

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

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SCHOOL OF GOVERNMENT

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Overview

What is the government's role in social services?



How are local DSS agencies organized and governed?



What rules govern service on local DSS boards?



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

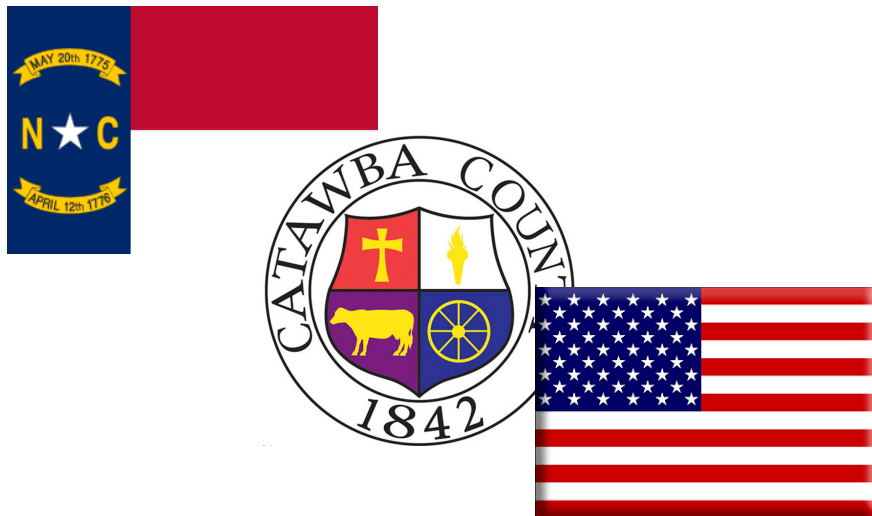


Board meetings: How often, when, where?



WHAT IS THE GOVERNMENT'S ROLE IN SOCIAL SERVICES?

Different Roles



Federal Government

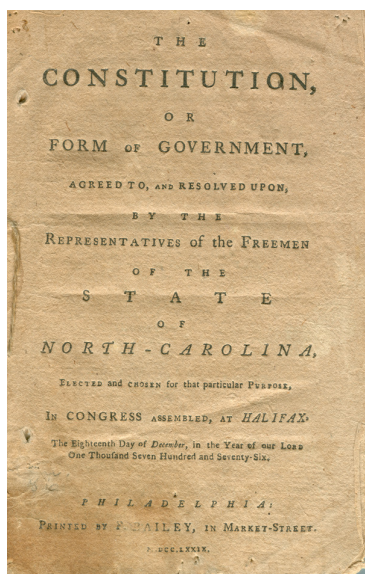


- **U.S. Constitution**
 - Congress may “tax & spend” to promote “general welfare”

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

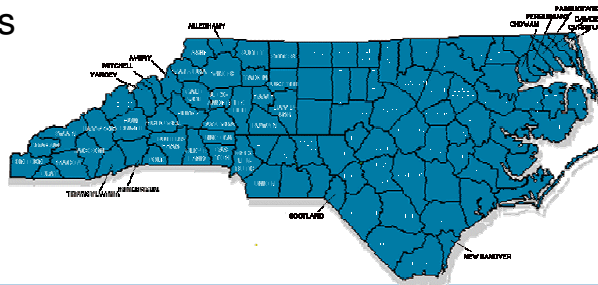
- Implement policy via rule (laws)

NC DHHS

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

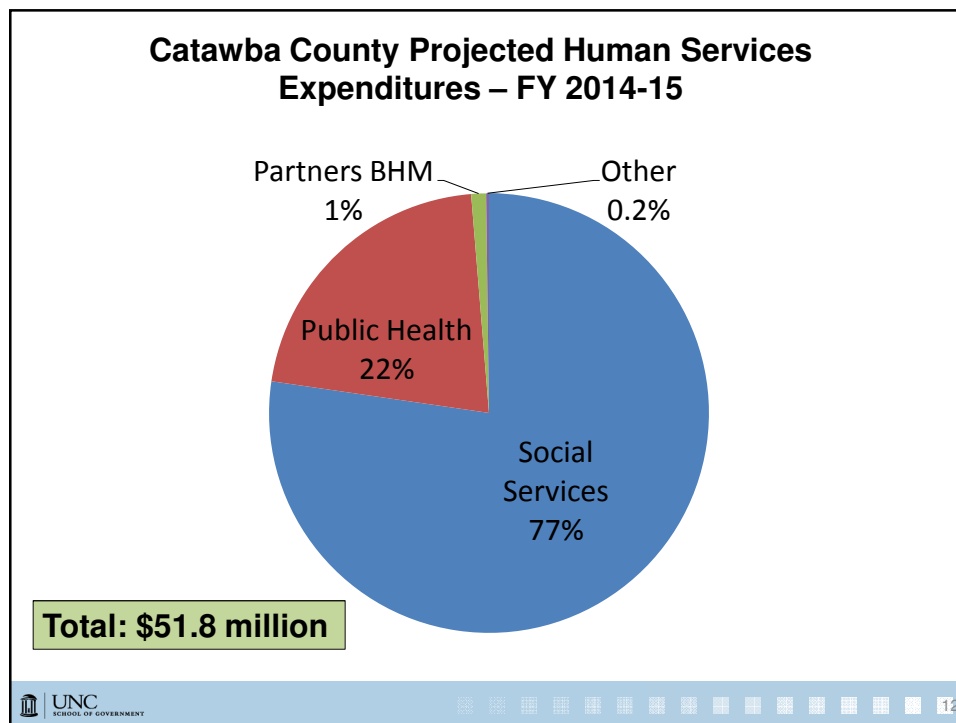
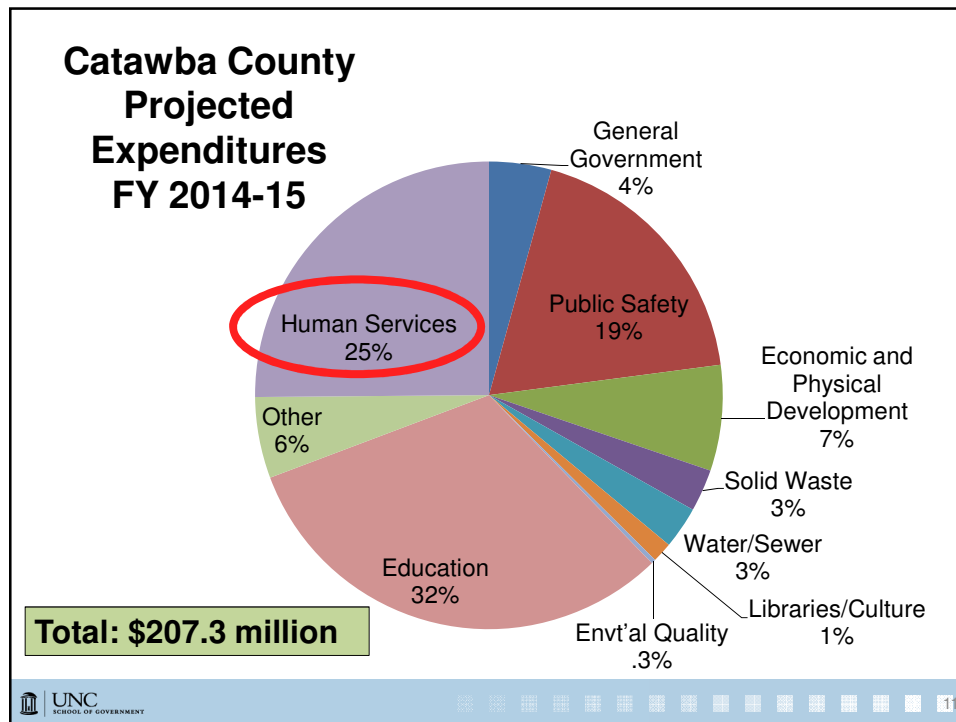
County Role

- **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”

-
- The diagram is a vertical rectangle divided into two horizontal sections. The top section has a purple background and is labeled 'County' on the left. It contains a list of three bullet points: 'Administering programs', 'County agencies & employees', and 'Funding part of cost'. The bottom section has a teal background and is labeled 'State' on the left. It contains a list of four bullet points: 'Supervising county administration', 'Policy & training', 'Paying benefits', and 'Funding part of cost'. The labels 'County' and 'State' are in a large, bold, black font. The bullet points are in a white font.
- | Entity | Responsibilities |
|--------|--|
| County | <ul style="list-style-type: none">• Administering programs• County agencies & employees• Funding part of cost |
| State | <ul style="list-style-type: none">• Supervising county administration• Policy & training• Paying benefits• Funding part of cost |



Who Pays for Social Services?

Federal

- Federal-state programs
- Grants to states

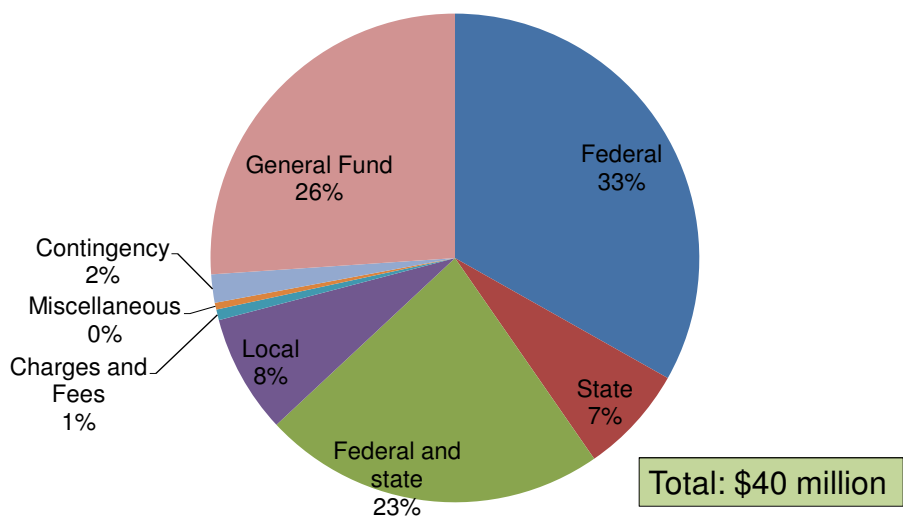
State

- 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?

Organization and Governance

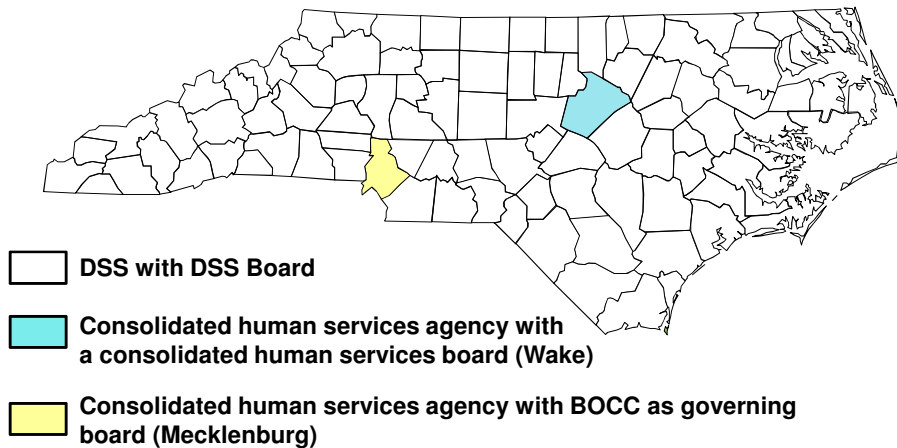
Organization

- DSS
- Consolidated Human Services Agency (CHSA)

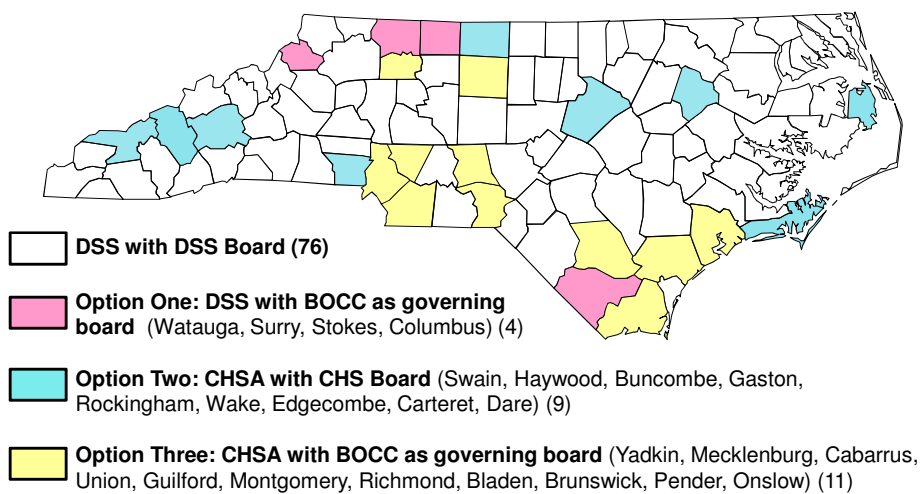
Governance

- DSS board
- CHSA board
- BOCC

Types of DSS Agencies June 2012



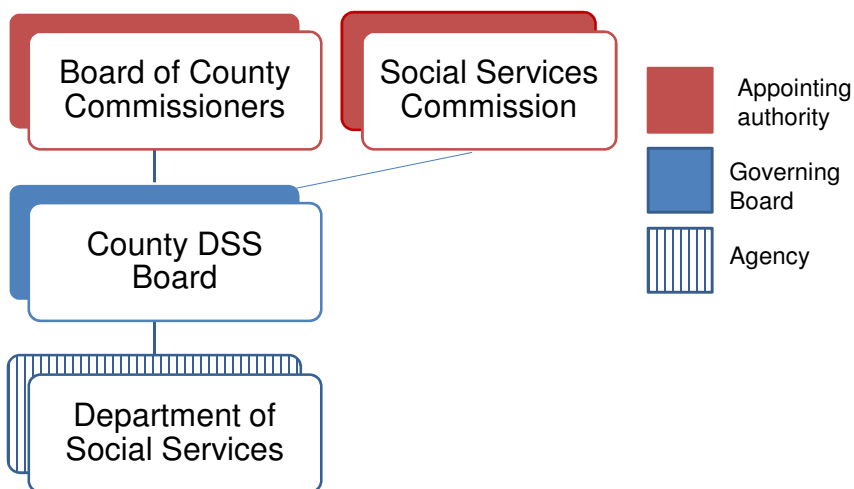
Types of DSS Agencies May 2014



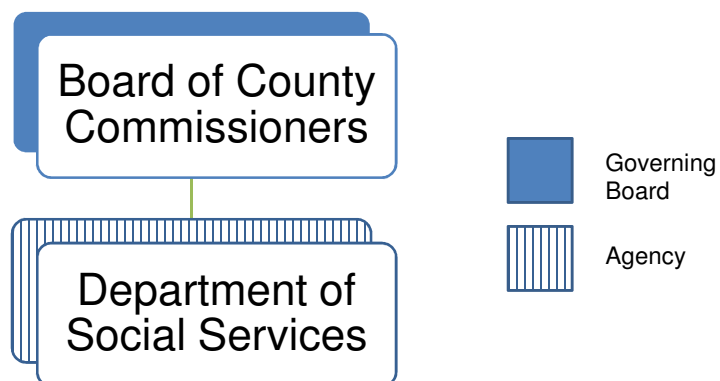
Key Differences

	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

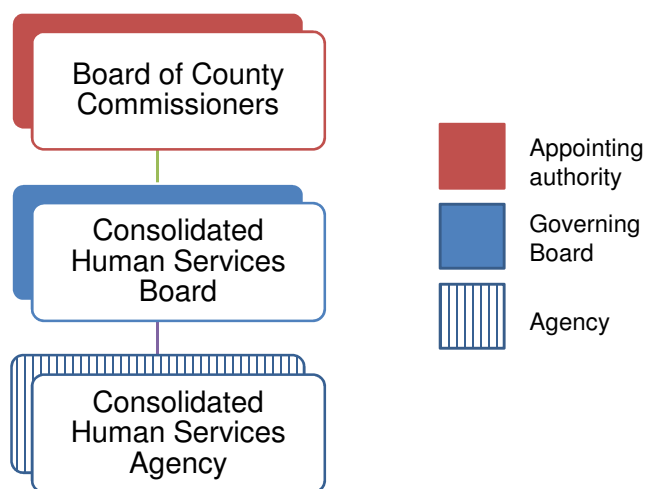
DSS Board



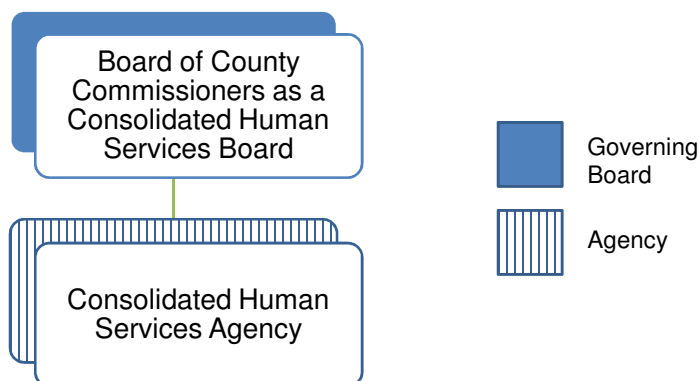
Option One



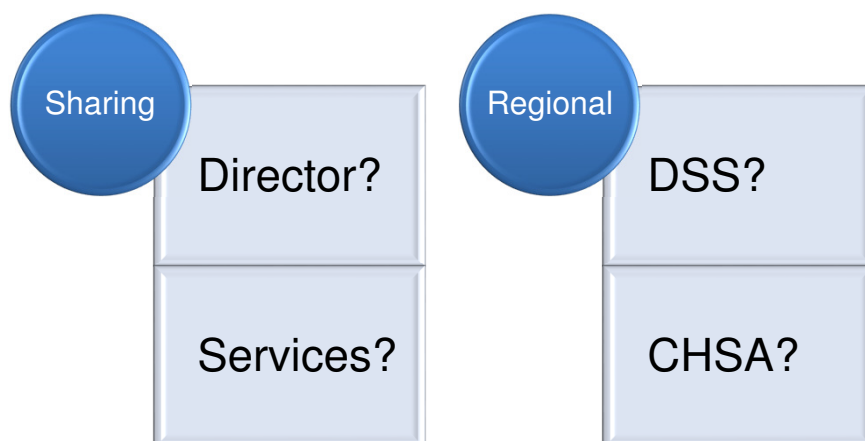
Option Two



Option Three



Other Options?



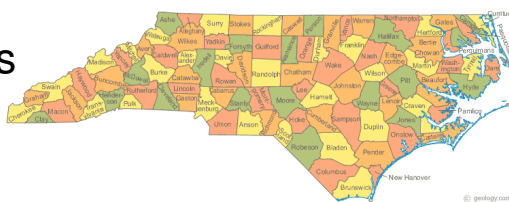
SS and PH Employees

- 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”

WHAT RULES GOVERN SERVICE ON THE SS BOARD?

County Social Services Boards “DSS Boards”

- Board established by state law
 - “Every county shall have a board of social services... which shall establish county policies for the [social services] programs...”
 - May have a consolidated human services board instead
- Powers and duties also established by state law



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

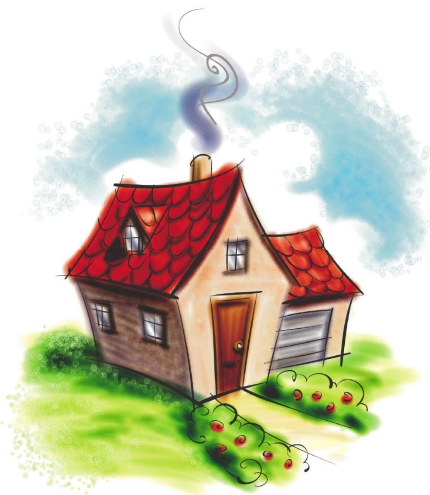
Majority of County & State Appointees

- 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

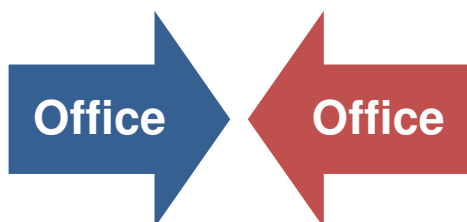


Multiple Office Holding Limits

- No person may *concurrently* hold more than
 - Two appointive public offices *or*
 - One elective and one appointive 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 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

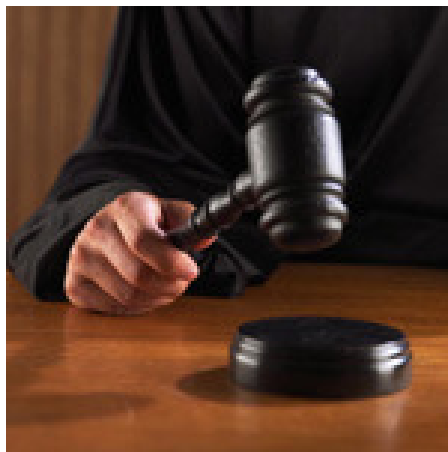
- **Exceptions**
 - Employment of spouse if official doesn't participate in action
 - Payments for assistance or services provided to needy persons (except payments to nursing or adult care homes)
 - *If participation is open to all providers, official doesn't receive special treatment, & official doesn't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

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
Budget and funding	<ul style="list-style-type: none"> • Assist director in preparing; present to BOCC

CHS Board: Additional Powers and Duties

- Assumes powers and duties of DSS board (other than those related to the Director)
- 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

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

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”

Appointing the Director

Tool Kit for
Recruiting & Selecting a
County Social Services
Director

*Office of State Human
Resources*

For counties subject to SHRA

<http://www.sog.unc.edu/node/521>



Discipline or Dismissal

- Board may *not* discipline or dismiss director
 - Due to race, gender, age, etc,
 - Without “just cause” *if* director is a “career employee”
- Board must follow procedures specified in SHRA rules (unless SHRA-exempt CHSA)



BOARD MEETINGS: HOW OFTEN, WHEN & WHERE?

Frequency



- 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

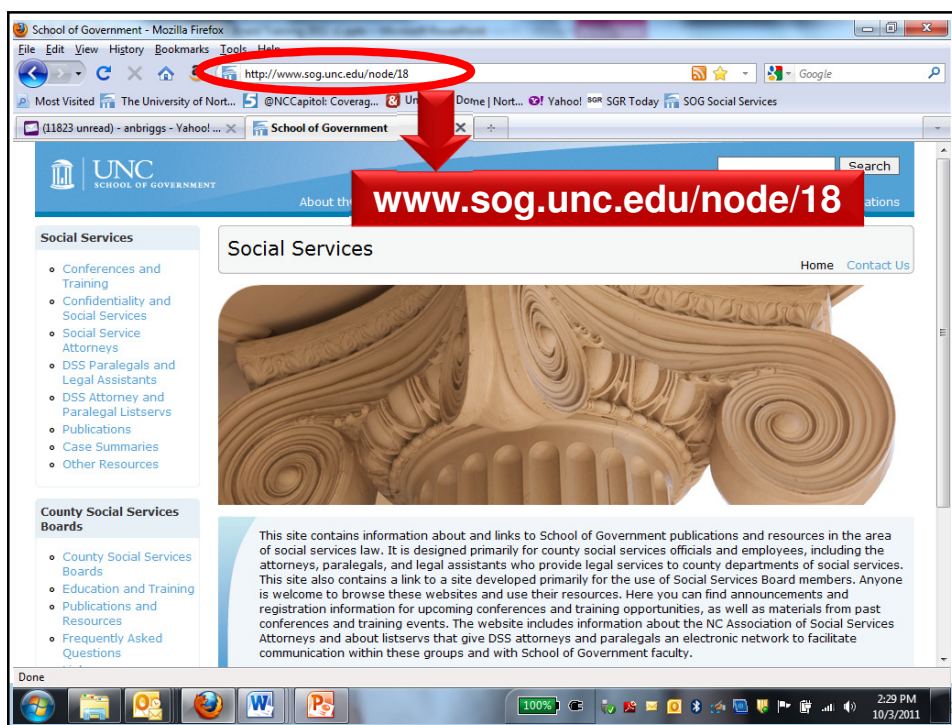


Closed Sessions



Closed Sessions

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



Questions?

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