

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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HOUSE BILL 1241

Short Title: County Comms./Area Authority Appointments.

(Public)

Sponsors: Representative Walend.

Referred to: Mental Health Reform.

March 29, 2007

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE PROCESS BY WHICH BOARDS OF COUNTY
2 COMMISSIONERS MAY APPOINT MEMBERS TO A MULTICOUNTY AREA
3 AUTHORITY BOARD.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 122C-118.1 reads as rewritten:

7 "**§ 122C-118.1. Structure of area board.**

8 (a) An area board shall have no fewer than 11 and no more than 25 members.
9 However, the area board for a multicounty area authority consisting of eight or more
10 counties and serving a catchment area with a population of more than 500,000 may have
11 up to 30 members. In a single-county area authority, the members shall be appointed by
12 the board of county commissioners. Except as ~~otherwise provided,~~ provided in
13 subsection (a1) of this section, in areas consisting of more than one county, each board
14 of county commissioners within the area shall appoint one commissioner as a member
15 of the area board. These members shall appoint the other members. ~~The boards of~~
16 ~~county commissioners within the multicounty area shall have the option to appoint the~~
17 ~~members of the area board in a manner other than as required under this section by~~
18 ~~adopting a resolution to that effect. The boards of county commissioners in a~~
19 ~~multicounty area authority shall indicate in the business plan each board's method of~~
20 ~~appointment of the area board members in accordance with G.S. 122C-115.2(b). These~~
21 ~~appointments shall take into account sufficient citizen participation, representation of~~
22 ~~the disability groups, and equitable representation of participating counties.~~ Individuals
23 appointed to the board shall include two individuals with financial expertise, an
24 individual with expertise in management or business, and an individual representing the
25 interests of children. A member of the board may be removed with or without cause by
26 the initial appointing authority. Vacancies on the board shall be filled by the initial
27 appointing authority before the end of the term of the vacated seat or within 90 days of
28 the vacancy, whichever occurs first, and the appointments shall be for the remainder of
29 the unexpired term.

1 (a1) The boards of county commissioners within a multicounty area authority may
2 appoint the members of the area board in a manner other than is required under this
3 section if each board of county commissioners adopts a resolution specifying how the
4 area board will be appointed. Pursuant to G.S. 122C-115.2(b), the boards of county
5 commissioners in a multicounty area authority shall also indicate in the local business
6 plan each board's method of appointment of the area board members. The appointments
7 shall take into account sufficient citizen participation, representation of the disability
8 groups, and equitable representation of participating counties. The term limitations in
9 subsection (d) of this section shall not apply to appointments made according to
10 resolutions adopted under this subsection and included in an area authority's local
11 business plan.

12 (b) Not more than fifty percent (50%) of the members of the area board shall
13 represent the following:

- 14 (1) A physician licensed under Chapter 90 of the General Statutes to
15 practice medicine in North Carolina who, when possible, is certified as
16 having completed a residency in psychiatry.
- 17 (2) A clinical professional from the fields of mental health, developmental
18 disabilities, or substance abuse.
- 19 (3) At least one family member or individual from a citizens' organization
20 composed primarily of consumers or their family members,
21 representing the interests of individuals:
22 a. With mental illness;
23 b. In recovery from addiction; or
24 c. With developmental disabilities.
- 25 (4) At least one openly declared consumer:
26 a. With mental illness;
27 b. With developmental disabilities; or
28 c. In recovery from addiction.

29 (c) The board of county commissioners may elect to appoint a member of the
30 area authority board to fill concurrently no more than two categories of membership if
31 the member has the qualifications or attributes of the two categories of membership.

32 (d) Any member of an area board who is a county commissioner serves on the
33 board in an ex officio capacity. The terms of county commissioners on an area board are
34 concurrent with their terms as county commissioners. The terms of the other members
35 on the area board shall be for three years, except that upon the initial formation of an
36 area board one-third shall be appointed for one year, one-third for two years, and all
37 remaining members for three years. ~~Members~~ Except as provided in subsection (a1) of
38 this section, members shall not be appointed for more than two consecutive terms.
39 Board members serving as of July 1, 2006, may remain on the board for one additional
40 term.

41 (e) Upon request, the board shall provide information pertaining to the
42 membership of the board that is a public record under Chapter 132 of the General
43 Statutes."

1 **SECTION 2.** This act is effective when it becomes law. A multicounty area
2 authority may amend its local business plan to reflect appointments made pursuant to
3 this act.