

AN EMERGENCY ORDINANCE

AN EMERGENCY ORDINANCE TO REPEAL SECTION 4 OF COUNTY ORDINANCE NUMBER 2378 ESTABLISHING THE GOVERNANCE STRUCTURE OF THE GREENVILLE COUNTY DISABILITIES AND SPECIAL NEEDS BOARD.

WHEREAS, the County of Greenville through its County Council is charged with the responsibility of setting up a local board of disabilities and special needs pursuant to Section 44-20-375 of the Code of Laws of South Carolina, as amended, to serve as the local public body administering, planning and coordinating, or providing services within Greenville County for persons with intellectual disabilities, related disabilities, head injuries, or spinal cord injuries; and

WHEREAS, the authority granted to Greenville County Council pursuant to S.C. Code Ann. Sections 44-20-375 and 44-20-378 includes the authority by ordinance to establish the number and terms of members of the board of directors of the local board and provide for their powers and duties under State law; and

WHEREAS, in 1992, Greenville County Council by adoption of Ordinance No. 2378, later amended by Ordinance No. 2552, created what is now known as the Greenville County Disabilities and Special Needs Board (“GCDSNB”) to serve as the local disabilities and special needs agency, established the agency’s powers, duties, responsibilities, and functions, and simultaneously created a twelve (12) member board of directors to govern the GCDSNB; and

WHEREAS, as charged by County Council, the purpose of the GCDSNB is to develop, provide, coordinate, improve and operate community-based programs serving persons with special needs and disabilities with a view toward developing their respective mental, physical and social capacities to their fullest potential; and

WHEREAS, County Council has been informed of various difficulties under the current framework for special needs and disabilities governance and operation that has impacted the ability of the GCDSNB to fully achieve its purpose and perform its duties; and

WHEREAS, the resignation of five (5) members of the twelve (12) member GCDSNB board in the past three months reflects the instability of the current governance structure; and

WHEREAS, County Council has determined the 1992 governance structure set up for the GCDSNB board of directors has become outdated and is in need of a significant overhaul in order to move disability and special needs services forward in Greenville County for the coming decades; and

WHEREAS, County Council recognizes that the first step in reestablishing a modern framework requires the repeal and replacement of the current governance structure of the GCDSNB; and

WHEREAS, County Council plans to create by ordinance a permanent seven (7) member board of directors with three (3) year terms; and

WHEREAS, the permanent board will develop and adopt By-Laws to be approved by County Council, and make annual reports and reviews of GCDSNB financial reports to County Council; and

WHEREAS, the County Administration will ensure that a formal orientation program is conducted for all new permanent board members, and that no less than biannually, the permanent board and its chief administrative officer shall undertake facilitated training to develop, review, and revise as appropriate the mission, purpose, and goals of GCDSNB; and

WHEREAS, the County Council will develop and adopt minimum qualifications for persons to be appointed to serve on the permanent board.

NOW, THEREFORE, BE IT ORDAINED BY GREENVILLE COUNTY COUNCIL:

Section 1. Declaration of Emergency. Greenville County Council is compelled to act in the best interest of the life, health, and safety of those citizens with disabilities and special needs in Greenville County. County Council finds that waning public confidence and growing concern over the present governance structure of the GCDSNB, as established back in 1992, has rendered its board ineffective and is having a detrimental impact on the overall mission of the agency. In order to address growing citizen concerns and ensure the safe and consistent delivery of services to citizens, County Council must immediately bring the current GCDSNB structure to its conclusion, and request that the S.C. Department of Disabilities and Special Needs provide oversight of the GCDSNB programs and assets to ensure the seamless delivery of services until County Council can implement the new governance structure.

Section 2. Repeal of Section 4 of Ordinance No. 2378. Section 4 of Greenville County Ordinance No. 2378 is hereby repealed.

Section 3. Result of Repeal. The 1992 governance structure of the GCDSNB is repealed and as a result the current board of directors of the GCDSNB is disbanded. The GCDSNB (the local agency coordinating and delivering disability and special need services to Greenville County citizens) shall continue in existence.

Section 4. Interim Board of Directors. An interim five (5) member board of directors of the GCDSNB is hereby created with the powers and duties set forth in Ordinance No. 2378, as amended. The interim board of directors shall be appointed in compliance with S.C. Code Ann. § 44-20-375 and shall serve until such time as Greenville County Council creates by ordinance a permanent and modernized governance structure for the GCDSNB.

Section 5. Request to the State. The County Administrator is to provide a copy of this ordinance to the S.C. Department of Disabilities and Special Needs (“SCDDSN”) and to affirm and coordinate the County’s temporary request for assistance from SCDDSN to ensure the seamless delivery of services to citizens of Greenville County with disabilities and special needs. The authority set forth in S.C. Code Ann. § 44-20-385 and Ordinance No. 2378, as amended, is vested in the SCDDSN until such time as the five (5) members of the interim board of directors are appointed and qualified.

Section 6. Severability. Severability is intended throughout and within the provisions of this ordinance. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This ordinance shall take effect upon its adoption.

DONE IN SPECIAL MEETING THIS _____ DAY OF _____, 2012.

GREENVILLE COUNTY COUNCIL

Herman G. Kirven, Jr., Chairman
Greenville County Council

ATTEST:

Theresa B. Kizer
Clerk to Council

Joseph M. Kernell
County Administrator