

---

## **Coates' Canons Blog: Recent Developments in Organization and Governance of Local Human Services Agencies**

By Aimee Wall

**Article:** <https://canons.sog.unc.edu/recent-developments-in-organization-and-governance-of-local-human-services-agencies/>

This entry was posted on September 25, 2012 and is filed under Agency Administration, Agency Administration, Agency Administration, Board Structure & Procedures, Boards Of Public Health, Boards Of Public Health, Boards Of Social Services, Boards Of Social Services, Public Health, Social Services

---

UPDATE September 2013: For more recent information on this topic, click [here](#).

Once H438 (S.L. 2012-126) became law on June 29, 2012, counties had some new options available for organizing and governing their human services agencies (see earlier posts [here](#) and [here](#)). During a recent webinar, Jill Moore and I described the new law in some detail and responded to some of the questions that have been coming up. If you missed it and are interested, access to a free on-demand version of the program is available [here](#). Several counties have been publicly discussing the new authority and at least three boards of county commissioners have voted in favor of making some change. Which counties took action? What did they do? Read on...

### **Montgomery County**

Montgomery County was the first to take action using the new authority granted under S.L. 2012-126. On August 21, the board voted in favor of abolishing both the board of health and the board of social services. The powers and duties of those boards are now held by the board of county commissioners, including the power to appoint both the health and social services directors, adopt local board of health rules, adjudicate disputes related to those rules, and set fees for some public health services. For more information about the powers and duties boards of county commissioners may assume, see Jill's [discussion of public health here](#) and my [discussion of social services here](#). Montgomery's resolution specifies that the two agency directors will be supervised by the county manager. The county is also in the process of appointing an advisory board for public health as required by S.L. 2012-126. This board must include the same mix of professional expertise that is required for a local board of health, but the advisory board does not hold any of the powers or duties of a local board of health.

### **Buncombe County**

Before the law was changed this year, a county could formally create a consolidated human services agency only if the population was greater than 425,000. Buncombe County's population did not reach that threshold so the county was not permitted to "formally" consolidate its local human services agencies. The county did, however, take incremental steps towards consolidation such as coordinating many administrative operations for public health and social services. In addition, the two governing boards — the local board of health and the board of social services — were meeting regularly as an "integrated" board to discuss issues of mutual interest. For an illustration of Buncombe's model in 2011, see page 24 of the report issued by the N.C. General Assembly's Program Evaluation Division.

Now the law allows any county — regardless of population size — to formally create a consolidated human services agency and appoint a consolidated human services board. On September 4, the board of commissioners in Buncombe County voted to formalize its integrated health and human services agency and create a consolidated human services board.

### **Brunswick County**

On September 17, the Brunswick County board of county commissioners made several decisions that altered both the organization and governance of the primary human services agencies in the county.

- 
- **Organization:** The board of county commissioners merged the public health and social services departments into a single consolidated human services agency. A human services director, who is also an assistant county manager, will oversee the new consolidated agency.
  - **Governance:** The board of county commissioners established a consolidated human services board and then immediately abolished that board and assumed its powers and duties. It also established an advisory board for public health as required by S.L. 2012-126.

Because the board of county commissioners created a consolidated human services agency, the board also had to make a choice about personnel: would the employees of the social services or public health agencies remain subject to the State Personnel Act? The Brunswick County board of commissioners answered “no” to this question – they agreed that the employees should be exempt from the State Personnel Act and subject only to county personnel policies. It is important to note that this decision is not specifically reflected in the board’s resolution. The way the law is written, the default position is that the employees will no longer be subject to the State Personnel Act. In other words, if a county creates a consolidated human services agency and does not affirmatively elect to keep the employees subject to the State Personnel Act, the employees will automatically become subject to county personnel policies instead.

At the same meeting, the board of commissioners adopted several changes to the county’s personnel policies. Some of the changes were designed to align the county’s policies with federal merit personnel standards that are described in federal regulations. The regulations require state and local governments who receive certain types of federal funding (such as Medicaid and food and nutrition assistance) to adopt certain types of personnel policies. 5 C.F.R. § 900.601 et seq.

### Comparison

While I do not expect to post new reports every time a county exercises this new authority, the different experiences and outcomes in these three counties provide an excellent opportunity to highlight some of the decision points that some counties may be facing in the future.

- Is the county interested in exploring other options for the *organization* of local human services agencies?
  - Is the county interested in creating a new consolidated human services agency?
  - Is the county interested in pursuing regional human services agencies or relationships?
- Is the county interested in exploring other options for the *governance* of local human services agencies?
  - Is the county interested in abolishing the boards of social services and/or public health and having the board of county commissioners assume the powers and duties?
  - If the county is creating a consolidated human services agency, is it interested in appointing a consolidated human services board or is it interested in having the board of county commissioners assume that board’s powers and duties?
- If the county creates a consolidated human services agency, is the county interested in electing to place the agency’s public health and social services employees under the State Personnel Act?
  - If the county does not want to put the employees under the State Personnel Act, do county personnel policies need to be amended to reflect the federal merit personnel standards?

It is important to remember that nothing in the law *requires* counties to take up any of these issues or address these questions. The law simply provides counties with expanded options related to both organization and governance of local human services agencies.

### Links

- [canons.sog.unc.edu/?p=7090](https://canons.sog.unc.edu/?p=7090)
- [www.ncleg.net/Sessions/2011/Bills/House/PDF/H438v5.pdf](http://www.ncleg.net/Sessions/2011/Bills/House/PDF/H438v5.pdf)
- [canons.sog.unc.edu/?p=6798](https://canons.sog.unc.edu/?p=6798)
- [canons.sog.unc.edu/?p=6674](https://canons.sog.unc.edu/?p=6674)
- [www.sog.unc.edu/resources/microsites/nc-public-health-systems-research/webinars](http://www.sog.unc.edu/resources/microsites/nc-public-health-systems-research/webinars)
- [canons.sog.unc.edu/?p=6716](https://canons.sog.unc.edu/?p=6716)



- 
- [www.ncleg.net/PED/Reports/documents/DSS/DSS\\_Report.pdf](http://www.ncleg.net/PED/Reports/documents/DSS/DSS_Report.pdf)
  - [162.140.57.127/cgi-bin/text-idx?SID=1756baf6f3fc5c3b0e9769dc827b6fd7&mc=true&node=sp5.2.900.f&rqn=div6](http://162.140.57.127/cgi-bin/text-idx?SID=1756baf6f3fc5c3b0e9769dc827b6fd7&mc=true&node=sp5.2.900.f&rqn=div6)