

County Social Services Agencies and Local Governing Boards: Roles and Responsibilities

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Overview

What is the government's role in social services?



How are local DSS agencies organized and governed?



What are the powers and duties of a local DSS board?



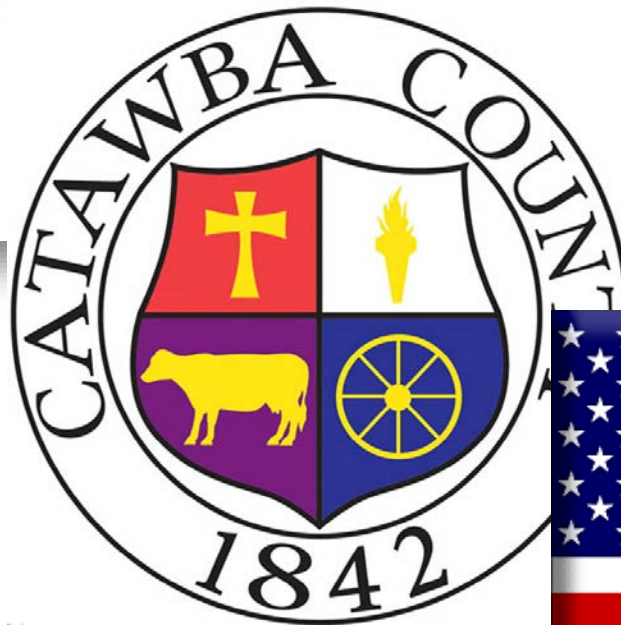
What rules govern service on local DSS boards?



Board meetings: How often, when, where?

WHAT IS THE GOVERNMENT'S ROLE IN SOCIAL SERVICES?

Different Roles



Federal Government

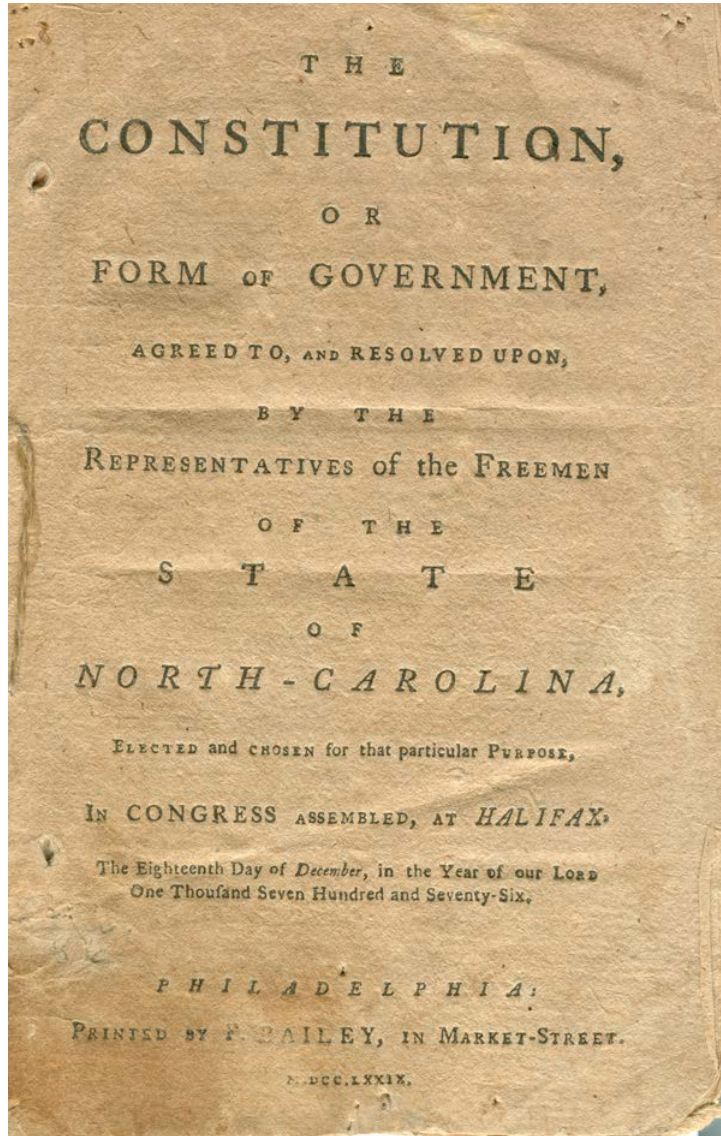
- U.S. Constitution
 - Congress may “tax & spend” to promote “general welfare”



Federal Role

- Federal funding with strings attached
- Drives policy development
 - Who is served?
 - What services?





State Government

- **NC Constitution requires State to**
 - Establish agencies and institutions to serve the “public good” and respond to “needs of humanity”
 - Provide “beneficent” care for “poor, unfortunate, and orphans”

State Role

General Assembly

- Establish policy via legislation
- Appropriate state and federal funding

Rulemaking Bodies

- Implement policy via rule (laws)

NC DHHS

- Distribute funds
- Supervise county administration
- Audit, quality assurance, technical assistance, appeals

State Government

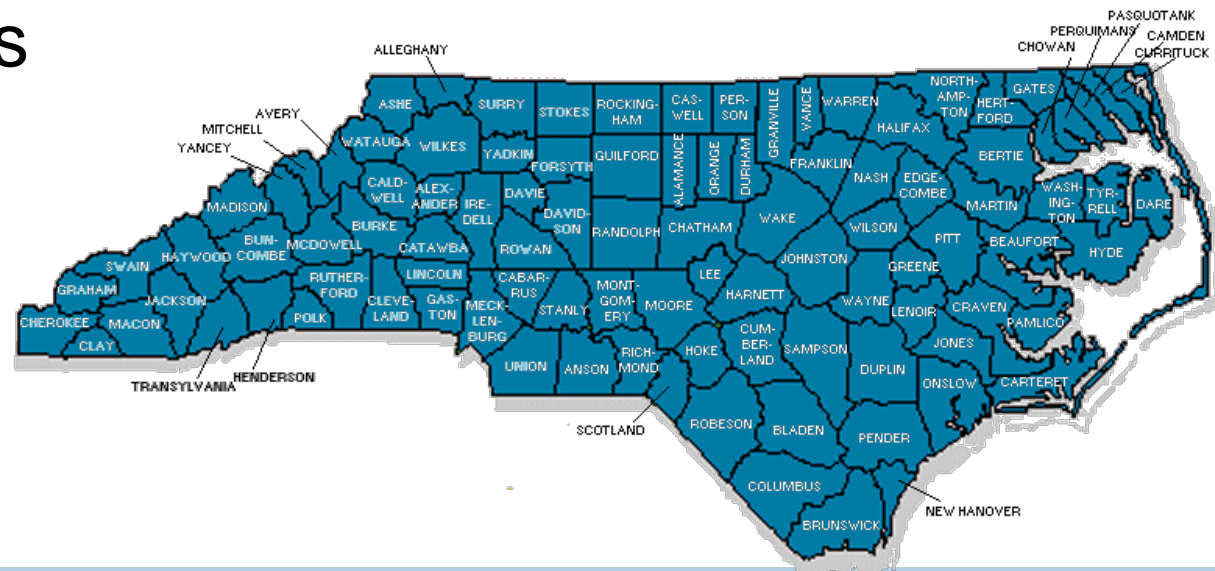
- **General Assembly**
 - Determines *nature & extent* of State's duty; *how* State will discharge its duty
 - Accepts federal funding
 - Establishes state agencies
 - Creates state programs
 - Appropriates state funding
 - Determines responsibility of local government



County Role

- **What is a County?**

- A political subdivision of the State
- Derives legal authority from the State
- Act as an agent of the State to provide State services



“State-Supervised and County-Administered System”

County

- Administering programs
 - County agencies & employees
- Funding part of cost

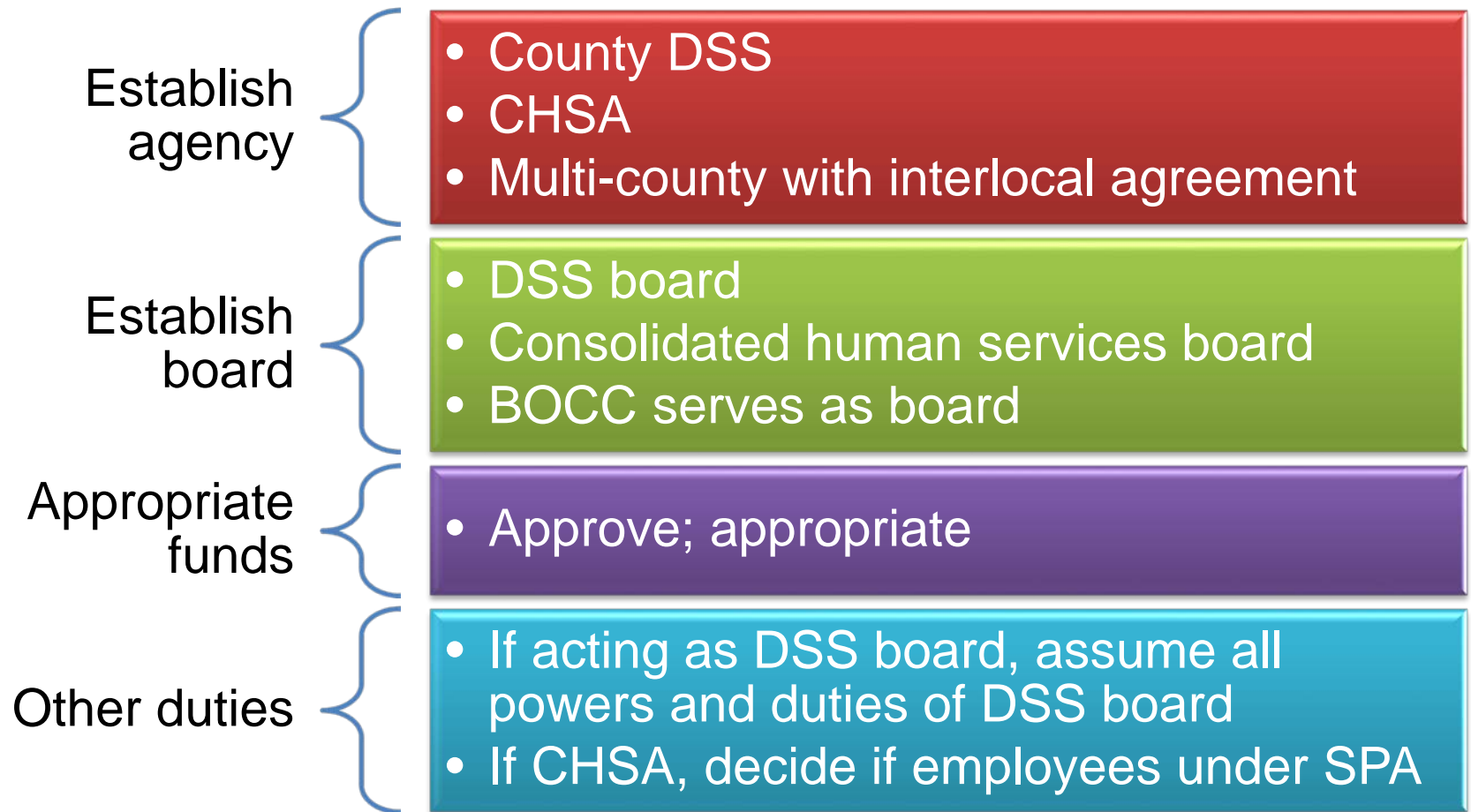
State

- Supervising county administration
- Policy & training
- Paying benefits
- Funding part of cost

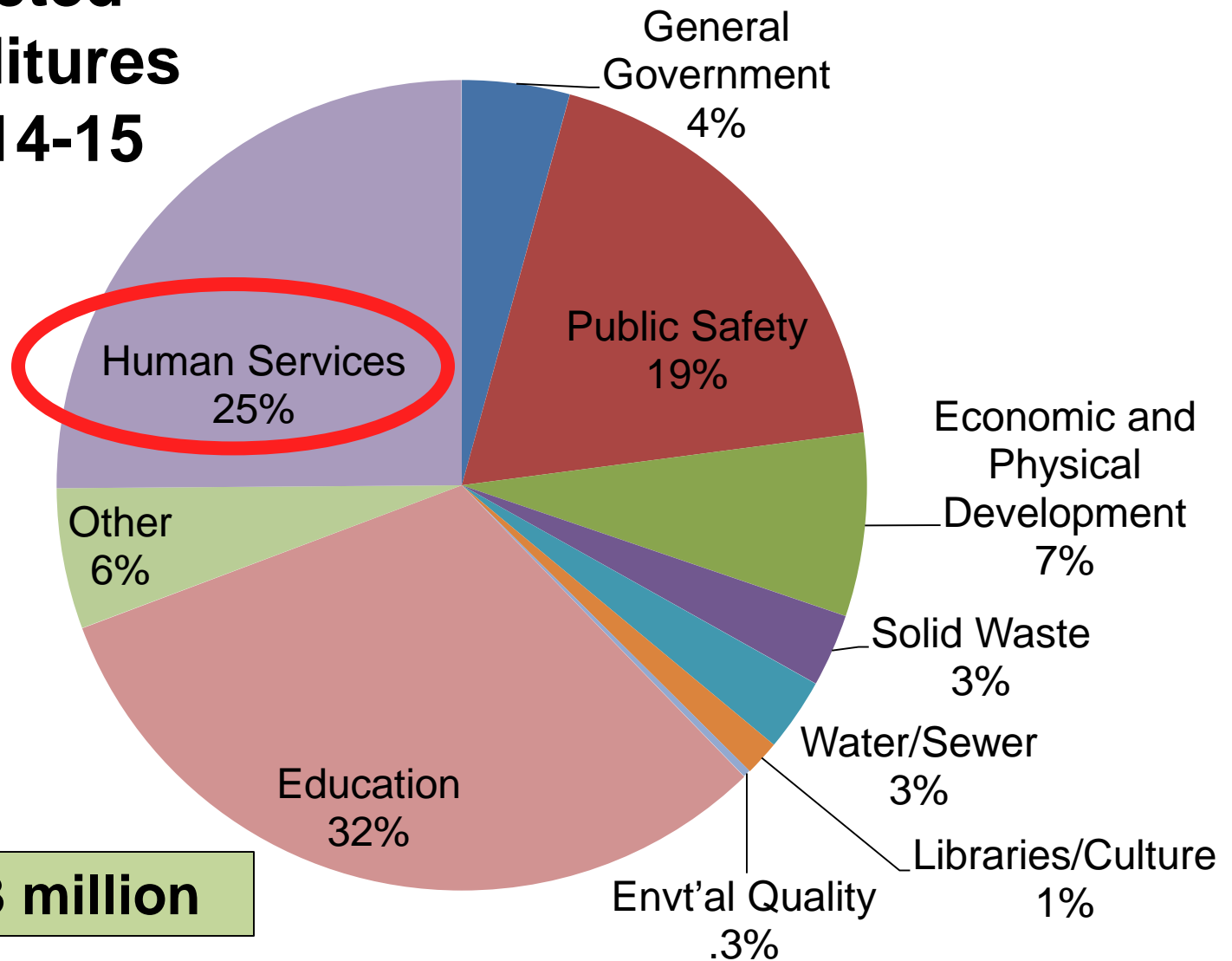
County Government

- **State requires that counties**
 - Have county social services board or a consolidated human services board
 - Administer mandated social services programs
 - Provide adequate facilities for social services department
 - Fund part of the cost of state social services programs
 - Comply with state law and policy

What are the county commissioners' roles?

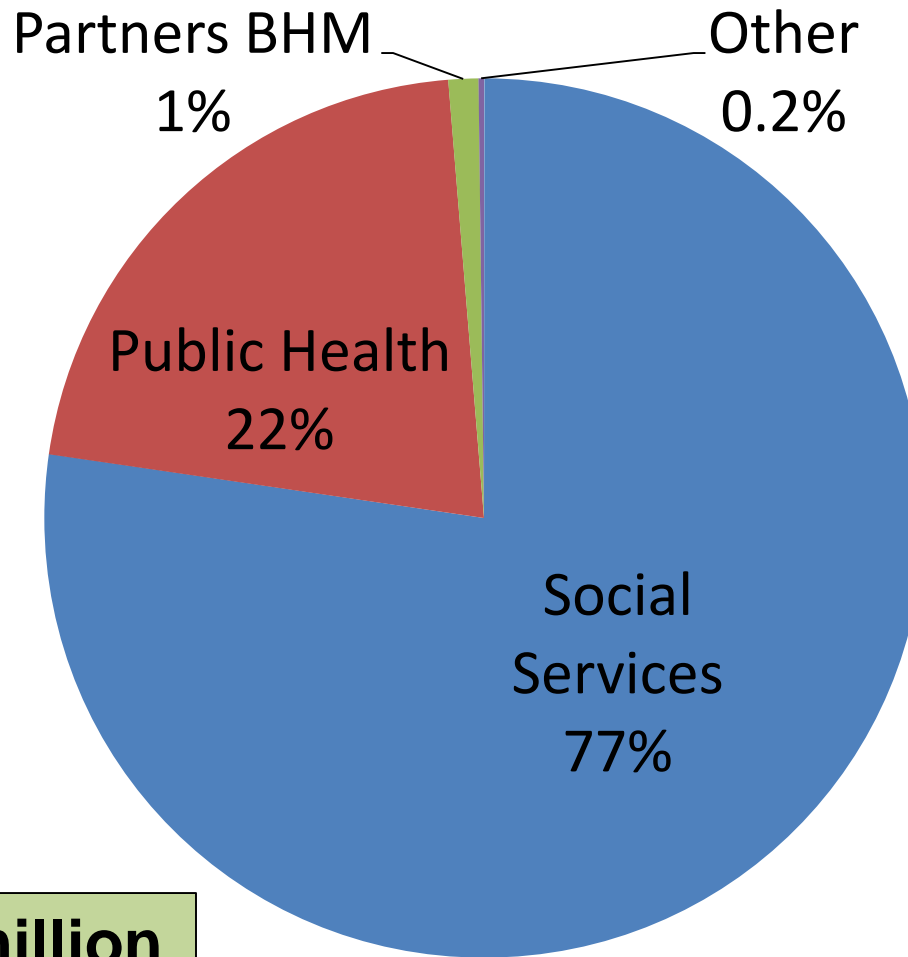


Catawba County Projected Expenditures FY 2014-15



Total: \$207.3 million

Catawba County Projected Human Services Expenditures – FY 2014-15



Total: \$51.8 million

Who Pays for Social Services?

Federal

- Federal-state programs
- Grants to states

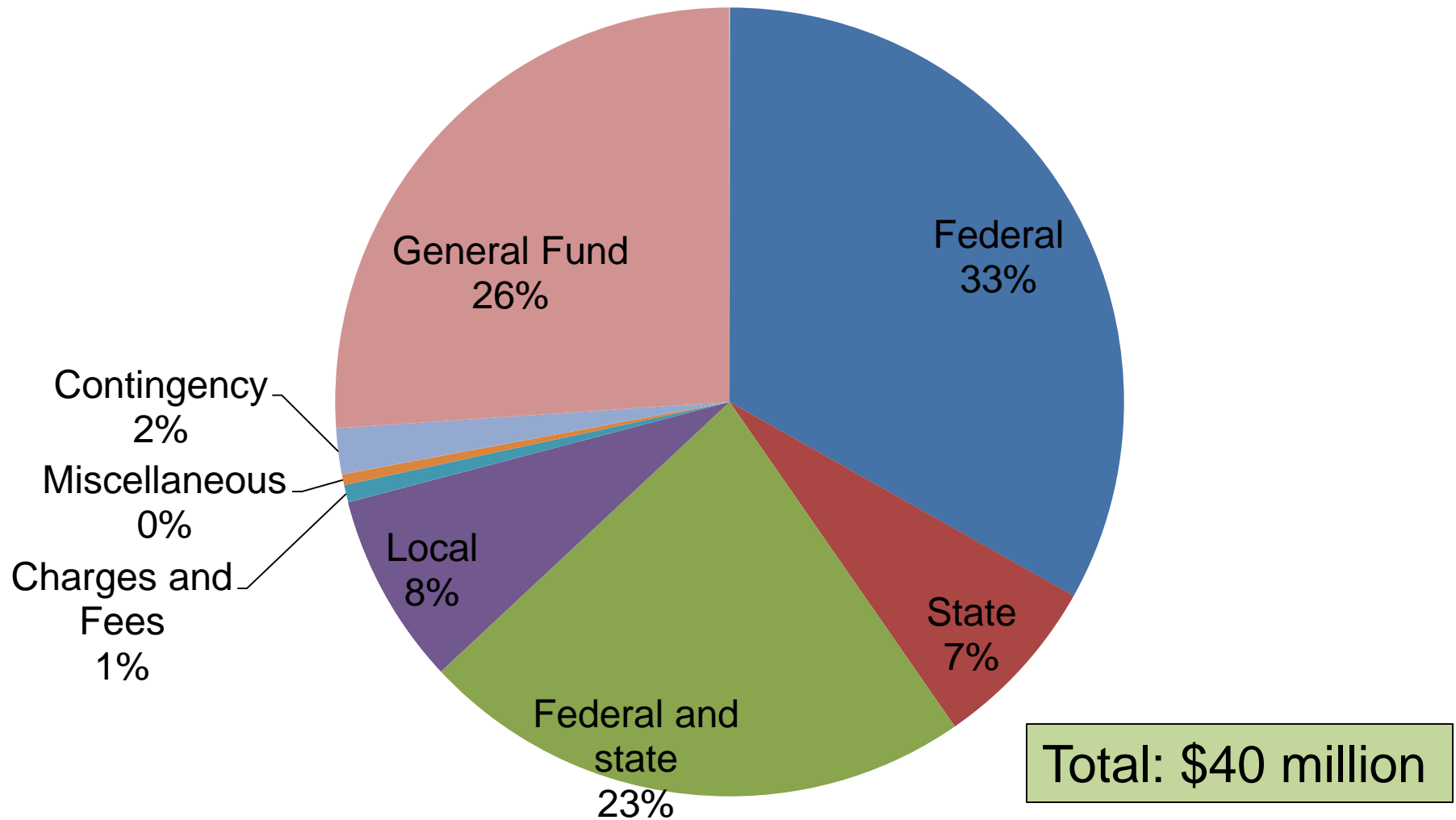
State

- Accepts federal grants
- Appropriates state and federal funding

County

- Levy property tax sufficient to pay county share of mandated programs
- Non-mandated programs

Catawba County DSS Projected Revenue FY 2014-15



HOW IS DSS ORGANIZED AND GOVERNED?

County Social Services Boards “DSS Boards”

- Governing board required by state law
 - “Every county shall have a board of social services... which shall establish county policies for the [social services] programs...”



Organization and Governance

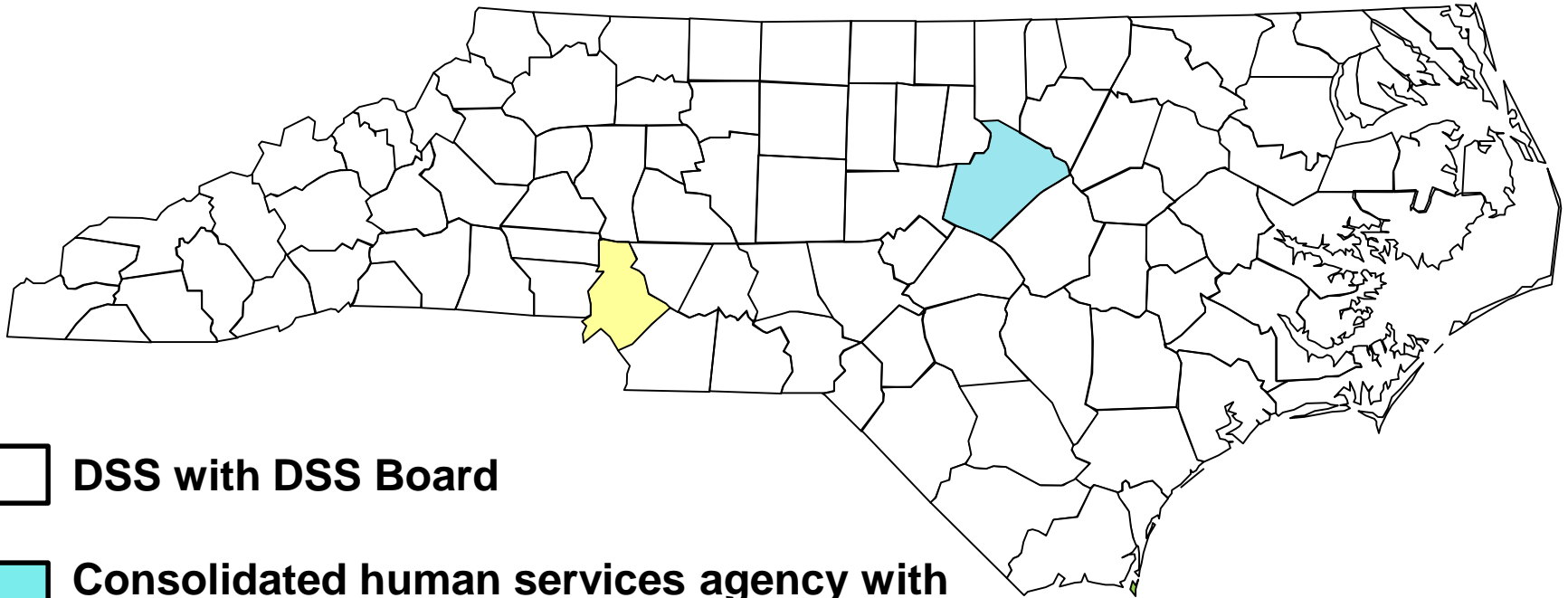
Organization

- DSS
- Consolidated Human Services Agency (CHSA)

Governance

- DSS board
- CHSA board
- BOCC

Types of DSS Agencies June 2012

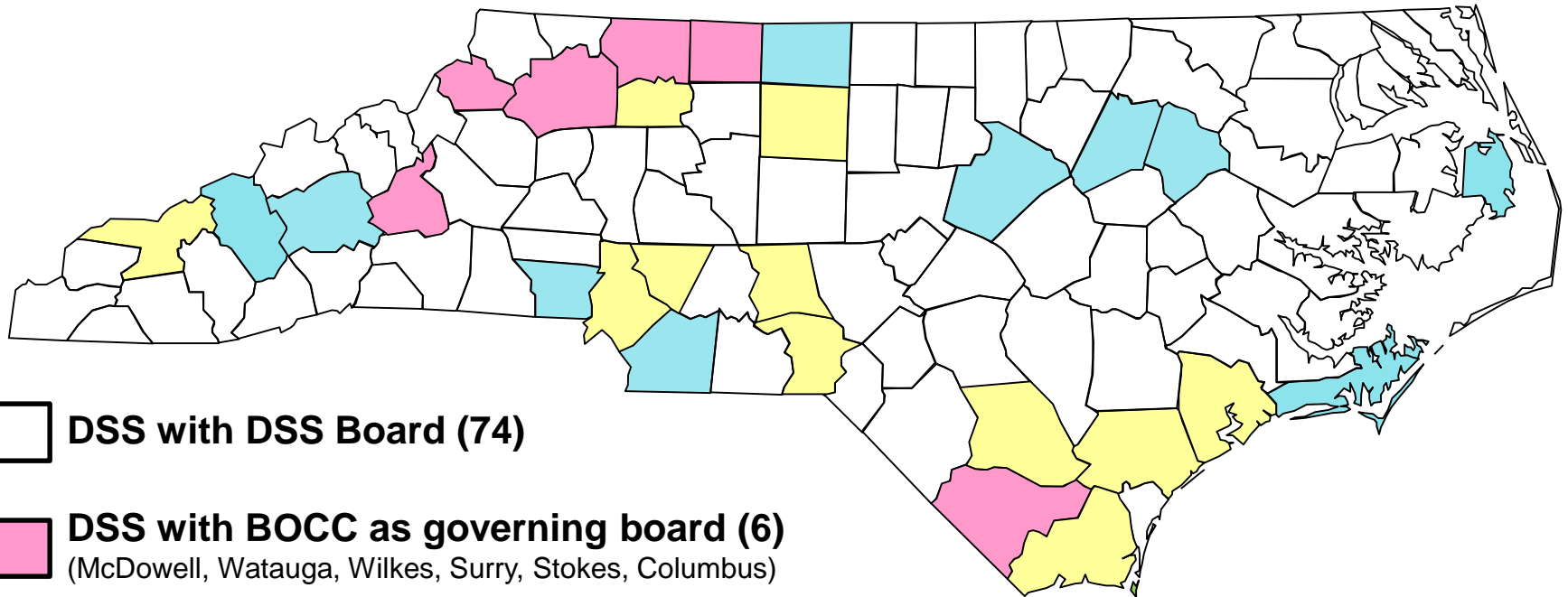


 **DSS with DSS Board**

 **Consolidated human services agency with
a consolidated human services board (Wake)**


 **Consolidated human services agency with BOCC as governing
board (Mecklenburg)**

Types of DSS Agencies Sept 2015



 **DSS with DSS Board (74)**

 **DSS with BOCC as governing board (6)**
(McDowell, Watauga, Wilkes, Surry, Stokes, Columbus)

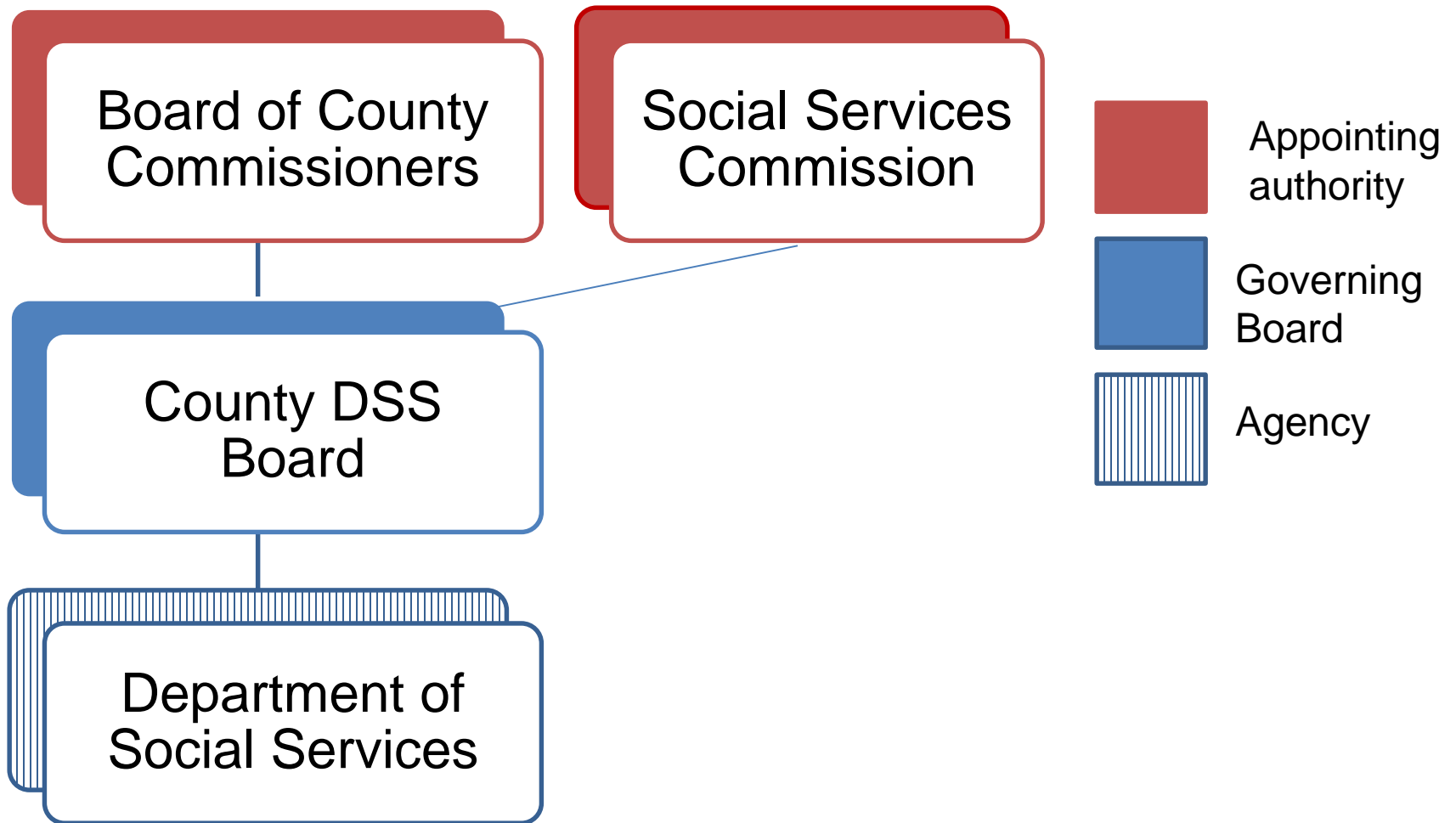
 **CHSA with CHS Board (10)**
(Haywood, Buncombe, Gaston, Nash, Union, Rockingham, Wake, Edgecombe, Carteret, Dare)

 **CHSA with BOCC as governing board (11)**
(Swain, Yadkin, Mecklenburg, Cabarrus, Guilford, Montgomery, Richmond, Bladen, Brunswick, Pender, Onslow)

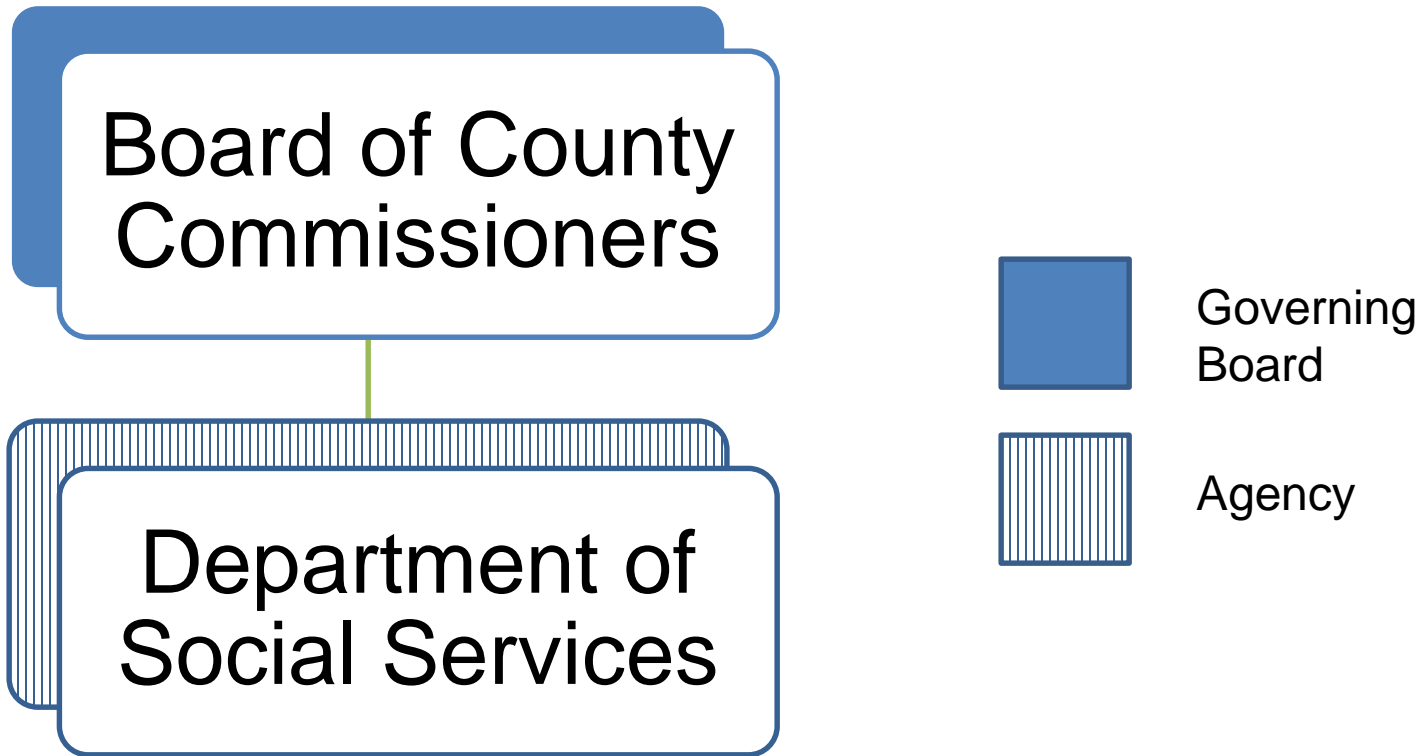
Key Differences

	Board	Hire Agency Director	Personnel
DSS	Appointed; 3-5 members	Board hires	SHRA
One	Elected	BOCC hires	SHRA
Two	Appointed; up to 25 Members	County manager hires with advice and consent of CHS board	SHRA optional
Three	Elected	County manager hires with advice and consent of BOCC	SHRA optional

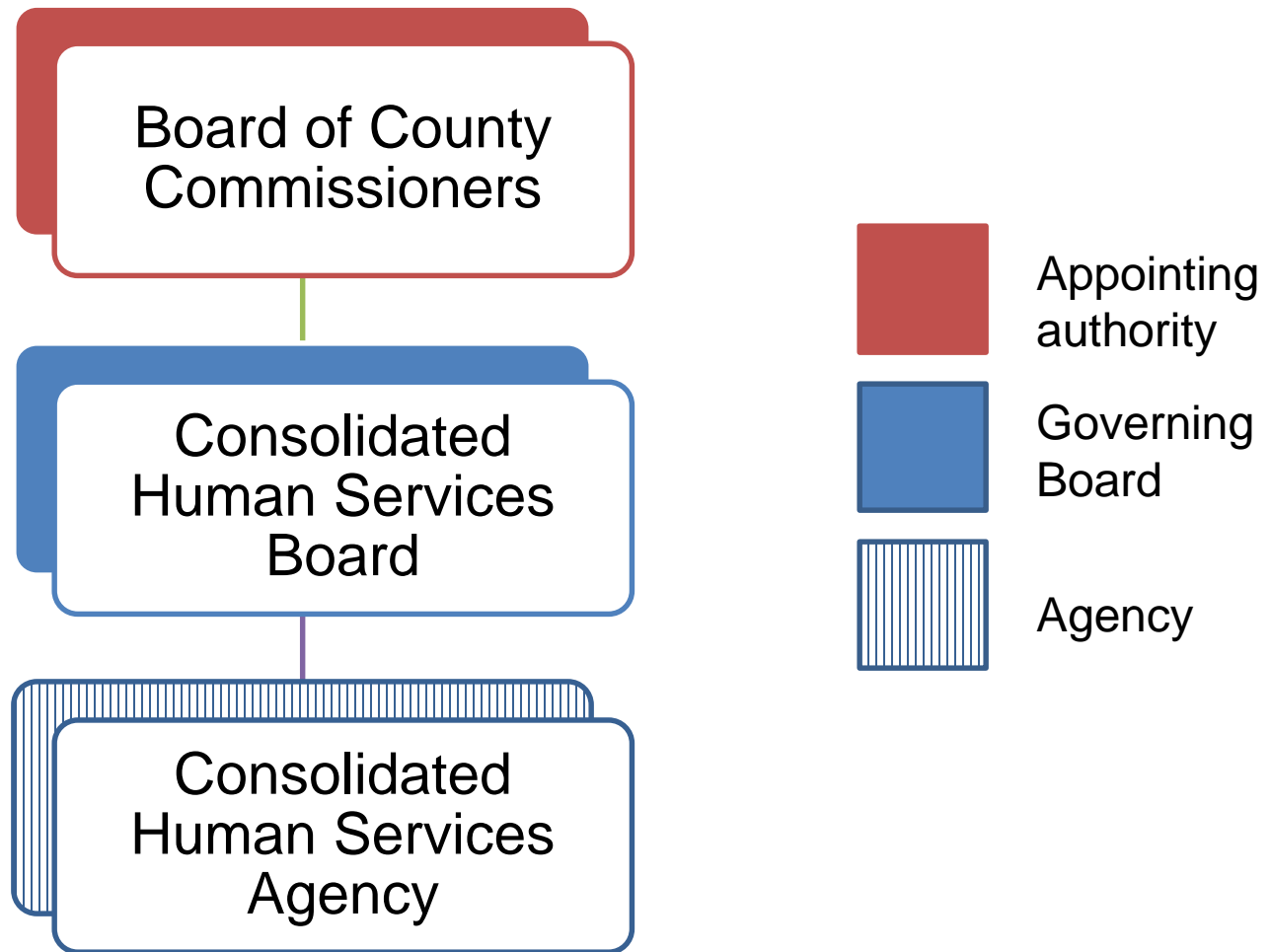
DSS Board



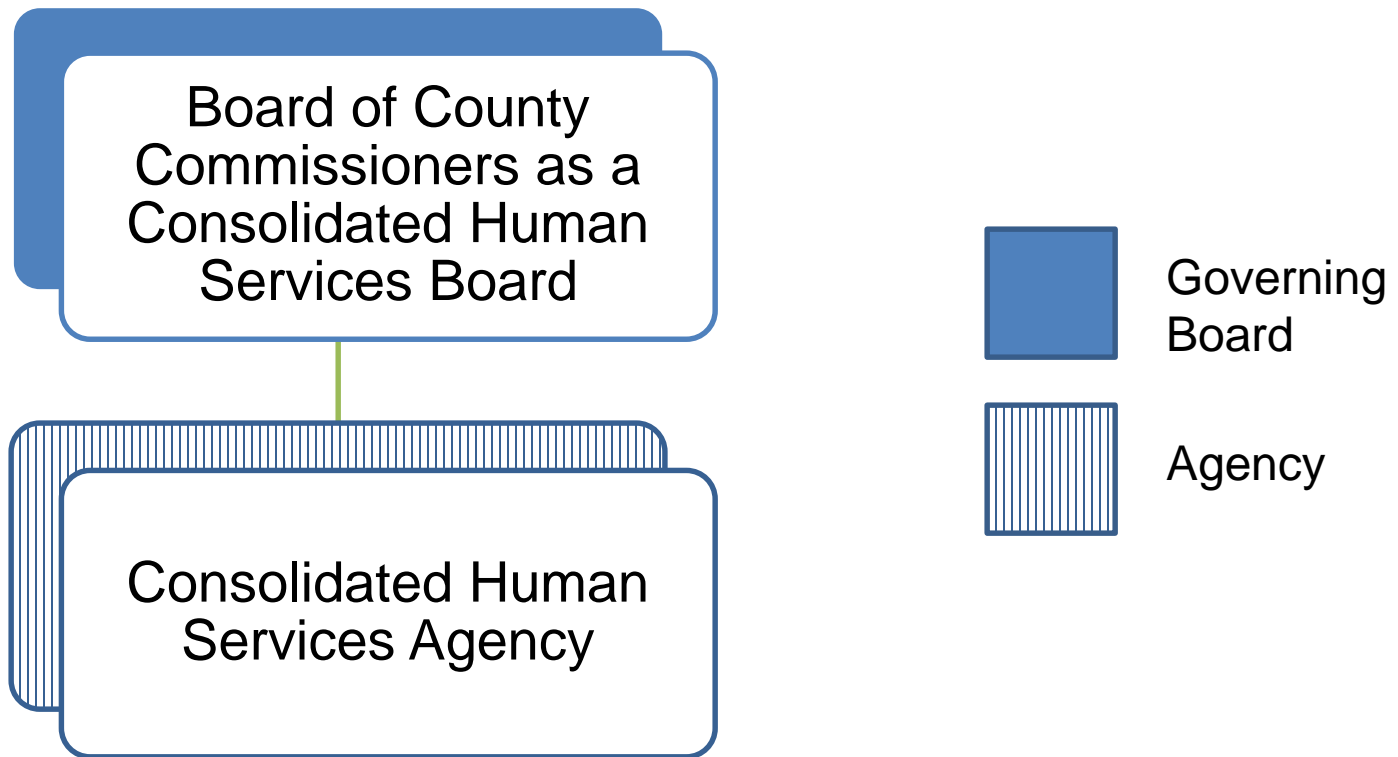
Option One



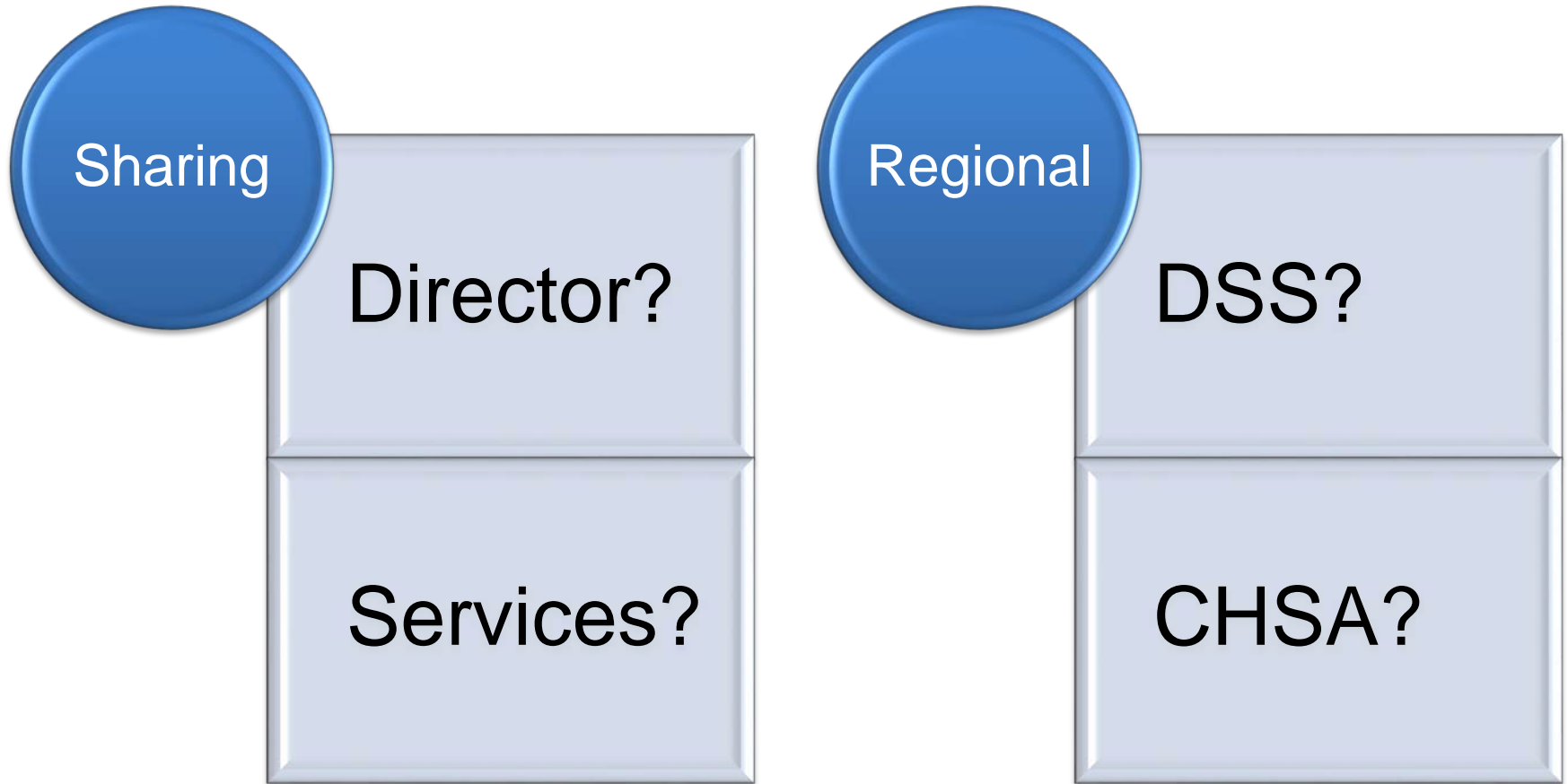
Option Two



Option Three



Other Options?





Defining Goals

- What are the county's goals and what route will get you there?
 - Improve service delivery
 - Create a new vision for human services programs
 - Create a unified personnel system for all county personnel
 - Change the relationship between board of county commissioners and the departments
 - Identify efficiencies and reduce human services spending
 - Others?

WHAT ARE BOARD'S POWERS & DUTIES?

Powers & Duties

**Statutes enacted by
General Assembly**

**Administrative rules
adopted by
Social Services
Commission**

**Ordinances adopted by
county commissioners**

DSS Board: Powers and Duties

Director	<ul style="list-style-type: none"> • Hire, salary, advise, evaluate, discipline/dismiss
Advise public officials	<ul style="list-style-type: none"> • Identify, advise, assist, advocate
Establish local policies	<ul style="list-style-type: none"> • Limited in scope
Monitor and evaluate programs	<ul style="list-style-type: none"> • Includes access to confidential information; fraud investigations
Budget and funding	<ul style="list-style-type: none"> • Assist director in preparing; present to BOCC

Hiring Director

- Subject to State Human Resources Act *unless*:
 - Create a consolidated human services agency and BOCC decides *not* to remove them from SPA
 - County requests and obtains “substantial equivalency” in one or more areas
- If exempt
 - County HR policies and ordinances must comply with “federal merit personnel standards”

SHRA Policy Areas

1. Position classification
2. Recruitment & selection, including minimum qualifications
3. Pay relationships (does not prescribe salary administration policies)
4. Reduction in force
5. Discipline and dismissal procedures
6. Grievance – contested case hearing at OAH

Social Services Employees

- Board has no authority to
 - Hire, supervise, or fire DSS employees
 - Establish minimum qualifications
 - Establish salary schedule
 - Adopt personnel policies
 - Hear employee grievances or appeals*



Social Services Attorneys

- No authority to retain social services attorney *unless*
 - authority delegated by county commissioners *or*
 - “Special county attorney for social services”



County
Attorney/Asst.
County
Attorney

Social
Services Staff
Attorneys

Contract
Attorneys

Special
County
Attorneys for
Social
Services

Confidential Information

Access

- Board members may inspect and examine any records relating to applications for and provision of public assistance and social services

Protect

- Board members may not disclose or make public any information acquired by examining such records

CHS Board:

Additional Powers and Duties

- Assumes powers and duties of DSS board
- Does not hire director; manager hires with advice and consent of CHS board
- Also has authority/responsibility to
 - Set fees
 - Assure compliance with state/federal laws
 - Recommend creation of human services programs
 - Public health related powers and duties, including rulemaking
 - “Plan and recommend” a budget
 - Perform public relations and advocacy functions

WHAT RULES GOVERN SERVICE ON THE SS BOARD?

Board Members

Are public officials

- Appointed, not elected, officials
- Must take oath of office
- Subject to state law regarding qualifications & conduct
- May receive per diem

Are county government officials

- Not county employees, state officials, or state employees
- Not subject to restrictions on employee political activity
- Not subject to state ethics act

Board Leadership

- **Board Chair**

- Elected by board
- At July meeting
- One-year term

- **Social Services Director**

- Serves as board secretary and executive officer
- But is *not* a board member



Appointment of Board Members

Board of County Commissioners

- Appoints two members of five-member board

State Social Services Commission

- Appoints two members of five-member board

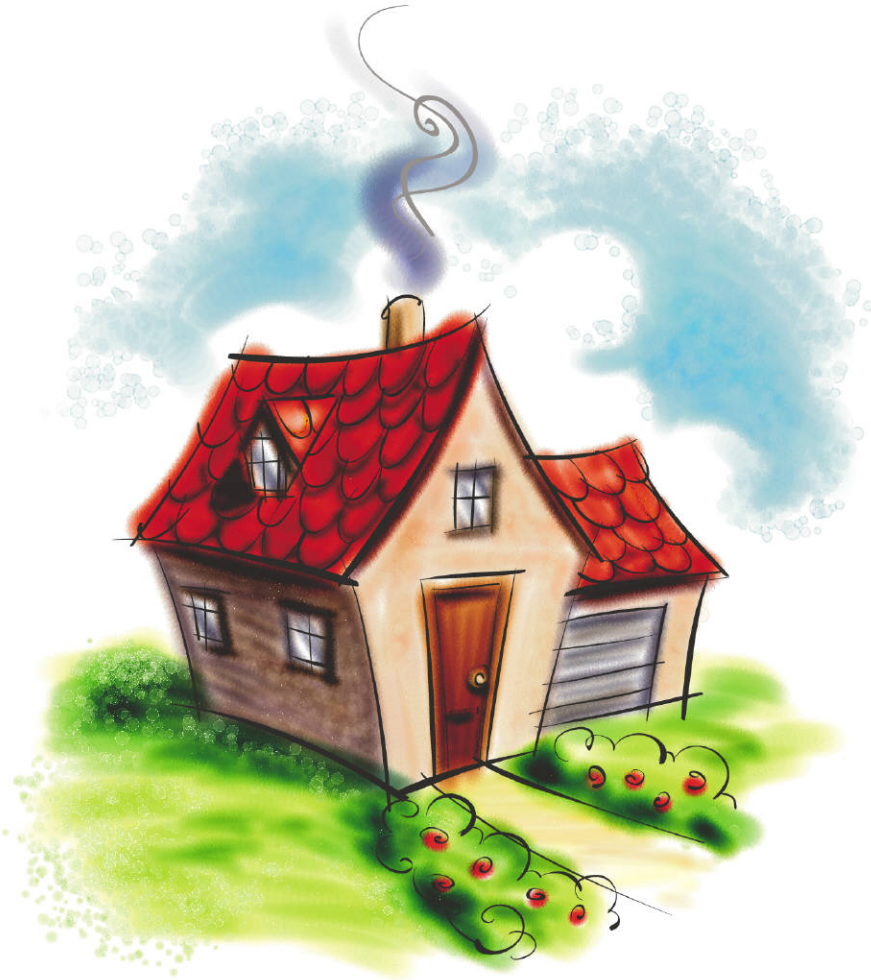
Majority of County & State Appointees

- Appoints third or fifth board member
- Senior resident superior court judge

Filling Vacancies on the Board

- Vacancy occurs
 - When incumbent board member resigns, dies, or is removed from office before end of his or her term
 - *Not* when incumbent's term ends
- Appointment to fill vacancy
 - Made by public body that appointed former incumbent
 - For remainder of former incumbent's term

Qualifications for Appointment



- Legal resident of county
 - No minimum length of residency required
 - May be “part-time” resident or work in another county
- Additional legal qualifications
 - May be established by board of county commissioners

Regular Terms of Members

- Regular term: July 1 to June 30 of third year thereafter
 - But... incumbent “holds over” in office until successor is appointed
- Appointed for 3 year terms
 - *Including* commissioners appointed “*ex officio*”
 - *Not including* board members appointed to fill vacancies due to death, resignation, or removal
- Term limits
 - Two consecutive terms; limited exception

Removal from Office



- Board member may be removed from office
 - Before the end of his or her term
 - By public body that appointed him or her
 - For “good cause”
- No specific criteria in the statute for removal

Compare: Consolidated Human Services Boards

- Up to 25 members
- Appointed by BOCC
 - Nominees presented by the CHS board
 - No role for Social Services Commission
- Serve four year terms
- Detailed guidelines for removal

CHS Board/Composition Requirements

- 4 consumers of human services
- 10 professionals
 - Psychologist, pharmacist, engineer, dentist, optometrist, veterinarian, social worker, registered nurse, psychiatrist, physician
- 1 member of BOCC
- Others, including members of general public

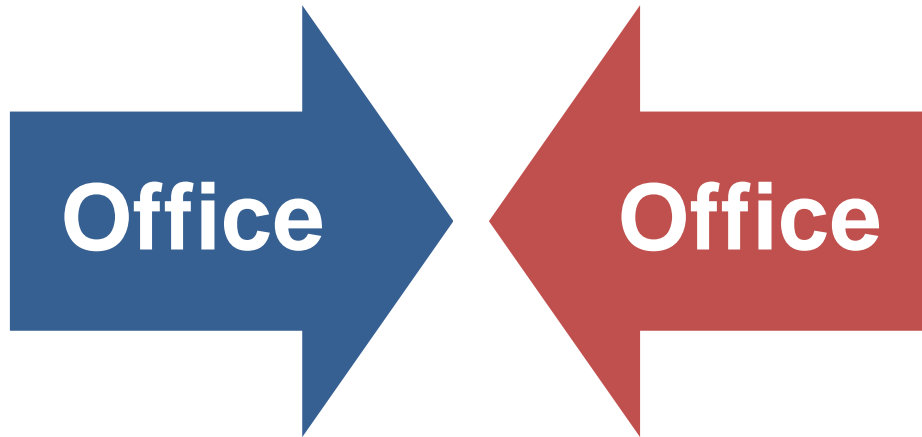


Multiple Office Holding Limits

- No person may *concurrently* hold more than
 - Two appointive public offices *or*
 - One elective and one appointive public office
- Appointment of county commissioner
 - By board of county commissioners
 - Is “*ex officio*”
 - Doesn’t “count” as separate office



Incompatible Office Holding



- May not hold two incompatible offices
- Incompatible if
 - Conflict between functions or duties
 - One is subservient to other

May a board member serve as acting or interim director?

Other Potential Conflicts

- **Board member who is licensed foster parent**
 - May not be supervised by or accept placements from resident county
- **Board member (or spouse) who owns or operates nursing or adult care home**
 - May not receive Medicaid or Special Assistance payments



Public Contracts

- It is unlawful for ***any*** public official to
 - *directly benefit* from a public contract *if* he or she is involved in *making or administering* the contract
 - attempt to influence any person in making or administering a public contract from which the public official will receive a direct benefit



Public Contracts



Does the county social services board make or administer contracts?

Public Contracts

- **Exceptions**

- Employment of spouse if official doesn't participate in action
- Payments for assistance or services provided to needy persons (except payments to nursing or adult care homes)
 - *If* participation is open to all providers, official doesn't receive special treatment, & official doesn't participate in approval of payment

Public Contracts

- It is unlawful for *any* public official to
 - Solicit or receive a gift or reward for recommending or influencing award of contract by public agency



Liability



- Official capacity
- Open meetings
- Individual claims
 - Tort claims
 - Federal lawsuit
- Criminal

BOARD MEETINGS: HOW OFTEN, WHEN & WHERE?

Frequency



- DSS board must meet once each month
 - More often if meeting called by chair (or per board rules)
- Board determines meeting time & location
- CHSA board must meet quarterly

Open Meetings Law

Applies to all “public bodies”

- Including county social services board

Requires public notice of all “official” meetings

- *No secret meetings!!!*

All “official” meetings must be open to public

- Except closed session authorized by law

Official Meetings?



Any time a majority of board

Meets in person or via electronic means

To transact public business

Public Notice of Meetings

Regular

- Written notice filed with clerk stating date, time, & place
- Posted on website (if applicable)

Special

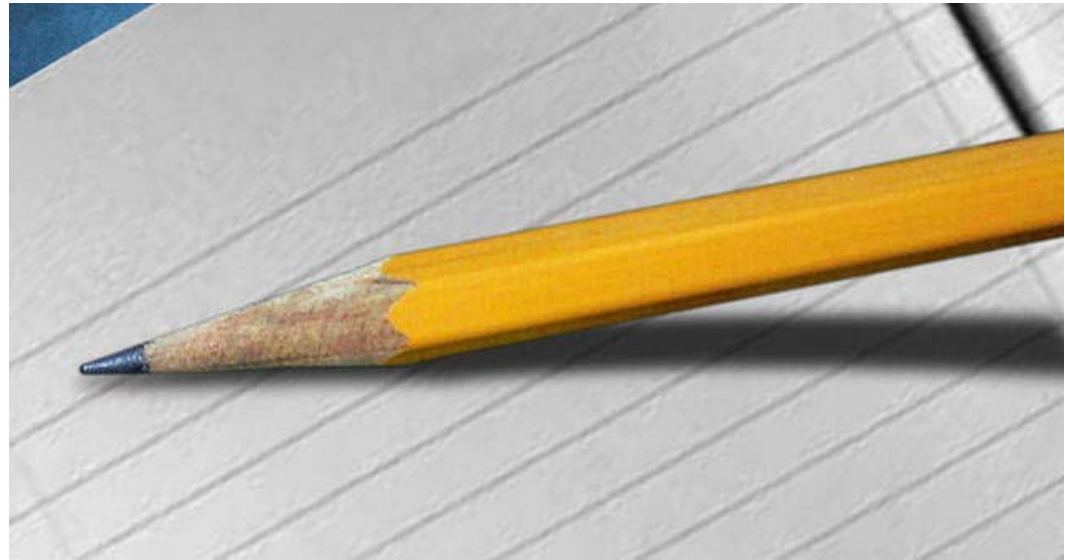
- Posted at least 48 hours before meeting stating date, time, place and purpose
- Mailed, emailed, etc. to media and others (if requested)
- Posted on website (if applicable)

Emergency

- Notice by email, phone, etc. to media and others (if requested)
- Posted on website (if applicable)

Minutes Required

- All official meetings
 - Including closed session (general account)
- Full & accurate reflection of all actions
- Taken by director as secretary
 - Approved by board
- Written or audio



Closed Sessions



A vertical list of five items, each preceded by a white circle and connected by a light blue line. The items are: 'Preserve attorney-client privilege' (purple bar), 'Protect confidential information' (dark blue bar), 'Discuss qualifications, competence, performance of employee' (medium blue bar), 'Investigate complaint or grievance by or against employee' (dark blue bar), and 'Negotiate employment contract with employee' (teal bar).

Preserve attorney-client privilege

Protect confidential information

Discuss qualifications, competence, performance of employee

Investigate complaint or grievance by or against employee

Negotiate employment contract with employee

Closed Sessions

- Appoint or dismiss director
- Approve director's salary
- Discuss personnel policies
- Appoint board member
- Remove board member



Questions?

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<http://www.sog.unc.edu/resources/microsites/social-services>