Staff Report - July 27, 2026, Board of Commissioner's Meeting

From: Shane Fox, Caldwell County Manager
To: Caldwell County Board of Commissioners
Cc: Caldwell County Health Director
Caldwell County Social Services Director
Date: July 17, 2026

On June 27, 2026, Caldwell County published a public notice in the *Lenoir News-Topic* stating that the Caldwell County Board of Commissioners would hold a public hearing on July 27, 2026, regarding the Board's potential assumption of all powers and duties previously exercised by the Caldwell County Board of Health and the Caldwell County Board of Social Services. Attached is a draft of the proposed resolution, which remains subject to revision.

This action is authorized by N.C.G.S. § 153A-76 and N.C.G.S. § 153A-77, which grants the Board authority to organize county government. Specifically, N.C.G.S. § 153A-77(a) provides, in relevant part:

"…The board of county commissioners may assume direct control of any activities theretofore conducted by or through any commission, board or agency by the adoption of a resolution assuming and conferring upon the board of county commissioners all powers, responsibilities and duties of any such commission, board or agency…"

While § 153A-76 refers to the ability to "abolish" certain boards, the Board of Commissioners does not intend to eliminate the existing social services and health boards. Instead, consistent with § 153A-77(a), the Board intends to transition these boards into advisory bodies. In the case of the Board of Health, formation of an advisory committee is required by law.

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1. Social Services

a. The Caldwell County Board of Commissioners will become the county's local board of social services.

If the Board adopts the resolution, it will assume all powers and duties of the Board of Social Services pursuant to N.C.G.S. § 108A-9, including:

1. Selecting the county director of social services in accordance with state merit system rules;

2. Advising local authorities on policies to improve social conditions;
3. Consulting with the DSS Director and assisting in planning budgets;
4. Presenting DSS budgets to the Board of Commissioners;
5. Carrying out additional responsibilities assigned by the General Assembly, DHHS, or the Social Services Commission.

Upon adoption of the resolution, the Board of Commissioners becomes responsible for exercising these powers. As discussed below, one commissioner will also serve on the new Social Services Advisory Board, positioning that commissioner to fulfill any state-required roles involving members of a local social services board—for example, service on the county's Child Fatality Review Local Team pursuant to N.C.G.S. § 7B-1407(b)(6).

b. The existing Caldwell County Board of Social Services will transition into a crucial advisory role.

Although state law does not require creation of a social services advisory board, the County Manager and Board of Commissioners believe it is essential to retain the knowledge and experience of the current board. Therefore, the existing Board of Social Services will transition into the Caldwell County Social Services Advisory Board, with the same membership and terms.

Under N.C.G.S. § 108A-3, current social services board appointments are split between the Commissioners, the Social Services Commission, and member selection by majority vote. Going forward, all advisory board members will be appointed by the Board of Commissioners. One member will always be a commissioner, who will:

• Participate fully as an advisory board member; and
• Serve on the Board of Commissioners, now acting as the Board of Social Services.

This dual role enables the commissioner to serve in any required state positions reserved for members of a county social services board.

c. DSS Director reporting and personnel oversight

Under the county manager form of government, N.C.G.S. § 153A-82 provides that:

"He shall direct and supervise the administration of all county offices, departments, boards, commissions and agencies under the general control of the board of commissioners…"

The Board may rely on the County Manager to assist in supervising and evaluating the DSS Director. While the DSS Director may report through the County Manager at times, all

personnel actions or other significant decisions regarding the DSS Director must be executed directly by the County Manager pursuant to Section 5, Article I of the Caldwell County Personnel Policy.

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2. Public Health

a. The Caldwell County Board of Commissioners will become the county's local board of health.

Upon adoption of the resolution, the Board of Commissioners will assume all powers and duties of the Board of Health under Chapter 130A, including:

1. Protecting and promoting public health and adopting rules necessary for that purpose;
2. Appointing the local health director; and
3. Directing the health director in administration of health programs.

The Health Director then carries out day-to-day statutory responsibilities such as communicable disease investigations and issuance of isolation or quarantine orders.

The Board, sitting as the Board of Health, will also be responsible for health department accreditation benchmarks set forth in 10A NCAC 48C and 48D. These include maintaining proper procedures, ensuring access to legal counsel, adopting adjudication processes, and providing board member training. The Board should meet at least annually solely as the Board of Health to address accreditation compliance. Many existing Board of Health practices will transition directly.

b. The existing Board of Health will transition into a statutory Public Health Advisory Board with accreditation responsibilities.

The current Board of Health will become the Caldwell County Public Health Advisory Board, retaining all existing membership and terms. Unlike the Social Services Advisory Board, this advisory board is required by N.C.G.S. § 153A-77 and must have membership consistent with N.C.G.S. § 130A-35.

c. Health Director reporting and personnel oversight

As with DSS, the Health Director may report to the Board of Commissioners through the County Manager. However, consistent with N.C.G.S. § 153A-82 and county personnel policy, any personnel decisions or significant actions involving the Health Director must be carried out directly by the County Manager.