

AN ORDINANCE

TO AMEND ORDINANCE NO. 2378, AS AMENDED, TO ESTABLISH A BOARD OF DIRECTORS OF THE GREENVILLE COUNTY DISABILITIES AND SPECIAL NEEDS BOARD; TO DEFINE THE MEMBERSHIP, TERMS, AND APPOINTMENT OF BOARD MEMBERS; TO UPDATE THE DUTIES OF THE GCDSNB AGENCY AND BOARD; AND TO PROVIDE FOR THE DISSOLUTION OF THE INTERIM BOARD OF DIRECTORS.

WHEREAS, in light of concerns regarding the provision of services to citizens with special needs and disabilities, County of Greenville through its County Council set out to update the governance structure of the local disabilities and special needs agency known as the Greenville County Disabilities and Special Needs Board (“GCDSNB”);

WHEREAS, 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;

WHEREAS, to allow County Council time to determine the appropriate governance structure to support and sustain the delivery of disability and special needs services in Greenville County, County Council created an interim board of directors to ensure that the GCDSNB fulfilled its purpose; and

WHEREAS, the Interim Board of Directors has performed its duties with a high level of professionalism, achieving its intended outcomes for clients, and has operated in an effective, efficient, and ethical manner; and

WHEREAS, County Council is ready to adopt a new governance structure for the GCDSNB so as to move disability and special needs services forward in Greenville County for the coming decades.

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

Section 1. Amendment. Sections 2, 3, 4, 5 and 6 of Ordinance No. 2378, as amended, shall be further amended to read as follows:

Section 2. The Greenville County Disabilities and Special Needs Board (GCDSNB). There is hereby created the Greenville County Disabilities and Special Needs Board (GCDSNB) with the powers, duties, responsibilities, and functions set forth pursuant to S.C. Code Ann. §§ 44-20-375 through 385. The GCDSNB is the local public body

administering, planning, coordinating, or providing services within Greenville County for persons with intellectual disability, related disabilities, head injuries, or spinal cord injuries and is recognized by the South Carolina Department of Disabilities and Special Needs.

Section 3. Purpose. 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.

Section 4. Board of Directors of the GCDSNB.

(A) Creation of the Board of Directors. The Board of Directors of the GCDSNB is hereby created and appointed in compliance with S.C. Code Ann. §§ 44-20-375 and 378. The Board of Directors shall ensure that the GCDSNB fulfills its purposes and obligations as set forth in S.C. Code Ann. § 44-20-375 through § 44-20-385, as may be amended from time to time, and that the GCDSNB achieves intended outcomes for clients, and operates in an effective, efficient, and ethical manner. Once the initial members of the Board of Directors are appointed and qualified pursuant to subsection (B), the Interim Board established pursuant to County Ordinance No. 4493 will be dissolved.

(B) Composition of the Board. The Board of Directors shall be composed of seven (7) resident electors of Greenville County. The Board shall be appointed by the Governor of the State of South Carolina upon the recommendation of Greenville County Council. In selecting individuals to serve on the Board, Council will look for candidates who possess demonstrated business and/or other organizational experience in areas including, but not limited to: finance, executive management, marketing/communications, fundraising, human resources, business planning, real estate, and continuing care community management. Additionally, candidates recommended for appointment should possess an interest in special needs and disabilities and/or human services.

(C) Conflict of Interest. The Board of Directors may at times be called upon to make difficult decisions regarding budgets, personnel, compensation or other important matters; therefore, employees of the GCDSNB or other individuals providing services in exchange for payment from the GCDSNB are not eligible to serve on the Board of Directors of the GCDSNB. Furthermore, individuals with an immediate family member(s) who are employed by or perform services in exchange for payment from the GCDSNB are not eligible to serve on the Board.

(D) Terms. The terms of the members of the Board of Directors shall be for three (3) years and until their successors are appointed and qualify except that of the first appointed: three (3) members shall be appointed for one (1) year and thereafter successors will serve three (3) year terms; two (2) members shall be appointed for two (2) years and thereafter successors will serve three (3) year terms; and two (2) members will be appointed for three (3) year terms.

(E) Vacancies. Vacancies for any unexpired terms shall be filled in the same manner as original appointments. Any member may be removed by the appointing authority for neglect of duty, misconduct or malfeasance in office after being given a written statement of reasons and an opportunity to be heard, or for missing three (3) consecutive meetings without notice to the Board.

(F) Directives to the Board. The Board of Directors, through its chairperson, shall make reports as requested by County Council, but no less than annually. The reports shall at a minimum include the updates on the financial status of the GCDSNB and any other significant issues or concerns affecting the Board of Directors, the GCDSNB, or families of clients. The Board is directed to ensure that a formal orientation program is conducted for all new Board members, and that no less than annually, the Board and its chief administrative officer shall undertake facilitated training to develop, review, and revise as appropriate the mission, purpose, and goals of GCDSNB.

Section 5. Authority and Duties. Pursuant to S.C. Code Ann. § 44-20-385, and as that Code Section from time to time may be amended, the Greenville County Disabilities and Special Needs Board (GCDSNB):

(A) is the administrative, planning, coordinating, and service delivery body for county disabilities and special needs services funded in whole or in part by state appropriations to the department or funded from other sources under the department's control. It is a body corporate in deed and in law with all the powers incident to corporation including the power to incur debt insofar as that debt is payable from contract, grant, or other revenues and is not the debt of the State or its other political subdivisions. A county board may purchase and hold real and mortgage property and erect and maintain buildings. The department shall approve all debt of a county board to be paid in whole or in part from contract, grant, or other revenues provided by the State. However, the department has no responsibility for the debt so approved;

(B) shall submit an annual plan and projected budget to the department for approval and consideration of funding;

(C) shall review and evaluate on at least an annual basis the county disabilities and special needs services provided pursuant to this chapter and report its findings and recommendations to the department;

(D) shall promote and accept local financial support for the county program from private and other lawful sources and promote public support from municipal and county sources;

(E) shall employ personnel and expend its budget for the direct delivery of services or contract with those service vendors necessary to carry out the county intellectual disability, related disabilities, head injuries, and spinal cord injuries services program who meet specifications prescribed by the department;

(F) shall plan, arrange, implement, and monitor working agreements with other human service agencies, public and private, and with other educational and judicial agencies;

(G) shall provide the department records, reports, and access to its sponsored services and facilities the department may require and submit its sponsored services and facilities to licensing requirements of the department or to the licensing requirements of other state or local agencies having this legal authority; and

(H) shall represent the best interest of persons with intellectual disability, related disabilities, head injuries, or spinal cord injuries to the public, public officials, and other public or private organizations.

Section 6. Meetings and Requirements. The Board of Directors of the GCDSNB shall meet no fewer than four (4) times per year. All meetings of the Board of Directors and its committees shall be conducted in accordance with the general law of the State of South Carolina regarding meetings of public bodies. The Board of Directors shall establish its own bylaws and select officers pursuant to its bylaws.”

Section 2. 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 3. Effective Date. This ordinance shall take effect upon its adoption.

DONE IN REGULAR MEETING THIS _____ DAY OF _____, 2013.

GREENVILLE COUNTY COUNCIL

Bob Taylor, Chairman
Greenville County Council

ATTEST:

Theresa B. Kizer
Clerk to Council

Joseph M. Kernell
County Administrator