

ORDINANCE NO. 417

AN ORDINANCE TO DISSOLVE THE FAIRFIELD/NEWBERRY COUNTIES DISABILITIES AND SPECIAL NEEDS BOARD; TO RECONSTITUTE THE FAIRFIELD COUNTY DISABILITIES AND SPECIAL NEEDS BOARD; TO PROVIDE FOR ITS MEMBERSHIP, FUNCTIONS, RESPONSIBILITIES, AND DUTIES; TO PROVIDE THE METHOD OF APPOINTMENT OF ITS MEMBERSHIP; TO REQUIRE INSURANCE COVERAGE FOR EMPLOYEES AND BOARD MEMBERS; TO ESTABLISH THE SEPARABILITY AND SEVERABILITY OF THIS ORDINANCE; TO ESTABLISH AN EFFECTIVE DATE OF THIS ORDINANCE; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

WHEREAS, the County of Fairfield recognized the need to separate the Fairfield County Disabilities and Special Needs Board from the Newberry County Disabilities and Special Needs Board to improve community-based programs serving persons with mental retardation or other related disabilities, including but not limited to autism and head and/ or spinal cord injuries, with a view toward developing their respective mental, physical and social capabilities to their maximum potential.

SECTION 1. AUTHORITY. This ordinance is adopted pursuant to the requirement of Section 44-20-375, Code of Laws of South Carolina, 1976, as amended.

SECTION 2. BOARD. The Fairfield/Newberry Counties Disabilities and Special Needs Board is hereby dissolved. The Fairfield County Disabilities and Special Needs Board is hereby reconstituted and reestablished with powers, duties, responsibilities, and functions set forth herein.

SECTION 3. PURPOSE. It is the purpose of the Fairfield County Disabilities and Special Needs Board to develop, provide, coordinate, improve and operate community-based programs serving persons with mental retardation or other related disabilities, including but not limited to autism and head and/or spinal cord injuries, with a view toward developing their respective mental, physical and social capacities to their fullest potential.

SECTION 4. MEMBERSHIP. The Board shall be:

- a. Composed of seven (7) members. The members of the Board shall be appointed by the County Council. The Board shall provide the County Council with a pool of interested, mutually acceptable persons, legally entitled to serve on the Board. County Council shall not be bound to accept these persons or be limited in any way in appointments, but shall use these names only for resources.
- b. The terms of office for those persons appointed by County Council shall be for terms of three (3) years; provided that the terms shall be staggered in the initial appointment by appointing four members to serve three (3) years and three members to serve two (2) years. The terms for the reconstituted board shall begin December 1, 2001.

- c. If a vacancy occurs, the Council shall fill the vacancy for the unexpired portion of the term. Persons selected to fill positions shall be eligible to serve no more than two consecutive terms. Any portion of the term is considered a whole term. Any member may be removed by the appointing authority for neglect of duty, misconduct or malfeasance in office or for missing three (3) consecutive meetings after being given a written statement of reasons and an opportunity to be heard.
- d. Ex-Officio: In addition to the seven (7) board members, the County Council may designate a representative to serve as a liaison to the board. This ex-officio shall have such duties and responsibilities as the board shall deem appropriate.

SECTION 5. DUTIES. The board shall:

- a. Be the administrative, planning, coordinating, evaluative and reviewing body for services to persons in Fairfield County who have mental retardation or other related disabilities, including but not limited to autism and head and/or spinal cord injuries; the board shall be funded in part or in whole by appropriations from the South Carolina Department of Disabilities and Special Needs.
- b. Submit an annual plan and projected budget to the South Carolina Department of Disabilities and Special Needs for approval and consideration for funding.
- c. Review and evaluate on at least an annual basis county mental retardation or related disability services provided pursuant to this ordinance and report its findings and recommendations to the South Carolina Department of Disabilities and Special Needs and Fairfield County Council.
- d. Promote and accept local financial support for the Fairfield County programs from funding sources, such as businesses, individuals, industries, private foundations, voluntary agencies, governmental and other lawful sources and promote public support from municipal and county sources.
- e. Employ personnel and expend its budget for the direct delivery of services or contract with those service vendors necessary to carry out county mental retardation or related disability service programs, which shall meet those specifications prescribed by the South Carolina Department of Disabilities and Special Needs and other licensing authorities.
- f. Plan, arrange and implement working agreements and contracts with other human service agencies, both public and private, and with educational and judicial agencies.
- g. Provide the South Carolina Department of Disabilities and Special Needs and Fairfield County Council such records, reports and access to its sponsored services as the South Carolina Department of Disabilities and Special Needs and

Fairfield County Council may require and submit its sponsored services and facilities to licensing requirements of the South Carolina Department of Disabilities and Special Needs or the licensing requirements of other state and local agencies having such legal authority.

- h. Buy, sell, mortgage, pledge, encumber, lease, rent and contract with respect to real and personal property, and borrow money, provided the obligation to repay same is payable out of any revenue of the Fairfield County Disabilities and Special Needs Board and shall not obligate the full faith, credit and taxing power of Fairfield County.
- i. Provide a public forum to which individuals or groups may present any concerns or appeal a dispute or disagreement with a provided agency or service.
- j. Do any and all other things and acts authorized by the statutory law of the State of South Carolina and such other acts as may be necessary to carry out the duties enumerated herein.

SECTION 6. MEETINGS AND REQUIREMENTS. The board shall open all regular meetings to the general public. No fewer than nine (9) meetings per year shall be held. Special meetings may be called with reasonable notice given to other members of the board and with proper notification to the public in accordance with the South Carolina Freedom of Information Act.

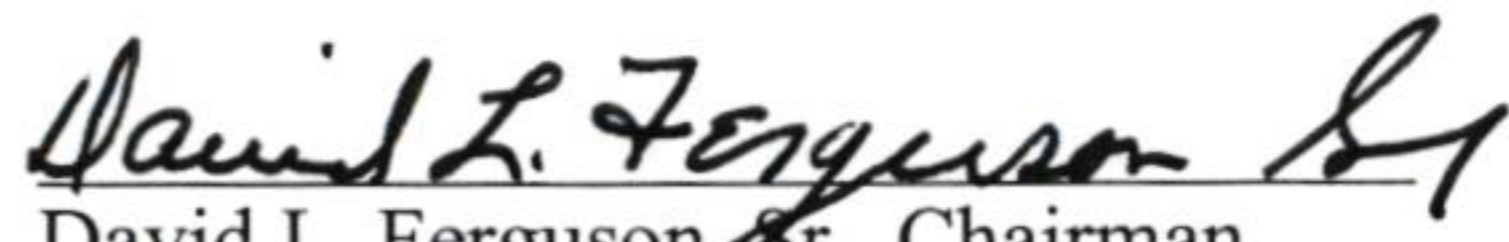
SECTION 7. SEVERABILITY. Should any section of this ordinance be, for any reason, held void or invalid, it shall not affect the validity of any other section hereof which is not itself void or invalid.

SECTION 8. INSURANCE. The board shall maintain at all times workers compensation insurance on its employees and a policy of liability insurance in the amount of \$1,000,000 covering all employees and board members. The premiums for this coverage shall be the responsibility of the board. Fairfield County shall be listed as an insured under the policy of liability insurance. The board shall furnish a copy of the current insurance to the Fairfield County Council and will keep current copies of the policies on file at all times.

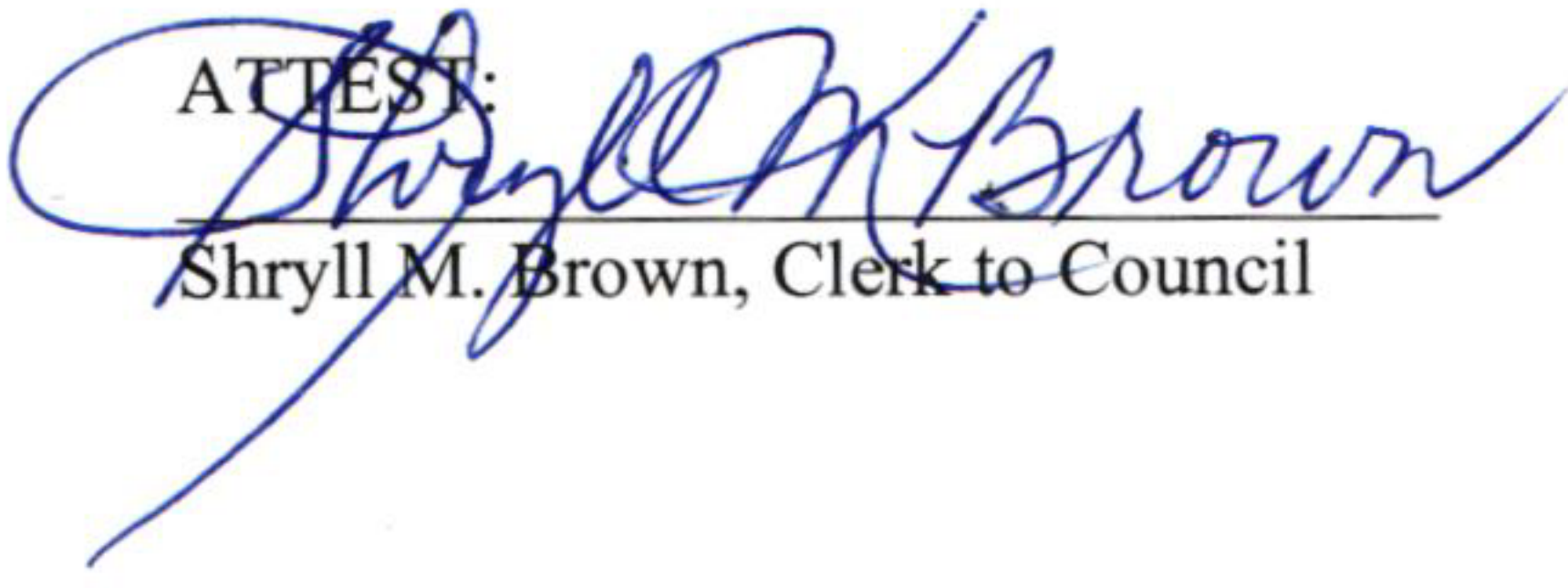
SECTION 9. AMENDMENT. This ordinance repeals Fairfield County Ordinance No. 351 creating the Fairfield/Newberry Counties Disabilities and Special Needs Board in its entirety. Any other ordinances or parts of ordinances in conflict with this ordinance or inconsistent with its provisions are hereby repealed or superceded to the extent necessary to give this ordinance full force and effect.

Ordinance No. 417 shall become effective upon its passage and execution by the Fairfield County Council.

ADOPTED THIS 22nd DAY OF October, 2001, BY ORDER OF THE FAIRFIELD COUNTY COUNCIL.


David L. Ferguson, Sr., Chairman

ATTEST:


Shryll M. Brown, Clerk to Council

First Reading:	<u>July 9, 2001</u>
Second Reading:	<u>August 13, 2001</u>
Third Reading:	<u>October 22, 2001</u>
Public Hearing:	<u>October 22, 2001</u>