member of the consolidated human services board to fill concurrently more than one category of membership if the member has the qualifications or attributes of more than one category of membership.

All members of the consolidated human services board shall be residents of the county. The members of the board shall serve four-year terms. No member may serve more than two consecutive four-year terms. The county commissioner member shall serve only as long as the member is a county commissioner.

The initial board shall be appointed by the board of county commissioners upon the recommendation of a nominating committee comprised of members of the preconsolidation board of health, social services board, and area mental health, developmental disabilities, and substance abuse services board. In order to establish a uniform staggered term structure for the board, a member may be appointed for less than a four-year term. After the subsequent establishment of the board, its board shall be appointed by the board of county commissioners from nominees presented by the human services board. Vacancies shall be filled for any unexpired portion of a term.

A chairperson shall be elected annually by the members of the consolidated human services board. A majority of the members shall constitute a quorum. A member may be removed from office by the county board of commissioners for (i) commission of a felony or other crime involving moral turpitude; (ii) violation of a State law governing conflict of interest; (iii) violation of a written policy adopted by the county board of commissioners; (iv) habitual failure to attend meetings; (v) conduct that tends to bring the office into disrepute; or (vi)

failure to maintain qualifications for appointment required under this subsection. A board member may be removed only after the member has been given written notice of the basis for removal and has had the opportunity to respond.

A member may receive a per diem in an amount established by the county board of commissioners. Reimbursement for subsistence and travel shall be in accordance with a policy set by the county board of commissioners. The board shall meet at least quarterly. The chairperson or three of the members may call a special meeting.

(d) The consolidated human services board shall have authority to:

(1) Set fees for departmental services based upon recommendations of the human services director. Fees set under this subdivision are subject to the same restrictions on amount and scope that would apply if the fees were set by a county board of health, a county board of social services, or a mental health, developmental disabilities, and substance abuse area authority.

(2) Assure compliance with laws related to State and federal programs.

(3) Recommend creation of local human services programs.

(4) Adopt local health regulations and participate in enforcement appeals of local regulations.

(5) Perform regulatory health functions required by State law.

(6) Act as coordinator or agent of the State to the extent required by State or federal law.

(7) Plan and recommend a consolidated human services budget.

(8) Conduct audits and reviews of human services programs, including quality assurance activities, as required by State and federal law or as may otherwise be necessary periodically.

(9) Advise local officials through the county manager.

(10) Perform public relations and advocacy functions.

(11) Protect the public health to the extent required by law.

(12) Perform comprehensive mental health services planning.

(13) Develop dispute resolution procedures for human services contractors and clients and public advocates, subject to applicable State and federal dispute resolution procedures for human services programs, when applicable.

Except as otherwise provided, the consolidated human services board shall have the powers and duties conferred by law upon a board of health, a social services board, and an area mental health, developmental disabilities, and substance abuse services board.

Local employees who serve as staff of a consolidated county human services agency are subject to county personnel policies and ordinances only and are not subject to the provisions of the State Personnel ~~Act.~~ Act, unless the county board of commissioners elects to subject the local employees to the provisions of that act.

(e) The human services director of a consolidated county human services agency shall be appointed and dismissed by the county manager with the advice and consent of the consolidated human services ~~board.~~ board, unless the county board of commissioners elects to have the human services director appointed and dismissed by the consolidated human services board. The human services director shall report directly to the county ~~manager.~~ manager, unless the county board of commissioners elects to have the human services director appointed and supervised by the consolidated human services board. The human services director shall:

(1) Appoint staff of the consolidated human services agency with the county manager's ~~approval.~~ approval, unless the county board of commissioners elects to have the human services director appointed and supervised by the consolidated human services board.

(2) Administer State human services programs.

(3) Administer human services programs of the local board of county commissioners.
(4) Act as secretary and staff to the consolidated human services board under the direction of the county manager.
(5) Plan the budget of the consolidated human services agency.
(6) Advise the board of county commissioners through the county manager.
(7) Perform regulatory functions of investigation and enforcement of State and local health regulations, as required by State law.
(8) Act as an agent of and liaison to the State, to the extent required by law.

Except as otherwise provided by law, the human services director or the director's designee shall have the same powers and duties as a social services director, a local health director, and a director of an area mental health, developmental disabilities, and substance abuse services authority.

~~(f) This section applies to counties with a population in excess of 425,000.~~"

SECTION 2. This act is effective when it becomes law.