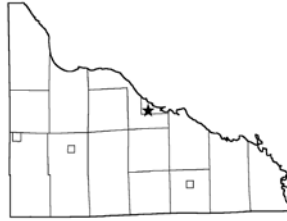


# Presque Isle County Board of Commissioners

COMMISSIONERS

District 1 – Nancy Shutes  
District 2 – Lee Gapczynski  
District 3 – Michael Darga  
District 4 – Carl L. Altman  
District 5 – John Chappa



CHAIR  
Carl L. Altman

VICE-CHAIR  
Lee Gapczynski

COUNTY CLERK &  
CLERK TO THE BOARD OF  
COMMISSIONERS  
Ann Marie Main

## NOMINATION LETTER OF INTEREST

Please submit my name for nomination to the following boards:

**Committee or Board**

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\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phone Number

151 E. Huron Ave.  
P.O. Box 110  
Rogers City, MI 49779

Phone: (989) 734-3288  
Fax: (989) 734-7635

Email: [piclerk@picounty.org](mailto:piclerk@picounty.org)

## CHAPTER III


### THE COUNTY DHHS BOARD – RULES AND GUIDELINES

#### BOARD MEMBER POLITICAL ACTIVITY

The following are examples of political activities appropriate to be engaged in by a DHHS Board member as an exercise of his/her individual rights and duties. A DHHS Board member may:

1. Register and vote.
2. Join a political party and attend political rallies.
3. Contribute money to a political organization and attend political fund raising functions.
4. Express opinions about candidates and issues, except as they conflict with item 5 below.
5. Sign nominating petitions for candidates, and originate and circulate such petitions in locations other than the county DHHS office.
6. Assist in voter registration drives.

The following are political activities in which a DHHS Board Member may not engage:

1. **Hold an elective office.**
2. 
3. Become a delegate to a political party convention, a member of a national political party committee, or delegate from Michigan to a national political party convention.
4. Serve as an officer of a political party organization or become a member of a political party committee.
5. Become a member of a committee to elect a political party candidate. Use his/her position as a member of the board for any political purpose. Levy, collect, or solicit political assessments.
6. Solicit, collect, or accept any contribution to a political party or a candidate for public office from any staff person or client of the agency.

Since the DHHS Board has a significant impact on the county DHHS (and county medical care facilities, in counties where they exist), it is in the interest of the agency and the county to assure that each member of the board is legally eligible to serve, so that no doubts exist as to the legality of their official acts.

According to Attorney General opinions the following prohibitions apply:

1. A member of a county DHHS Board is barred from serving as a delegate to a county, state or national political party convention. (Op.Atty.Gen. 1980, No.5693,p.740 and Op.Atty.Gen.1960,No. 3525,p.77)

2. A DHHS Board member is expressly prohibited from becoming a candidate for the office of county commissioner since the political activity involved in running for the partisan office of county commissioner would be inconsistent with the prohibition against political activity. (Letter from Stanley Steinborn, Chief Assistant Attorney General on May 18, 1990 to Representative Ralph Ostling.)
3. The Attorney General has opined that the following individuals may not serve as DHHS Board members without first resigning from their current post: county controllers due to incompatibility of the two offices (Op.Atty.Gen.1983,No. 6180,p.175), county board of supervisors (Op.Atty.Gen.1 948,No.749,P.658 and Op.Atty.Gen.1 98 1,No.5898,p.178), incumbents of township elective offices (Op.Atty.Gen.1 966-56,No.2398,p.7830, county road commissioners if it's an elected office (Op.Atty.Gen.1 945-46,No.0- 2859, p.122), village clerks (Op.Atty-Gen.1 93,.9,p.297), county commissioners (Op.Atty.Gen.1981, o.5898,p.178) and elective city commissioners, even if appointed (Op.Atty.Gen.1 939-40,p.285).

#### TERM OF OFFICE

A board member is appointed for three years, but serves until a successor is appointed.

#### BOARD ORGANIZATION

At the first meeting following the appointment of a new member to the board, the members shall choose one member as chairperson, who shall continue to act as chairperson of the board until the selection of a successor (Section 400.46). While not required, a number of boards also elect a vice-chairperson. The county director acts as secretary of the board (MCL 400.49).

Once elections are completed, it is the responsibility of the newly-elected board chair to notify MCSSA as to the name(s) of the newly-appointed board member(s), and the name of the newly-elected board chair.

#### CONFIDENTIALITY

Public Act 280 (MCL 400.64) provides that it is unlawful for any person to utter or publish names or addresses of any applicant or recipient of any form of aid or relief except in cases where fraud is charged or wrongful grant of aid is alleged. A person who violates this confidentiality provision may be punished by imprisonment or fine. In order to comply with this provision, many boards receive only case identification numbers and never names, addresses or other identifying characteristics. Philosophically, it really is of little consequence, nor is it necessary to have names or other identifications in order to reach a fair, unbiased decision in a given case.

## BOARD MEETINGS

Robert's Rules of Order is generally used by DHHS boards. Most boards have developed means of accurately recording their minutes using agency personnel. (See Appendix E)

## CONFLICT OF INTEREST

MCLA 15.301 - 15.310 pertaining to all board members and MCLA 15.341 - 15.348 pertaining to the state appointed board member, contains restrictions and limitations on doing business with the county. Generally, a board should not enter into a contract with a board member, a business firm of which a board member is a partner, or any corporation of which a board member owns one percent of the stock or stock in excess of \$25,000, unless the board member discloses such financial interest to the board of commissioners and the contract is subsequently approved by a 2/3 vote of the full membership of the approving body. Additionally, the law states that a state appointee and members of his/her immediate family should not do business with the board. Boards may have additional guidelines regarding conflict of interest.

## DEPARTMENT OF HEALTH AND HUMAN SERVICES BOARD FUNCTIONS

When you accept appointment to your Department of Health and Human Services Board, you assume responsibilities and duties that are important to the DHHS clients, your county, and the State of Michigan.

In order for you to become a well-informed member of the board, it is imperative that you attend all meetings. A good board member must be interested and willing to devote time and effort to develop knowledge of public welfare.

One of the most important functions you have as a board member is that of being the representative of the people. You are an avenue for public input into Department of Health and Human Services programs. The board is the link between the community, county medical care facilities, the county board of commissioners, and the DHHS.

In cooperation with the director, county DHHS Boards have a primary responsibility for annually developing goals and objectives to address the community's needs. The board assures, through policy and procedures, that the agency programs are translated into both efficient and effective services.

The county board has oversight responsibilities for the county DHHS and is a policy-making body. Although the director is charged with the responsibility of the actual administration of the agency, the board has the duty to see that it functions properly. Policy-making is an important responsibility and requires continual effort to see that the social needs of the community are met.

In those counties operating medical care facilities, county infirmaries, and/or child caring institutions, the board is responsible for hiring and evaluating the administrator, and approving the budget, and all policies. The administrators' functions and duties should be in writing.

### BOARD MEMBER PROFILE

This section outlines criteria for serving as a DHHS Board member. Some conditions are statutorily mandated, while other characteristics are helpful to the process and facilitate a positive appointment.

A DHHS Board member is a representative of the people and as such, it is advantageous to have the board reflect the geographic, racial, cultural and ethnic demographics of the county. Being a board member is a working, not an honorary, position and requires certain commitments. A board member must be interested and willing to devote time and effort to develop knowledge of public welfare since the board supervises the workings of the county agency and is a policy-making body.

In making an appointment, it is important that the Board of Commissioners take the criteria listed below into consideration.

The statutorily mandated conditions for serving as a DHHS Board member according to the Social Welfare Act, Act 280 of 1939, as amended, are as follows:

1. The individual must be a resident of the county and may not hold an elective office during his/her tenure as board member (Section 400.46(1)).
2. Two members shall be appointed by the county board of commissioners, and one member by the governor and/or the director of the Department of Health and Human Services (Section 400.46(1)).
3. The individual must be able to serve a minimum three-year term. If a board member's term expires before another person is duly appointed, then the serving board member continues in office until a successor is appointed and takes the oath of office (Section 400.46(1)).
4. The board shall hold a minimum of 12 meetings per year with an interval of not more than five weeks between any two meetings. If a person fails to attend three consecutive, regularly scheduled meetings without reasonable cause, that person may be removed from membership on the board (Section 400.46 (2 and 4)).
5. During the term of office, a DHHS Board member shall not “participate in any form of political activity other than may be appropriate to the exercise of the individual's rights, duties and privileges” or use his/her “official position for any political purpose” (Section 400.90).

## BOARD FUNCTIONS

DHHS county board functions are enumerated in the Social Welfare Act as follows:

- (1) The powers and duties of the county DHHS Board shall include but not be limited to:  
(Section 400.45)
  - (a) Supervise and be responsible for the administration of the county infirmary and county medical care facility and child caring institutions.
  - (b) Annually review human services programs operating within the county.
  - (c) Develop policy for and supervise human services programs authorized by the county board of commissioners or financed solely from county funds or county administered funds.
  - (d) Develop and administer employment programs and work training projects complementary to, and not in conflict with, state programs.
  - (e) Review and submit recommendations on all contracts involving programs administered by the Department of Health and Human Services proposed to be entered into between the state department and public or private agencies. A contract shall not be entered into between the department and a public or private agency within the county prior to the board being provided an opportunity for review of the contract. The board shall be advised by the department within 30 days after contracts have been signed with an explanation of the differences between contracts recommended by the board and those actually entered into.
  - (f) Act as the agent for the county board of commissioners in the development of coordinated or consolidated approaches to the delivery of social services and cooperative service delivery arrangements between the state department and the public and private social services agencies within the county.
  - (g) Represent the county board of commissioners in all negotiations between the county and the state department.
  - (h) Make annual policy recommendations to the Michigan County Social Services Association on such issues as annual departmental appropriations.
- (2) As to those forms of relief that are in no part financed by state or federal funds, the decision of the county or district department of social services as to the denial, granting, form, and amount of that relief shall be final, except as provided in section 66i. In a county that establishes a patient care management system under section 66j, the decision of the county as to the denial granting, form, and amount of medical care shall be final. This section does not prevent the state from making investigations, collecting statistics, and otherwise gaining information concerning the administration of welfare in any county or district as the state department considers advisable. For complete information see PA 280 of 1939 as amended, Sections 400.66a – n.
- (3) The state department shall provide suitable office accommodations for all programs funded in whole or in part with state funds. The county Department of Human

Services Board shall review and recommend to the director proposed Department of Health and Human Services office sites within the county. The director shall notify the board prior to the final site selection with an explanation of the selection of any site other than that proposed by the board.

- (4) The salary and expenses of each individual member of the county board shall be fixed by the county board of commissioners according to the amount of time needed for the performance of official duties. A member of the county board may not serve as the director or an employee of the county department. The members of the county boards shall be appointed at the annual October session of commissioners, and they shall qualify by taking and filing the oath of office with the county clerk, and assume their duties as prescribed by this act not later than November 1 of the year appointed.
- (5) The county Department of Health and Human Services Board shall review the qualifications of, and interview the applicants for, the position of county Department of Health and Human Services director. The county director shall be appointed from among persons certified as eligible and recommended by the department and by the county Department of Health and Human Services Board. The county Department of Health and Human Services Board shall advise and make recommendations to the state director on the performance of the county director within six months of the appointment of the county director and annually thereafter. A copy of each evaluation shall be provided to the county director.

#### THE BOARD AS A POLICY MAKING BODY FOR LOCAL DHHS PROGRAMS

Policy-making boards have a primary responsibility for keeping the department's goals and objectives relevant and geared to meet the community's needs. The board assures, through policy and procedures, that department programs are translated into both efficient and effective services. When functioning in a policy-making role, the board follows a process which includes: 1) identifying problems and setting priorities; 2) analyzing the problem through collection of information and examining alternative solutions; 3) planning and developing procedures to implement selected alternative; and 4) finalizing decisions in clearly stated policy. This process results in uniform standards and methods, which should assure equitable distribution of financial and human services resources, fair treatment of clientele, and protection of the public interest from inappropriate expenditures by staff in the execution of their duties. The board is charged with responsibility for adoption of rules and regulations governing their own county programs, which are to be reviewed annually by the board and with the state department to ensure that they are not in conflict with any provisions of state or federal law or regulation (MCL 400.52, 400.55 and 400.66b).

Usually the board assigns responsibility of policy development, collection of facts, statements of alternatives, and drafting of proposed policy formulation process to the county director. The director has direct access to field staff and central office specialists who can assist in assuring that such policies are in conformity with state law, administrative rules and

regulations, and federal requirements. In addition, these consulting resources can often recommend alternatives based upon experiences in Michigan and elsewhere.

The Social Welfare Act establishes other areas on board policy responsibilities as follows:

1. Boards shall cooperate with DHHS in handling the welfare needs of the people of its county. The board may adopt rules, regulations or plans to participate in the distribution of federal or state monies, or to receive the assistance of those governments (MCL 400.53).
2. The board may receive any grant, devise, bequest, donation, gift or assignment of money, or real or personal property, if the purpose for which it is given is within the powers of the board to provide. The board, as a statutorily created county entity having no authority to function as an autonomous body, can only receive such items on behalf of the county.
3. The board is required to prescribe rules and regulations for the conduct of appeal hearings for the county programs, and to provide adequate procedures for a fair hearing of any applicant or recipient of aid or assistance under the jurisdiction of the board (MCL 400.66). Such hearings may be conducted by the director or any agent designated by the director. If requested in writing, the board should review the decision. While the decision of the board is final, (MCL 400.66), it is possible for a complainant to seek judicial review via civil action. Hearings relative to state and federally regulated programs are provided through the state department's Bureau of Administrative Hearings.
4. The board and the director have subpoena power in regard to an inquiry or investigation being conducted. The board and director may administer an oath to a witness in any matter (MCLA 400.82). Legal counsel (including representation) and advice is provided to the board by the county prosecuting attorney (MCLA 400.79). The board has no authority to hire its own private legal counsel. However, with concurrence of the board of commissioners and the prosecuting attorney, the board may be represented by the county corporation counsel in a particular litigation. The board is responsible for preparing and submitting budgets and expenditure reports to the board of commissioners (MCLA 400.69).
5. The commissioners in turn are to make such appropriations as are necessary to maintain services under the jurisdiction of the DHHS Board (MCL 400.70). The board's funds are maintained in two accounts: social welfare and a sub-account for child care (MCL 400.73). The county treasurer is designated the custodian of all money provided for the county department (MCL 400.73) and the board must designate a bonded person(s) and/or disbursing officer(s). All money is distributed on an order of warrant of the person so designated (MCL 400.74). All state civil service employees are bonded automatically by the state. Uniform accounting



procedures are prescribed by the state department and the local audit division of the state treasurer's office (MCL 400.73). In order to qualify for the state funds, the boards are required to file monthly financial and case statistical reports, as prescribed by the state department (MCL 400.80). The fiscal year for counties was established as the calendar year, January 1 to December 31, by Act 247, PA 1943, except for Wayne County where the fiscal year is December 1 to November 30.

## THE BOARD AND COMMUNITY RELATIONS

Every community has a need to carefully study and plan for human services needed by all its citizens and to provide for coordination among human service agencies.

The "Welfare Act" in Section 400.54 entreats the board to "place emphasis upon the prevention of social disabilities, the removal of causes of such disabilities, and the restoration of individuals to self-support' and 'financial and social independence". One way to help families is to cooperate with existing agencies so that the total needs of families are met. While in many instances, department staff maintains such cooperative relationships, the individual who actually performs such liaisons may well be a board member. Board members are encouraged to join other significant community groups, or even to serve on other agency boards or advisory panels to enhance liaisons.

Board members can help avoid small misunderstandings that grow into major irritants between agencies and community groups on an informal level and through community associations by describing the day-to-day 'good things' that happen to people in DHHS programs. This, of course, requires observing strict rules on confidentiality regarding the identity of individual clients, but can provide the broader community with concrete examples of why support for DHHS programs is needed.

Since some members of the DHHS Board are appointed by county commissioners, they can have a strong impact on the nature of services available through local offices. Through understanding the operations of the county DHHS office and other community agencies, board members can present an accurate appraisal of community services needs to commissioners. It is this kind of advice from respected citizens, which supports the county director in efforts to administer a sound program. Some county boards periodically have special orientation programs for county commissioners, which involve the county director, staff and clients. Still others have developed volunteer programs as an adjunct to the department's services. All these activities serve to increase public awareness and understanding of the barriers facing welfare clients. Program innovations are a logical planned consequence to community relations.

The county DHHS office may provide emergency care in a facility for homeless, dependent or neglected children (MCL 400.18d) and foster home care for children not under the jurisdiction of the juvenile court (400.18c). Upon request of the Probate Court, the county may investigate matters pertaining to dependent, neglected and delinquent children or wayward minors (MCL

400.55h). It may also become involved in developing sound programs and standards for child welfare programs aimed at preventing dependency, neglect and delinquency (MCL 400.55j).

The previously mentioned provisions of the Social Welfare Act permit boards to think creatively about the needs of their communities, and to take concerted action with other community agencies (both public and private) to respond to ever-changing needs. Many boards have responded by creating services which are supported with local funds. These services include homemaker services, various preventive health services, and a variety of work projects, which provide such needs as housing units.

It is apparent that the roots of all democratic processes designed to "promote the general welfare" of our society rest ultimately with local citizens. It is here that program change and innovation begins. It is here that the real world of human need and suffering is confronted. It is here that effective board members really thrive! See Appendix A for a self-evaluation of duties and responsibilities as a board member.

## **BOARD EXPECTATIONS OF THE COUNTY DIRECTOR**

### **Program Knowledge**

The DHHS county director will be expected to meet or exceed expectations outlined in the Department of Health and Human Services Administration annual management plan as it relates to administrative issues. Special attention should be given to innovative approaches and programs, to cooperative development of the County Child Care Fund, and to the demanding activities of contracting for services and program support.

### **Administrative Services**

The key to good administration is the cooperative development of a local office annual management plan. It is expected that the annual management plan will accurately reflect department plans, and will appropriately address the special needs of the county and the local office. Other administrative expectations will include, but not be necessarily limited to: appropriate utilization of staff as allocated to the local office; timeliness and accuracy of work product and reports; sound financial management, which includes adequate controls; the management of data using available data processing equipment; attention to affirmative action goals; internal program coordination; and the management of the work environment.

### **Board Activities**

The county director must keep the board informed of local office needs, of central office activities and priorities, and must involve the board in key activities at the local office.

Appropriate preparation for DHHS board meetings, quality minutes of meetings, and follow-through by the director relative to the board's decisions and requests are important.

## Leadership

It is expected that the county director will take the initiative in dealing with local office problems, involving staff in planning and decision making, setting the standard of conduct for employees, and providing decisive direction. Success will be evidenced, at least in part, by the positive attitude projected by the director, and by the respect attained from staff, board, clients, and the community. It will also be expected that the director will appropriately advocate for change at higher levels of administration in light of program, staff, and operational needs.

## Management Skills

Management skills will be reflected in the manner in which the county director manages resources, delegates responsibilities, analyzes and solves problems, and plans, and implements policies and procedures for the local office.

## Community Relationships

The county director will actively pursue sound working relationships with public officials at all levels of government, with client advocacy groups, with other public and private agencies and community groups and with MCSSA. A measure of success of this expectation will be the ability of the director to respond to community problems and needs with creativity and innovation. The director should pay particular attention to activities related to the county emergency preparedness plan, in both the development and application stages.

## Communications

The county director will be expected to create and pursue an atmosphere of open communication with staff, as well as with employee organizations. The use of regular staff meetings and other internal communication processes are expected. The director will maintain open lines of communication with the DHHS Board and the zone manager, sharing successes, concerns, problems, etc.

The director will effectively use the media and the opinions of the public to enhance the mission of both local and central offices. Since complaints from clients, public officials, staff and the public-at-large are a reality, the director will handle them in a timely and appropriate manner.

While these expectations are many, they are not necessarily exhaustive. The pace at which changes occur requires flexibility and a state of readiness to address crisis issues and to grow professionally.

See Appendix B for a sample evaluation boards can use as a guide for the annual evaluation of a county director.