



# SOCIAL SERVICES

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## APPOINTMENT OF COUNTY SOCIAL SERVICES BOARD MEMBERS

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On June 4, 1997, Governor Hunt approved legislation amending the law (N.C. General Statutes §108A-3(b)) that governs the appointment of the fifth member of a county board of social services. The new law became effective on June 4, 1997, and applies to the appointment of county social services board members on or after that date.

This *Social Services Law Bulletin* discusses that amendment as well as other laws and procedures regarding the appointment of county social services board members.

### County Boards of Social Services

Section 108A-1 of North Carolina's General Statutes provides that "every county shall have a board of social services."<sup>1</sup> County social services boards are responsible for appointing and advising the county director of social services, presenting the budget of the county department of social services to the board of county commissioners for approval, establishing local policies for public assistance and social services programs administered by the county department of social services, and performing other duties assigned to the social services board by the General Assembly, the state Social Services Commission, the state Department of Human Resources, or the board of county commissioners.<sup>2</sup>

County boards of social services consist of five or three members.<sup>3</sup> Ninety North Carolina counties have chosen to establish a five-member county social services board; only eight counties have three-member boards (and two counties—Mecklenburg and Wake—have adopted different governance structures for county human services boards under G.S. 153A-77). On a five-member social services board, two members are appointed by the state Social Services Commission, two members are appointed by the board of county commissioners, and the fifth member is appointed by the other four members.<sup>4</sup> In counties that have a three-member county board of social services, the Social Services Commission appoints one social services board member, the board of county commissioners appoints one member, and the third member is appointed by the other two members of the social services board.<sup>5</sup>

### Qualifications of Social Services Board Members

The only *legal* qualification for serving on the county social services board is that board members be "bona fide residents of the county from which they are appointed to serve."<sup>6</sup>

In recruiting, nominating, or appointing members of the county social services board, however, the Social Services Commission, board of county commissioners, and social services board should consider a number of other factors, characteristics, and qualities, including some or all of the following "qualifications,"

- *Willingness to serve.* An individual should not be nominated or appointed to the social services board unless he or she understands the expectations and responsibilities involved in serving on the board and expresses a willingness to fulfill those expectations and responsibilities.
- *Commitment.* A prospective board member should express a sincere and firm commitment to devote the time and effort necessary to fulfill his or her responsibilities as a member of the social services board.<sup>7</sup>
- *Experience.* The social services board can benefit greatly from the experience of board members who have served on other governmental or nonprofit boards; have worked as volunteers with community-based organizations; have worked in state or local government; have worked with the county department of social services or other human services agencies; have received public assistance or social services; have experience in business, job-training, accounting, or personnel management; have worked as a principal, teacher, or school counselor; or have other relevant experience.
- *Public service.* Social services board members should be "public-spirited citizens" motivated by a sincere and demonstrated concern for the welfare of the citizens of their community, rather than narrow partisan views or ideological agendas. They should not use their positions to promote the interest of any particular political party, candidate, or interest group.<sup>8</sup>
- *Community involvement.* Social services board members should be actively involved in the community and have the ability to communicate with, listen to, understand, and develop a positive working relationship with community organizations and the public.
- *Objectivity.* Social services board members should be impartial, fair, open-minded, objective, and willing to listen to other points of view.
- *Diversity and representation.* The membership of the social services board should be broadly representative of the county and inclusive with respect to gender, race, and geographic areas of the county.<sup>9</sup>
- *Respect for others.* Social services board members should always treat other board members, the director, employees, and clients of the county department of social services, the public, and others with respect and without prejudice based on race, national origin, religion, gender, or disability.

- *Interest in learning.* Few board members begin their terms with a thorough knowledge of the complex social services system. Learning is a critical and ongoing part of a board member's responsibilities. A good board member should take advantage of training opportunities to learn more about his or her role and responsibilities as a board member and about the administration of social services programs.
- *Independence, leadership, creativity, and vision.* Social services board members should be able to think critically and practically; act independently, engage in creative problem-solving, and provide leadership and a sense of vision and direction for the county department of social services in partnership with the county director of social services.
- *Honesty and integrity.* As public officials, social services board members should be honest in their dealings with each other, with the county director of social services, with the county commissioners, and with the public. They should avoid potential and actual conflicts of interest, and the appearance of impropriety, in all their activities.
- *Ability to work with others.* Social services board members should be able to work effectively and cooperatively with other board members, the county director of social services, the county commissioners, community groups, and state and local government agencies.
- *Judgment.* Social services board members should exercise sound judgment in preserving the confidentiality of social services records and performing their duties and responsibilities as public officials.

## Limitations on Board Membership

### Restrictions on Dual Office Holding

If a person holds more than one other appointive "office" in state or local government (or holds a state or local elective office and one appointive office), he or she may not serve concurrently as a member of the county board of social services.<sup>10</sup>

### Limitation on Consecutive Terms

A person who has served two consecutive three-year terms on the board of social services may not be re-appointed to a third consecutive three-year term unless he or she was a county commissioner at some time during his or her first two consecutive terms and

is a county commissioner at the time he or she is re-appointed to the social services board.<sup>11</sup>

### Conflict of Interest

The state social services law does not expressly prohibit the appointment to the county social services board of a person who has a professional, employment, personal, business, or other relationship with the department of social services, or who is a provider or recipient of public assistance or social services programs administered or funded by the department of social services.

State law, however, does prohibit "self-dealing" by public officials. North Carolina's general "conflict of interest" statute expressly prohibits a social services board member or other public official from using his or her position to make any contract for his or her own benefit.<sup>12</sup> Under certain circumstances, this prohibition does not apply to social services board members who receive payments from the county department of social services for services provided to needy persons under a federal or state public assistance program administered by the county department of social services.<sup>13</sup> State law, however, does prohibit the payment of Medicaid or State-County Special Assistance benefits for the care of patients in nursing homes or adult care homes owned or operated by a county social services board member or by the spouse of a county social services board member.<sup>14</sup>

### Nepotism

An individual is not disqualified from serving on the board of social services merely because he or she has a relative who is employed by the county department of social services. The Social Services Commission, however, has adopted a rule that prohibits a county department of social services from hiring an individual who is a close relative of a member of the county board of social services.<sup>15</sup>

### Felons

State law disqualifies anyone who has been convicted of a felony or has been removed by impeachment from any office or adjudged guilty of corruption or malpractice in any office from holding any public office unless his or her rights of citizenship have been restored.<sup>16</sup>

### Procedure for Appointing the Third or Fifth Social Services Board Member

The nomination, consideration, and appointment of the third or fifth social services board member must take place in open session at a regular or special meeting of

the county board of social services, and the board must give public notice of the meeting as required by the state's Open Meetings Law.<sup>17</sup>

A quorum of the social services board must be present at the meeting. Although the state social services law does not specify the number of social services board members that must be present at a meeting to constitute a quorum, the quorum for a three-member social services board is two members and the quorum for a five-member social services board is three members. On a three-member board, the quorum for appointment of the third member must include *both* of the incumbent board members appointed by the board of county commissioners and Social Services Commission. On a five-member board, the quorum for appointment of the fifth member must include *at least three* of the four incumbent board members appointed by the board of county commissioners and Social Services Commission.

In order to vote with respect to the appointment of the third or fifth board member, a social services board member must be present at the meeting; proxy voting by an absent social services board member is not permitted.<sup>18</sup>

Only incumbent board members appointed by the board of county commissioners or Social Services Commission may vote with respect to appointment of the third or fifth board member. The incumbent third or fifth board member may not vote with respect to his or her re-appointment or with respect to the appointment of another person as the third or fifth board member. With the board's permission, the county director of social services may participate in the board's deliberations, but may not vote with respect to the appointment of the third or fifth board member.

### Appointment of the Fifth Member of a County Social Services Board

A five-member county social services board must appoint or reappoint the fifth member of the board for a three-year term beginning July 1, 1997 (and every three years thereafter), and expiring June 30, 2000 (and every three years thereafter).<sup>19</sup>

Until June 4, 1997, the law required a *unanimous* decision by *all* of the other four social services board members with respect to the appointment of the fifth member.<sup>20</sup> If the other four social services board members were unable to agree on the appointment of the fifth member, the fifth board member was appointed by the county's senior regular resident superior court judge.<sup>21</sup>

In June, 1997, the law governing the appointment of the fifth social services board member was amended to provide for the appointment of the fifth member by a *majority* vote of the other four board members.<sup>22</sup>

This means that *at least three* of the four board members appointed by the Social Services Commission and board of county commissioners must vote in favor of the appointment or reappointment of an individual as the fifth board member. Thus, the fifth board member may be appointed by an affirmative vote of all four of the social services board members appointed by the Social Services Commission and board of county commissioners, or by a three to one vote by these four board members, or by three votes by the incumbent board members appointed by the Social Services Commission and board of county commissioners if there is a vacancy or a board member is absent at the time of the appointment. The fifth board member, however, may not be appointed based on the affirmative votes of only two board members.

If a majority of the other four board members are unable to agree with respect to the appointment of the fifth member, the fifth member of the social services board will be appointed by the senior regular resident superior court judge for the county.<sup>23</sup>

### **Appointment of the Third Member of a County Social Services Board**

A three-member county social services board must appoint or reappoint the third member of the board for a three-year term beginning July 1, 1997 (and every three years thereafter) and expiring June 30, 2000 (and every three years thereafter).<sup>24</sup>

The appointment of the third member of a three-member county social services board requires the vote of *both* of the incumbent social services board members who have been appointed by the Social Services Commission and the board of county commissioners.<sup>25</sup> If the two other members of the social services board cannot agree with respect to the appointment of the third member, the third member is appointed by the senior regular resident superior court judge.<sup>26</sup>

The 1997 amendments to G.S. 108A-3 do *not* affect the appointment of the third member of a three-member county social services board.

### **Appointment of DSS Board Members by the Senior Resident Superior Court Judge**

Under the prior version of G.S. 108A-3, it was not uncommon for the senior resident superior court judge to appoint the fifth (or third) member of a county social services board because the other social services board members could not reach a unanimous agreement with respect to the appointment.

By eliminating the requirement for unanimity, the 1997 amendment to G.S. 108A-3(b) may reduce the number of instances in which the senior resident superior court judge is required to appoint the fifth member of a county social services board. Nonetheless, there undoubtedly still will be some cases in which the senior resident superior court judge is required to appoint the fifth (or third) member of a county social services board because a majority of the other board members (or both of the other board members on a three-member board) are unable to agree.

If, despite reasonable efforts to reach agreement, a majority of the other four board members (or both of the other board members in the case of a three-member board) are unable to agree on the appointment of the fifth (or third) board member, the board chair or the county director of social services (acting as the board's secretary) should notify the senior regular resident superior court judge that the board has been unable to agree on the appointment of the fifth (or third) board member. The judge may then appoint any qualified county resident as the fifth (or third) board member for a three-year term. In making the appointment, the judge may, but is not required to, consider or appoint any of the persons nominated, considered, or recommended by the social services board, by individual board members, by the county social services director, by county commissioners, or by others.

### **Appointment of DSS Board Members by the Board of County Commissioners**

The board of county commissioners appoints one member of a three-member county social services board, and two members of a five-member board.<sup>27</sup>

The board of county commissioners may appoint any county resident as a member of the county board of social services. In many counties, however, it is common for the board of county commissioners to appoint one or two of its own members to serve on the county social services board.<sup>28</sup>

In some sense, a county commissioner who serves on the county social services board wears "two different hats." This does *not* mean that there is any inherent conflict of interest or incompatibility of office when a county commissioner serves on the county board of social services. Dual service on the board of county commissioners and the county board of social services, however, does raise questions regarding the *nature* of the office held by a county commissioner who is appointed to the social services board by the board of county commissioners and the *duration* of his or her appointment to the social services board.

Under state law, an elected state or local government official (such as a county commissioner) may not hold more than one appointive office while he or she is holding elective office.<sup>29</sup> Thus, the law does *not* preclude a county commissioner from serving on the county social services board (as long as he or she does not hold another appointive office in state or local government). State law also provides that, unless the resolution of appointment provides otherwise, when the board of county commissioners appoints one of its own members to another commission or board (such as the social services board), the county commissioner "is considered to be serving on the other board or commission as part of the [county commissioner's] duties [as a county commissioner] and shall not be considered to be serving in a separate office."<sup>30</sup> In other words, the *ex officio* service of a county commissioner on the social services board is exempt from the limitations of North Carolina's prohibitions against multiple office holding.<sup>31</sup>

If, however, a county commissioner's appointment to the social services board is really *ex officio*, there may be some question as to whether his or her appointment to the social services board is for a full three-year term or whether his or her term on the social services board ends if he or she ceases to be a member of the board of county commissioners (or if the board of county commissioners wants to replace him or her by appointing another commissioner to the social services board) before the expiration of his or her three-year term on the social services board.<sup>32</sup>

The appointment of a social services board member by the board of county commissioners must take place in open session<sup>33</sup> by a majority vote of the commissioners attending the meeting.<sup>34</sup>

### Appointment of DSS Board Members by the Social Services Commission

The Social Services Commission is a state commission located within the state Department of Human Resources.<sup>35</sup> The Commission consists of twelve members (one from each of the state's twelve congressional districts) appointed by the Governor for four-year terms.<sup>36</sup> The state Social Services Commission appoints one member of a three-member county social services board, and two members of a five-member board.<sup>37</sup>

Rules adopted by the Social Services Commission require regional directors of the state Division of Social Services to submit, for consideration by the Commission, the name of at least one person who has been recommended by individuals, organizations, or

interest groups in each county to serve on the county social services board.<sup>38</sup> The Commission often receives nominations from the Governor's office and from a variety of other sources.

Appointments by the Social Services Commission to county boards of social services must be made in open session at a regular or special meeting of the Commission, by a majority vote of the commission members present.<sup>39</sup>

### Terms of DSS Board Members

County social services board members serve staggered three-year terms that expire on June 30.<sup>40</sup> If the appointing authority (i.e., the Social Services Commission, the board of county commissioners, the other members of the county social services board, or the senior regular resident superior court judge, as applicable) has not appointed a social services board member to replace a member whose term expired on June 30, the incumbent social services board member continues to serve until his or her successor is appointed and qualifies.<sup>41</sup>

In 1997, county social services boards will appoint the fifth (or third) member of the board for a term beginning July 1, 1997, and ending June 30, 1997. On a three-member social services board, the term of the member appointed by the board of county commissioners expires June 30, 1998, and every three years thereafter; on a five-member board, the term of one of the commissioners' appointees expires on June 30, 1998 (and every three years thereafter), and the term of the other appointee expires June 30, 1999 (and every three years thereafter). Similarly, the term of the social services board member appointed by the state Social Services Commission to a three-member board expires June 30, 1999, and every three years thereafter; on a five-member board, the term of one of the state appointees expires on June 30, 1999 (and every three years thereafter), and the term of the other appointee expires June 30, 1998 (and every three years thereafter).

The appointment of a social services board member for a regular, three-year term becomes effective on July 1 or the date of the action appointing the individual to the board, whichever is later. All persons appointed to the county social services board, other than county commissioners serving as *ex officio* members of the social services board, are required to take an oath of office before assuming their responsibilities as board members.<sup>42</sup> The oath of office may be administered at any place within the state and at any time following the appointment of an individual to the social services board. Newly-appointed board members, however, often take their oaths of office at the first board meeting following their appointment.

A county social services board member may not serve more than two consecutive three-year terms.<sup>43</sup> This limitation, however, does not apply if a social services board member (a) was a county commissioner at any time during his or her first two consecutive terms as a social services board member, and (b) is a member of the board of county commissioners at the time he or she is re-appointed to the county social services board.<sup>44</sup>

### Vacancies and Removal of DSS Board Members

If a social services board member resigns, dies, or is removed from the board during his or her term, the vacancy is filled by the appointment of another board member to serve the remainder of the former member's term. The appointment of a social services board member to fill a vacancy is made in the same manner and by the same appointing authority as the original appointment.<sup>45</sup> Thus, if a social services board member resigns before the expiration of his or her term, the vacancy will be filled by the board of county commissioners if the board of county commissioners appointed the board member who resigned, or by the Social Services Commission if the Commission appointed the former board member, or by the other board members if the fifth (or third) board member resigns.<sup>46</sup>

When a social services board member is appointed to fill the remaining term of a former board member, the remaining term of the former member is not considered a term for purposes of the law that prohibits social services board members from serving more than two consecutive terms.<sup>47</sup> Thus, a social services board member could serve on the board for a consecutive period of eight or ten years, or perhaps even longer. For example, an individual might be appointed to the social services board to serve the remaining two years of the term of a social services board member who died, and then be appointed to the board for two consecutive three-year terms, and then be re-appointed immediately following the expiration of his or her term to complete the remaining two years of another social services board member who resigned.

Once appointed, a social services board member may not be removed from the county board of social services during his or her term *except* for good cause and with proper notice and opportunity to be heard.<sup>48</sup>

### Notes

<sup>1</sup> In Mecklenburg County, the powers and duties of the county board of social services (and of the county board of public health and county mental health authority board) are exercised by the board of county commissioners pursuant to G.S. 153A-77(a). In Wake County, the county boards of social services, public health, and mental health have been replaced with a consolidated human services board (appointed by the board of county commissioners) that exercises most of the powers and duties formerly exercised by those boards. G.S. 153A-77(b) through 153A-77(e).

<sup>2</sup> G.S. 108A-1, 108A-9.

<sup>3</sup> The authority to increase the size of the county board of social services from three to five members, or to decrease the size of the board from five to three members, is vested in the board of county commissioners. G.S. 108A-2, 108A-5(b), (c).

<sup>4</sup> G.S. 108A-3(b). The shared state-county authority with respect to appointment of social services board members reflects the shared responsibility of the state and counties with respect to the administration and financing of public assistance and social services programs in North Carolina. A 1917 statute (C.S. §5014) authorized the State Board of Charities and Public Welfare to appoint all three members of county public welfare boards. In 1937, the law was amended to provide for the appointment of one member of the county board of public welfare by the State Board of Charities and Public Welfare, the appointment of the second board member by the board of county commissioners, and the appointment of the third board member by the other two members. 1937 N.C. Public Laws, Ch. 319, §3.

<sup>5</sup> G.S. 108A-3(a).

<sup>6</sup> G.S. 108A-3(c).

<sup>7</sup> A former rule of the Social Services Commission stated that social services board members "should be people who have the time to attend board meetings regularly." 10 N.C. Admin. Code §10-24A.0302(c) (repealed March 1, 1990).

<sup>8</sup> A former rule of the Social Services Commission stated that, although appointees to the county social services board "should not be selected specifically to represent any organization," they "should be representative, public-spirited citizens with demonstrated concern for the social needs of the county" and should not "use their membership to promote the interest of political candidates or political groups." 10 N.C. Admin. Code §10-24A.0302(a), (d) (repealed March 1, 1990).

<sup>9</sup> A former rule of the Social Services Commission stated that county social services boards should "include men and women from representative ethnic groups" and from "various geographical sections of the county." 10 N.C. Admin. Code §10-24A.0302(a), (b) (repealed March 1, 1990).

<sup>10</sup> G.S. 128-1.1. An exception for county commissioners who serve *ex officio* on boards or commissions is discussed in the text accompanying notes 30 through 32. Prohibitions on multiple office holding are discussed in more detail in chapter 6 of A. Fleming Bell, II, *Ethics, Conflicts, and Offices: A Guide for Local Officials* (Chapel Hill, N.C.: Institute of Government, The University of North Carolina at Chapel Hill), 1997.

<sup>11</sup> G.S. 108A-4.

<sup>12</sup> G.S. 14-234(a). Issues involving public officials and conflicts of interest are discussed in more detail in chapters 4 and 5 of Bell, *Ethics, Conflicts, and Offices*.

<sup>13</sup> G.S. 14-234(b). In order for the exception to apply, the program must be open to general participation on a nondiscriminatory basis by other providers, persons receiving services under the program must be free to select the provider from which they receive services, the board member must receive the same payment for services as other providers who participate in the program, and the board member may not participate in deliberations, vote, or take other official action with respect to approval of payment for his or her services. Thus, it is not a conflict of interest for a pharmacist or doctor who provides services to clients of the department of social services under the Medicaid program to serve as a member of the county social services board.

<sup>14</sup> G.S. 108A-47, 108A-55(d). See also 10 N.C. Admin. Code §10-41F.0702(j) (which prohibits a social services board member from being licensed as a foster parent by the department of social services in his or her county but does not absolutely prohibit a licensed foster parent from serving as a social services board member).

<sup>15</sup> N.C. Admin. Code §10-24A.0302.

<sup>16</sup> N.C. Constitution, Art. VI, §8. The citizenship rights of a person convicted of a felony are restored automatically upon his or her unconditional discharge by the Department of Correction or under the other conditions specified in state law. G.S. 13-1.

<sup>17</sup> County social services boards are public bodies subject to the state's Open Meetings Law (Article 33C of G.S. Chapter 143). Under the Open Meetings Law, a public body "may not consider the qualifications, competence, performance, character,

fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting." G.S. 143-318.11(a)(6). The Open Meetings Law is discussed in greater detail in David M. Lawrence, *Open Meetings and Local Governments in North Carolina: Some Questions and Answers*, 4<sup>th</sup> ed. (Chapel Hill, N.C.: Institute of Government, The University of North Carolina at Chapel Hill), 1994.

<sup>18</sup> The Open Meetings Law allows a public body to hold an official meeting "by use of conference telephone or other electronic means." See G.S. 143-318.13(a). It is not completely clear, however, whether a social services board member may vote for the appointment of the third or fifth board member by telephone or other electronic means if he or she is not physically present at the board meeting at which the other board members are considering the appointment. See also 49 N.C. Atty. Gen. Op. 67 (1979) (prohibiting proxy voting by an absent member of a local board of education).

<sup>19</sup> G.S. 108A-5.

<sup>20</sup> G.S. 108A-3(b) (1994); 58 N.C. Atty. Gen. Op. 48 (1988).

<sup>21</sup> G.S. 108A-3(b).

<sup>22</sup> G.S. 108A-3(b), as amended by S.L. 1997-135. The amendment to G.S. 108A-3(b) applies to all appointments of social services board members made on or after June 4, 1997.

<sup>23</sup> G.S. 108A-3(b).

<sup>24</sup> G.S. 108A-5.

<sup>25</sup> G.S. 108A-3(a).

<sup>26</sup> G.S. 108A-3(a).

<sup>27</sup> G.S. 108A-3(a), (b), 108A-4.

<sup>28</sup> A 1990 opinion by the Attorney General notes that the General Assembly expressly intended to permit county commissioners to serve as members of the county social services board. 60 N.C. Atty. Gen. Op. 50 (1990).

<sup>29</sup> G.S. 128-1.1.

<sup>30</sup> G.S. 128-1.2.

<sup>31</sup> The issue of *ex officio* offices is discussed in more detail in chapter 6 of Bell, *Ethics, Conflicts, and Office*. The fact that a county commissioner may serve *ex officio* on the county board of social services does *not* mean that he or she is prohibited from voting or participating fully as a social services board member.

<sup>32</sup> Although the law on this subject is not completely clear, a 1963 decision by North Carolina's Supreme Court held that a county commissioner who was appointed *ex officio* to the county welfare board was entitled to serve a full three-year term despite the

fact that his term as a commissioner had expired and the board of county commissioners had appointed another county commissioner to take his place on the social services board. State ex rel. Pitts v. Williams, 260 N.C. 168, 132 S.E.2d 329 (1963).

<sup>33</sup> G.S. 143-318.11(a)(6).

<sup>34</sup> A majority of the membership of the board of county commissioners (without regard to vacancies) is required for a quorum. G.S. 153A-43.

<sup>35</sup> G.S. 143B-153 through 143B-156.

<sup>36</sup> G.S. 143B-154.

<sup>37</sup> G.S. 108A-3(a), (b), 108A-4.

<sup>38</sup> N.C. Admin. Code §10-24A.0303.

<sup>39</sup> The presence of seven commission members constitutes a quorum. G.S. 143B-54.

<sup>40</sup> G.S. 108A-4, 108A-5.

<sup>41</sup> N.C. Constitution, Art. VI, §10; G.S. 128-7.

<sup>42</sup> N.C. Constitution, Art. VI, §7; G.S. 128-5; G.S. 11-7. The oath of office may be administered by a judge, magistrate, superior court clerk, state legislator, county or city clerk, mayor, chair of the board of county commissioners, notary public, or other designated official. G.S. 11-7.1. Although there is a \$500 civil penalty for assuming office without taking the required

oath, failure to take the oath of office does not affect the validity of the board member's appointment.

<sup>43</sup> G.S. 108A-4. The appointment of a social services board member to complete the remaining term of a former board member is not considered a term for purposes of the limitation on serving more than two, consecutive terms on the county social services board.

<sup>44</sup> G.S. 108A-4 does *not* require that a county commissioner who serves more than two consecutive terms as a social services board member have been appointed to the social services board *by the board of county commissioners*.

<sup>45</sup> G.S. 108A-6.

<sup>46</sup> It is not completely clear whether the social services board has the authority to fill a vacancy caused by the death, resignation, or removal of the fifth (or third) board member if the fifth (or third) board member was appointed by the senior resident superior court judge rather than the other board members.

<sup>47</sup> G.S. 108A-6.

<sup>48</sup> The grounds and procedures for removing a county social services board member from office during his or her term are discussed in more detail in *Social Services Law Bulletin #17* (Feb. 1993).

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