CHAPTER 47

County Human Resources Commission

**SECTION 43‑47‑10.** Authority to provide for commission; counties served by commission pursuant to state law.

 A county by ordinance may provide for a human resources commission to serve that county. The provisions of this chapter do not apply to a county served by a human resources commission pursuant to state law.

HISTORY: 1993 Act No. 46, Section 1, eff May 13, 1993.

**SECTION 43‑47‑20.** Commission declared body politic and corporate; membership not office of honor or profit.

 The commission is declared to be a body politic and corporate and may exercise all its rights and privileges. Membership on the commission is not an office of honor or profit.

HISTORY: 1993 Act No. 46, Section 1, eff May 13, 1993.

**SECTION 43‑47‑30.** Composition of commission.

 (A) The commission must be composed of at least three members who reside in the county as follows:

 (1) One‑third of the members must be elected public officials, or their representatives.

 (2) One‑third of the members must be persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the areas served.

 (3) One‑third of the members must be officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the area served.

 (B) The commission may increase the total membership, if necessary, to comply with the provisions of Section 43‑47‑70 or to meet additional federal requirements if the increase is accomplished in multiples of three in order to retain the basic structure of the commission as provided for in subsection (A).

HISTORY: 1993 Act No. 46, Section 1, eff May 13, 1993.

CROSS REFERENCES

Limit on term which member may serve, see Section 43‑47‑50.

Requirement that membership be increased, as provided for in this section, if petition for membership to ameliorate underrepresentation is granted, see Section 43‑47‑70.

Library References

States 45, 47.

Westlaw Topic No. 360.

C.J.S. States Sections 88, 145 to 147, 157 to 161, 249.

**SECTION 43‑47‑40.** Selection and appointment of members.

 After the candidates for nomination to the commission have met the eligibility criteria and have been selected for membership in accordance with the requirements of the Economic Opportunity Act of 1964, Public Law 92‑424, as amended, and the Headstart, Economic Opportunity, and Community Partnership Act of 1974, Public Law 93‑644, and the regulations promulgated under the acts, they must be confirmed as members of the commission by appointment of the members of the legislative delegation representing Anderson County. If other counties petition to join the commission, then the appointments to the commission must be by the members of the legislative delegations of the petitioning counties.

HISTORY: 1993 Act No. 46, Section 1, eff May 13, 1993.

Federal Aspects

The Economic Opportunity Act of 1964, Public Law 92‑424, is codified as 42 U.S.C.A. Sections 2751 et seq., Sections 2996‑2996l.

The Headstart, Economic Opportunity, and Community Partnership Act of 1974, Public Law 93‑644, is codified as 42 U.S.C.A. Sections 9831 et seq.

Library References

States 46.

Westlaw Topic No. 360.

C.J.S. States Sections 88, 158 to 161, 163 to 165, 195.

**SECTION 43‑47‑50.** Term of office.

 The terms of office are for two years, except no public official may continue to serve if he ends his term as a public official. No member of the commission selected under Section 43‑47‑30(A)(2) or (3) may serve for more than five consecutive years nor more than a total of ten years.

HISTORY: 1993 Act No. 46, Section 1, eff May 13, 1993.

Library References

States 51.

Westlaw Topic No. 360.

C.J.S. States Sections 88, 151, 153, 169 to 170.

**SECTION 43‑47‑60.** Compensation; filling of vacancies.

 Members of the commission serve without compensation except as otherwise provided for by federal authorization. A vacancy must be filled for the remainder of the unexpired term by selection and appointment in the same manner as provided for the original appointment.

HISTORY: 1993 Act No. 46, Section 1, eff May 13, 1993.

Library References

States 51.

Westlaw Topic No. 360.

C.J.S. States Sections 88, 151, 153, 169 to 170.

**SECTION 43‑47‑70.** Petition for membership by inadequately represented groups; federal guidelines to govern; increase of membership for added seat.

 The commission shall establish procedures under which community agencies or organizations and representative groups of the poor which feel themselves inadequately represented on the commission may petition for adequate membership. In this regard, the commission is governed by the federal regulations and guidelines promulgated under Public Law 92‑424, as amended, and Public Law 93‑644. If the commission finds that a petition for membership is meritorious and a seat is warranted, the membership must be increased as provided for in Section 43‑47‑30(B).

HISTORY: 1993 Act No. 46, Section 1, eff May 13, 1993.

CROSS REFERENCES

Commission may increase its membership if necessary to comply with provisions of this section, see Section 43‑47‑30.

Federal Aspects

Public Law 92‑424, the Economic Opportunity Act of 1964, is codified as 42 U.S.C.A. Sections 2751 et seq., Sections 2996‑2996l.

Public Law 93‑644, the Headstart, Economic Opportunity, and Community Partnership Act of 1974, is codified as 42 U.S.C.A. Sections 9831 et seq.

**SECTION 43‑47‑80.** Election of officers; record of membership.

 Immediately upon appointment of the commission, it shall organize by electing from its membership a chairman, a vice chairman, a secretary, and a treasurer. The commission shall file and maintain a current record of its members with the office of the clerk of court and with the legislative delegation in the county.

HISTORY: 1993 Act No. 46, Section 1, eff May 13, 1993.

**SECTION 43‑47‑90.** Powers of commission.

 The commission may:

 (1) sue and be sued;

 (2) adopt, use, and alter a corporate seal;

 (3) make bylaws for the management and regulation of its affairs;

 (4) appoint agents, employees, and servants, prescribe their duties, fix their compensation, and determine if and to what extent they must be bonded for the faithful performance of their duties;

 (5) undertake the improvement of communication and cooperation among existing and future programs administered by federal, state, county, and municipal governmental agencies and private organizations designed to improve the health, education, welfare, housing, or employment of the low income residents of the county and, with the consent of the agencies and organizations, coordinate the services;

 (6) enter into contracts and agreements for performance of its programs and duties with federal, state, county, and municipal governmental agencies and their subdivisions and private nonprofit organizations;

 (7) receive and expend funds for the performance of its duties in the administration of its programs from the governmental agencies and their subdivisions and private nonprofit organizations, as well as any other sources;

 (8) designate an executive committee from among the members of the commission to which may be delegated one or more duties and responsibilities of the commission and appoint one or more subcommittees to advise and assist in the administration of its program and the performance of its duties. All committees designated must be represented by the three categories in the same proportion as the full commission;

 (9) maintain adequate accounts and records of its activities, receipts, and expenses in conformance with requirements of a contract or agreement with a federal, state, county, or municipal governmental agency, or its subdivision, or a private nonprofit organization. However, the commission must obtain competitive bids on all contracts, purchases, or leases which are greater than one thousand dollars;

 (10) acquire, own, or hold in trust, preserve, restore, maintain, or lease property, facilities, and equipment reasonably necessary for the performance of its duties and the administration of its programs;

 (11) do other things as may be necessary to perform the duties prescribed in this chapter.

HISTORY: 1993 Act No. 46, Section 1, eff May 13, 1993.

Library References

Public Assistance 22(3).

States 67.

Westlaw Topic Nos. 316E, 360.

C.J.S. Social Security and Public Welfare Sections 20 to 27.

C.J.S. States Sections 224 to 227, 249 to 251, 253.

**SECTION 43‑47‑100.** Commission property exempt from ad valorem taxes.

 All property of the commission is exempt from all ad valorem taxes levied by the county or its municipalities or divisions, subdivisions, or agencies, directly or indirectly.

HISTORY: 1993 Act No. 46, Section 1, eff May 13, 1993.

**SECTION 43‑47‑110.** Fiscal year; audit.

 The commission shall conduct its affairs on the fiscal year basis of July first to June thirtieth. As shortly after the close of its fiscal year as may be practicable, an audit of its affairs must be made by a certified public accountant to be designated by the commission. Copies of the audit, incorporated into an annual report of the commission, must be filed with the legislative delegation of the county and the governing bodies of each county.

HISTORY: 1993 Act No. 46, Section 1, eff May 13, 1993.

Library References

States 121.

Westlaw Topic No. 360.

C.J.S. States Sections 322 to 323, 372.

**SECTION 43‑47‑120.** Action by regular or special meeting; quorum.

 Action required of the commission may be taken at a regular or special meeting, and at the meeting fifty percent of the total membership constitutes a quorum.

HISTORY: 1993 Act No. 46, Section 1, eff May 13, 1993.