

## OPTIONS FOR COUNTY HUMAN SERVICES REDESIGN UNDER CURRENT LAW

Options exist in current law for counties to engage in multi-county service delivery. Statute also establishes a process for seeking federal waivers and requesting commissioner variance to state rules. Biennial CCSA service plans are the vehicle for delineating how services may be delivered and performance targets will be met. These options are detailed below.

### 1) Counties can form joint powers or other arrangements

1937 - [Chapter 393](#) (Local Social Services Agency), permits joint exercise of powers such that “two or more counties may by resolution of their respective boards of county commissioners, agree to combine the functions of their separate local social services agency into one local social services agency to serve the two or more counties that enter into the agreement.”

1973 - [Chapter 402](#) (Human Services Act) permitted one or more contiguous counties, having an aggregate population of 50,000 or more persons or comprising all the counties within a region designated as regional development area, by resolution of their county board to designate a human services board. The population requirements were removed in 1979.

#### Broad-based Authority

- Consolidation of Counties [Chapter 371](#)
- Joint Exercise of Powers [471.59](#)

#### Human Service Related

- Human Services Act [Chapter 402](#)
- Local Social Services Agency [Chapter 393](#)

There is also legislation and precedent in other parts of county government for counties to organize as joint powers boards (eg., public health via 145A; corrections via 401.02)

### 2) Counties may propose single or multi-county service plans and strategies, including performance targets on statewide indicators, through the biennial CCSA service plan ([Minn. Stat. 256M.30, subd. 1-4](#))

***Note:** Both the Minnesota Family Investment Program (MFIP) and Children and Community Services Act (CCSA) statutory language require counties to submit service agreements with performance targets to DHS to receive funds under the two programs. The department combined the requirements for the two programs into one service agreement application and approval process. Counties may choose to submit individual or multi-county service agreements. Counties can enter into a joint MFIP service agreement with other counties while maintaining an individual service agreement for CCSA or vice versa.*

Effective January 1, 2004, and each two-year period thereafter, each county must have a biennial service plan approved by the commissioner in order to receive funds. Counties may submit multicounty or regional service plans. The department must provide information and technical assistance. The service plan includes:

- Strategies for achieving the performance targets established in consultation with counties and other stakeholders
- A budget that can be reduced under certain conditions, including successful achievement of performance targets (mental health, child safety/permanency)
- Provision of continuing services within limits of funds available

### **3) Counties can request DHS to seek waivers**

#### **Waivers ([Minn. Stat. 256.01, subd. 2\(1\)](#))**

The commissioner may seek federal waivers to conduct “experimental projects to test methods and procedures of administering assistance and services to recipients or potential recipients of public welfare”. The project duration cannot exceed four years. Two conditions apply:

- The waiver must be submitted to and approved by the secretary of health and human services of the United States
- A comprehensive plan must be submitted to and approved by the Legislation Advisory Commission and filed with the commissioner of administration

#### **Variance from state rule ([Minn. Stat. 256M.20, subd. 2\(6\)](#))**

The commissioner may grant a variance from a state rule under the conditions and through the process outlined in Minn. Stat. 14.055 and 14.056.