



Administration

Telephone: 701-241-5770

Fax: 701-241-5776

wilsonro@casscountynd.gov

MEMO

TO: County Commission

FROM: Robert W. Wilson

Date: May 30, 2023

Subject: Commission Policy Manual Updates

Taylor Kaushagen continues to lead the Administration Office's efforts to update and simplify the Commission Policy Manual. This office first brought an item before the Commission in March with a request to remove several policies, further review others, and leave still other policies as is. This is a needed, but time-intensive effort because the Commission Policy Manual contains some clearly out of date policies, others that are a word-for-word copies of state statute or personnel policies that exist in our Employee Handbook, and others that appear valuable and instructive - but not organized in the most logical manner.

The action requested at the meeting on June 5th is simply to delete policies that are word-for-word redundant with state statute, not applicable to current processes, or overlap with other policies.

The policies recommended for removal are identified in red on the attached handout. Policies in green are needed and should remain, and policies identified in yellow and blue require further review. This is still an early phase of an overall update of the Commission Policy Manual. The policy manual will be brought back later for final review and adoption as the updated Commission Policy Manual.

The intent is that the final updated Commission Policy Manual will be reformatted, easier to use, and an operational counterpart to the Employee Handbook which contains personnel policies.

SUGGESTED MOTION: Amend Commission Policy Manual with the removal of policies 5.00, 8.00, 10.10, 35.00, 11.00, 13.10, 13.60, 13.20, 13.70, 13.80, 14.09, 14.00, 14.21, 14.30, 14.20, 14.40, 14.90, 14.50, 7.00, 7.10, 2.10, 15.00, 3.20, 1.10, 1.00, 16.30, 17.00, 31.0, and 39.00.

Highlighted Red = recommended removal from manual
 Highlighted Yellow = needs discussion from Commission
 Highlighted Green = recommended stay in manual

ADVISORY BOARDS	4.00
MEMBERSHIP LIST	4.00
This policy needs to remain, policy is used to track advisory board members.	
TERM LIMITATIONS	4.10
Needs review by the Commission, term limits are not enforced currently. Does the Commission want to enforce term limits or remove them?	
AMBULANCE LEVY	5.00
Recommended removal by Finance Office, other entities do not have a policy to present budgets to the Commission and information is listed in NDCC.	
BID OPENING PROCEDURE	
EXCLUDING ROADS	8.00
Recommend removal by Administration and Finance Office, current policy refers to NDCC 11-11-26 which pertains only to the advertisement of fuel bids. A similar policy is being created by the Finance Office and will be brought to the Board for consideration.	
BUDGET POLICY	
FUND BALANCE RESERVES	10.05
This policy needs to remain, however, needs to be updated.	
MANPOWER FORECAST	10.10
This policy needs to remain, however, needs to be updated.	
REDUCTION IN FORCE	10.10
Recommend removal by Finance and Administration, not a policy for Commissioner to use as a guide, not needed.	
RESOLUTION	10.00
This policy needs to remain, however, needs to be updated- 10.00 and 10.05 are conflicting, need to combine into one, possibly create one budget policy.	
SPECIAL LEVY REQUIREMENTS	10.30
This policy needs to remain, however, needs to be updated.	
WORK PLANS	10.20
This policy needs to be reviewed by Commissioners, need direction on where Commissioners would like the work plans to be- in budget or during annual review.	
BURIAL POLICY	35.00
Recommended removal by Administration, this procedure is handled by Human Service Zone per NDCC.	
CENTRAL PURCHASING	11.00
Recommended removal by the Finance Office, supplies are no longer purchased through FPS.	
PURCHASE CARD POLICY	11.10

This policy needs to remain, however, needs to be updated.

CONTRACTS.....29.00

This policy needs to remain, was recently updated.

COUNTY COMMISSIONERS

AGENDA PROCEDURES..... 13.40

This policy needs to remain, however, needs to be updated.

GENERAL DUTIES..... 13.10

Recommend removal by Administration, this policy is simply a copy and paste of NDCC.

FLOOD LOT LEASE POLICY 13.73

This policy needs to remain, is used for Cass County Flood Lot Leases.

MEETINGS, TIME AND PLACE 13.30

This policy needs to remain, however, needs to be updated.

MEMO WRITING REDUCTION 13.60

Recommend removal by Administration, this policy is not needed, memo writing is adequate.

MINUTES POSTED 13.50

This policy needs to remain, however, needs to be updated to current procedures ie, post on website.

MISSION STATEMENT 13.00

This policy needs to remain, could be looked at for an update.

PAY PHILOSOPHY..... 13.90

This policy needs to remain, directs Commissioners on County pay.

POWERS OF BOARD OF COMMISSIONERS 13.20

Recommend removal by Administration, is quoting NDCC, and all powers are listed in the County's Home Rule Charter.

INVESTMENT 13.21

This policy needs to remain, was recently updated and directs the County's investments.

USE OF AMERICAN RESCUE PLAN ACT FUNDS 13.22

This policy needs to remain, the Finance Office has recommended this be updated to include an expiration date to be removed from the policy manual around Dec 31, 2026 when funds have to be expended.

SPEAKING ON BEHALF OF COMMISSION 13.70

Recommend removal by Administration, policy not needed, Commissioners are elected officials.

LIMITED DELEGATION OF POWERS 13.71

This policy needs to remain, however, needs to be reviewed for updates in NDCC.

SALES TAX FOR FLOOD RISK REDUCTION/RECOVERY PROJECTS 13.72

This policy needs to remain, however, needs to be renamed and further reviewed.

REIMBURSEMENT

TRAVEL 13.80

Recommend removal by the Finance Office, this policy is consistent with procedure used for all County staff as listed in Employee Handbook Policy 510 Business Expenses and Reimbursements.

PER DIEM 13.81

This policy needs to remain, was implemented recently and is used to direct the Commission's meeting per diem.

HUMAN SERVICE ZONE BOARD COMPENSATION 13.82

This policy needs to remain, however, needs to be updated to remove mileage dates.

COUNTY DEPARTMENTS

BUILDING SECURITY 14.60

This policy needs to remain, however, needs to be updated, also included in Employee Handbook Policy 606

COUNTY FEES 14.09

Recommend removal from Administration, is quoting NDCC, not a policy.

COUNTY RECORDS 14.10

This policy needs to remain, however, needs to be renamed appropriately and further reviewed.

COUNTY STANDING COMMITTEES 14.01

This policy needs to remain, however, could be updated/changed in the future to combine with advisory boards.

COUNTY STANDING COMMITTEES PROCEDURE 14.02

This policy needs to remain, however, may look to changes in the future (EX. Policy changes will be considered by the board of commissioners and, if approved, posted for a 15-day comment period.)

COUNTY WEDDING CEREMONIES 14.11

This policy needs to remain, was updated in 2021 per Finance Office

DEPARTMENT LISTING 14.00

Recommend removal by Administration, not needed in policy manual, is information only, not a policy- departments are listed in other places such as website.

EMPLOYMENT REFERENCE 14.21

Recommend removal by Administration, required by NDCC to give information, do not need/ currently do not use format in policy.

GRANT-FUNDED POSITIONS 14.22

This policy needs to remain, however, needs further review/update.

FIXED ASSETS 14.80

This policy needs to remain, however, needs to be updated.

SALE OF USED COMPUTER EQUIPMENT 14.81

This policy needs to remain, however, needs to be updated per IT Director Bob Henderson, Mr. Henderson would like a blanket policy on the disposal of capital items after their usefulness has passed, so we could have the option to donate things if applicable.

DONATED EQUIPMENT 14.82

This policy needs to remain, however, needs further review/update.

PURCHASE ORDERS 14.83

This policy is recommended to remain, however, it is proposed by Department Heads to update the policy change the \$5,000 purchase amount, policy needs update and discussion by the Commission.

COUNTY USE OF PROPERTY 14.84

This policy needs to remain, however, needs further review/update.

MAINTENANCE 14.70

This policy needs to remain, however, could be updated.

OPEN MEETINGS 14.30

Recommend removal by Administration, this policy quotes NDCC and the state has clear guidelines the County must follow regarding open meetings.

OPEN RECORDS 14.20

Recommend removal by Administration, this policy quotes NDCC and the state has clear guidelines the County must follow regarding open records.

OVERTIME REPORTS 14.40

Recommend removal by Administration, Department Heads do not submit overtime reports, policy does not identify who reports are submitted to. Commissioners can request to view overtime at any time.

TREASURER TO RECEIVE AND PAY OUT COUNTY MONEY 14.90

Recommended removal by the Finance Office, quoting NDCC.

REFUND OF OVERPAYMENTS 14.91

This policy is needed per the Finance Office.

USE OF ETHANOL-BLEND FUEL 14.50

Recommend removal by Administration, not needed in the policy manual.

VOICE MAIL 7.00

Recommend removal by Administration, not needed in the policy manual.

SOCIAL NETWORKING POLICY 7.10

Recommend removal by Administration, social networking guidelines are laid out in the County's communication plan created by the Public Information Coordinator that will be brought forward to the Commission for formal adoption later this summer.

COUNTY HISTORY 2.00

This policy needs to remain, however, needs to be updated.

MAP OF TOWNSHIPS AND COMMISSION DISTRICTS2.10
Recommend removal by Administration, map of townships and commission districts can be found on the website.

COUNTY LOGO

LETTERHEAD/BUSINESS CARDS/ENVELOPES/SIGNS 15.00
Recommend removal by Administration, logo guidelines are laid out in the County's communication plan created by the Public Information Coordinator that will be brought forward to the Commission for formal adoption later this summer.

COUNTY OFFICES

ELECTED 3.00
This policy needs to remain, however, needs to be updated.

APPOINTED 3.10
This policy needs to remain, however, needs to be updated.

EXTENSION SERVICE DEVELOPMENTAL LEAVE 3.20
Recommend removal by Administration, policy is not followed/utilized, would not occur.

COUNTY OFFICES OUTSIDE OF THE COURTHOUSE 1.10
Recommend removal by Administration, information can be found on the County website.

COURTHOUSE OFFICE LAY OUT 1.00
Recommend removal by Administration, information can be found on the County website.

DISASTER SITUATIONS

GENERAL INFORMATION/ORGANIZATION CHART 16.00
Keep per Jim Prochniak

HAZARDOUS WEATHER OPERATIONS PLAN 16.10
Keep per Jim Prochniak

FACILITY EMERGENCY/SECURITY PROCEDURES PLAN 16.20
Keep per Jim Prochniak

GRASSHOPPER CONTROL 16.30
Recommend removal by Vector and Weed Control.

EMERGENCY EVACUATION PROCEDURES 16.50
Keep per Jim Prochniak

DUES 17.00
Recommend removal by Administration, policy is also listed in Employee Handbook section 316.

ETHICS 31.00
Recommend removal by Administration, policy is listed in section i of the Employee Handbook.

HEALTH INSURANCE PORTABILITY/ACCESSIBILITY ACT (HIPAA) 39.00
Recommend removal by Administration, policy is listed in section 613 of the Employee Handbook.

MOTOR POOL 36.00
This policy needs to stay, however, needs to be updated, is also listed in employee handbook policy 508.

TAX INCENTIVE POLICY 34.00
This policy needs to remain, however, needs to be updated.

SUBJECT: AMBULANCE LEVY

ADOPTED DATE: MAY 4, 1992

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The Cass County Commission does support, by public subsidy, those ambulance services and first responder units in Cass County that are non-profit, community based volunteer services. The Cass County Commission provides subsidies to enable these community-based volunteer services to purchase equipment and supplies, and for the training of volunteers.

Ambulance services and first responder units seeking public subsidy must submit a request to the county commission by August 1st each year. The request must include how the county subsidy will supplement the revenues raised through fees and other community resources. Financial information including an audit, if available, must also be submitted at the time of the request. The minimum financial information must include: revenue and expenditure statement and balance sheet for the most current fiscal year; how the previous year's subsidy, if any, was used; and how local dollars are raised for the volunteer service. Larger requests may be required to furnish more extensive financial information.

While Cass County does support, through subsidies provided with property tax dollars, non-profit volunteer ambulance and first responder services, it cannot guarantee that it will honor all requests for funding. The Cass County Commission reserves the right, and obligation, to administer all county funds in a manner that best serves and protects the citizens of the county.

Levy Authority--NDCC 57-15-50, 57-15-06.7 (23)

(Maximum of 5.00 mills, voted on in 1970 by county residents, passed 3,503 to 2,764)

HISTORICAL REFERENCE DATE: JULY 6, 1990

SUBJECT: BID OPENING PROCEDURE (EXCLUDING ROADS)

ADOPTED DATE: FEBRUARY 4, 2008

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NDCC 11-11-26. WHEN BOARD SHALL ADVERTISE FOR BIDS.

"Except as provided in chapters 48-01.2, when the amount to be paid during the current year for the erection of county buildings or for election ballots and supplies exceeds ten thousand dollars, the board of county commissioners shall cause an advertisement for bids to be published at least once each week for two successive weeks in the official newspaper of the county and in such other newspapers as it shall deem advisable. The first publication shall be made at least fifteen days prior to the day set for the opening of the bid.

For the purchase of fuel when the amount exceeds four thousand dollars, the board of county commissioners shall seek bids either by telephone solicitation from at least two suppliers, or by an advertisement for bids to be published at least once each week for two successive weeks in the official newspaper of the county and in other newspapers as the board deems advisable."

NOTE: THIS SECTION DOES NOT APPLY TO BIDS FOR COUNTY ROAD AND BRIDGE PURPOSES. A SEPARATE SECTION, NDCC 24-05-04, COVERS COUNTY ROAD BID PROCEDURES. THE NORTH DAKOTA ATTORNEY GENERAL'S OFFICE HAS COMPILED A "CONTRACT DRAFTING AND REVIEW MANUAL" WHICH SETS FORTH GENERAL PRINCIPLES APPLICABLE TO COUNTY CONTRACTS REQUIRING COMPETITIVE BIDDING. THE MANUAL IS AVAILABLE ON THE ATTORNEY GENERAL'S WEBSITE.

NDCC 11-11-27. Contents of advertisement -- When bids may be opened -- Lowest bidder accepted.

"The advertisement shall state what supplies are required or where the plans and specifications may be examined, the time allowed for the completion of the examination, and when the bids will be opened and passed upon by the board of county commissioners. The bids may be opened and passed upon at a regular or adjourned session of the board, or at a meeting called by the county auditor as provided in section 11-11-05. The bid of the lowest responsible bidder shall be accepted, but the board shall have power to reject any or all bids."

NDCC 11-11-28. BID MUST BE ACCOMPANIED BY A BOND -- WHEN CERTIFIED OR CASHIER'S CHECK ALLOWED.

"A bid shall be accompanied by a separate envelope containing a bidder's bond in a sum equal to five percent of the full amount of the bid, executed by the bidder as principal and by a surety company authorized to do business in this state as a guarantee that the bidder will enter into the contract if it is awarded to the bidder and that the bidder will furnish the necessary bond. When the bid is ten thousand dollars or less, the bidder may, in lieu of such bond, accompany the bid with a separate envelope containing a certified or cashier's check equal to five percent of the full amount of the bid made payable to the board, with authority and direction to the board that if the bidder is successful in obtaining the award and fails to enter into the contract, the board may endorse, deposit, and receive the face amount of the certified or cashier's check as liquidated damages."

When a department head is legally required to advertise for bids or proposals on products or services, the procedure will be as follows: Bids are opened in the County Auditor's Office at 10:00 AM, generally on Mondays preceding a Commission meeting. Bids or proposals are then referred to department heads for tabulation and recommendation to the Commission. Bids or proposals can be coordinated with the County Auditor and placed on the Commission agenda when ready for action. The County reserves the right to reject any and all bids or proposals.

A suggested motion might be as follows: Move to approve the bid from _____ in the amount of \$_____ for the purchase of/or services specified. This bid meets all statutory requirements and is in the County's best interest.

In the event that the Board does wish to reject any or all bids, the suggested motion is as follows: Move to reject all bids for the purchase of/and or services specified as they do not meet statutory requirements and are not in the county's best interest.

SUBJECT: BUDGET POLICY
MANPOWER FORECAST / REDUCTION IN FORCE

ADOPTED DATE: MAY 4, 1992

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MANPOWER FORECAST

Because local governments have found themselves in the midst of social, political, and economic change that has brought accountability requirements to the forefront, it is now necessary to expand our budgeting process to include a manpower forecast. Cass County department heads shall complete a manpower forecast to be attached to the annual budget for the purpose of establishing a five-year manpower forecast to better improve county government planning.

REDUCTION IN FORCE*

BE IT RESOLVED, That all county department heads should be aware of potential changes in the authorized positions within their department due to the budget process of a commission meeting on such matter.

THEREFORE, a change in the authorized positions should be discussed by the commissioner making the request, if possible, with the department prior to any formal action.

HISTORICAL REFERENCE DATE: SEPTEMBER 17, 1991
OCTOBER 12, 1992*

SUBJECT: BURIAL POLICY

ADOPTED DATE: SEPTEMBER 20, 2010

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Burial expenses will be paid in accordance with current state statutes as found in the North Dakota Century Code, Chapter 23-06-03..."The County Board of Commissioners may negotiate with interested funeral homes regarding cremation expenses and burial expenses but the total charges for the services may not be less than one thousand five hundred dollars. Burial costs will be reimbursed at the current rate as established by the Cass County Social Service Board, less any amount left by the deceased and any family member contribution to defray expenses."

Inasmuch as it is impossible for us to make our regulations known to all potential clients of funeral homes, it is the responsibility and obligation of the funeral director to determine the need for financial assistance and to make referrals to this agency when appropriate. The Cass County burial policy ensures that all bodies of deceased poor individuals are disposed of according to state health statutes. This policy does not pay for nor prohibit the provision of a family service.

It is the intent of the Cass County Social Service Board that a burial request that is received after interment cannot be honored, unless a family is unable to contact the agency because of weekend/holiday or other emergency.

It is the policy of the Cass County Social Service Board that cremation will be the method of caring for the body of the deceased. Consideration could be given to strongly expressed religious convictions of the decedent or the decedent's family.

In the event funds are available from the family or the deceased (including but not limited to death benefits from Social Security, VA, personal account or any other type of insurance-regardless of the named beneficiary), it will be considered a resource to be applied on the burial costs. Collection of resources will be the responsibility of Cass County Social Services.

Family members will be allowed to pay up to \$600 for items not associated with the funeral home costs such as flowers, vocalist, or clergy.

The County Burial Application requests information from kindred of the first degree (spouse, adult children and parents). This information is used to determine the kindred's ability to be responsible for the burial costs. As according to North Dakota Century Code, they are responsible for those expenses and will be required to participate in those costs if they are able. The Responsible Relative Affidavit form asks questions about income and resources from the family members. A separate affidavit will be asked of the parents, each adult child and spouse of the deceased. Information on the application may be verified at the discretion of the county.

SUBJECT: BURIAL POLICY

ADOPTED DATE: SEPTEMBER 20, 2010

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The current income levels for the Low Income Home Energy Assistance Program will be used as a guide when determining the family's ability to contribute towards the expenses.

Reimbursement Policies:

It will be the intent of the Cass County Social Service Board that if any service for an eligible deceased person is over the designated limit, the Cass County Social Service Board will not participate in the costs of that service.

Funeral homes may not allow any upgrading or additions to services for county-funded cremations/burials.

The Cass County Social Service Board will not participate in any arrangements where the deceased, or surviving family member, has entered into a signed agreement with the University of North Dakota's Deeded Body Program as funding is available to funeral homes through that program.

The Cass County Social Service Board will not reimburse for any additional transportation request for out-of-county burials. Family members may use the county cemetery (Springvale) at no fee for county burials.

Costs of cremation will be reimbursed at the current rate as established by the Cass County Social Service Board.

This policy will be reviewed annually or at the formal request of the majority of the Cass County funeral directors.

HISTORICAL REFERENCE DATE: FEBRUARY 5, 1996

SUBJECT: CENTRAL PURCHASING

ADOPTED DATE: MAY 4, 1992

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The county auditor's office shall purchase supplies through the Fargo Public School District which county department heads are able to purchase at a cheaper cost and which are of acceptable quality. All departments of Cass County shall work through the Central Purchasing Committee for the purchase of supplies.

HISTORICAL REFERENCE DATE: JANUARY 21, 1991

SUBJECT: COUNTY COMMISSIONERS

ADOPTED DATE: FEBRUARY 21, 2006

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NDCC 11-11-11. GENERAL DUTIES OF BOARD OF COUNTY COMMISSIONERS.

"The board of county commissioners:

1. Shall superintend the fiscal affairs of the county.
2. Shall supervise the conduct of the respective county officers.
3. May cause to be audited and verified the accounts of all officers having the custody, management, collection, or disbursement of any moneys belonging to the county or received in their official capacity.
4. Before March fifteenth of each year, shall have the county auditor prepare general purpose financial statements in accordance with generally accepted accounting principles. Public notice that financial statements have been prepared and are available for inspection must be published in the official newspaper."

HISTORICAL REFERENCE DATE: MAY 4, 1992

SUBJECT: COUNTY COMMISSIONERS

ADOPTED DATE: MAY 4, 1992

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REDUCTION OF MEMO WRITING

Department heads and other supervisory staff shall be required to incorporate Commission actions into their work plans without further written notice in order to reduce memo writing.

HISTORICAL REFERENCE DATE: APRIL 4, 1989

SUBJECT: COUNTY COMMISSIONERS

ADOPTED DATE: FEBRUARY 21, 2006

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NDCC 11-11-14. POWERS OF BOARD OF COUNTY COMMISSIONERS.

"The board of county commissioners shall have the following powers:

1. To institute and prosecute civil actions for and on behalf of the county and in its name.
2. To make all orders respecting property of the county.
3. To levy a tax not exceeding the amount authorized by law.
4. To control the finances, to contract debts and borrow money, to make payments of debts and expenses, to establish charges for any county or other services, and to control the property of the county.
5. To construct and repair bridges and to open, lay out, vacate, and change highways in the cases provided by law. But the board may not contract for the construction of bridges costing more than one hundred dollars without first complying with the provisions of chapter 24-08.
6. To establish election precincts in the county in areas outside the boundaries of incorporated cities except as provided in chapter 16.1-04.
7. To equalize the assessments for the county in the manner provided by law.
8. To furnish to the county officers the necessary telephone, postage, telephone and telegraph tolls, and all other things necessary and incidental to the performance of the duties of their respective offices to be paid out of the county treasury.
9. To furnish a fireproof safe in which to keep all the books, records, vouchers, and papers pertaining to the business of the board.
10. To dispose of property of the county in the manner provided in chapter 11-27.
11. To purchase lands in lieu of those sold.
12. To grant to any person the right of way for the erection of telephone lines, electric light systems, water or wastewater systems, or gas or oil pipeline systems over, under, or upon public grounds, county streets, roads, or highways.
13. To establish a garbage and trash collection system encompassing all or any part of the territory of the county. The words "garbage and trash collection system" include the operation and maintenance of one or more sanitary landfill sites, or other types of processing sites for the disposal of trash and garbage. The board may operate such system in cooperation with any one or more political subdivisions of this or any other state in accordance with chapter 54-40. The board may borrow money by issuing certificates of indebtedness, repayable from fees or special assessments, or both, which may be charged to the proper parcels of land or to persons receiving the direct benefits of the garbage and trash collection system, or repayable in such other manner as may be provided by law, in order to purchase the initial equipment and land necessary for operation of the system. If the board resolves to establish

NDCC 11-11-14. POWERS OF BOARD OF COUNTY COMMISSIONERS. THE BOARD OF COUNTY COMMISSIONERS SHALL HAVE THE FOLLOWING POWERS: (cont.)

- such a system, the expenses of establishing, operating, and maintaining it may be financed by fees charged to persons receiving direct benefits or by special assessment against the parcels of land properly charged therewith, or by both such fees and assessments. The assessment may be made, published, altered, appealed from, and confirmed under the procedures set forth in chapter 11-28.1.
14. To maintain, in its discretion, all public roads and private highways and roads that are being used as part of regularly scheduled public schoolbus routes.
 15. To expend county funds for the purpose of participating in an organization of county governments pursuant to section 11-10-24. This subsection does not authorize a mill levy, and the limitations embodied in section 57-15-06 apply to expenditures under this subsection, which expenditures shall be from the county general fund.
 16. To expend county funds to finance in part or entirely for county employees a group insurance program for hospital benefits, medical benefits or life insurance, and a group retirement program through either the state retirement program or a private company.
 17. To do and perform any other duties prescribed by law.
 18. To loan or grant money to and secure a mortgage from individuals, associations, corporations, or limited liability companies and to purchase ownership shares in corporations, limited liability companies, or other business associations as provided through the procedures established by the state's community development block grant program established pursuant to the Housing and Community Development Act of 1974 [Pub. L. 93-383; 88 Stat. 633; 42 U.S.C. 5301 et seq.]. This power applies to all community development block grant transactions of the board of county commissioners, including any transactions prior to July 1, 1987. The county is not lending its funds or extending its credit to any individual, association, or organization under this subsection and no general liability on the part of the county is incurred.
 19. To license, tax, and regulate pawnbrokers outside of municipalities.
 20. To acquire by lease, purchase, gift, condemnation, or other lawful means and to hold in its name for use and control as provided by law, both real and personal property and easements and rights of way within the county for all purposes authorized by law or necessary to the exercise of any power granted.
 21. To participate and enact or adopt ordinances and resolutions necessary for participation in the nation's historic preservation program as a certified local government, as provided for under 36 CFR 61.6.
 22. To regulate the confinement and control of dogs, cats, and other household pets, provided the regulations do not conflict with rules adopted by the state board of animal health."

HISTORICAL REFERENCE DATE: MAY 4, 1992

SUBJECT: COUNTY COMMISSIONERS

ADOPTED DATE: MAY 4, 1992

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SPEAKING ON BEHALF OF COMMISSION

No commissioner shall speak on behalf of the rest of the commissioners without express permission to do so.

HISTORICAL REFERENCE DATE: MAY 4, 1992

SUBJECT: COUNTY COMMISSIONERS

ADOPTED DATE: AUGUST 18, 1997

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TRAVEL REIMBURSEMENT

County Commissioners can receive travel reimbursement by documenting trips on a county voucher for travel to any meeting located outside the metropolitan area.

HISTORICAL REFERENCE DATE: AUGUST 16, 1993

SUBJECT: COUNTY FEES

ADOPTED DATE: OCTOBER 6, 2008

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Reference:

NDCC 11-13-02.1 Duties of county official in rendering services to private individuals, firms, or corporations - Fees to be charged - Disposition of fees - Records to be kept

“A county official is not required to compile statistical information for private individuals, firms, or corporations, other than that required of the county auditor by section 11-13-15. A county official may compile statistical information for private individuals, firms, or corporations upon payment of a suitable charge which must be commensurate with costs to the county of providing the services. If the service takes more than an hour to provide, the board of county commissioners shall determine the fee, which may or may not exceed the sum of twenty-five dollars per hour, excluding the initial hour, for time consumed in compiling the statistical information. The county official shall remit the fees each month to the county treasurer for credit to the county general fund. The county official shall keep a complete record of fees collected under this section.”

NDCC 44-04-18 Access to public records - Electronically stored information

“Upon request for a copy of specific public records, any entity subject to subsection 1* shall furnish the requester one copy of the public records requested. A request need not be made in person or in writing, and the copy must be mailed upon request. A public entity may charge up to twenty-five cents per impression of a paper copy. As used in this section, "paper copy" means a one-sided or two-sided duplicated copy of a size not more than eight and one-half by fourteen inches [19.05 by 35.56 centimeters]. For any copy of a record that is not a paper copy as defined in this section, the public entity may charge a reasonable fee for making the copy. As used in this section, "reasonable fee" means the actual cost to the public entity of making the copy, including labor, materials, and equipment. The entity may charge for the actual cost of postage to mail a copy of a record. An entity may require payment before locating, redacting, making, or mailing the copy. An entity may impose a fee not exceeding twenty-five dollars per hour per request, excluding the initial hour, for locating records if locating the records requires more than one hour. An entity may impose a fee not exceeding twenty-five dollars per hour per request, excluding the initial hour, for excising confidential or closed material under section 44-04-18.10. If the entity is not authorized to use the fees to cover the cost of providing or mailing the copy, or both, or if a copy machine is not readily available, the entity may make arrangements for the copy to be provided or mailed, or both, by another entity, public or private, and the requester shall pay the fee to that other entity. This subsection does not apply to copies of public records for which a different fee is specifically provided by law.

*subsection 1 (44-04-18.1) follows this section.

SUBJECT: COUNTY FEES

ADOPTED DATE: OCTOBER 6, 2008

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Access to electronically stored records is free if the records are recoverable without the use of a computer backup. If a request is made for access to a record on a backup, or for a copy of an electronically stored record, in addition to the charge in this section, the public entity may charge a reasonable fee for providing the copies, including costs attributable to the use of information technology resources.

Except as provided in this subsection, nothing in this section requires a public entity to create or compile a record that does not exist. Access to an electronically stored record under this section, or a copy thereof, must be provided at the requester's option in either a printed document or through any other available medium. A computer file is not an available medium if no means exist to separate or prevent the disclosure of any closed or confidential information contained in that file. Except as reasonably necessary to reveal the organization of data contained in an electronically stored record, a public entity is not required to provide an electronically stored record in a different structure, format, or organization. This section does not require a public entity to provide a requester with access to a computer terminal."

NDCC 44-04-18.1 Public employee personal, medical, and employee assistance records - Confidentiality - Personal information maintained by state entities

- "1. Any record of a public employee's medical treatment or use of any employee assistance program is not to become part of that employee's personnel record and is confidential and, except as otherwise authorized by law, may not be used or disclosed without the written authorization of the employee. As used in this section, the term "public employee" includes any individual who has applied for employment, is employed, or has been employed by a public entity.
2. Except as otherwise specifically provided by law, personal information regarding a public employee contained in an employee's personnel record or given to the state or a political subdivision by the employee in the course of the employment is exempt. As used in this section, "personal information" means a person's home address; home telephone number; photograph; medical information; motor vehicle operator's identification number; payroll deduction information; the name, address, telephone number, and date of birth of any dependent or emergency contact; any credit, debit, or electronic fund transfer card number; and any account number at a bank or other financial institution.
3. Non-confidential information contained in a personnel record of an employee of a public entity as defined in subdivision c of subsection 12 of section 44-04-17.1 is exempt.

SUBJECT: COUNTY FEES

ADOPTED DATE: OCTOBER 6, 2008

Page 3 of 3

4. Except as otherwise specifically provided by law, personal information regarding a licensee maintained by an occupational or professional board, association, state agency, or commission created by law is exempt. As used in this section, "licensee" means an individual who has applied for, holds, or has held in the past an occupational or professional license, certificate, credential, permit or registration issued by a state occupational or professional board, association, agency, or commission."

HISTORICAL REFERENCE DATE: JANUARY 3, 2000
NOVEMBER 10, 2005

SUBJECT: COUNTY DEPARTMENTS

ADOPTED DATE: JANUARY 18, 2022

PAGE 1 OF 1

OFFICE LISTING

<u>Department</u>	<u>Contact</u>	<u>Phone</u>
Finance Director	Brandy Madrigga	241-5600
Clerk of District Court*	Megan Huffman	451-6900
Commission Assistant**	Taylor Albrecht	241-5609
County Administrator	Robert Wilson	241-5770
County Coroner	Kriste Ross	241-5920
County Engineer	Jason Benson	298-2372
District Court Administrator*	Rod Olson	451-6940
Emergency Manager	Jim Prochniak	476-4065
Extension Services-NDSU	Rita Ussatis	241-5700
Human Resources Director**	Cindy Stoick	241-5736
Information Technology Director Planner**	Bob Henderson	241-5723
Recorder	Grace Puppe	298-2375
Sheriff	Deb Moeller	241-5625
Human Services	Jesse Jahner	241-5800
State's Attorney	Gail Bollinger	239-6700
Tax Equalization	Birch Burdick	241-5850
Vector Control Director**	Paul Fracassi	241-5617
Veteran's Service	Ben Prather	298-2382
Water Resource District*	Christopher Deery	241-5746
Weed Control Officer**	Carol Lewis	298-2381
	Stan Wolf	298-2388

*Not county office
but located in
county buildings

**Not Department
Head

HISTORICAL REFERENCE DATE: JULY 18, 1989

SUBJECT: EMPLOYMENT REFERENCE POLICY

ADOPTED DATE: DECEMBER 17, 2007

PAGE 1 OF 1

Cass County will provide a written response to a written request for an employment reference. As a matter of general policy, the county limits the information disclosed to dates of employment, positions held, and wage history. The sample letter follows:

Example Letter

Dear REQUESTER:

Thank you for your inquiry about our former employee, EMPLOYEE NAME.

We are pleased to provide you with the following information:

EMPLOYEE NAME was employed with Cass County from DATE TO DATE.

EMPLOYEE NAME was employed as POSITION/TITLE(S).

EMPLOYEE NAME starting salary was AMOUNT and ending salary was AMOUNT, plus benefits.

It is Cass County's general policy to provide only this limited information for reference checks concerning any current or former employee. No inference should be drawn from our uniform application of this policy.

Sincerely,

Cass County Personnel Office

However, Cass County may be required to disclose all personnel information under an open records request made to the personnel office. In this case, a copy of any such written disclosure will be sent to the employee's last known address.

HISTORICAL REFERENCE DATE: DECEMBER 17, 2007

SUBJECT: OPEN MEETINGS

ADOPTED DATE: FEBRUARY 21, 2006

PAGE 1 OF 1

NDCC 44-04-19. ACCESS TO PUBLIC MEETINGS.

"Except as otherwise specifically provided by law, all meetings of a public entity must be open to the public. That portion of a meeting of the governing body of a public entity as defined in subdivision c of subsection 12 of section 44-04-17.1 which does not regard public business is not required to be open under this section.

1. This section is violated when any person is denied access to a meeting under this section, unless such refusal, implicitly or explicitly communicated, is due to a lack of physical space in the meeting room for the person or persons seeking access.
2. For purposes of this section, the meeting room must be accessible to, and the size of the room must accommodate, the number of persons reasonably expected to attend the meeting.
3. The right of a person to attend a meeting under this section includes the right to photograph, to record on audio or video tape and to broadcast live on radio or television the portion of the meeting that is not held in executive session, provided that there is no active interference with the conduct of the meeting. The exercise of this right may not be dependent upon the prior approval of the governing body. However, the governing body may impose reasonable limitations on recording activity to minimize the possibility of disruption of the meeting.
4. For meetings subject to this section where one or more of the members of the governing body is participating by telephone or video, a speakerphone or monitor must be provided at the location specified in the notice issued under section 44-04-20."

NOTE TO COMMISSION:

NDCC 44-04-19.1. Open records and open meetings -- Exemptions for attorney work product, attorney consultation, and negotiation preparation.

HISTORICAL REFERENCE DATE: MAY 4, 1992

SUBJECT: OPEN RECORDS

ADOPTED DATE: MAY 4, 1992

PAGE 1 OF 1

North Dakota Constitution--Article XI, Section 6

"Unless otherwise provided by law, all records of public or governmental bodies, boards, bureaus, commissions, or agencies of the state or any political subdivision of the state, or organizations or agencies supported in whole or in part by public funds, or expending public funds, shall be public records, open and accessible for inspection during reasonable office hours."

HISTORICAL REFERENCE DATE: MAY 4, 1992

SUBJECT: OVERTIME REPORTS

ADOPTED DATE: MAY 4, 1992

PAGE 1 OF 1

OVERTIME REPORTS

Department heads shall submit monthly overtime reports for each month during which overtime occurs.

HISTORICAL REFERENCE DATE: MAY 4, 1992

SUBJECT: COUNTY TREASURER TO RECEIVE AND PAY OUT COUNTY MONEY

ADOPTED DATE: MAY 4, 1992

PAGE 1 OF 1

Consistent with NDCC 11-14-06, the county treasurer shall receive all moneys belonging to the county, from whatever source they may be derived, and all other moneys which by law are directed to be paid. The treasurer shall pay out moneys belonging to the county only on a properly drawn county warrant or in any other manner provided by law.

HISTORICAL REFERENCE DATE: APRIL 20, 1992

SUBJECT: USE OF ETHANOL-BLEND FUEL

ADOPTED DATE: MAY 4, 1992

PAGE 1 OF 1

Ethanol-blend fuel shall be used in county-owned vehicles when considered to be competitive.

HISTORICAL REFERENCE DATE: MAY 2, 1989

SUBJECT: VOICE MAIL

ADOPTED DATE: SEPTEMBER 2, 2003

PAGE 1 OF 1

Cass County Government has made an investment in a voice mail system designed to give employees and taxpayers an easy way to leave, receive and access telephone messages. Users can leave complex messages at any time, day or night, for people who are out of their offices or unavailable to take calls. It can also provide callers with a pre-recorded message such as office closings, business hours or job vacancy notices.

Because information processing is becoming more important to local government, technology such as voice mail can assist in improving productivity and time management. Three goals have been identified as achievable through the implementation of the voice mail system. They are as follows:

- * Improve the delivery of service to citizens
- * Improve internal communications
- * Increase employee productivity and job satisfaction

Policy: County offices, including commissioners, shall install the voice mail system to encourage the electronic delivery of information to meet both internal and external demands. Electronic messages should be monitored with the same regularity as paper correspondence.

HISTORICAL REFERENCE DATE: SEPTEMBER 4, 1991

SUBJECT: SOCIAL NETWORKING POLICY

ADOPTED DATE: MARCH 1, 2010

PAGE 1 OF 1

PURPOSE

This policy gives direction to Cass County employees and volunteers who represent the county through the use of social media sites. Department heads are authorized to allow volunteers to use their agency social networking site when applicable.

DEFINITIONS

Social Media: Social media is any web based network used to share information between users. These sites are less formal than traditional media, such as print, television and radio, and allow for immediate, unfiltered and spontaneous communication opportunities. Social media sites include, but are not limited to: Twitter, Facebook, MySpace, YouTube, Flickr, Google and Yahoo sites, and Wikipedia.

Social Network: In this policy, social network or social networking refers to any interaction between a Cass County employee or volunteer and any social media site via email, text or online interaction.

Official: In this policy, "official" refers to any social media account established by a county employee or volunteer which is used to communicate sanctioned county information or to engage in discussion about county information, services or processes.

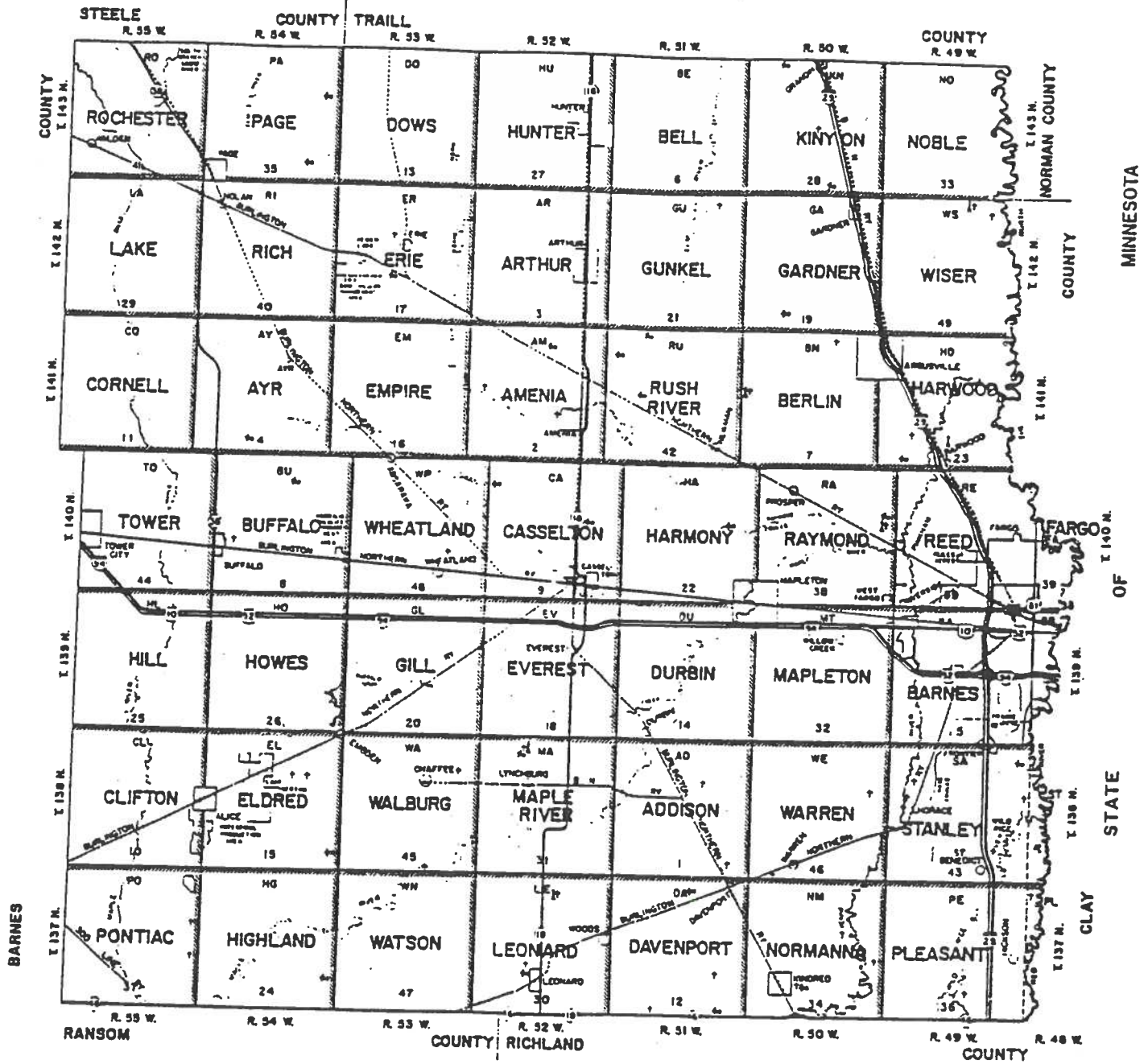
ESTABLISHMENT OF SOCIAL MEDIA

All social media sites created as a public display of Cass County information must be authorized by the department head for their own office. This will help ensure that material posted for public view meets all communications standards and is consistent with the goals and branding of Cass County Government. Once approval of the site, design and main content is granted, the updating of files and minor content changes will not require such clearance.

All official social media sites shall be branded with the Cass County logo and/or department logo.

This policy does not discuss employee use of email, internet or personal use of social media sites during business hours on county-provided equipment.

HISTORICAL REFERENCE DATE: MARCH 1, 2010



SUBJECT: COUNTY LOGO

ADOPTED DATE: MAY 4, 1992

PAGE 1 OF 1

LETTERHEAD - BUSINESS CARDS - ENVELOPES - SIGNS

All departments shall use the standard stationery and the county logo as registered with the Secretary of State effective July, 1991. A sample of the format for style is available for reference.

(Exhibit 2)

Business cards which are necessary for the performance of county duties shall also utilize the registered logo for county design.

(Exhibit 2)

HISTORICAL REFERENCE DATE: JULY, 1991

SUBJECT: CASS COUNTY EXTENSION SERVICE DEVELOPMENTAL LEAVE

ADOPTED DATE: NOVEMBER 4, 1996

PAGE 1 OF 1

The following procedure shall be followed when employees of the Cass County office of the NDSU Extension Service request developmental leave:

- 1) The staff member will begin planning for the leave experience at least three to six months before leaving their Cass County assignment.
- 2) The staff member will work in close cooperation with the extension district director or extension director to plan for the developmental leave experience.
- 3) The staff member will meet with the portfolio commissioner to discuss the plan and to address any questions the commissioner may have.
- 4) The portfolio commissioner will present the request to the commission for approval prior to the staff member beginning the developmental leave experience.
- 5) When the staff member is on developmental leave, the NDSU Extension Service will pay up to 75% of the staff member's salary for up to one year. Cass County government will pay for the replacement staff needed to continue the educational program in the county.

HISTORICAL REFERENCE DATE: NOVEMBER 4, 1996

SUBJECT: COUNTY OFFICES OUTSIDE OF THE COURTHOUSE

ADOPTED DATE: JANUARY 20, 2009

PAGE 1 OF 1

The Cass County Jail is located at 450 34th Street South.

The Cass County Government Annex (formerly Juvenile Justice Center) is located at 1010 Second Avenue South, Fargo. Office layout of the Annex is as follows:

BASEMENT:	Extension Services Emergency Operations Center (EOC) which includes a large meeting area, radio room emergency broadcast station and kitchen
1ST FLOOR:	Juvenile Court (State of North Dakota)
2ND FLOOR:	Social Services
3RD FLOOR:	Social Services
4TH FLOOR	Social Services

The Cass County Highway Department is located at 1201 West Main Avenue in West Fargo. In addition, the Water Resource District Office, County Planning, and Vector Control are co-located in the Highway Department building.

The Cass County Law Enforcement Center (LEC) is located at 1612 23rd Avenue North in Fargo. A large portion of the Sheriff's Office staff is located at the LEC; however, Court Transport, Civil and Warrants Division, and some administrative staff are located at the Cass County Courthouse.

The Weed Control Office is located behind the Highway Department in its own separate building.

HISTORICAL REFERENCE DATE: NOVEMBER 6, 1995

SUBJECT: COURTHOUSE OFFICE LAY OUT

ADOPTED DATE: APRIL 1, 2019

PAGE 1 OF 1

BASEMENT-----South Wing: Cafeteria
North Wing: Storage areas
West Wing: Underground parking garage

1ST FLOOR-----South Wing: Sheriff's Department
Veterans Service Office
Court Transport
Tax Equalization
North Wing: Finance Office
Recorder
West Wing: Inmate holding area
Buildings and Grounds
Commission Meeting Room
Commission Secretary
County Administrator
Human Resources
Commissioners' Offices

2ND FLOOR-----South Wing: Clerk of Court (State of North Dakota)
North Wing: Clerk of Court (State of North Dakota)
West Wing: Information Technology
District Court (State of North Dakota)

3RD FLOOR-----South Wing: State's Attorney
North Wing: District Court (State of North Dakota)
West Wing: District Court (State of North Dakota)

4TH FLOOR-----South Wing: State's Attorney

HISTORICAL REFERENCE DATE: NOVEMBER 6, 1995

SUBJECT: DISASTER SITUATIONS

ADOPTED DATE: JULY 21, 1997

PAGE 1 OF 2

GRASSHOPPER CONTROL PLANS FOR ROAD RIGHT OF WAY

COUNTY RESPONSIBILITY:

1. The county will designate a grasshopper coordinator who will have the authority and responsibility for coordinating the county-wide grasshopper control program.
2. The county will cooperate by providing information to townships on monitoring and mapping grasshopper infestations.
3. The county will assist townships in requesting financial assistance from the State Highway Department.
4. The County will support townships only where insecticides used are cleared for roadside spraying and where grazing and haying restrictions are in compliance with federal regulations.
5. The county will provide financial assistance for chemical costs with treatment required on both sides of the roadside. However, any financial assistance will be based on an economic threshold which will be verified by the grasshopper coordinator.
6. No assistance will be available from the county after July 15 each year.
7. All materials for mapping, monitoring, and reporting spraying completed will be provided by the county.

TOWNSHIP RESPONSIBILITY:

1. Townships will appoint an individual by April 15th each year who will serve as the contact person for the township, landowners, and the county grasshopper coordinator. The contact person shall be responsible for monitoring, mapping and reporting grasshopper infestations on county roadsides.
2. Townships will certify to the county that they have a plan for controlling grasshoppers on roadsides, including monitoring and mapping of county road ditches.

GRASSHOPPER CONTROL PLANS FOR ROAD RIGHT OF WAY (cont.)

3. Townships will prepare written requests for financial assistance from the State Highway Department and the county.
4. Townships will provide a written report at the end of the season showing spraying completed before reimbursements will be made by the county.
5. Townships will be responsible for all application costs on county roadsides.

NOTE:

April 15, 1991

Grasshopper Control Plans for Roads and Right-of-Way was adopted with the following stipulations: that the money be charged against the Emergency Fund, which is allowable under the statutes; that the position of coordinator be reviewed by the Human Resource Department with a dollar limit of \$3,000; that the dollar limit for chemicals be \$24.00 per mile on County roads subject to this document, for a total cost of \$12,600 including staff; that the policy and procedure be the same as adopted for 1990; and that the program conform to SB 2115 with amendments.

HISTORICAL REFERENCE DATE: APRIL 3, 1990

SUBJECT: DUES

ADOPTED DATE: FEBRUARY 5, 2001

PAGE 1 OF 1

The county will pay dues in the single state/national association for each county department as approved in the annual budget.

If a professional license or certificate is required for the performance of job duties, then the County will pay the following license fees: for a full-time employee, the County will pay 100% of the license fee, for a part-time employee, the County will pay a prorated share of the license fee. The County will pay the referenced portion of the license fee for any person who is a full-time or part-time employee of the County as of January of each year.

HISTORICAL REFERENCE DATE: SEPTEMBER 21, 1990

SUBJECT: CODE OF ETHICS FOR COUNTY OFFICIALS

ADOPTED DATE: SEPTEMBER 7, 2004

PAGE 1 OF 2

PREAMBLE

Cass County is committed to the highest standards of conduct by and among county officials in the performance of their public duties. Individual and collective adherence to high ethical standards by public officials is central to the maintenance of public trust and confidence in government.

While county officials agree on the need for proper conduct, they may experience personal conflict or differing views of values or loyalties.

In such cases the principles contained in this Code of Ethics provide valuable guidance in reaching decisions which are governed, ultimately, by the dictates of the individual conscience of the public official and his or her commitment to the public good.

Certain of these ethical principles are best expressed as positive statements: actions which should be taken; courses which should be followed; goals which should permeate both public and private conduct. Other principles are expressed as negative statements: actions to be avoided and conduct to be condemned.

The Code of Ethics for County Officials has been created by and for elected county officials. However, these principles apply to the day to day conduct of both elected and appointed officials and employees of county government.

Cass County recognizes that this Code of Ethics should serve as a valuable reference guide for all those in whom the public has placed its trust.

ETHICAL PRINCIPLES

The ethical county official should:

- * Properly administer the affairs of the county.
- * Promote decisions which only benefit the public interest.
- * Actively promote public confidence in county government.
- * Keep safe all funds and other properties of the county.

- * Conduct and perform the duties of the office diligently and promptly dispose of the business of the county.
- * Maintain a positive image to pass constant public scrutiny.
- * Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality and fiscal responsibility.
- * Inject the prestige of the office into everyday dealings with the public employees and associates.
- * Maintain a respectful attitude toward employees, other public officials, colleagues and associates.
- * Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the county.
- * Faithfully comply with all laws and regulations applicable to the county and impartially apply them to everyone.

The ethical county official should not:

- * Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.
- * Improperly influence or attempt to influence other officials to act in his or her own benefit.
- * Accept anything of value from any source which is offered to influence his or her action as a public official.

The ethical county official accepts the responsibility that his or her mission is that of servant and steward to the public.

HISTORICAL REFERENCE DATE: MAY 4, 1992

SUBJECT: HEALTH INSURANCE PORTABILITY & ACCESSIBILITY ACT (HIPAA)

PAGE 1 OF 10

ADOPTED DATE: JANUARY 21, 2003

Policy Statement: The Cass County HIPAA policies contained herein shall apply to each and every affected Department in Cass County relevant to the storage and dissemination of Individuals Identifiable Health Information ("IIHI") (hereinafter "Privacy Regulation").

It is the policy of Cass County to provide for enhanced security and privacy of individual health information and standardize data interchanges between Cass County and health-care organizations, the State of North Dakota or other business associates.

Appointment and Duties of Data Privacy Officer: The Cass County Coordinator, Auditor and Social Services Director shall serve as the Privacy Officers for Cass County (hereinafter "Privacy Officers"). The Privacy Officers shall carry out and implement the policies stated herein and otherwise required under applicable Federal, State, and local laws.

The Privacy Officers shall receive requests or complaints and should provide information about matters covered by HIPAA. The Privacy Officers need to be familiar with privacy regulations. Delegation of some of these duties may be given by the Privacy Officer to those whom they may designate within their departments. The County Coordinator is the point person for implementation of these policies in Cass County, as a whole.

Minimum Necessary Policies: Cass County will make reasonable efforts to limit the use and disclosure of IIHI. Release will be to accomplish the intended purpose of the use or disclosure. In general, release policies do not apply in the following circumstances:

- *Disclosures for treatment;
- *Use or disclosures made to the individual subject of the data;
- *Disclosures made to DHS, Office of Civil Rights;
- *Use or disclosure as required by law or court order
- *Use or disclosure required for compliance with the privacy regulation.

SUBJECT: HEALTH INSURANCE PORTABILITY & ACCESSIBILITY ACT (HIPAA)

PAGE 2 OF 10

For the appropriate uses, Cass County will provide access to IIHI only to those employees on a "need to know" basis. Employees will only be given information that the employee needs to have in order to accomplish a given function and only for proper administration of HIPAA. Cass County will limit the amount of IIHI disclosed to the amount reasonably necessary to achieve the purpose of the disclosure on a case-by-case basis. For appropriate uses, Cass County will release non-routine IIHI when it is determined that the request constitutes a valid request and IIHI to be disclosed will be limited to the amount reasonably necessary to accomplish the purpose of the disclosure.

Cass County may rely on a reasonable request as the minimum necessary for the stated purpose(s) when:

- *The disclosure is to a public official as allowed in the social responsibility reporting found in § 45 CFR 164.512;
- *The information is requested by another covered entity;
- *The information is requested by an employee or business associate of Cass County;
- *The disclosure is for research purposes and the County has documented a waiver approval as required by 45 CFR 164.512(1).

Access to Designated Record Set: Individuals have a right to access any protected health information that is used to make decisions about the individual subject of the data, including information used to make health-care decisions or information used to determine whether a claim will be paid. The individual has a right to access their "designated record set." The right of access also applies to health-care clearinghouses, health-care providers that create or receive protected IIHI other than as a business associate of Cass County.

SUBJECT: HEALTH INSURANCE PORTABILITY & ACCESSIBILITY ACT (HIPAA)

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For Cass County's purposes, the following is defined as a "designated record set:"

*A group of records maintained by Cass County that is: a) the medical records and billing records about individuals; b) the enrollment, payment, claims adjudication and case management record systems maintained by Cass County; c) used, in whole or in part, by or for Cass County to make decisions about individuals.

*The term "record" means any item, collection, or grouping of information that includes protected IIHI data and is maintained, collected, used or disseminated by the County.

Cass County will permit any individual to request access to inspect or copy the designated record set applicable to that individual for as long as it is maintained by Cass County, with the following exceptions:

- *Psychotherapy notes;
- *Information compiled in reasonable anticipation of a civil, criminal or administrative action or proceeding;
- *Information held by clinical laboratories if access is prohibited by the Clinical Laboratory Improvements Amendment of 1988 (42 USC 263a);
- *Any data that North Dakota State Law classifies as "confidential" or protected non-public.

Cass County will require that any individual requesting access to present that request in writing. This is in conformity with Cass County's basic data practices protocol. A Release of Information document must be completed.

SUBJECT: HEALTH INSURANCE PORTABILITY & ACCESSIBILITY ACT (HIPAA)

PAGE 4 OF 10

Requests for access to IIHI will be handled by the Privacy Officer in the affected department or their designees. Requests should be sent to one of the following:

Cass County Auditor
211 9th Street South
Fargo ND 58103

Cass County Personnel
211 9th Street South
Fargo ND 58103

Cass County Social Services
1010 2nd Avenue South
Fargo ND 58103

If Cass County provides access to IIHI, it will act on the request within thirty (30) calendar days. One thirty (30) day extension will be allowed. Cass County will charge a reasonable, cost-based fee that will only include the cost of copying, postage and preparation of an agreed-upon summary or explanation of the IIHI.

If Cass County denies access to IIHI, Cass County will provide a timely, written denial that states the basis for the denial and the procedures for making a complaint to the County Coordinator. The individual has a right to a review of the denial of access by the County Coordinator who did not participate in the original decision to deny access. In some situations, the individual would have the right to review a denial by a designated licensed health professional who did not participate in the original decision. Those scenarios include, but are not limited to, the following:

*A licensed health-care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to endanger the life or physical safety of the individual or another person.

SUBJECT: HEALTH INSURANCE PORTABILITY & ACCESSIBILITY ACT (HIPAA)

PAGE 5 OF 10

*The protected IIHI makes reference to another person (unless such other person is a health-care provider) and a licensed health-care professional has determined, in the exercise of professional judgment, that the access requested is reasonably likely to cause substantial harm to such other person.

*The request for access is made by the individual's personal representative and a licensed health-care professional has determined, in the exercise of professional judgment, that the provision of access to such personal representative is reasonably likely to cause substantial harm to the individual or another person.

Some information maintained by Cass County is not used to make health-care decisions, such as management information systems that are used for quality control or peer review analysis. In accordance with the privacy regulations, Cass County is not required to grant an individual access to protected IIHI maintained in these types of information systems.

Cass County will provide, upon request, a six (6) year accounting of disclosures made of the individual's IIHI, except for disclosures:

- *To carry out treatment, payment or health-care operations;
- *To the individual data subject;
- *To facility directories or to persons involved in the individual's care or other notification purposes [45 CFR 164.510(b)];
- *For national security or intelligence purposes;
- *To corrections officials or law enforcement personnel when the individual is in custody [45 CFR 164.512(k)(5)]; or
- *Which were made before the compliance date.

In certain circumstances involving health oversight agencies or law enforcement agencies, Cass County may temporarily suspend the individual's right to receive an accounting of disclosures.

SUBJECT: HEALTH INSURANCE PORTABILITY & ACCESSIBILITY ACT (HIPAA)

PAGE 6 OF 10

Cass County will permit an individual to request that Cass County amend IIHI. Cass County will require that the request be in writing and that a reason be stated for the amendment. Cass County will so inform any individual of this expectation. All requests to amend IIHI data should be sent to the County Coordinator. Cass County will have up to sixty (60) calendar days to act on the request. One thirty (30) day extension is allowed. The subject of the data's written request will become a part of any case file maintained on the subject.

If Cass County decides to accept an amendment, Cass County will:

- *Make the appropriate amendment to the protected IIHI or record that is the subject of the request for amendment by, at a minimum, identifying the records in the designated record set that are affected by the amendment and appending or otherwise providing a link to the location of the amendment.
- *Timely informing the individual that the amendment is accepted. Cass County will obtain agreement from the individual to allow Cass County to share the amendment with individuals or entities identified by the individual and Cass County.
- *Make reasonable efforts to inform and provide the amendment within a reasonable time to: a) persons identified by the individual as having received protected IIHI about the individual and needing the amendment; and b) persons, including business associates that Cass County knows have the protected IIHI that is the subject of the amendment and that may have relied, or could foreseeably rely, on such information to the detriment of the individual.

If Cass County denies all or a part of the requested amendment, Cass County will:

- *Provide the individual with a timely, written denial. The denial will use plain language and contain: a) the basis for the denial; b) the individual's right to submit a written statement disagreeing with the denial and how the individual

SUBJECT: HEALTH INSURANCE PORTABILITY & ACCESSIBILITY ACT (HIPAA)

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may file such a statement; c) a statement that, if the individual does not submit a statement of disagreement, the individual may request that Cass County provide the individual's request for amendment and the denial with any future disclosures of the protected IIHI that is the subject of the amendment; and d) a description of how the individual may complain to Cass County or to the Office of Civil Rights.

*Permit the individual to submit a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such agreement.

*Prepare a written rebuttal to the individual's statement of disagreement.

*Identify the record or protected IIHI in the designated record set that is the subject of the disputed amendment and append or otherwise link the individual's request for an amendment, Cass County's denial of the request, the individual's statement of disagreement, if any, and Cass County's rebuttal, if any, to the designated record set.

*If the individual has submitted a statement of disagreement, Cass County must include the material appended, or an accurate summary of any such information, with any subsequent disclosure of the protected IIHI to which the disagreement relates.

If Cass County is informed by another covered entity of an amendment to an individual's IIHI, Cass County will amend the protected IIHI in designated record sets. Amendments will be made in a reasonable time period, as expeditiously as possible.

Business Associate Relationships and Amending Business Associate Contracts or Agreements: A "business associate" is a person or entity who is not a member of Cass County's workforce and who performs a function for Cass County which requires it to use, disclose, create, or receive IIHI. Cass County may disclose IIHI

SUBJECT: HEALTH INSURANCE PORTABILITY & ACCESSIBILITY ACT (HIPAA)

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to another entity if it receives satisfactory assurances, provided in a written contract, that the business associate will appropriately safeguard the IIHI. If Cass County and business associate are both governmental entities, a memorandum of agreement will provide satisfactory assurances.

The requirement for business associates does not apply to:

- *Disclosures made to a provider for treatment;
- *Disclosures made to a health-plan sponsor; and
- *Use or disclosures by a health plan that is a government program providing public benefits, if eligibility for, or enrollment in, the health plan is determined by an agency other than the agency administering the health plan, or if the protected IIHI used to determine enrollment or eligibility in the health plan is collected by an agency other than the agency administering the health plan, and such activity is authorized by law, with respect to the collection and sharing of IIHI for the performance of such functions by the health plan and the agency other than the agency administering the health plan.

A contract or other written arrangement will provide satisfactory assurances to Cass County that the business associate will comply with HIPAA requirements necessary to protect the protected IIHI shared by Cass County. The contract or other written arrangement will establish permitted and required uses and disclosures and will also require the business associate to:

- *Appropriately safeguard the IIHI;
- *Report any misuse of IIHI;
- *Secure satisfactory assurances from any subcontractor;
- *Grant individuals access and ability to amend their IIHI;
- *Make available an accounting of disclosures;
- *Release applicable records to Cass County, if requested; and
- *Upon termination, return or destroy all IIHI.

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The contract or other written arrangement will authorize termination if the business associate violates its terms. If Cass County knows of a pattern of non-compliance with HIPAA by the business associates, Cass County realizes it will be found to be non-compliant unless Cass County took reasonable steps to cure the breach or end the violation, as applicable, and, if such steps were unsuccessful:

- *Terminate the contract or arrangement, if feasible; or
- *If termination is not feasible, report the problem to the Privacy Officer.

Verification Policies: Before disclosing IIHI, Cass County will verify the identity of the person requesting the IIHI and the authority of that person to have access. Cass County may rely on written statements, if such reliance is reasonable. For public officials, Cass County may rely on an identification badge or a letter written on government letterhead. Cass County will treat a personal representative as the individual for purposes of the privacy regulations:

- *A personal representative is someone who has, under applicable law, the authority to act on behalf of an individual in making decisions related to health care.
- *Cass County will abide by special provisions for unemancipated minors, deceased individuals, and abuse-neglect and endangerment situations.

Cass County will accommodate all reasonable requests from individuals to receive communication of protected IIHI by alternative means or at an alternative location, provided the individual clearly states that disclosure of all or part of that information could endanger the individual.

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Cass County will not retaliate against any person for exercising a right under the HIPAA privacy regulations, or for filing a complaint, participating in an investigation, or opposing any lawful act relating to the privacy regulations.

Cass County will reasonably safeguard protected IIHI from any intentional or unintentional use or disclosure that is in violation of the HIPAA privacy standards. Records stored in Cass County will be kept secure at all times, and IIHI will not be stored or kept in unsecured areas.

Training: Cass County will train all members of its workforce in the policies and procedures adopted by Cass County necessary to comply with the HIPAA privacy regulations. Department staff will receive initial training at the time of implementation of the privacy regulations. Additional training will be provided to each new member of Cass County's work force at the time of hire, and each member of the workforce whose functions are affected by a material change in the required policies or procedures.

Cass County will apply appropriate disciplinary sanctions to employees who fail to comply with Cass County's privacy policies or procedures or who fail to comply with the HIPAA privacy regulations.

HISTORICAL REFERENCE DATE: JANUARY 21, 2003