



# State of North Carolina

**ROY COOPER**  
GOVERNOR

**January 18, 2023**

**EXECUTIVE ORDER NO. 277**

## **AMENDING THE NORTH CAROLINA STATEWIDE INDEPENDENT LIVING COUNCIL**

**WHEREAS**, the 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 their leadership, independence, and productivity, as well as their integration and full inclusion into the mainstream of American society; and

**WHEREAS**, Title VII, Section 704 of the Rehabilitation Act requires each state to formally establish a Statewide Independent Living Council on behalf of the state to be eligible for federal funding through the Rehabilitation Act; and

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

**WHEREAS**, the Council was further established by Executive Order No. 14, 34 N.C. Reg. 222-225 (September 1, 2017) and re-established by Executive Order No. 168, 35 N.C. Reg. 896-899 (November 2, 2020); and

**WHEREAS**, the Rehabilitation Act made clear the necessity of providing financial assistance to states for service providers as they assist individuals in the pursuit of independent living, and for developing and supporting statewide networks of centers for independent living; and

**WHEREAS**, the purpose of independent living services and centers for independent living 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**, it is imperative that North Carolinians with disabilities have the opportunity to achieve the goals outlined in the Rehabilitation Act; and

**WHEREAS**, the Council is a vital component of North Carolina’s longstanding commitment to individuals in the state who live with disabilities; and

**WHEREAS**, the Council continues to advance opportunities for independent living with equity and dignity for all individuals in the state who are living with disabilities; and

**WHEREAS**, the undersigned has determined that the Executive Order establishing the Council should be amended and extended.

**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. Extension**

- a. The North Carolina Statewide Independent Living Council is hereby extended. The Council shall serve the people of North Carolina in fulfillment of the requirements of the Rehabilitation Act. The Council shall advise on state efforts to improve and expand the provision of independent living services, and foster the development and growth of a statewide network of centers for independent living.
- b. The Council shall exist as an entity independent of any state agency or political subdivision. The 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 Council and all members shall serve at the pleasure of the Governor. The Governor shall select members after soliciting recommendations from the Council and from a broad range of individuals with disabilities and organizations interested in ensuring equal access and independence for individuals with disabilities.
- b. The Council shall consist of no more than twenty (20) voting members.
- c. The Council's membership should reflect North Carolina's demographic diversity with respect to race, gender, type of disability and age, and should provide statewide geographic representation by individuals with disabilities from diverse backgrounds who are knowledgeable about centers for independent living.
- d. The majority (a minimum of 51%) of all appointed Council members, including both voting and ex-officio members, shall be individuals with disabilities, as defined by the Rehabilitation Act, and individuals not employed by any state agency or center for independent living. Additionally, sixty percent (60%) of the Council's voting members shall also be individuals with disabilities, as defined in the Rehabilitation Act, and individuals not employed by any state agency or center for independent living.
- e. The Council's voting membership shall include the following:
  1. One (1) director of a center for independent living, chosen by the directors of centers for independent living within the state.
  2. One (1) director of an American Indian Vocational Rehabilitation Services project that is administered under Section 121 of the Rehabilitation Act.
  3. At least one (1) military veteran.
  4. At least one (1) person between the ages of eighteen (18) and twenty-six (26).
- f. The Council may also include the following voting members, if such appointments are consistent with the requirements provided in Section 2.d:
  1. Representatives from centers for independent living.
  2. Individuals with disabilities, who shall comprise sixty percent (60%) of voting members.
  3. Parents and/or legal guardians of individuals with disabilities.
  4. Advocates of and for individuals with disabilities.
  5. Representatives of the private business sector.
  6. Representatives of a community college, four-year college, or university who are familiar with centers for independent living and services for individuals with disabilities.
  7. Representatives from nonprofit organizations that provide services to or advocate for individuals with disabilities.

8. A representative from the NCWorks Commission.
- g. The Council shall include the following ex-officio members:
1. A representative of the designated state agency (the Division of Vocational Rehabilitation Services).
  2. A minimum of two (2) representatives from statewide agencies or organizations that provide services for individuals with disabilities, provide independent living services, and/or support the goals and objectives of the State Plan for Independent Living ("SPIL") required by the Rehabilitation Act in conjunction with centers for independent living.
  3. A representative of the Division of Services for the Blind.
  4. A representative of the Division of Services for the Deaf and Hard of Hearing.
  5. A representative of the North Carolina Council on Developmental Disabilities.
  6. A representative of the North Carolina Client Assistance Program.
  7. A representative from Disability Rights North Carolina, the state's federally mandated protection and advocacy entity.
- h. Council members shall serve terms of three (3) years. The initial appointment terms shall be staggered by one (1), two (2), or three (3) years such that approximately one-third (1/3) of the Council's terms shall expire annually on August 15. Vacancies on the 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 Council.
- i. No member of the Council may serve for more than two (2) full consecutive terms. Individuals serving an unexpired or partial term are not considered to have served a full term and are eligible to serve two (2) full terms in addition to the unexpired or partial term they are fulfilling.

### **Section 3. Meetings and Operations of the Council**

- a. The voting members of the Council shall select a Chair from the Council's voting membership. The Council may select other officers from the Council's voting membership as needed.
- b. The Council shall adopt procedures and bylaws consistent with state and federal laws, and this Executive Order, which governs the Council's organization and operations.
- c. The Council shall meet at least quarterly and may also convene at the call of the Chair, the Governor, or as otherwise provided in procedures adopted by the Council. The Council may hold any hearings or forums that are necessary to fulfill the Council's duties.
- d. The 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 Open Meetings Law.
- e. For transacting the business of the Council, a quorum shall consist of a simple majority of voting members who have a disability and do not work for either the state or a Center for Independent Living. Any vacancy occurring in the membership of the Council shall be filled in the same manner as the original appointment.

### **Section 4. Ethics and Other Standards**

Members of the Council shall be subject to the requirements of the State Government Ethics Act, North Carolina General Statute Chapter 138A.

### **Section 5. Duties**

The Council shall exercise the functions, duties and authorities as specified in the Rehabilitation Act and other federal law. In summary:

- a. Jointly develop and sign the SPIL;
- b. Monitor, review, and evaluate the implementation of the SPIL;
- c. Meet regularly, and ensure that such meetings of the Council are open to the public and that sufficient advance notice of such meetings is provided;
- d. Coordinate activities, as appropriate, with other entities in the state that provide services similar to or complementary to independent living services, such as entities that facilitate the provision of or provide long term community-based services and support;
- e. Submit all periodic reports to the Administrator of Community Living within a reasonable time frame at the request of the Administrator; and maintain records and afford the Administrator of Community Living Program access when necessary for the Administrator to verify the periodic reports. Upon request, copies of any submitted reports shall be provided to the Office of the Governor;
- f. Work with centers for independent living to coordinate services with public and private entities to improve services provided to individuals with disabilities throughout the state;
- g. Conduct resource development activities to support the activities described in the approved SPIL and/or support the provision of independent living services by centers for independent living;
- h. Prepare a resource plan for the provision of Council resources, including staff and personnel, which are necessary and sufficient to carry out the functions of the Council and authorized under Title VII, Part B of the Rehabilitation Act. The SPIL shall include proper utilization of innovation and expansion funds under Section 101(a)18 of the Rehabilitation Act or from other public and private sources which may be necessary to carry out the Council's duties. Collaborate with the designated state entity to ensure the availability of these funds. The Council must include a description of the Council's resource plan in the approved SPIL. The Council is responsible for the proper utilization of any funds or materials it receives under the resource plan. The Council shall ensure that it meets any additional federal requirements regarding the resource plan;
- i. Hire, supervise and evaluate staff and personnel as necessary to execute the Council's functions under this Executive Order and the Rehabilitation Act consistent with applicable state and federal laws; and
- j. The Council shall not provide independent living services directly to individuals with disabilities or manage such services.

#### **Section 6. Administration and Expenses**

The designated state entity, as specified in the SPIL, may provide necessary administrative and staff support services to the Council as requested by either the Council or the Governor. The designated state entity may not assign such staff duties that would create a conflict of interest. The Council may use available resources to reimburse members of the Council for reasonable and necessary expenses of attending Council meetings and performing Council duties (such as personal assistance services), and to pay reasonable compensation to a member of the Council if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing Council duties. All monetary compensation and reimbursements shall be derived from the funds provided under the Council's resource plan and must be in accordance with Section 705 of the Rehabilitation Act. The 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, 2024, 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 18<sup>th</sup> day of January in the year of our Lord two thousand and twenty-three.

  
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Roy Cooper  
Governor

ATTEST:

  
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Elaine F. Marshall  
Secretary of State

