



**RUTHERFORD COUNTY BOARD
OF SOCIAL SERVICES
OPERATING PROCEDURES MANUAL**

**Adopted
May 2004**

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Mission Statement:

To support, protect, and enhance the quality of life in Rutherford County by partnering with families and the community to provide needed services and meaningful opportunities for our citizens.

*Rutherford County Department of Social Services
2008-2009 Social Services Board*

Ms. Jacqueline S. Hampton

Mr. Charles Hill

Mr. David Reno

Mrs. Inez H. Spratt

Mr. Steve Bedford

1. Regular Meetings

The board shall hold a required regular meeting on the third Wednesday of each month, except that if the regular meeting day falls on a legal holiday the meeting shall be held on the following Wednesday. The meeting shall be held at the Rutherford County DSS building in the conference room and shall begin at 8:00 a.m.

2. Special Meetings

The chairman or a majority of the members may call a special meeting at any time by giving actual notice of the time and place of the meeting and the subjects to be considered to each board member at least forty-eight hours prior to the meeting (only exception will be emergency meetings). If reasonable efforts to give each member actual notice are not successful, written notice shall be left at the member's home. Only those items of business contained in the notice may be transacted at the meeting unless all members are present. (Reference GS 143-318.12)

3. Organizational Meeting

At the July board meeting each year the board shall hold an organizational meeting. New board members shall take the oath of office as the first order of business. As the second order of business, the board shall elect a chairman and vice-chairman from its members. The secretary will preside until such time as the board elects a chairman.

4. Agenda

The board members will provide items to be placed on the following month's agenda at each meeting. The secretary will prepare the agenda no later than one week prior to the meeting and mail it to all board members no later than the Thursday prior to the Wednesday meeting. Any board members wishing to place item(s) on the agenda shall contact the secretary at least one week prior to the meeting in order to have the item(s) placed on the agenda. The agenda shall be available for public inspection and/or distribution when it is distributed to the board members.

The board members may, by a general consensus, add an item that is not on the agenda on the day of the meeting.

5. Public Address to the Board

Any individual or group who wishes to address the board shall make a request to the secretary to be on the agenda at least one week prior to the meeting. The secretary will make a determination at that time of the time limit. However, the board shall determine at the meeting whether it will hear the individual or group. Any individual or group that requests to address the board with less than a one week notice shall have a ten minute time limit to do so.

6. Order of Business

Items shall be placed on the agenda according to the Order of Business. The Order of Business for each regular meeting shall be as follows:

1. Welcome/Call to Order
2. Invocation
3. Approval of Minutes
4. Discussion/adjustment of agenda
5. Service Report
6. Budget Discussion
7. Personnel Report
8. Employee of the Month Recognition or other special recognitions/presentations.
9. Announcements
10. Executive Session

7. Presiding Officer

The chairman shall preside at the board meetings. In order to address the board, a member must be recognized by the chairman. The chairman shall have the following powers:

1. To rule motions in or out of order, including the right to rule out of order any motions patently offered for obstructive or dilatory purposes;
2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his remarks and to entertain and rule on objections from other members on this ground;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time;
5. To adjourn in an emergency.

8. Presiding Officer When the Chairman Is In Active Debate

The chairman shall preside at board meetings unless he becomes actively engaged in debate on a particular proposal, in which case he may designate another board member to preside over the debate. The chairman shall resume the duty to preside as soon as action on the matter is concluded.

9. Action By the Board

The board shall proceed by motion. Anyone, including the chairman, may make a motion.

10. Second is Required

A motion shall require a second, before action can be taken.

11. One Motion at a Time

A member may make only one motion at a time.

12. Substantive Motion

A substantive motion is out of order while another substantive motion is pending.

13. Adoption by Majority Vote

A motion shall be adopted by a majority of the votes cast, a quorum being present, unless otherwise required by these rules or the laws of North Carolina. (When all board members are present a majority is defined as three members.)

14. Debate

The chairman shall state the motion and then open the floor to debate on the motion. The chairman shall preside over the debate according to the following general principles:

1. The introducer (the member who makes the motion) is entitled to speak first;
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the debate shall alternate between opponents and proponents of the measure.

15. Procedural Motions

In addition to substantive proposals, the following procedural motions, and no others, shall be in order. Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

In order of priority (if applicable), the procedural motions are as follows:

- A. *To Adjourn.* The motion may be made only when action on a pending matter concludes; it may not interrupt deliberation of a pending matter.
- B. *To Take a Recess.*
- C. *Call to Follow the Agenda.* The motion must be made at the first reasonable opportunity or it is waived.
- D. *To Suspend the Rules.* For adoption, the motion requires a vote equal to the number required for a quorum.
- E. *To Divide a Complex Motion and Consider it by Paragraph.*
- F. *To Defer Consideration.* A substantive motion consideration that has been deferred expired (100) days thereafter unless a motion to revive consideration is adopted.
- G. *Call of the Previous Question.* The motion is not in order until every member has had an opportunity to speak once.
- H. *To Postpone to a Certain Time or Day.*
- I. *To Refer to a Committee.* (Sixty) days after a motion has been referred to committee, the introducer may compel consideration of the measure by the entire board, regardless of whether the committee has reported the matter back to the board.
- J. *To Amend.* An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the motion's intent. The motion may be amended and an amendment may be amended, but no further amendments may be made.
- K. *To Revive Consideration.* The motion is in order anytime (100) days after a vote to defer consideration. A substantive motion consideration of which has been deferred expires (100) days thereafter unless a motion to revive consideration is adopted.
- L. *To Reconsider.* A member who voted with the prevailing side must make the motion. It must be made at the same meeting as the vote was

taken. It cannot interrupt deliberation on a pending matter but is in order at any time before actual adjournment.

M. To Rescind or Repeat.

N. To Ratify.

O. To Prevent Reconsideration for (Six) Months. The motion is in order immediately following the defeat of a substantive motion and at no other time. For adoption the motion requires a vote equal to the number required for a quorum. It is valid for six months or until a new board member is appointed, whichever occurs first.

16. Renewal of Motion.

A motion that is defeated may be renewed at any subsequent meeting unless a motion to prevent reconsideration has been adopted.

17. Withdrawal of Motion

A motion may be withdrawn by the introducer at any time before a vote.

18. Duty to Vote

Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting shall so inform the chairman, who shall take a vote of the remaining members present. No member shall be excused from voting except on matters involving his own financial interest or official conduct. In all other cases, a failure to vote by member who is physically present or has withdrawn without being excused by a majority vote of the remaining members present shall be recorded as an affirmative vote.

19. Executive Sessions

The board may hold executive sessions. (Reference G.S. 143-318). The board shall commence an executive session by a majority vote to do so and end it in the same manner.

Minutes must be kept of all executive sessions. If the board in executive session takes no action, the minutes should simply state that the meeting was held and a particular topic was discussed.

20. Quorum

A majority of the actual membership of the board, excluding vacant seats, shall constitute a quorum. A member who has withdrawn from a meeting without

being excused by majority vote of the remaining members present shall be counted as present for purposes of determining whether quorum is present.

21. Public Hearings

Public hearings required by law or deemed advisable by the board shall be organized by a special order, adopted by a majority vote, setting forth the subject, date, place and time of the hearing as well as any rules regarding the length of time of each speaker, etc. At the appointed time, the chairman or his/her designee shall call the hearing to order and then preside over it. When the allotted time expires or when no one wishes to speak who has not done so, the chairman or his/her designee shall declare the hearing ended.

22. Minutes

Minutes shall be kept of all board meetings.

23. Appointments

The board shall use the following procedure to make appointments to various subordinate boards and offices: The chairman shall open the floor to nominations. At this time the names of possible appointees shall be put forward by the members and debated. When the debate ends, the chairman shall call the roll of the members, and each member shall cast his/her vote. The votes shall not be tallied until all members have voted.

The nominee(s) who receive(s) the highest number of votes shall be appointed.

If more than one appointee is to be selected, each member shall have as many votes as there are slots to be filled. A member must cast all of his votes and cast them for different nominees.

24. Reference to Robert's Rules of Order

To the extent not provided for in these rules and to the extent that the reference does not conflict with the spirit of these rules, the board shall refer to Robert's Rules of Order, Revised, for unresolved procedural questions.

State Laws that Impact Social Services Boards in North Carolina

Chapter 108A

(108A-1 – 108A-13)

Chapter 108A. Social Services.

Article 1 County Administration

Part 1. County Boards of Social Services

108A-1. Creation

Every county shall have a board of social services or a consolidated human services board created pursuant to G.S. 153A-77(b) which shall establish county policies for the programs established by this Chapter in conformity with the rules and regulations of the Social Services Commission and under the supervision of the Department of Health and Human Services. Provided, however, county policies for the program of medical assistance shall be established in conformity with the rules and regulations of the Department of Health and Human Services. (1917, c. 170, s. 1; 1919, c. 46, s. 3; C.S., s. 5014; 1937, c. 319, s. 3; 1941, c. 270, s. 2; 1945, c. 47; 1953, c. 132; 1955, c. 249; 1957, c. 100, s. 1; 1959, c. 1255, s. 1; 1961, c. 186; 1963, c. 139; c. 247, ss. 1, 2; 1969, c. 546, s. 1; 1973, c. 476, s. 138; 1977, 2nd Sess., c. 1219, s. 6; 1981, c. 275, s. 1; 1995 (Reg. Sess., 1996), c. 690, s. 5; 1997-443,s. 11A.118(a).)

108A-2. Size

The county board of social services of a county shall consist of three members, except that the board of commissioners of any county may increase such number to five members. The decision to increase the size to five members or to reduce a five-member board to three shall be reported immediately in writing by the chairman of the board of commissioners to the Department of Health and Human Services. (1917, c. 170, s. 1; 1919, c. 46, s. 3; C.S., s. 5014; 1937, c. 319, s. 3; 1941, c. 270, s. 2; 1945, c. 47; 1953, c. 132; 1955, c. 249; 1957, c. 100, s. 1; 1959, c. 1255, s. 1; 1961, c. 186; 1963, c. 139; c. 247, ss. 1, 2; 1969, c. 546, s. 1; 1973, c. 476, s. 138; 1981, c. 275, s. 1; 1995 (Reg. Sess., 1996), c. 690, s. 6; 1997-443,s. 11A.118(a).)

108A-3. Method of appointment; residential qualifications; fee or compensation for services; consolidated human services board appointments.

(a) Three-Member Board. - The board of commissioners shall appoint one member who may be a county commissioner or a citizen selected by the board; the Social Services Commission shall appoint one member; and the two members so appointed shall select the third member. In the event the two members so appointed are unable to agree upon selection of the third member, the senior regular resident superior court judge of the county shall make the selection. (b) Five-Member Board. - The procedure set forth in subsection (a) shall be followed, except that both the board of commissioners and the Social Services Commission shall appoint two members each, and the four so appointed shall select the fifth member by majority vote of the membership. If a majority of the four are unable to agree upon the fifth member, the senior regular superior court judge of the county shall make the selection. (c) Provided further that each member so appointed under subsection (a) and subsection (b) of this section by the Social Services Commission and by the county board of commissioners or the senior regular resident superior court judge of the county, shall be bona fide residents of the county from which they are appointed to serve, and will receive as their fee or compensation for their services rendered from the Department of Health and Human Services directly or indirectly only the fees and compensation as provided by G.S. 108A-8. (d) Consolidated Human Services Board. - The board of county commissioners shall be the sole appointing authority for members of a consolidated human services board and shall appoint those members in accordance with G.S. 153A-77(c). (1917, c. 170, s. 1; 1919, c. 46, s. 3; C.S., s. 5014; 1937, c. 319, s. 3; 1941, c. 270, s. 2; 1945, c. 47; 1953, c. 132; 1955, c. 249; 1957, c. 100, s. 1; 1959, c. 1255, s. 1; 1961, c. 186; 1963, c. 139; c. 247, ss. 1, 2; 1969, c. 546, s. 1; 1971, c. 369; 1973, c. 476, s. 138; 1981, c. 275, s. 1; 1995 (Reg. Sess., 1996), c. 690, s. 7; 1997-135, s. 1; 1997-443, s. 11A.118(a).)

108A-4. Term of Appointment

Each member of a county board of social services shall serve for a term of three years. No member may serve more than two consecutive terms. Notwithstanding the previous sentence, the limitation on consecutive terms does not apply if the member of the social services board was a member of the board of county commissioners at any time during the first two consecutive terms, and is a member of the board of county commissioners at the time of reappointment. (1917, c. 170, s. 1; 1919, c. 46, s. 3; C.S., s. 5014; 1937, c. 319, s. 3; 1941, c. 270, s. 2; 1945, c. 47; 1953, c. 132; 1955, c. 249; 1957, c. 100, s. 1; 1959, c.1255, s. 1; 1961, c. 186; 1963, c. 139; c. 247, ss. 1, 2; 1969, c. 546, s. 1; 1981, c. 275, s. 1; c. 770.)

108A-5. Order of Appointment

(a) Three-Member Board: The term of the member appointed by the Social Services Commission shall expire on June 30, 1981, and every three years thereafter; the term of the member appointed by the board of commissioners shall expire on June 30, 1983, and every three years thereafter; and the term of the third member shall expire on June 30, 1982, and every three years thereafter.

(b) Five-Member Board: Whenever a board of commissioners of any county decides to expand a three-member board to a five-member board of social services, the Social

Services Commission shall appoint an additional member for a term expiring at the same time as the term of the existing member appointed by the board of commissioners, and the board of commissioners shall appoint an additional member for a term expiring at the same time as the term of the existing member appointed by the Social Services Commission. The change to a five-member board shall become effective at the time when the additional members shall have been appointed by both the county board of commissioners and the Social Services Commission. Thereafter all appointments shall be for three-year terms.

(c) Change from Five-Member to Three-Member Board: The change shall become effective on the first day of July following the decision to change by the board of commissioners. On that day, the following two seats on the board of social services shall cease to exist:

(1) The seat held by the member appointed by the Social Services Commission whose term would have expired on June 30, 1983, or triennially thereafter; and

(2) The seat held by the member appointed by the board of commissioners whose term would have expired June 30, 1981, or triennially thereafter. (1917, c. 170, s. 1; 1919, c. 46, s. 3; C.S., s. 5014; 1937, c. 319, s. 3; 1941, c. 270, s. 2; 1945, c. 47; 1953 c. 132; 1955, c. 249; 1957, c. 100, s. 1; 1959, c. 1255, s. 1; 1961, c. 1986; 1963, c. 139; c. 247,

ss. 1, 2; 1969, c. 546, s. 1; 1973, c. 476, s. 138; c. 724, s. 1; 1981, c. 275, s. 1.)

108A-6. Vacancies

Appointments to fill vacancies shall be made in the manner set out in G.S. 108A-3. All such appointments shall be for the remainder of the former member's term of office and shall not constitute a term for the purposes of G.S. 108A-4. (1917, c. 170, s. 1; 1919, c. 46, s. 3; C.S., s. 5014; 1937, c. 319, s. 3; 1941, c. 270, s. 2; 1945, c. 47; 1953, c. 132; 1955, c. 249; 1957, c. 100, s. 1; 1959, c. 1255, s. 1; 1961, c. 186; 1963, c. 139; c. 247, ss. 1, 2; 1969, c. 546, s. 1; 1981, c. 275, s. 1.)

108A-7. Meetings

The board of social services of a county shall meet at least once per month, or more often if a meeting is called by the chairman. Such board shall elect a chairman from its members at its July meeting each year, and the chairman shall serve a term of one year or until a new chairman is elected by the board. A consolidated county human services board shall meet in accordance with the provisions of G.S. 153A-77. (1917, c. 170, s. 1; 1919, c. 46, s. 4; C.S., s. 5015; 1937, c. 319, s. 4; 1941, c. 270, s. 3; 1947, c. 92; 1959, c. 320; 1961, c. 186; 1969, c. 546, s. 1; 1981, c. 275, s. 1; 1995 (Reg. Sess., 1996), c. 690, s. 8.)

108A-8. Compensation of Members

Members of the county board of social services may receive a per diem in such amount as shall be established by the county board of commissioners. Reimbursement for

subsistence and travel shall be in accordance with a policy set by the county board of commissioners. (1917, c. 170, s. 1; 1919, c. 46, s. 4; C.S., s. 5015; 1937, c. 319, s. 4; 1941, c. 270, s. 3; 1947, c. 92; 1959, c. 320; 1961, c. 186; 1969, c. 546, s. 1; 1971, c. 124; 1981, c. 275, s. 1; 1985, c. 418, s. 3.)

108A-9. Duties and Responsibilities

The county board of social services shall have the following duties and responsibilities:

- (1) To select the county director of social services according to the merit system rules of the State Personnel Commission;
- (2) To advise county and municipal authorities in developing policies and plans to improve the social conditions of the community;
- (3) To consult with the director of social services about problems relating to his office, and to assist him in planning budgets for the county department of social services;
- (4) To transmit or present the budgets of the county department of social services for public assistance, social services, and administration to the board of county commissioners;
- 5) To have such other duties and responsibilities as the General Assembly, the Department of Health and Human Services or the Social Services Commission or the board of county commissioners may assign to it. (1917, c. 170, s. 1; 1919, c. 46, s. 3; C.S., s. 5014; 1937, c. 319, s. 3; 1941, c. 270, s. 2; 1945, c. 47; 1953, c. 132; 1955, c. 249; 1957, c. 100, s. 1; 1959, c. 1255, s. 1; 1961, c. 186; 1963, c. 139; c. 247, ss. 1, 2; 1969, c. 546, s. 1; 1973, c. 476, s. 138; 1977, 2nd Sess., c. 1219, s. 7; 1981, c. 275, s. 1; 1997-443, s. 11A.118(a).)

108A-10. Fees

The county board of social services is authorized to enter into contracts with any governmental or private agency, or with any person, whereby the board of social services agrees to render services to or for such agency or person in exchange for a fee to cover the cost of rendering such service. This authority is to be limited to services voluntarily rendered and voluntarily received, but shall not apply where the charging of a fee for a particular service is specifically prohibited by statute or regulation. The fees to be charged under the authority of this section are to be based upon a plan recommended by the county director of social services and approved by the local board of social services and the board of county commissioners. In no event is the fee charged to exceed the cost to the board of social services. Fee policies may not conflict with rules and regulations adopted by the Social Services Commission or Department of Health and Human Services regarding fees. The fees collected under the authority of this section are to be deposited to the account of the social services department so that they may be expended for social services purposes in accordance with the provisions of Article 3 of Chapter 159, the Local Government Budget and Fiscal Control Act. No individual employee is to receive any compensation over and above his regular salary as a result of

rendering services for which a fee is charged. The county board of social services shall annually report to the county commissioners receipts received under this section. Fees collected under this section shall not be used to replace any other funds, either State or local, for the program for which the fees were collected. (1981, c. 275, s. 1; 1997-443, s. 11A.118(a).)

108A-11. Inspections of Records by Members

Every member of the county board of social services may inspect and examine any record on file in the office of the director relating in any manner to applications for and revision of public assistance and social services authorized by this Chapter. No member shall disclose or make public any information which he may acquire by examining such records. (1917, c. 170, s. 1; 1919, c. 46, s. 3; C.S., s. 5014; 1937, c. 319, s. 3; 1941, c. 270, s. 2; 1945, c. 47; 1953, c. 132; 1955, c. 249; 1957, c. 100, s. 1; 1959, c. 1255, s. 1; 1961, c. 186; 1963, c. 139; c. 247, ss. 1, 2; 1969, c. 546, s. 1; 1981, c. 275, s. 1.)

Part 2. County Director of Social Services

108A-12. Appointments

(a) The board of social services of every county shall appoint a director of social services in accordance with the merit system rules of the State Personnel Commission. A director dismissed by such board shall have the right of appeal under the same rules.

(b) Two or more boards of social services may jointly employ a director of social services to serve the appointing boards and such boards may also combine any other functions or activities as authorized by Part 1 of Article 20 of Chapter 160A. The boards shall agree on the portion of the director's salary and the portion of expenses for other joint functions and activities that each participating county shall pay. (1917, c. 170, s. 1; 1919, c. 46, ss. 3, 4; C.S., s. 5016; 1921, c. 128; 1929, c. 291, s. 1; 1931, c. 423; 1937, c. 319, s. 5; 1941, c. 270, s. 4; 1957, c. 100, s. 1; 1961, c. 186; 1969, c. 546, s. 1; 1981, c. 275, s. 1.)

108A-13. Salaries

The board of social services of every county, with the approval of the board of county commissioners, shall determine the salary of the director in accordance with the classification plan of the State Personnel Commission, and such salary shall be paid by the county from the federal, State and county funds available for this purpose. (1917, c. 170, s. 1; 1919, c. 46, ss. 3, 4; C.S., s. 5016; 1921, c. 128; 1929, c. 291, s. 1; 1931, c. 423; 1937, c. 319, s. 5; 1941, c. 270, s. 4; 1957, c. 100, s. 1; 1961, c. 186; 1969, c. 546, s. 1; 1981, c. 275, s. 1.)

Part 3. Special County Attorneys for Social Service Matters

§ 108A-16. Appointment

With the approval of the board of social services, the board of commissioners of any county may appoint a licensed attorney to serve as a special county attorney for social service matters, or designate the county attorney as special county attorney for social service matters. (1959, c. 1124, s. 1; 1961, c. 186; 1969, c. 546, s. 1; 1981, c. 275, s. 1.)