

## **Buncombe County Core Services**

### Adult Drug Treatment (Drug Treatment Court)

- Services provided are *not* mandated by NCGS.
- Guidelines are set forth in NCGS for the establishment of a Drug Treatment Court through Chapter 7A, Article 62 (§7A-790 through §7A-804).

### Air Quality

- Services provided are *not* mandated by NCGS, but the Air Quality program itself is—if local governments were to withdraw from the standing inter-local agreement, the program would be administered at the State level.
- Chapter 143, Article 21B (§143-215.105 through §143-215.114C) grant authority for local air pollution control programs and the collection of civil penalties.

### Board of Elections

- “In every county of the State there shall be a county board of elections...” (§163-30); they shall hold meetings and must be paid at least \$25.00 per meeting (§163.32).
- Duties of the County Board of Elections are mandated through §163-33.
- Core Services:
  - Maintain Voter Registration Records (§163.82.10, 14, in general §163, Article 7A)
  - Receive Candidate Filing for General Assembly and local candidates (§163-33.3, §163-106)
  - Campaign Finance office for local candidates/ committees
    - The treasurer of each candidate and political committee shall file with the State Board of Elections reports of contributions and expenditures (§163-278.9).
  - Provide voter and precinct information to public and candidates (§163, Articles 12 & 12A)
  - Provide registration materials and advice for community registration drives
    - The State mandates to counties rules under which counties shall conduct voter registration drives during Citizen Awareness Month (§163-82.25).

### Child Care Services

- Child Care Services is the sole provider of resource and referral services in Buncombe County, but these services are not mandated to be provided for or assured by counties by NCGS. Resource and referral services are assured at the State level as a response to CCF requirements on a federal level. The State

contracts with 3 main regional agencies to assure this and other services, and those agencies subcontract with regional lead agencies, which subcontract with local agencies to provide the services.

#### Cooperative Extension

- The existence of Cooperative Extension Centers is mandated by USDA and NC, but individual County centers are subject to “memorandums of understanding” between local governments (County) and NC State. Buncombe County is a “lock-in” county where county funding for Cooperative Extension is mandated at a certain percentage of the budget—according to the regional Cooperative Extension office, most, if not all, County centers in NC are cost-shared.

#### County Attorney

- The Board of Commissioners shall appoint a county attorney (§153A-114).

#### County Garage

- *See General Services*

#### Day Reporting Center

- Services provided are *not* mandated by NCGS.
- In most fiscal years, cost of the DRC is covered fully by grant monies.

#### EMS/ Emergency Services

- There is a state contract in place regarding EMS.
- Emergency Medical Services (NCGS mandate that the service is available, not mandated that the County be the provider of that service).
  - “Each county shall ensure that emergency medical services are provided to its citizens” (§143-517).
  - If the county does not adopt an ordinance which requires private ambulance services to serve the county citizens at large, the county must operate or contract for ambulance services in all or the remaining portion of the county (§153A-220).
- Emergency Management
  - NCGS mandate the provision of emergency management: “The governing body of each county is responsible for emergency management... within the geographical limits of such county. All emergency management efforts within the county will be coordinated by the county, including activities of the municipalities within the county.”
  - NCGS provide for but do not mandate joint emergency management agencies, which are “composed of a county and one or more municipalities within its borders” (§166A-7.b).

- Emergency Management is defined by NCGS as “Those measures taken by the populace and governments at federal, State, and local levels to minimize the adverse effect of any type disaster, which includes the never-ending preparedness cycle of prevention, mitigation, warning, movement, shelter, emergency assistance, and recovery” (§166A-4.4).
- Counties may (but are not mandated by NCGS to) appoint a Fire Marshal and/or provide fire prevention services (§153A-233&234).
- 911/Radio
  - Does *not* seem to be mandated by NCGS, but the State collects taxes from telephone customers to provide for the 911 service, and 911 service provides for health and safety as required.
- Training and Development
  - *Not* a mandated service.
- Hazardous Waste (previously handled by General Services/Solid Waste) is now handled by the Fire Marshal’s office.

#### Finance

- County shall appoint a Budget Officer, which shall be the county manager in counties and cities having the manager form of government (§159-9).
- The Budget Officer shall provide public notice of the filing and publication of the budget, and shall file a copy of it in the office of the clerk to the board available for public inspection until the budget ordinance is adopted (§159-12).
- County shall appoint a Finance Officer to hold office at the pleasure of the appointing board or official (§159-24).
- Duties of the Finance Officer (§159-25):
  - He shall keep the accounts of the local government or public authority in accordance with generally accepted principles of governmental accounting and the rules and regulations of the Commission.
  - He shall disburse all funds of the local government or public authority in strict compliance with this Chapter, the budget ordinance, and each project ordinance and shall preaudit obligations and disbursements as required by this Chapter.
  - As often as may be requested by the governing board or the manager, he shall prepare and file with the board a statement of the financial condition of the local government or public authority.
  - He shall receive and deposit all moneys accruing to the local government or public authority, or supervise the receipt and deposit of money by other duly authorized officers or employees.
  - He shall maintain all records concerning the bonded debt and other obligations of the local government or public authority, determine the amount of money that will be required for debt service or the payment of other obligations during each fiscal year, and maintain all sinking funds.
  - He shall supervise the investment of idle funds of the local government or public authority.

- He shall perform such other duties as may be assigned to him by law, by the manager, budget officer, or governing board, or by rules and regulations of the Commission.
- Each county with a population over 50,000 shall maintain an accounting system that records and shows the encumbrances outstanding against each category of expenditure appropriated in its budget ordinance (§159-26.d).
- *See also, Purchasing/Minority Affairs.*

#### General Services (Previously County Garage and Physical Facilities)

- County garage is *not* a mandated service through NCGS, but performs services which would otherwise be required for the county to purchase through private companies (vehicle emissions and safety inspections), as well as non-mandated vehicle care (repairs, etc.).
- Building services, grounds maintenance, guard services, and administrative services therein are *not* mandated by NCGS.

#### Governing Body

- Clerk to the Board of Commissioners is the only core service provided and mandated by NCGS (non-core service includes public relations).
- The Board of Commissioners shall designate a clerk to the board (§153A-11).
- The Office of the Clerk must make available to the public for inspection:
  - Current township boundaries delineated.
  - Maps of electoral districts.
  - Zoning district maps (can also be kept by another office within the county).
  - Preliminary assessment roll relating to capital projects (§153A-194).
  - Reports regarding the establishment of new service districts, expansion of existing districts, or the consolidation thereof (§153A-302.b, §153A-314.b, and §153A-304.b).
  - An ordinance book maintained by the clerk to the board (§153A-48).
- Each elected or appointed official must be sworn in by the clerk to the board (§153A-26).
- Minutes of the board of commissioners meetings must be kept by the clerk to the board (§153A-42).

#### Health Center<sup>1</sup>

- According to the “Handbook for North Carolina County Commissioners,” counties must provide health services as part of a joint effort with the state, but can provide those services through several different modes of operation (all local

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<sup>1</sup> Information which does not cite specific NCGS was found in the School of Government’s 2007 edition of *Handbook for North Carolina County Commissioners*.

- health departments must be accredited per a law effective January 1, 2006, but are given a 10-year period to comply):
- Direct operation of a county health department
    - Requires an 11-member board of health as appointed by the commissioners.
  - Joint operation of a health department serving multiple counties (§130A-36)
    - Requires a 15-18 member board of health.
  - Formation of a public health authority, either alone or jointly with other counties
    - Requires 9-25 member board of health, which has expanded powers (can set salaries, fees for services, etc.).
  - Contract for services with the state (DHHS & DENR)
    - Local board of health continues to be the policy making board.
  - Per the Handbook, the Commission for Health Services mandates 5 services that must be provided directly by the agency (health department in one of the above formats):
    - Communicable disease control services (includes immunizations, testing, treatment for TB and STDs)
    - Vital records registration (duty may be shared or delegated to another county agency, such as the register of deeds)
    - Food, lodging, and institutional sanitation, including restaurant inspections and grading
    - Individual on-site water supply sanitation services, including inspections
    - Inspection and permitting of on-site wastewater systems, such as septic tanks
  - Per the Handbook, 8 other mandated services must either be provided directly, or assured (contracted for or certified available through other providers) by the local health department:
    - Adult health services (includes preventative services and screening for cancer, diabetes, and hypertension)
    - Home health services
    - Dental public health services (including screening and referral services)
    - Grade A milk certification
    - Maternal health services (including well-child checkups and additional services for children with special health needs)
    - Family planning services
    - Public health laboratory support
  - Per the Handbook, the following services must be provided free of charge to clients of local health departments (insurance can be charged for some of these services):
    - Examination for and treatment of TB and STDs such as syphilis and gonorrhea
    - Testing and counseling for HIV
    - Testing and counseling for sickle cell syndrome
    - Immunizations required by law and supplied by the state

- Interpretation services for clients having limited proficiency in English
- Health Center Core Services (*services mandated to be provided by Health Center are marked with an asterisk*):
  - Administration\* (board of health shall appoint a health director, §130A-40)
    - Vital Records\*
  - Public Health Outreach
    - Maternal Health
    - Child Health
    - Immunizations\*
    - HIV\*
    - Communicable Disease\*
    - Sexually Transmitted Disease\*
    - Tuberculosis\*
  - Public Health Educators
    - Accreditation standard
  - Clinical Services
    - Primary Care (Adult, Child, Family Planning, Maternal/Pre-Natal Health)
    - Laboratory Services
  - Dental
  - Inmate Health (mandated for Jail)
  - Environmental Health
    - Administration\*
    - Food & Lodging\*
    - On-site Wastewater/ On-site water supply\*
- Mental Health services
  - “Counties shall... appropriate funds for the support of programs that serve the catchment area, whether the programs are physically located within a single county or whether any facility housing a program is owned and operated by the... county (§122C-115(b)).
  - “Except as otherwise provided... counties shall not reduce county appropriations and expenditures for current operations and ongoing programs and services of area authorities or county programs because of the availability of State-allocated funds, fees, capitation amounts, or fund balance to the area authority or county program” (§122C-155(d)).

#### ID Bureau<sup>2</sup>

- Issuance of concealed handgun permits pursuant to §14-415.12, which states “the sheriff shall issue a permit to an applicant if the applicant qualifies...”
- §7B-2102, §15A-502, and §14-208.7 mandate that law enforcement officers/the sheriff fingerprint various individuals arrested for crimes, and those convicted criminals required to register new residency within a state or county;

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<sup>2</sup> Information where referenced was found in the School of Government’s 2007 edition of *Handbook for North Carolina County Commissioners*.

fingerprinting is also mandated for application for a concealed handgun permit (§14-415.12), and may be required for criminal background checks through the Department of Justice which are required for various professions, foster care parents, etc. (but are not mandated to be provided by county law enforcement specifically by NCGS).

- §15A-145, 146, 147, and 149; §90-96, and §90-113.14 mandate expunction of records due to various circumstances (first offenses, juvenile offenses, etc).
- The CCBI database is *not* mandated by NCGS but is utilized by all users of the Criminal Justice Information System (CJIS).

### Information Technology

- NCGS mandate that a public index of computer databases is maintained: §132-6.1 states that “every public agency shall create an index of computer databases compiled or created by a public agency” which at a minimum “shall include... a list of the data fields; a description of the format or record layout; information as to the frequency with which the database is updated; a list of any data fields to which public access is restricted; a description of each form in which the database can be copied or reproduced using the agency’s computer facilities; and a schedule of fees for the production of copies in each available form. Electronic databases compiled or created prior to the date by which the index must be created in accordance with this subsection may be indexed at the public agency’s option. The form, content, language, and guidelines for the index and the databases to be indexed shall be developed by the Office of Archives and History in consultation with officials at other public agencies.”
- Public access to GIS is mandated if *GIS system is operated by the county* (operation of GIS system itself is not mandated by NCGS). GS 132-10 mandates that Geographical Information Systems (GIS) databases and data files are public records, and that the “county shall provide public access to such systems by public access terminals or other output devices.” (previously under Planning Core Services as non-mandated service).
- Assure network and data systems meet compliance for departments—*not* mandated by NCGS, but can be mandated for certain types of records (i.e. medical record compliance with HIPAA on a Federal level); this can include the non-mandated core services listed as “provide secure network infrastructure” and “provide secure data systems,” which may also deal with certain types of records where security or systems are mandated by federal governments.
- Providing telecommunication services is *not* mandated per NCGS.

### Library

- NCGS does *not* mandate that public library systems be provided for by county government, or be made available by other sources. §153A-263 grants counties the power to “establish, operate, and support public library systems...” under the sole condition that access to libraries is not exclusionary of any citizen.

## Permits & Inspections

- “Every county shall perform the duties and responsibilities set forth in §153A-352 [enforcement of state and local laws and ordinances pertaining to the construction of buildings, installation of facilities, maintenance of buildings, and other matters as specified by the Board of Commissioners] either by:
  - Creating its own inspection department;
  - Creating a joint inspection department in cooperation with one or more other units of local government...
  - Contracting with another unit of local government for the provision of inspection services...” (§153A-351).
- Inspectors are mandated to be certified by the North Carolina Code Officials Qualification Board (§153A-351.1).
- The inspections department shall keep complete records of permit applications, permits issued, inspections and reinspections, defects found, and certificates of compliance, as well as other work and activities of the department (§153A-373).
- If a community chooses not to participate in the National Flood Insurance Program (NFIP), areas that are mapped within the 100-year floodplain remain, and local government through State Building Code must regulate the type of construction and the elevation of those structures within the 100-year floodplain, per NCGS 143-215.54, and 143-38.

## Personnel

- The Board of Commissioners *may* establish rules, regulations, and ordinances concerning but not limited to leave, working conditions, service award and incentive programs, and other personnel policies, as well as prescribe office hours, workdays, and holidays: *it is mandated that changes to any ordinance be brought before the Board of Commissioners, but not mandated that there be a personnel ordinance through NCGS* (§153A-94). The following are *not* mandated by NCGS but are authorized activities through the NCGS for counties to undertake:
  - Organization of personnel system
  - Classification plan
  - Holidays and leave
  - Implementation of the personnel ordinance
  - Retirement system—participation in the NC Local Governmental Employees’ Retirement system (§128, Article 3; §153A-93); counties must resolve to take place in the system, and Buncombe County is a current member; law enforcement officers are covered separately below
- Pay plan
  - The Board of Commissioners shall fix or approve the schedule of pay, expense allowances, and other compensation of county officers and employees, whether elected or appointed (§153A-92).
- Recruitment and selection



- Not mandated by NCGS, but policies mentioned (equal employment opportunity policy, appointments, etc, are in many cases governed by federal statutes).
- Conditions of employment
  - Drug testing for certain professions is mandated by state or federal law (pharmacists, etc).
  - Conflict of interest/gifts/restriction of political activity by public servants is regulated by §138A.
- Additional Employee Benefits
  - §153A-92 grants counties the authority to purchase life or health insurance for county employees, or provide other “fringe benefits;” but these benefits are *not* required to be provided by counties.
- Grievance and appeal procedures (listed by personnel as referred to the State Personnel Commission under GS 126, those employees funded partially or wholly by state funds are subject to the State Personnel System, which the county’s personnel ordinance is modeled after as all employees are subject to equal protection under the law through the 14<sup>th</sup> amendment).
- Employee Personnel Records (also Release of Personnel Information on County Employees)
  - NCGS mandates that all information regarding county employees other than: name, age, date of original employment or appointment, terms of the contract, current position title, current salary, date and amount of most recent change in salary, date of most recent change in position classification, and the office to which the employee is currently assigned in personnel files is confidential and shall be disclosed only under certain circumstances outlined in §153A-98.
- Official custodian and maintenance of Employee Personnel Records
  - §132-6 provides for custodianship of public records in general (public records law) but does not mandate specifically regarding who maintains employee records.
- State Personnel Act
  - §126-1—counties are mandated to apply the State system of personnel administration with regards to employees wholly or partially funded by State funds.
- Wage & Hour Act (§95, Article 2A)
  - NC Workplace laws mandate posting in the workplace, see also Dept. of Labor under federal laws.
  - Sets safety standards.
- Retirement System—NC Local Governmental Employees’ Retirement System for Law Enforcement Officers
  - Provided for under §143, Article 12, law enforcement officers shall be members of the retirement system.
- NC Firemen’s and Rescue Squad Workers’ Pension Fund does not mandate that the County administer the fund, but does mandate the existence of the fund and the subsequent eligibility of county fire fighters and rescue squad workers (§58, Article 86).

- Unemployment Insurance is mandated by §96, Article 2, as administered by the NC Employment Security Commission, which requires employer financing and participation in claims process.
- Workers Compensation Act, applies to all employers and employees in the State (§97).
- Public Official Performance Bonds
  - Finance Officer (§159.29a)
  - Sheriff (§162-8)
  - Register of Deeds (§161-4)
  - Tax Collector (§105-349c)
  - Blanket performance bond (§159-29c)
- *The following federal laws affect personnel:*
  - Immigration Reform and Control Act of 1986—requires 2 forms of identification for all new hires
  - Americans with Disabilities Act of 1990—the Personnel Department is designated as the ADA coordinator
  - The Family and Medical Leave Act of 1993—the Personnel Department designates all FMLA
  - 14<sup>th</sup> Amendment (Due Process)—regulates separation, disciplinary action, and reinstatement
  - US Dept. of Labor Wage & Hour Division—posters regarding employment laws must be posted in the workplace
  - Fair Labor Standards Act—Personnel Dept. oversees these requirements are carried out
  - Internal Revenue Code of 1986, Section 401—allows employer and employee contributions on pre-tax basis to a 401(k)
  - Internal Revenue Code allows for but does not require Flexible Spending Accounts, Dependent Care Accounts, and Cafeteria Plans
  - COBRA—continued health care coverage
  - Drug Free Workplace Act of 1988
  - OSHA
  - Military Leave (Title 38, Section 2024(d) of the Constitution)
  - HIPAA
  - Employee Retirement Income Security Act (ERISA)
  - Civil Rights Act of 1965—requires affirmative action reports and equal employment opportunity reporting (EEO-4 reports)
  - Data Match report as required by 42 U.S.C. 1395y (b)(5).
- *Other core services listed as provided by personnel are either mandated by local ordinance (but not by NCGS), or are not mandated services.*

#### Physical Facilities

- *See General Services*

#### Planning

- The Board of Commissioners shall designate one or more persons as a plat review officer per §47-30.2 (Administered through Land Records division and Planning).
- Watershed protection is mandated through §143-214.5.
- §65-111 mandates that county commissioners provide a list of public and abandoned cemeteries, and §65-113 authorizes the county commissioners to oversee all abandoned public cemeteries, and appoint a board of trustees to do so.
- Core Services and regulations enforced which are not mandated but authorized under NCGS:
  - Community Planning, Land Use, and Zoning
  - Land Development and Subdivision Ordinance
  - Erosion Control & Stormwater (both programs are mandated by the State, so if counties do not administer, the State will)
  - Flood Damage Prevention:
    - Without an ordinance, the county's inhabitants would be unable to participate in the National Flood Insurance Program, and federally backed mortgages in the county would be dropped. Participation in the program allows flood insurance to be sold and renewed in the community, and allows federal agencies, such as the VA, FHA, HUD, EPA and SBA to approve loans and grants for acquisition or construction within special flood hazard areas. Participation in the program makes state and federal disaster assistance available for flood damaged structures.
    - If a community chooses not to participate by instituting an ordinance, NCGS mandates that State Building code still regulate the construction of structures within the floodplain (see Permits and Inspections)
  - Adult Establishments
  - Off-premise signs
  - Wireless Communications Facilities Ordinance
  - Street names/Road addressing
  - Housing programs (participation in State grants)
  - Manufactured Home Park Ordinance (authority granted through §153A-121, General Police Powers)
  - Farmland Preservation (authority granted through the Farmland Preservation Enabling Act: §106, Article 61)
  - Mobile Home removal program (abandoned mobile homes are required to be addressed in the county's Solid Waste Management Plan as part of a recent update to the NCGS, beginning in 2009, standards are not yet set and existing programs can be used in lieu of participation) (see also: Solid Waste Department).
  - Transportation planning for highways, bicycles, pedestrian, and public transportation
    - Current service contracts include federally mandated Medicaid transportation (42 CFR 431.53 and Blue vs. Craig Consent Order, and ADA Comparable Paratransit Services (49 CFR Part 37).

- Regional Transportation Planning (through the French Broad RPO) is not mandated by NCGS, but States who decide to use Federal Highway monies are required to institute regional transportation planning, and do so through requiring RPOs and MPOs.

#### Pre-trial Release

- Pre-trial release services are *not* mandated by NCGS.
- Under NCGS 15, the statutes require that an arrested defendant be brought before a judicial official without unnecessary delay to determine the legality of his arrest and the conditions of pretrial release. In NC, there are four procedures for pretrial release:
  1. A written promise to appear
  2. An unsecured appearance bond
  3. An appearance bond secured
  4. The defendant is placed under the supervision of some person or organization.

#### Purchasing/Minority Affairs (now a division of Finance)

- Bids and contracts for services by local governments are mandated to follow certain requirements:
  - Local government units (LGUs) that receive State appropriations or grant funds for a building project shall have a verifiable ten percent goal for participation by minority businesses in the total value of the work, provided however that a LGU may apply a different verifiable goal that was adopted prior to December 1, 2001 if the LGU had and continues to have a sufficiently strong basis in evidence to justify the use of that goal (§143-128.2.a).
  - §143-129 and §143-131 mandate bidding procedures.
- Mail courier services are *not* mandated by NCGS.
- Surplus storage and sale is *not* mandated by NCGS.
- Central Records is a mandated service in that public records law (§132) requires that records be stored and made available free or at minimum cost for public use upon request.

#### Recreation Services

- Parks and Recreation Core Services are *not* mandated by NCGS.

#### Register of Deeds

- The register of deeds shall file and preserve the copies of birth and death certificates furnished by the local registrar (§130A-97).
- The register of deeds shall file marriage certificates and transmit to the State Registrar a record of each marriage ceremony (§130A-110).

- The register of deeds shall register and index decree of title and all subsequent transfers of title, and note all voluntary and involuntary transactions affecting the title to land (§43-13); generally responsible for maintaining a public registry of deeds and other documents which affect land titles (§43).
- The register of deeds is entitled to at least two deputies to be reasonably compensated by the county (§153A-103.2).
- Duties for Register of Deeds set forth (§161, Article 2).

#### Sheriff's Department

- The office of the Sheriff, duties, and relation to county prisoners is defined in §162.
- The Sheriff is entitled to at least two deputies to be reasonably compensated by the county (§153A-103.2).
- Core Services of the Sheriff's Department:
  - Civil Process, Civil Executions, Domestic Violence Protective Orders, Stalking Orders, and Writs
    - Office of the Sheriff and duties (§162)
  - Operation of the Jail for the Safekeeping of Inmates
    - The Sheriff shall have custody of the jail (§162-22)
  - Security of the Courts as provided for by §162 & The US Constitution
  - Sex Offender Registration required by §14, Article 27A
  - Gun Permits
    - The Felony Firearms Act regarding the purchase of firearms by felons or other persons is set forth in §14, Article 54A
  - Officer Training as stipulated in NC Administrative Code 10B-1801 – 1806
  - Mental Health Transports
    - To medical or mental health services by a law enforcement officer as mandated by §122C-262, 263.

#### Social Services

- State law in accordance with federal requirements mandates that the county operate the following programs:
  - Work First (federal funding available through a TANF block grant)
  - Food stamps
  - Medicaid
  - State/County special assistance for adults (supplements federal program that aids low income persons who are elderly, blind, or disabled)
  - Protective services for children and adults (includes investigations of abuse or neglect, working with families in these circumstances, and legal action where necessary)
  - Child placement services
  - Foster care (investigation of homes by Counties for state licensing purposes)

- Child support services (also known as IV-D) includes services to locate missing parents, to establish paternity, and enforce child support obligations (Buncombe County has privatized this program and contracted with PSI—counties can privatize, operate, or contract with the state for operation of this mandated program)
- Adoptions
- Problem pregnancy services (counseling and assistance in unplanned pregnancies)
- Child care (services provided to eligible Work First participants)
- Low income energy assistance (one-time cash payments to help with heating bills)
- Federal Services Block Grant funds (Title XX funds) reach the county through DHHS. The federal government mandates that states develop an annual comprehensive plan for social services; North Carolina’s plan mandates specific services, and is updated yearly (see insert of 2008 plan and summary).
- Social Services Core Services (those services noted to be “essential to core” not listed):
  - Administration (§130A-40 requires the appointment of a health services director; §108A-1 provides for the creation of a Board of Social Services)
  - Contract for Child Support Enforcement administration by the county (§110-141)
  - Work First
    - Staff (§108A-25(b)(b1))
    - Cash Assistance Payments (§108A-27)
    - Support Services (§108-25(b)(b1); §108-27.6 through .8)
    - Goodwill Contract (§108-25(b)(b1); §108-27.6 through .8)
    - Helpmate (Domestic Violence) Contract (§108-25(b)(b1); §108-27.6 through .8)
  - Income Maintenance
    - Medicaid Staff (§108A-25(b))
    - Health Choice Staff (§108A-70.20, Health Insurance Program for Children established)
    - Food Assistance Staff (§108A-25(a)(3); §108A-51)
    - Food Assistance Benefits (§108A-25(a)(3); §108A-51)
    - Food Assistance Employment and Training (§108A-51)
    - Low Income Energy Assistance Program (§108A-25(a)(5))
  - Adult Services
    - Protective Services (§108A-103)
    - Guardianship/Representative Payee (§108A-15; §35A-1213)
    - Adult Care Home Supervision (§108A-14(8))
    - Adult Care Home Case Management (§108A-14(8); §143B-153)
  - Child and Family Services
    - Intake (§7B-300, director shall establish protective services for juveniles alleged to be abused, neglected, or dependent)
    - Investigations (§108A-14(11); §7B-300)
    - In-Home Services (§108A-14(11); §7B-300)

- Foster Care (§108A-14(12); §143B-153)
- Adoptions (§108A-14(6))
- Foster Home Supervision (§108A-14(12))
- Caring for Children Contract (§108A-14(12); §143B-153)
- Independent Living Program (§108A-14(12); §143B-153)
- Psychologists (§108A-14(12); §143B-153)
- Post Adoption Services (§108A-14(12); §143B-153)
- Court Coordinator (§108A-14(12); §143B-153)
- Foster Care Supplemental (§108A-14(12); §143B-153)
- Recruitment & Retention (§108A-14(12); §143B-153)
- Foster Parent Training (§108A-14(12); §143B-153)
- Foster Care Board Payment through SSI (§108A-14(12); §143B-153)
- Child Fatality Task Force (§108A-14(12); §143B-153)
- Foster Care (miscellaneous) (§108A-14(12); §143B-153)
- Emergency Assistance
  - TANF- Emergency Assistance (§108A-27.7)
  - Crisis Intervention Program (§108A-25(a)(5))
  - Family Preservation Emergency Assistance (§143B-153)
  - Unclaimed Bodies (§130A-4159(c))
- Medicaid
  - Benefits (§108A-54; §108A-25(b))
- Public Assistance Payments
  - Adoption Assistance (§108A-49&50; §108A-25(a)(4))
  - Adoption Vendor Payments (§108A-49&50; §108A-25(a)(4))
  - Aid to the Blind (§111-13)
  - TANF County (§108A-27.6 through .8)
  - Medicaid Transportation (§108A-54; §108A-25(b))
  - Foster Care Board (§108A-48&49; §108A-25(1)(4))
  - Foster Care Assistance (§108A-48&49; §108A-25(1)(4))
  - Special Assistance Rest Homes (108A-45; §108A-25(a)(2))

#### Soil & Water Conservation

- The existence of soil and water conservation districts are not mandated by the State but their formation is authorized by §139. Once a soil and water conservation district is established, certain programs are mandated by NCGS.
  - NC Agriculture Cost Share Program
    - §139-8.13 mandates that a soil and water conservation district shall have the power to “assist the Commission in the implementation and supervision of the Agriculture Cost Share Program for Nonpoint Source Pollution Control.. and to assist in the implementation and supervision of any other program intended to protect water quality administered by DENR.”
  - State non-discharge rule requires the installation of waste management systems regarding confined animal operations of a certain size; these

operations must receive a technical assistance review annually, which is conducted by the Soil and Water Conservation District (§143-215.1).

- Review of erosion control ordinances is not mandated by NCGS, but is by local ordinances (Buncombe County ordinance & City of Asheville ordinance).
- Participation in Farmland Preservation is not mandated by NCGS, but is by local ordinance (for more on Farmland Preservation see Planning Department).

#### Solid Waste (previously General Services)

- Local government shall develop, either individually or in cooperation with other units of local government, a 10-year comprehensive solid waste management plan. LGUs shall make a good-faith effort to achieve the State's 40% municipal solid waste reduction goal and to comply with the State's comprehensive solid waste management plan with public participation. The plan is to be updated at least every three years, and provided to the State for review (§130A-309.09A.b).
- Counties shall establish and maintain a solid waste reduction program (§130A-309.09B), either as a singular entity, or jointly with municipalities within the county.
- Landfill bioreactor project is in partnership with the EPA's Project XL.
- Provision of a Landfill or Transfer Station by the county is *not* mandated by NCGS; but is part of the County's Solid Waste Management Plan.
- Mobile Home removal program (abandoned mobile homes are required to be addressed in the county's Solid Waste Management Plan as part of a recent update to the NCGS, beginning in 2009, standards are not yet set and existing programs can be used in lieu of participation) (see also: Planning Department).
- Junkyard Ordinance: not mandated by NCGS but authorized under §136-141 (Junkyard Control Act).
- Environmental control is provided for under the county's Solid Waste Management Plan, but is not specifically mandated by NCGS.

#### Tax

- §153A-146 states that "a county may impose taxes only as specifically authorized by act of the General Assembly... the power to impose a tax also includes the power to provide for its administration in a manner not inconsistent with the statute authorizing the tax."
  - Taxes can be levied without restriction as to rate or amount for the following purposes:
    - Courts
    - Debt services (for obligation notes and bonds of the county)
    - Deficits
    - Elections
    - Jails



- Joint undertakings
  - Schools
  - Social services
- Counties may also levy taxes for the other purposes, but may not levy more than a combined rate of \$1.50 per \$100.00 of the appraised value of property subject to taxation (full list is found at §153A-149).
- NCGS 105-286 requires a revaluation of property values every four years.
- Counties may levy sales tax (§153A-151).
- Counties may levy privilege license taxes (§153A-152).
- Land records, real estate assessment, business and personal property listing, and collections are all directly tied to administration of tax levying, but are not specifically mandated departments.
- The Board of Commissioners shall designate one or more persons as a plat review officer per §47-30.2 (Administered through Land Records division and Planning).

#### WIA

- The Mountain Local Area Workforce Development Board was established by the State in response to the Workforce Investment Act requirements for States. The State mandates certain services to be provided by the local Workforce Development Boards, but does not seem to mandate county participation in those Boards, other than the appointment of Board members by county commissioners (§143B-438.11(b)).
- The Workforce Development Board serves four counties: Buncombe, Henderson, Madison, and Transylvania, and their duties, which are mandated by §143B-438.11(a) are as follows:
  - To develop policy and act as the governing body for local workforce development
  - to provide planning, oversight, and evaluation of local workforce development programs, including the One-Stop Delivery System
  - To provide advice regarding workforce policy and programs
  - To develop a local workforce plan in coordination with community partners
  - To develop linkages with economic development efforts and service area activities, and promote cooperation among the public and private sectors
  - To review local agency plans and grant applications for workforce development programs
- The Core Services provided by WIA (which seem to be funded by State or Federal grant monies) are:
  - Adult Program
  - Dislocated Worker Program
  - Youth Program
  - JobLink Career Centers
  - Special Projects
  - Employer Services
  - Industry Advocate Team

- Of the core services provided, the only relation to State mandates to counties seems to be the JobLink Career Centers, which are utilized by Social Services to provide the mandated “First Stop Employment Program” required for WorkFirst participants (§108A-29).
- *There may be a memorandum of understanding in place regarding any county support of WIA.*