GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2011

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HOUSE DRH80110-LB-295* (03/23)

Short Title:	Local Human Services Administration.	(Public)
Sponsors:	oonsors: Representatives Barnhart and Gillespie (Primary Sponsors).	
Referred to:		

A BILL TO BE ENTITLED 1 2 AN ACT CONCERNING ADMINISTRATION OF HUMAN SERVICES IN COUNTIES 3 THAT HAVE ELECTED TO CONSOLIDATE THOSE SERVICES DIRECTLY EITHER 4 UNDER THE COUNTY OR UNDER A CONSOLIDATED HUMAN SERVICE BOARD, 5 AND TO MAKE THAT STATUTE STATEWIDE IN APPLICABILITY. 6 The General Assembly of North Carolina enacts: 7 SECTION 1. G.S. 153A-77 reads as rewritten: 8 "§ 153A-77. Authority of boards of commissioners in certain counties over commissions, 9 boards, agencies, etc. 10 (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 11 or through any commission, board or agency by the adoption of a resolution assuming and 12 conferring upon the board of county commissioners all powers, responsibilities and duties of 13 14 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 15 16 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 17 18 of said county. A board of county commissioners exercising the power and authority under this 19 subsection may, notwithstanding G.S. 130A-25, enforce public health rules adopted by the 20 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 21 22 violation a misdemeanor shall not be applicable to that public health rule unless the rule states 23 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 24 25 pursuant to 30 days' notice of said public hearing given in a newspaper having general circulation in said county. 26 27 The board of county commissioners may also appoint advisory boards, committees,

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:

33 34 (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



1 manager or by the consolidated human services board under subdivision (2) of this subsection; 3 (2) Create a consolidated human services board having the powers conferred by subsection (c) of this section; 5 (3) Create a consolidated human services board 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 9 (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. 13 (c) A consolidated human services board appointed by the board of county commissioners shall serve as the policy-making authority granted to the consolidated human services agency. The composition of the board shall reasonably reflect the population makeup of the county and shall include: 18 (1) Eight persons who are consumers of human services. 20 including; one 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 othe human services. 21 Light persons who are professionals, each with qualifications in one of these categories: one psychologist, one pharmacist, one engineer, one denitst, one opoptometrist, one veretinarian, one social worker, and on		General Assem	bly of North Carolina	Session 2011		
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50 office by the county board of commissioners for (i) commission of a felony or other crime	49 50	0				

50 office by the county board of commissioners for (i) commission of a felony or other crime 51 involving moral turpitude; (ii) violation of a State law governing conflict of interest; (iii)

General Assembly of North Carolina Session 2011 violation of a written policy adopted by the county board of commissioners; (iv) habitual 1 2 failure to attend meetings; (v) conduct that tends to bring the office into disrepute; or (vi) 3 failure to maintain qualifications for appointment required under this subsection. A board 4 member may be removed only after the member has been given written notice of the basis for 5 removal and has had the opportunity to respond. 6 A member may receive a per diem in an amount established by the county board of 7 commissioners. Reimbursement for subsistence and travel shall be in accordance with a policy 8 set by the county board of commissioners. The board shall meet at least quarterly. The 9 chairperson or three of the members may call a special meeting. 10 The consolidated human services board shall have authority to: (d) Set fees for departmental services based upon recommendations of the 11 (1)human services director. Fees set under this subdivision are subject to the 12 13 same restrictions on amount and scope that would apply if the fees were set 14 by a county board of health, a county board of social services, or a mental 15 health, developmental disabilities, and substance abuse area authority. Assure compliance with laws related to State and federal programs. 16 (2)17 Recommend creation of local human services programs. (3) 18 (4) Adopt local health regulations and participate in enforcement appeals of 19 local regulations. 20 (5) Perform regulatory health functions required by State law. 21 (6) Act as coordinator or agent of the State to the extent required by State or 22 federal law. 23 Plan and recommend a consolidated human services budget. (7)24 (8) Conduct audits and reviews of human services programs, including quality 25 assurance activities, as required by State and federal law or as may otherwise 26 be necessary periodically. Advise local officials through the county manager. 27 (9) 28 (10)Perform public relations and advocacy functions. 29 Protect the public health to the extent required by law. (11)30 (12)Perform comprehensive mental health services planning. 31 Develop dispute resolution procedures for human services contractors and (13)32 clients and public advocates, subject to applicable State and federal dispute 33 resolution procedures for human services programs, when applicable. 34 Except as otherwise provided, the consolidated human services board shall have the powers 35 and duties conferred by law upon a board of health, a social services board, and an area mental 36 health, developmental disabilities, and substance abuse services board. 37 Local employees who serve as staff of a consolidated county human services agency are 38 subject to county personnel policies and ordinances only and are not subject to the provisions 39 of the State Personnel Act. Act, unless the county board of commissioners elects to subject the 40 local employees to the provisions of that act. The human services director of a consolidated county human services agency shall 41 (e) 42 be appointed and dismissed by the county manager with the advice and consent of the 43 consolidated human services board, unless the county board of commissioners elects to have the human services director appointed and dismissed by the consolidated human services 44 board. The human services director shall report directly to the county manager. manager, unless 45 46 the county board of commissioners elects to have the human services director appointed and 47 supervised by the consolidated human services board. The human services director shall: 48 Appoint staff of the consolidated human services agency with the county (1)49 manager's approval, approval, unless the county board of commissioners 50 elects to have the human services director appointed and supervised by the

consolidated human services board.

51

	General Assembly of North Carolina Session 2011				
1	(2)	Administer State human services programs.			
2	(3)	Administer human services programs of the local board of county			
3		commissioners.			
4	(4)	Act as secretary and staff to the consolidated human services board under the			
5		direction of the county manager.			
6	(5)	Plan the budget of the consolidated human services agency.			
7	(6)	Advise the board of county commissioners through the county manager.			
8	(7)	Perform regulatory functions of investigation and enforcement of State and			
9		local health regulations, as required by State law.			
10	(8)	Act as an agent of and liaison to the State, to the extent required by law.			
11	Except as otherwise provided by law, the human services director or the director's designee				
12	shall have the same powers and duties as a social services director, a local health director, and a				
13	director of an area mental health, developmental disabilities, and substance abuse services				
14	authority.				
15	(f) This s	section applies to counties with a population in excess of 425,000."			
16	SECTION 2. This act is effective when it becomes law.				