



State of North Carolina

ROY COOPER
GOVERNOR

July 28, 2017

EXECUTIVE ORDER NO. 14

NORTH CAROLINA STATEWIDE INDEPENDENT LIVING COUNCIL

WHEREAS, the Federal Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act of 2014 (hereinafter the “Rehabilitation Act”), recognized the importance of empowering individuals with disabilities to maximize independence, employment, economic self-sufficiency, inclusion, and integration into society; and

WHEREAS, the Rehabilitation Act made clear the necessity of supporting states and service providers as they assist individuals in the pursuit of meaningful and gainful employment and independent living; and

WHEREAS, the purpose of independent living services and centers is to promote a philosophy of independent living, including a philosophy of consumer control, peer support, self-help, self-determination, equal access, individual advocacy, and systems advocacy; and

WHEREAS, promoting independent living can maximize opportunities for individuals with disabilities and promote the integration and full inclusion of individuals with disabilities into the mainstream of society; and

WHEREAS, it is imperative that North Carolinians with disabilities have the opportunity to achieve the goals outlined in the Rehabilitation Act; and

WHEREAS, North Carolina established a Statewide Independent Living Council (hereinafter the “Council”) under federal mandate in 1992, with the Council operating as an independent, 501(c)(3) nonprofit corporation since 2006; and

WHEREAS, the Council is a vital component of North Carolina’s longstanding commitment to North Carolinians with disabilities; and

WHEREAS, Title VII, Section 705 of the Rehabilitation Act requires each state to formally establish a Statewide Independent Living Council under the state’s authority to be eligible for federal funding through the Rehabilitation Act; and

WHEREAS, using the state’s authority to establish a Statewide Independent Living Council is mandated by federal law and provides the Governor the opportunity to promulgate his aspirations and criteria for advancing opportunities for independent living with equity and dignity for all North Carolinians with disabilities.

NOW, THEREFORE, by the power vested in me as Governor by the laws and Constitution of the State of North Carolina, **IT IS ORDERED:**

Section 1. Establishment

- a. The North Carolina Statewide Independent Living Council (hereinafter the “New Council”) is hereby established. The New Council shall serve the citizens of North Carolina in fulfillment of the requirements of the Federal Rehabilitation Act of 1973 and the Rehabilitation Act. The New Council shall advise state efforts to improve and expand the provision of independent living services, and foster the development and growth of statewide networks of centers for independent living.
- b. The New Council shall exist as an entity independent of any state agency or political subdivision. The New Council may operate as a 501(c)(3) nonprofit entity organized under Chapter 55A of the North Carolina General Statutes.

Section 2. Membership

- a. The Governor shall appoint all members of the New Council and all members shall serve at the pleasure of the Governor. The Governor shall select members after soliciting recommendations from representatives of organizations representing a broad range of individuals with disabilities and organizations interested in ensuring strong support for individuals with disabilities.
- b. The New Council shall consist of no more than twenty (20) voting members.
- c. The New Council’s membership should reflect North Carolina’s demographic diversity with respect to race, gender, and age, and should provide statewide geographic representation, while representing individuals with disabilities from diverse backgrounds who are knowledgeable about centers for independent living.
- d. The majority of New Council members, including both voting and ex-officio members, shall be individuals with disabilities (as defined by the Rehabilitation Act) and shall not be employed by any State agency or center for independent living. Additionally, a majority of the New Council’s voting members also shall be individuals with disabilities, as defined in the Rehabilitation Act, and shall not be employed by any State Agency or center for independent living.
- e. The New Council’s voting membership shall be comprised of the following:
 1. One director of a center for independent living, who is selected by the Governor from two nominees put forward by the directors of centers within the State.
 2. One director of an American Indian Vocational Rehabilitation Services project that is administered under Section 121 of the Rehabilitation Act.
 3. At least twelve (60% of the voting membership) individuals with disabilities, including at least one veteran and one youth age eighteen (18) to twenty-six (26).
- f. The New Council may also include the following voting members, if such appointments are consistent with the requirements provided in Section 2.d:
 1. A parent and/or legal guardian of an individual with a disability.
 2. A representative of the private business sector.
 3. A representative of a community college, four-year college, or university who is familiar with centers for independent living and services for individuals with disabilities.
 4. A representative of a nonprofit organization that provides services to or advocates for individuals with disabilities.
 5. A representative from the NCWorks Commission.
 6. Other individuals as determined by the Governor.
- g. The New Council shall include the following ex-officio members:
 1. A representative of each of the designated state entities (the Division of Vocational Rehabilitation and the Division of Services for the Blind).
 2. A representative of the Division of Services for the Deaf and Hard of Hearing.
 3. A representative of the Council on Developmental Disabilities.

4. A representative of the Client Assistance Program.
 5. A representative from Disability Rights NC, the state's federally mandated protection and advocacy entity.
- h. New Council members shall serve terms of three years and until their successors are appointed and qualify. The initial appointment terms shall be staggered by one, two, or three years such that approximately one-third of the New Council's terms shall expire annually on August 15. Vacancies on the New Council shall be filled by the Governor. In the event of a vacancy caused by a reason other than the expiration of a term, the Governor shall appoint a person to serve for the remainder of the unexpired term. A vacancy shall not affect the power of the remaining members to execute the duties of the New Council.
 - i. No member of the New Council may serve for more than two full consecutive terms. Individuals serving two or more years of an unexpired or partial term are considered to have served one full term. Members who have served for two full consecutive terms are ineligible to serve on the New Council again.

Section 3. Meetings and Operations of the New Council

- a. The New Council shall select a Chair from the New Council's voting membership. The New Council may select other officers from the New Council's voting membership as needed.
- b. The New Council shall adopt procedures and bylaws consistent with state and federal laws, and this Executive Order, which governs the New Council's organization and operations.
- c. The New Council shall meet at least quarterly, and may also convene at the call of the Chair or the Governor, or as otherwise provided in procedures adopted by the New Council. The New Council may hold any hearings or forums that are necessary to fulfill the New Council's duties.
- d. The New Council shall conduct all business at public meetings in compliance with the North Carolina Open Meetings Law. Public notice of the meeting's time, date, and place shall be provided in the manner required by the North Carolina Open Meetings Law.
- e. For transacting the business of the New Council, a quorum shall consist of a simple majority of voting members.

Section 4. Ethics and Other Standards

Members of the New Council shall be subject to the requirements of the State Government Ethics Act.

Section 5. Duties

In collaboration with the designated state entities, other state agencies, and private entities, the New Council shall have the following duties in service of North Carolinians with disabilities:

- a. Jointly develop and sign the State Plan required by the Rehabilitation Act in conjunction with the designated state unit(s).
- b. Monitor, review, and evaluate the implementation of the State Plan.
- c. Coordinate activities with the North Carolina Vocational Rehabilitation Council and other state entities that address the needs and issues of specific populations with disabilities as mandated by other federal laws.
- d. Submit all periodic reports to the United States Secretary of Health and Human Services at the reasonable request of the Secretary. Maintain records and afford access to the Secretary when necessary to verify the periodic reports. Copies of any submitted reports shall be provided to the Office of the Governor as well as representatives of the state agencies identified in Section 2.g.

- e. Collaborate with designated state unit(s) to prepare a resource plan for the provision of New Council resources, including staff and personnel, which are made available under parts B and C of Chapter 1 of Title VII of the Rehabilitation Act, Section 110 (consistent with Section 101(a)(18)), and from other public and private sources which may be necessary to carry out the New Council's duties. The New Council must include a description of the New Council's resource plan in the State Plan. The New Council is responsible for the proper utilization of any funds or materials it receives under the resource plan. The New Council shall ensure that it meets any additional federal requirements regarding the resource plan.
- f. Supervise and evaluate staff and personnel as necessary to execute the New Council's functions under this Executive Order and the Rehabilitation Act and with consistency with applicable state and federal laws.
- g. Perform other duties as requested by the Governor and as deemed necessary by the New Council to meet its responsibilities under this Executive Order and the Rehabilitation Act.

Section 6. Administration and Expenses

State designated unit(s) may provide necessary administrative and staff support services to the New Council as requested by either the New Council or the Governor. State designated unit(s) may not assign such staff duties that would create a conflict of interest. The New Council may pay compensation to New Council members if the member is not employed or must forfeit wages from other employment for each day the member is engaged in performing New Council duties. The New Council may also reimburse members of the New Council for reasonable and necessary expenses for attending meetings and performing duties (including transportation, child care, and personal assistance services). All monetary compensation and reimbursements shall be derived from the funds provided under the New Council's resource plan and must be in accordance with Section 705 of the Rehabilitation Act. The New Council may only use federal funds to perform the duties promulgated by Section 705 of the Rehabilitation Act.

Section 7. Effect and Duration

This Executive Order is effective immediately. It supersedes and replaces all other executive orders on this subject. This Executive Order shall remain in effect until December 31, 2020, pursuant to N.C. Gen. Stat. §147-16.2, or until rescinded.

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 28th day of July in the year of our Lord two thousand and seventeen.



Roy Cooper
Governor

ATTEST:



Elaine F. Marshall
Secretary of State

