

CHAPTER 50-01.1
MULTICOUNTY SOCIAL SERVICE DISTRICTS

50-01.1-01. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires:

1. "County agency" means the county social service board.
2. "State department" means the department of human services.

50-01.1-02. Consolidation of county agencies into multicounty social service districts.

In order to provide optimum service, reduce program costs, and benefit recipients of social services within this state, any two or more counties, by agreement entered into through action of their boards of county commissioners, may combine and consolidate their county agencies into a multicounty social service district in the manner provided in this chapter. Multicounty social service districts succeed to all the powers and duties enumerated for county agencies and shall perform all the functions and responsibilities assigned to county agencies by this title. When consistent with this chapter, all provisions relating to county agencies contained in this title apply to and govern multicounty social service districts. The board of county commissioners of any county desiring to become a member of a multicounty social service district shall file with the state department a written request for membership, together with a plan for the creation of such a district, if such a district does not already exist. The plan must be prepared as prescribed in section 50-01.1-04. The request must be approved or disapproved by the state department in accordance with section 50-01.1-03. In permitting the creation of such a district, the state department shall, to as great a degree as possible, allow the consolidation of county agencies in such a manner as will conform with the existing pattern of the trade area and with any regional pattern established by the executive department of this state.

50-01.1-02.1. Financial incentives for creation of multicounty social service districts.

The state department, within the limits of legislative appropriations and in accordance with rules adopted by the state department, shall provide financial incentives for the creation of multicounty social service districts pursuant to plans approved as provided in section 50-01.1-03. The incentives may be based upon achieved economies of scale, adherence to caseload standards for economic assistance and social service functions, reduced administrative costs, specialized qualifications of staff, and quality of services provided. Financial incentives are limited to a six-year period and must be phased out during the last three years of the period. The incentives may be extended beyond the six-year period, at the discretion of the state department, to promote appropriate expansion of established districts. In addition, the state department shall pay for the costs incurred by counties in the development of multicounty social service districts, including related travel and materials costs. The state department shall make the payments in reimbursement of the relevant costs upon approval of applications that comply with requirements established by rules adopted by the state department.

50-01.1-03. Manner of determination - Notices - Hearings.

In determining whether the creation of a multicounty social service district should be approved, the state department shall refer to, among other pertinent factors, the following:

1. Whether the affected county agencies are able to supply an adequate level and quality of social and economic assistance services.
2. The number and qualifications of staff personnel serving the affected county agencies.
3. The ratio of the number of cases handled by the affected county agencies to the number of their staff personnel.
4. The geographical area and population served by the affected county agencies.
5. The distance of recipients from the affected county agencies.
6. The benefits that would be realized from the creation of the district in terms of lower costs, increased availability of services, new services, and improvement of services.

Any county that is denied approval to become a member of a multicounty social service district may request a hearing thereon. The state department shall notify the board of county commissioners of the right to appeal. The board has thirty days after receipt of the notice to request a hearing. If a hearing is requested, the state department shall hold the hearing within fifteen days after receipt of the request. At the hearing, evidence may be presented relative to the creation of the proposed multicounty social service district. The hearing must be conducted in accordance with the applicable provisions of chapter 28-32.

50-01.1-04. Plan - Financing - Distribution of property - Governing board - Compensation of members.

1. A plan for the creation of a multicounty social service district must describe the method of operation of the district office, its administration, its location and the location of any ancillary offices, the disbursements from public funds, and the accountability for funds and manner of reporting receipts and disbursements. The plan must provide that all services provided by county officials to county agencies under this code be provided by those county officials residing within the same county in which the district office of the multicounty social service district is located. The plan must also provide for the distribution of property owned by each of the county agencies affected by the consolidation and for the method of resolution of any disagreement between the boards of county commissioners involved in the multicounty district or between the governing board and one or more boards of county commissioners. The plan, once approved, may be continued for a definite term or until rescinded or terminated in accordance with its terms. The plan also may provide that the regional director of a regional human service center serves as the director of the multicounty social service district.
2. The governing board of the multicounty social service district annually shall prepare a proposed budget for the district at the time and in the manner in which a county budget is adopted and shall submit the proposed budget to the board of county commissioners of each county in the district for approval. The amount budgeted and approved must be sufficient to defray the anticipated expenses of administration and the delivery of social and economic assistance services, exclusive of grants, and must be prorated among the counties based on an agreed-to cost distribution formula that takes into consideration such factors as caseload, population, taxable valuation, and geographical area of the respective counties comprising the district. Within ten days following approval of the proposed budget by the boards of county commissioners, the governing board of the district shall certify the budget to the respective county auditors of the counties in the district, and this amount must be included in the levies of the counties. Each board of county commissioners also shall budget and approve amounts sufficient to defray that county's anticipated costs of county general assistance and that county's share of grants as provided under this title. The amounts budgeted and approved by the several boards of county commissioners must be periodically deposited with the treasurer of the county in which the district office is located, as requested by the treasurer, and must be placed in a special multicounty social service district fund. The governing board, or its president and secretary when authorized by the governing board, shall audit all claims against the fund. The governing board at its regularly scheduled meeting shall approve or ratify all claims against the fund. The county treasurer shall pay approved or ratified claims from the fund. Unexpended funds remaining at the end of a fiscal year may be carried over to the next fiscal year.
3. The governing board of a multicounty social service district consists of not more than fifteen members, as determined by the plan. The plan must establish a method of determining the number of members that will be appointed by each county within the multicounty social service district. The method may consider the ratio that each county's population bears to the total population of the multicounty social service district, the ratio of current social service caseload, or other equitable factors; provided, that each county included in the district must be represented by at least one

board member. The board of county commissioners of each county within the multicounty social service district shall make the appointments to the governing board. Members must be appointed for a term of three years or until a successor has been appointed and qualifies. The members appointed to the initial governing board of a multicounty district, however, must be appointed to staggered terms determined according to the plan approved pursuant to section 50-01.1-03. Each member of the governing board shall qualify by taking the oath prescribed for civil officers and by filing the oath with the county auditor of the county of residence. Each sex must be fairly represented on the board, and each county must be represented on the board by at least one county commissioner of that county. Members shall elect from the governing board a president, a secretary, and other officers as the board determines necessary.

4. The appointing authority shall establish the rate of compensation for members of the governing board and actual expenses incurred by members may be reimbursed at the official reimbursement rates of the appointing authority.