

**BURLEIGH COUNTY HUMAN SERVICE ZONE BOARD
MEETING MINUTES
DECEMBER 29, 2020**

The Burleigh County Human Service Zone Board convened a special meeting at 5:00pm in the Tom Baker Room of the City/County Building.

Present: Commissioner Becky Matthews, Tracy Famias, Jim Hulm and Senator Erin Oban
Absent: Gaylynn Becker Also Present: Tayonne Nachatilo, Business Manager

Commissioner Matthews called the meeting to order.

OATH OF OFFICE: Burleigh County Auditor Leo Vetter presented the new membership with their Oaths of Office. Commissioner Matthews, Tracy Famias, and Jim Hulm were sworn in to the office of the Burleigh County Human Service Zone Board.

BOARD MEMBER TERMS: The membership reviewed board member term requirements and advised updated term expirations for the current membership. Motion by Senator Oban, second by Jim Hulm, and unanimously approved to establish membership terms as follows:

Senator Erin Oban	-	Term Expires 11-30-2021
Commissioner Matthews	-	Term Expires 11-30-2021
Gaylynn Becker	-	Term Expires 11-30-2022
Tracy Famias	-	Term Expires 11-30-2023
Jim Hulm	-	Term Expires 11-30-2023

APPOINTMENT OF OFFICERS: The membership reviewed zone board appointed officer requirements. Motion by Senator Oban, second by Jim Hulm, and unanimously approved to appoint Commissioner Matthews as Vice Presiding Officer. Motion by Senator Oban, second by Jim Hulm, and unanimously approved to appoint Tracy Famias as Secretary.

INTERIM PLAN: The membership reviewed Zone Plan requirements along with discussion of the short and long-term plans for zone leadership. Motion by Senator Oban, second by Jim Hulm, and unanimously approved for the Human Service Zone Board to meet by January 15, 2021 for the purposes of approving the Zone Plan.

Motion by Senator Oban, second by Tracy Famias for Interim Director Osadchuk's role as Interim Director to conclude on January 15, 2021 provided the Zone Plan is completed by January 5, 2021. If the Zone Plan is not received by the Board by January 5, 2021, Interim Director Osadchuk's role will conclude on January 5, 2021. Motion unanimously approved.

Motion by Jim Hulm, second by Tracy Famias, and unanimously approved for the Zone's current Business Manager to assume the role of Interim Director from January 15, 2021 until March 1, 2021 with guidance from the Department of Human Services.

BOARD MEETING SCHEDULE: The tentative date of next Human Service Zone Board meeting is scheduled for January 12, 2021 at 4:00pm in the Tom Baker Room of the City/County Building.

OTHER BUSINESS: The Burleigh County Human Service Zone Addendum to the Human Service Zone HR Policy was distributed to the membership for review and approval for January 1, 2021 implementation as approved by the Department of Human Services. Motion to approve the Addendum by Senator Oban, second by Jim Hulm, and unanimously approved.

MATERIALS DISTRIBUTED TO THE BOARD: Agenda, Board Membership Terms, Human Service Zone Board Powers and Duties, and Burleigh County Human Service Zone Addendum

Tayonne Nachatilo, Business Manager

Becky Matthews, Vice Presiding Officer

Burleigh County Human Service Zone
November 30, 2020, 4:00 p.m.
Special Meeting

Members present: Senators Oban and Dever, County Commissioners Jones, Woodcox, Peluso, and via phone, County Commissioners Bitner and Armstrong.

The meeting was called to order by Chairman Woodcox and a roll call of the members was taken.

Chairman Woodcox shared that Commissioner Jones has resigned from the Zone Board and official action will be taken at the December 7, 2020 County Commission meeting.

In addition to Commissioner Jones, Commissioners Woodcox, Armstrong, & Bitner stated they will also be submitting their resignations at the December 07, 2020 County Commission meeting. Commissioner Peluso shared that he is undecided about continuing on the board but will have a decision by the meeting, and Senator Dever, whose term is expired on November 30, 2020, stated he will serve until a more appropriate person from the community can replace him. Senator Oban's term is not expiring nor is she resigning.

Commissioner Armstrong questioned the legality of having a meeting without it livestreaming on the community access channel. He suggested that the public was not notified as it was not showing on the Midcontinent system at the time of the meeting.

Auditor Vietmeier informed Commissioner Armstrong and the Board that the meeting was noticed appropriately according to NDCC law and that a meeting can be called at any time, if needed. He added that he (Auditor) cannot control when and if Dakota Media Access, who provides media services to the City/County Building for the City of Bismarck, will have staff available to work at the times needed. He referenced that other zone meetings and Commission meetings have been held under same circumstances.

Senator Dever provided an update on behalf of the hiring committee. Five applicants were interviewed for the position of Zone Director with a decision being made on one, who unfortunately, accepted another position. Of the remaining applicants, it was not felt that any of them would be strong enough candidates to facilitate the difficult transition that the department is facing. It is the recommendation of the hiring board to look at an interim person with experience in transitional situations and leadership organization in order to gain stability within the Department, prior to hiring a new and full time Director.

Commissioner Woodcox asked Chief Operating Officer for Department of Human Services, Sara Stoltz, if the current interim director, Kim Osadchuk, could serve in that role. Stoltz replied that the retention of Osadchuk as Interim Director, is not be something the State would be in favor of.

Commissioner Peluso motioned to move forward with hiring an Interim Director and Commissioner Jones seconded. Discussion: Commissioner Bitner asked Stoltz if the motion and direction of the board would work for the State and she agreed that it is a good option.

Roll call on the motion to hire an interim director: Senators Oban and Dever and Commissioners Jones, Bitner and Peluso, "Aye", Chairman Woodcox and Commissioner Armstrong, "Nay" motion carried.

Vietmeier will email the application and information on volunteering for a county auxiliary board to the Zone Board Members.

Meeting Adjourned.

**BURLEIGH COUNTY HUMAN SERVICE ZONE BOARD SPECIAL MEETING
MINUTES
SEPTEMBER 9, 2020, 3:00
BISMARCK CITY/ BUILDING**

Committee members present: Senators Oban and Dever, County Commissioners Jones, Woodcox, Peluso, and Commissioners Bitner via phone. Commissioner Armstrong was absent.

Motion to approve minutes of March 16, 2020, Jones and seconded by Dever. All members present voted "Aye" motion carried.

Motion to approve minutes of April 6, 2020, Peluso and seconded by Jones. All members present voted "Aye", motion carried.

Motion to approve minutes of September 2, 2020, Jones and seconded by Oban. All members present voted "Aye", motion carried.

A discussion was held on whom to serve as an Interim Director until a new Human Service Zone Director is hired, and it was decided that Osadchuk would continue to fill that position.

Motion to post the Human Service Zone Director position as an external and internal announcement to maximize reach and get the best qualified candidates and running a minimum of (2) weeks including at least one weekend, Oban and seconded by Peluso. Discussion: Sarah Stolt, Chief Operating Officer for the North Dakota Department of Human Services, stated that she will be providing updated job requirements and information pertaining to the position to all members. Roll call: Dever, Peluso, Oban and Woodcox, "Aye", Bittner, "Nay". Armstrong, absent. Motion carried.

Meeting adjourned.

Allan Vietmeier, Auditor/Treasurer

Jerry Woodcox, Chairman

**BURLEIGH COUNTY HUMAN SERVICE ZONE BOARD SPECIAL MEETING
MINUTES
SEPTEMBER 2, 2020, 3:00
BISMARCK CITY/ BUILDING**

Committee Members Present: Chairman Woodcox, Commissioners Bitner, Peluso, Jones, Armstrong (via phone), Senator Dever, and Senator Oban.

Chairman Woodcox opened the special meeting of the Burleigh County Human Service Zone Board and encouraged discussion with the members of the board on the findings in a report from Vogel Law Firm regarding allegations of a hostile workplace within the Burleigh County Human Service Zone.

Senator Dever summarized the expectations of the committee going into the investigation and stated that after reading the report a clear conclusion has not been reached and the final decision will still be up to the Zone Board. He continued that there were concerns raised by employees who believed they had been mistreated, but in the report Ms. Osadchuk didn't dispute any of those situations had happened, but did have a different perspective on them. He furthered that whether Ms. Osadchuk created the hostilities or not, the employees still felt the hostility existed, leading him to the conclusion that the situations could have been handled differently. He stated there is cause for concern and if it is decided to retain the current Interim Director, the board will need to decide how those things are addressed moving forward.

Commissioner Peluso stated he didn't gain any more knowledge than he had prior. He was hoping the report would show more investigating into specific allegations and would look for the truth. He counted numerous times the word "heard" was used, but there was no follow up to indicate a conclusion was reached.

In 2014-2015, directives were given to the director [Ms. Osadchuk] to make some changes and to get to back to where the Commission was comfortable with the department. He stated all the letters he has received regarding Ms. Osadchuk have been positive and are from current and past employees within the past couple years. He continued he believes Ms. Osadchuk was doing what she was asked to do, by the Commission, and now it has come back on her seven years later. Commissioner Peluso concluded he doesn't think the investigation was good.

Commissioner Jones stated she agreed with Commissioner Peluso that the report didn't show a detailed investigation. Documentation could have received through an open records request and it would have clarified some of the comments made during the investigation.

Commissioner Armstrong stated that he didn't see anything new in the report nor were any current employees interviewed as to the current state the office. He stated his concerns that the investigation was initially to take 6 weeks and it is now September and dragging on. He continued there is nothing alarming in any of Kim's past seven years of performance reviews, which is how the County evaluates directors and employees. There is nothing in the report but disgruntled employees and people who are fanning the flames for no reason and continue to bring the same things up. He concluded there are bigger problems to deal with at Social Services.

Commissioner Armstrong motioned to retain Kim Osadchuk as the Director of the Burleigh County Human Service Zone, seconded by Commissioner Peluso.

Discussion: Senator Oban asked why the individuals, who have previously served on the Board in an oversight capacity for Social Services, are stating they are not seeing anything new in this report, yet those same individuals agree there are concerns that were highlighted in the investigation. She questioned why none of those concerns were addressed prior, as the individuals who oversaw Social Services provided any accountability because there are some very damning things in the investigation. Whether or not they are worthy of a Directors removal is another discussion, but why weren't the concerns addressed previously and what do we do moving forward?

Commissioner Bitner addressed Senator Oban's questions stating he had previously recommended additional training on how to recognize situations that might be a hostile work environment and he was informed, very clearly, training had already been done. All staff and supervisors participated in training and that is why none of the complaints are recent; Burleigh County took proactive steps to address the concerns years ago and he thanks the staff for participating in that training.

Senator Dever stated he and Oban do not have the history with the Board like everyone else does so they don't know how things are handled. He stated that he will work with the board, regardless of how the decision comes out, because he believes there is room for improvement in how we deal with the citizens of Burleigh County. He is going to resist the motion because he doesn't see how anything going forward will be different, but will work with the Board regardless of the vote outcome.

Chairman Woodcox stated he had several concerns with the report and not only the content. When it was started, the state wanted an evaluation to whether or not there was a hostile work environment, but this report does not give an answer to that. It provided allegations and concerns, but not a conclusion to the answer of a hostile work environment. Also, he found fault with the way the investigation was conducted in that no employment records were accessed for the investigation. He explains the County looks into all disgruntled employee situations and then an improvement plan if necessary but during the investigation none of those records were requested. The performance reviews of the Director were requested, but not the employees. If you get a bad performance review, you are not going to be a happy past employee, and an assessment of that information was not done.

Chairman Woodcox stated the County had zero formal complaints that were of concern to the previous Human Resource Director, Tammy Terras. All received complaints were well documented and reviewed thoroughly by her. There might have been a dispute over health insurance, but the process the County uses is the same as the State and he feels the situation was dealt with appropriately. He concluded that he did not agree with many things included in the report and stated the Burleigh County Zone could have gotten a much better evaluation and subsequently a decision.

Commissioner Woodcox addressed a specific item in the report asking for additional information from Burleigh Zone Board Members and the statement that "no additional information was provided". Woodcox stated they were asked to provide any additional information the board was involved with, but that there was nothing that the investigators didn't already have; nothing hidden or not disclosed.

Sarah Stolt, Chief Operating Officer for the North Dakota Department of Human Services, shared that per law, the recommendation from the Zone will go to the Department and a decision will be made by Friday, September 4th. Evaluation criteria will include the report, the Zone Board's recommendation, and the interview panel comprised of Ms. Stolt and Marcy Witchek. Commissioner Woodcox asked if it would also go to the attorney for the State, and Stolt clarified he served as a liaison with the investigative team from Vogel Law Firm and was not

involved in the final decision making. Stolt added that the Zone makes a recommendation and forwards it to the State of North Dakota who will make the final decision. The Burleigh County Zone Board does not have the final decision.

Commissioner Peluso asked Chairman Woodcox why there is a Zone Board if the State has all the final decisions?

Interim Director Kim Osadchuk took the opportunity to express concerns about the report to the Zone Board and shared her perspective on the situations and incidents included in the investigation.

Senator Oban addressed Ms. Osadchuk and asked if she [Osadchuk] can see opportunities where the performance of the agency and her management/leadership style could be improved upon, potentially eliminating any concerns moving forward if she was to be hired as the Director? How can we achieve more transparency moving forward and is there room for improvement?

Osadchuk replied yes and stated that there is always opportunity for change and change is good not only for herself but for employees. She shared that it is an exciting time for the department.

Commissioner Peluso reiterated his concerns about the results of the report. He stated that questions about the complaints have not been answered and many of the policies Osadchuk enforced and decisions were under the direction of the Board. Peluso stated that we [Burleigh County Commission] supports Kim because we hired her. If we don't support the people we hire, who will?

Pam Binder, Burleigh County Human Resource Director stated she did not think the report was well written. She stated the culture does need to be worked on, but does not see Social Services as a hostile working environment. She would like to see an employee focus group, surveys, and benchmarking. However, Social Services is now State employees, so there would need to be cooperation with DHS.

Senator Oban asked if there would be opposition to amending to the original motion to include a performance plan for a period of time for the hiring.

Commissioner Armstrong, who brought the original motion to the table, stated he would prefer the State make a decision and if there is a component that needs to be approved on that basis, he would rather the State come back with contingencies to her employment and ask for an approval rather than the Zone Board directing now as it is ultimately the State's decision, not the Zone Board.

Senator Oban motioned for an amendment to the original motion to include a performance plan and determination of what those recommendations are and a base line with Human Resources. Seconded by Senator Dever. Discussion: Senator Dever stated that he heard some things that were concerning to him and he is unsure whether those situations are in the past or continue to be a concern today. Employees who do not inform supervisors where they are going and employees who don't make notes are an example of things that could be included in an improvement plan. Commissioner Woodcox informed Senator Dever that those were issues in the past and Ms. Osadchuk also clarified that those items were no longer an issue within the department.

Pam Binder, Burleigh Human Resources, gave advice to the Zone on how a performance plan/matrix plan could be used. Sara Stolt also provided information on policies within the State DHS.

Commissioner Peluso stated that he is uncomfortable with the amendment and would prefer staying with the original motion that was never withdrawn; his concern being that items can continue to be added on and no one will want to vote on it. He will vote on the original motion.

An in-depth conversation was held on the process for using an amendment to a motion, the implications of changing it, and why the amendment was originally asked for.

Commissioner Armstrong voiced concerns with the amendment stating that through State policy cited by Stolt, Osadchuk would go through a verbal warning, formal write up and then a performance review. As Osadchuk has never had a verbal warning or written up, this is going straight to the performance measures and is too far as Osadchuk has not had poor performance reviews; it is not appropriate and he will resist the amendment.

Commissioner Jones added as she reads through century code, she understands that the Zone is an advisory position and after the hiring, it is the responsibility of the State, therefore, she will vote to hire Kim, but would not support the amendment.

Roll call on the amendment to the motion: Bitner, Jones, Peluso, Armstrong, "Nay" and Oban, Dever, Woodcox, "yes". Motion to the amendment failed.

Roll call on the motion to approve a recommendation of Kim Osadchuk to the permanent director of the Burleigh Zone. Armstrong, Bitner, Jones, Peluso, Woodcox, "yes" and Oban, Dever, "nay". Motion carried.

Senator Dever stated that we are still discussing employees within Social Services who are employees of the County and it should still be of greater concern to the County Commissioners how the employees are treated. It is the County's interest and responsibility to work with employees.

Commissioner Woodcox stated he is looking to the State for direction as to what role the Zone board plays in Social Services. Any education on the topic should come from the State.

Meeting adjourned.

Allan Vietmeier, Auditor/Treasurer

Jerry Woodcox, Chairman

BURLEIGH COUNTY HUMAN SERVICE ZONE BOARD
SPECIAL MEETING MINUTES
April 6, 2020
4:00 p.m.

The Burleigh County Human Service Zone Board convened a special meeting.

Commissioner Woodcox called the meeting to order.

Roll Call: Jones, Bitner, Woodcox, Peluso, Oban, Dever and Armstrong Present.

Sarah Stolt DHS Chief Operating Office stated the recommendations of the interview committee for the Burleigh County Human Services Zone Director position. The interview panel recommends keeping the current interim director Kim Osadchuk as the Burleigh County Human Services Zone Director pending the results of a hostile work environment investigation from an outside neutral party. The panel will either move forward with Kim Osadchuk as the finalist for the roll of zone director or they will decide to reopen the positions application process.

Comm. Peluso ask the question if at the last zone board meeting did the board decided to not have an investigation. Comm. Woodcox read the motion from the previous meeting which read as follow; Motion by Senator Dever, 2ny by Senator Oban to move forward with the hiring of a consultant to investigate services of the social service zone and the hiring of a new zone director. That motion failed on a vote of 2 yeas and 5 nays. Comm. Woodcox continued with the process that followed with regard to the interviews.

Sarah Stolt explained that as an employee of Burleigh County Human Services Zone KimOsadchuk is part of the ND state merit system for employees because of federal funding and federal grants. Stolt continued that as the state received complaints in the past those were forwarded on to the Burleigh County Social Services Board as they were responsible for hiring the director. As of January 1, 2020, the director is now under the collaborative authority of DHS and the Burleigh County Human Services Zone Board. DHS was made aware of several complaints that came in that were provide to the social service board, human resources, and Director Osadchuk. They are also aware that several employees reached out to ND Department of Labor and ND United to voice their concerns. Because of the federal funding received it is a requirement that the county and DHS comply with the merit system of personal administration.

Stolt went on to explain the difference of a hostile work investigation and a full investigation of social services. Stoltz explained that a third-party investigator will looking into if a hostile environment exists and if Kim Osadchuk is creating it.

Comm. Bitner asked if we had ever been made aware of any complaints as it relates to the director of social services. Comm. Woodcox stated that to his knowledge they had not received any other then the owns brought forward by Senator Oban.

Stolt stated that they have received at least 2 complaints that were provided to Burleigh County and she will gladly forward them on. Stolt also stated that DHS will be paying for the investigation because the Burleigh County Human Services Zone chose not to move forward with the investigation.

Comm. Bitner stated that this board is unaware of any complaints. Stoltz stated that complaints that were received prior to January 1, 2020 the complaints received were forwarded on to the social services board of which some of you were members. As of January 1, 2020, the law now requires that DHS has authority over human service zones because they provide 100% of the funding. Therefore, DHS is obligated to move forward with a hostile work environment investigation per federal law and federal funding.

Comm. Woodcox stated that he was unaware of any complaints and had there been some that Burleigh County would have acted on them. Woodcox continued that it was predetermined going into the interviews that DHS was going to do an investigation for hostile work environment. Stolt stated that if Kim Osadchuk was going to be the chosen candidate the yes it would be investigated. Comm. Woodcox feels that it is a false statement to say that the commission was aware of any of these complaints prior to January 1, 2020. Stolt clarified that anonymous hostile work complaints must be investigated.

Comm. Bitner stated that he feels that the DHS is going to do an investigation no matter what and it appears to him that this board doesn't matter.

Motion by Comm. Bitner, 2nd By Comm. Armstrong to appoint Kim Osadchuk as the director of the Burleigh County Human Service Zone. Discussion: Stolt stated that the law requires DHS approval for the candidate you want to move forward. DHS is saying that in order to move Kim Osadchuk forward as director a hostile work environment investigation has to be completed.

Comm. Peluso stated that this is to give the appearance of local control. Comm Woodcox wanted to clear the record that at the June 11 organizational meeting. It was stated that Burleigh County had no one in attendance. Woodcox stated that Burleigh County was represented by the Auditor, the Human Service Zone Director, Assistant Zone Director, and the Social Services Board Chairman.

Comm. Armstrong stated that Burleigh County Human Service Zone is not 100% funded by the state. This is a department that is overseen by Burleigh County Human Resources and they are provided space in county owned property at a rate below market rates.

Senator Dever stated that the state does have the authority to order an assessment of the zone director. Give the complaints that were addressed earlier it seems that we need to do the assessment. Dever thinks there is benefit to doing the assessment of Kim Osadchuk. Comm. Peluso inquired to who gets the information upon the completion of the investigation. Stolt stated that based on the recommendation of DHS it would go back to the interview panel. Stolt stated that the results of the investigation would go between the zone board and DHS.

Commissioner Woodcox feels that we do need to move forward with the investigation and his biggest complaint has been the way this has been handled. Comm. Bitner feels that DHS is going to do the investigation regardless and is glad that DHS has offered to pay for it. Comm. Jones said she feels that there may be areas of minor concern and feels that improvements can be made from this.

Commissioner Woodcox asked how far back this investigation was going to go. Stolt stated that at this point she doesn't have that answer. Stolt stated that she can get a response from DHS Human Resource Department as to what this type of investigation looks like. Woodcox stated that he wants that and the complaints prior to January 1, 2020 in writing so they can be addressed.

Commissioner Woodcox continued by asking if DHS was going to pay for it. DHS Director Jones stated that DHS will pay for it since the county isn't willing. Jones stated that if these are complaints while she is a county employee then we will have to figure it out. Jones stated that at the end of the day this is a county liability. Jones continued that he is hearing the zone board is in favor of hiring Kim Osadchuk but is supporting the investigation. He wonders what has changed other than the state is willing to pay for it. Comm. Woodcox responded by reiterating that what was turned down before was not a hostile work environment investigation but a full-blown department investigation. Stolt stated that was correct. Stolt continued that a hostile work environment investigation is what she recommended at the March 16, 2020 meeting and that was rejected.

DHS Director Jones feels that the zone board needs to decide and DHS will respond. Jones feels like we are just going back and forth and we need to start to move forward. Jones tells the full zone board what he told Comm. Armstrong last week that he gets the sense from the commissioners that there is zero to minor issues with Kim Osadchuk. Jones said that is not the general consensus and we will continue to have noise that will not allow the necessary changes going forward if we do not address this. Jones said many have stated that the reason they feel it is a hostile work environment is because Kim Osadchuk has held employees accountable. Jones stated that if the zone board wants Kim Osadchuk then DHS will do what is within its right in the law to do. The process is outline in law and that is the process that DHS will follow.

After further discussion a roll call vote was taken. "Yeas" Bitner, Peluso, Armstrong. "Nays" Oban, Jones, Dever, Woodcox. Motion failed.

Motion by Senator Oban, 2nd By Comm. Jones to accept the recommendation of the interview committee which reads as follows: Recommends keeping the current interim director Kim Osadchuk as the Burleigh County Human Services Zone Director pending the results of a hostile work environment investigation from an outside neutral party. After further discussion a roll call vote was taken. "Yeas" Oban, Jones, Dever, Woodcox. "Nays" Bitner, Peluso, Armstrong. Motion passed

Meeting adjourned.

Allan Vietmeier, Auditor/Treasurer

Jerry Woodcox, Chairman

**BURLEIGH COUNTY HUMAN SERVICE ZONE BOARD
SPECIAL MEETING MINUTES
MARCH 16, 2020
3:00 p.m.**

The Burleigh County Human Service Zone Board convened a special meeting. Roll Call: Jones, Bitner, Woodcox, Peluso, Oban, Dever and Armstrong via phone.

Commissioner Woodcox called the meeting to order.

Motion to approve meeting minutes from January 16, 2020 and Special Meeting held on March 2, 2020, Jones and seconded by Peluso. Roll call: all in favor, motion carried.

Revote on a tied motion from the Special Meeting held on March 2, 2020.

Motion to move forward with the hiring of a consultant to investigate the services of the Human Service Zone and the hiring of a new Zone Director. Roll call: Woodcox, "nay", Armstrong, "nay", Jones, "nay", Peluso, "nay", Dever, "aye" and Oban, "aye". Motion fails.

Meeting adjourned.

Allan Vietmeier, Auditor/Treasurer

Jerry Woodcox, Chairman

**BURLEIGH COUNTY HUMAN SERVICE ZONE BOARD
MEETING MINUTES
MARCH 2, 2020**

3:00 PM.

The Burleigh County Human Service Zone Board convened a special meeting. A roll call was taken with all members present except Commissioner Armstrong.

Senator Oban presented information regarding complaints and concerns that herself and Senator Dever have received related to Burleigh County Social Services and its current interim director. Some complaints were made anonymously but far more came forward in face to face conversations or communicated personally in other ways. Senator Oban summarized the concerns into the following categories; employee morale, turnover, insufficient support for new employees, hostile work environment, questions of prioritizing saving money over safety and care of children, and difficult working relationships with community partners (including but not limited to; foster parents, schools, law enforcement, non-profits and providers). Senator Oban also noted they received communications from individuals in support of the current interim director and changes the director has implemented since arriving. However, they feel strongly about the concerns brought forward and are requesting an independent investigation. Senator Oban stated they have no interest in anything other than a fair and thorough review of the concerns and complaints with input provided from the interim director. This is not a decision or request they take lightly but believe approving the request for the investigation to be in the best interest of the department, the department's future work and public trust. Senator Oban continued that the hiring of the next director should be postponed pending the findings of the investigation. Senator Oban stated they stand in partnership as fellow members of the Zone Board to move this request forward.

Senator Dever expressed he feels that both Senator Oban and himself have a reputation of listening to people and determining their own conclusions. Senator Dever feels the board will be best served to find someone that is objective and fair to conduct the investigation. Senator Dever stated of all the things they heard, nothing was illegal. He also stated that the interim director feels that the Department of Human Services (DHS) may try to push her out. Senator Oban and Dever have come to their conclusions independent of the Department of Human Services. The interim director has the right and deserves the opportunity to respond to all of the concerns. Dever feels this is achieved by a fair, and objective consultant investigation. Dever feels there will be one of three conclusions; one, there is no basis, two, there is basis to the concerns but they can be addressed, and third, we need to consider a different path. With any of those determinations we best position ourselves with how we can best serve Burleigh County residents. Dever continued he is concerned about the employee complaints but is most concerned about the issues he has heard about foster care. These are services we provide to children that come from very difficult circumstances. Therefore, we should offer the best we possibly can.

Motion by Senator Dever, 2nd by Senator Oban, to move forward with the hiring of a consultant to investigate the services of the Social Service Zone and the hiring of a new zone director.

Commissioner Peluso stated he is not going to vote on this. He feels he was not informed and if it was an issue why was he not notified. Peluso continued that if the commissioners are going to be part of the zone board that they should also be part of the decision making, including but not limited to having this meeting.

Commissioner Bitner stated this is completely new to him as well. Bitner feels it would do well to have additional discussion but he has not gotten a single contact from people within Social Services and those utilizing the systems about their concerns. Bitner said he thinks everyone knows that Burleigh County is open to comments from its citizens. Bitner continued that he is surprised that it has risen to a level of investigation without any information being communicated to the commissioners.

Commissioner Jones stated that she has received several emails from current employees at social services praising the interim director and questioned why we are here today. Jones continued that until last Thursday she was totally unaware of any issues. Therefore, she too would like additional information before deciding to do the investigation.

Commissioner Woodcox questioned who selects the investigator and their expertise in the field. A lot of these concerns are technical in nature. Woodcox continued that we do have a deadline of March 31, 2020 to select a new zone director. Additionally, after visiting with Senator Oban it was concluded that Burleigh County would be responsible for the cost of the investigation.

Senator Oban commented there are five county commissioners and that over the years a number of complaints have come forward. Individuals have stated they don't feel that they were taken seriously. Oban continued that she feels it's in the best interest of the interim director and the board to continue with an investigation to determine what is fact and fiction.

Senator Dever fully appreciated that the commissioners did not have the information necessary to make this decision. He would be willing to help get them the information. Dever agreed with Senator Oban that the investigation needs to happen before a decision can be made on hiring a permanent director. In April 2015 a similar complaint was brought by one of the members of the Burleigh County Social Service Board to the board with nothing being done at that time.

DHS Director Chris Jones appeared to answer board member questions. Commissioner Jones asked if there had been similar situations in other parts of the state. DHS Director Jones stated that they had just done this in Cass County. Senator Oban asked if there were complaints in the Cass County case and if so, how many. DHS Director Jones stated this was a different situation with the complaint being brought forward by a county commissioner and the complaints brought by staff there. Commissioner Woodcox asked if DHS has received complaints pertaining to Burleigh County, employees, or foster care. DHS Director Jones stated there been concerns over the last number of years that have been shared back with the Burleigh County Social Service Director and Human Resources. Woodcox continued with the question of if the complaints been addressed properly and if they were resolved. DHS Director Jones said we are a state supervised, county administered, social services delivery system. So, ultimately it is the county commission's responsibility to determine whether or not the concerns have been addressed properly.

Commissioner Woodcox continued by asking DHS Director Jones if these procedures are going to change under the new system. DHS Director Jones stated that changes will be made because DHS feels some of the concerns have not been addressed over time and there have been concerns related to the performance of social service programs. DHS Director Jones continued that when the legislative bill was introduced, DHS wanted the directors to be state employees however, the counties wanted the directors to remain county employees to retain that control. DHS Director Jones stated it is ultimately the Burleigh County Zone Board that is accountable for the Director.

Commissioner Woodcox asked DHS Director Jones his opinion as to how we should address the situation. DHS Director Jones said the zone board should have a third-party investigation because clearly there is a difference of opinion on this matter. Commissioner Woodcox asked if DHS ever does this type of investigation and wants to ensure the investigation is completed by an expert in the field. DHS Director Jones stated that DHS could conduct the investigation but feels the department would not be in favor of that path due to comments submitted and perceived bias.

Commissioner Peluso stated that he had no opinion on this matter because he has not received complaints. He still doesn't know why we are here other than he can see a whole lot of people that are trying to ruin someone's career.

Commissioner Woodcox asked if the board could delay this for 2 weeks to allow the other commissioners to become informed. Commissioner Peluso stated he feels that they are not going to have a say in the matter anyhow.

Commissioner Woodcox disagreed stating it is their responsibility as the zone board to move forward with the recommendation. DHS Director Jones stated that it is the zones board decision but DHS has the ability to yay or nay the decision.

DHS Director Jones stated he would be happy to come to a commission meeting to explain the legislation that was passed. DHS Director Jones continued that it was the commission's responsibility to understand the state takeover of social services. He continued the state isn't going to give the county money without some oversight.

Senator Oban stated she is in no way interested in ruining someone's career. Oban said she is just as interested in clearing the director's name as she is in finding out what the facts are. Oban feels the investigation is the fair and independent way to gather information before deciding. Oban continued she will not stand by and ignore things that are brought to her attention. Oban then asked DHS Director Jones to walk the zone board members through the process Cass County used to move forward. DHS Director Jones was leery of trying to connect Cass County to this situation. DHS Director Jones stated the Cass County investigation started in May and was done in December but it was a different situation. Oban asked if the hiring deadline timeline allowed the zone board the time to complete the investigation. DHS Director Jones stated DHS wants to find the best solution so all parties can be comfortable with the selected director.

Commissioner Woodcox stated that we do not know what will happen after March 31, 2020 with the assumption that the investigation will not be completed by then. DHS Director Jones stated that DHS would be more than happy to partner with the zone board as it relates to options within the law. DHS Director Jones continued he is under the mindset that the county continues forward with an interim director until a permanent director is named.

Senator Dever stated he supports the commissioners need to gather more information before a decision is made. Dever feels that the second of his three conclusions; that there are issues that can be resolved may be the route forward and the zone board needs to continue with the investigation. He continued that he can provide the information he and Senator Oban have received within open meetings and open records laws. Commissioner Woodcox continued he feels we can do the investigation, take their advice and if remedies are available they can be made. Woodcox stated we do not want a witch hunt. Senator Dever stated that a witch hunt starts with a preconceived conclusion and that is not where we are at.

Commissioner Peluso asked how the board would choose an investigation team and how would that team get their information. Commissioner Jones stated DHS Director Jones is more than willing to work with the zone board and forward them some information. Commissioner Jones continued that she feels we should postpone the selecting of a consultant until we have time to gather more information.

Senator Oban feels that the selection of the consultant is a different question than the motion on the table. Commissioner Peluso said that he couldn't agree more, all we are going to do is delay the inevitable. Peluso continued that if we are going to do it then let's do it.

Commissioner Woodcox said that we want input from all sides so the investigator can determine whether anything, nothing or everything is wrong. Commissioner Peluso stated he will go along with it if we can assure that we will get a non-biased investigation. Commissioner Woodcox said he feels the zone boards oversight will have to be diligent enough to ensure it is an independent investigation.

Commissioner Woodcox called for the question of the original motion.

A roll call was taken with Dever, Oban, and Woodcox voting "AYE" and Jones, Bitner, and Peluso voting "NAY", motion tied.

Commissioner Bitner stated it is clear the commission needs to gather more information. Bitner feels that there is entirely too much information dropped on this table today to make this decision.

Commissioner Woodcox scheduled the next meeting for 3:00 pm March 16, 2020.

Commissioner Woodcox encouraged the zone board members to use their resources to gather as much information as they can prior to deciding at the next meeting.

Meeting adjourned.

Allan Vietmeier, Auditor/Treasurer

Jerry Woodcox, Chairman

DRAFT

**BURLEIGH COUNTY HUMAN SERVICE ZONE BOARD
MEETING MINUTES
JANUARY 16, 2020**

The Burleigh County Human Service Zone Board convened a special meeting at 12:00pm in the Tom Baker Room of the City/County Building.

Present: Commissioner Armstrong, Commissioner Bitner, Commissioner Jones,
Commissioner Peluso, Commissioner Woodcox, Senator Dever and Senator Oban
Also Present: Kim Osadchuk, Interim Zone Director and Tayonne Nachatilo, Business Manager

Commissioner Woodcox called the meeting to order.

OATH OF OFFICE: Burleigh County Auditor/Treasurer Al Vietmeier presented the membership with their Oaths of Office and the full membership was sworn in to the office of the Burleigh County Human Service Zone Board.

BOARD MEMBER TERMS: Commissioner Woodcox reviewed board membership terms as distributed noting that the initial expiration dates for County Commissioners will correspond with their current commission terms. The Board also advised that the initial expiration dates for Legislative members will correspond with their current legislative terms.

Senator Dever	–	Term Expires 11-30-20
Commissioner Bitner	–	Term Expires 12-07-20
Commissioner Woodcox	–	Term Expires 12-07-20
Senator Oban	–	Term Expires 11-30-22
Commissioner Armstrong	–	Term Expires 12-05-22
Commissioner Jones	–	Term Expires 12-05-22
Commissioner Peluso	–	Term Expires 12-05-22

INTERIM CHAIR: Commissioner Woodcox volunteered to fulfil the role of Interim Chair for the Board until the Human Service Zone Board Director position is filled, at which time the Zone Director will resume operations as presiding officer of the Zone Board.

REGULAR MEETING DATES: The membership recommended a quarterly meeting schedule be adopted, allowing for interim meetings to be called as needed or for regularly scheduled meetings to be dismissed if not required at the scheduled time. The membership recommended that meetings coincide with the first scheduled County Commission meeting of the month according to the quarterly Zone Board scheduling. Meetings are typically held at 5:00pm on the first Monday of the month in the City/County Building.

The first regularly scheduled Zone Board meeting will be held on March 2, 2020 at 5:00pm.

PROCESS FOR BILL PAYMENT: The current bill payment and approval process was reviewed and the membership recommended maintaining the current process.

REVIEW OF 2020 BUDGET: 2020 Human Service Zone and Indirect Cost payment allocations were reviewed. Fiscal and budgeting processes and requirements for the County, Human Service Zone, and Zone Board were discussed.

Key Roles and Operational Procedures for the Human Service Zone were reviewed along with discussion of the Social Service Re-Design and overall intent for services and operations.

HIRING PROCESS FOR ZONE DIRECTOR: The hiring process for the Zone Director position was reviewed.

Motion by Commissioner Peluso, second by Commissioner Armstrong to post the opening Internal Only for a period of 14 days. "Yes" Votes: Bitner, Peluso, Armstrong, Woodcox. "No" Votes: Jones, Oban, Dever. Motion carried.

The membership requested an interview panel be determined. Commissioner Woodcox, Commissioner Armstrong, and Senator Oban will participate on this panel. Per legislative requirements, ND DHS will also assign two representatives to the interview panel.

ADDITIONAL BUSINESS: None

MATERIALS DISTRIBUTED TO THE BOARD: Agenda, Board Membership Terms, Fiscal Procedures, Burleigh County Human Service Zone Key Roles and Fiscal Duties, 2020 Zone Payment Distributions.

NEXT BOARD MEETING:

Monday, March 02, 2020 at 5:00 pm in the Tom Baker Room of the City/County Building.

Tayonne Nachatilo, Business Manager

Jerry Woodcox, Interim Chair