

Forman, North Dakota  
April 7, 2020

The Sargent County Board of Commissioners met at 9:15 a.m. in the Commissioner's Room with the following members present: Jason Arth, Lyle Bopp, Richard Ruch, and, Jerry Waswick. Present through technology was Bill Anderson. Also present were: Jayne Pfau, State's Attorney; Wendy Willprecht, Emergency Manager; and, Pam Maloney, Sargent County Auditor. Also present through technology were: Alison Toepke, Treasurer/Recorder/Clerk of Court; Joyce Chapin, Briana Spellerberg, Sargent County Health Unit; Cindy Klapperich, Melissa Seykora & Candy Hansen, NDSU Extension Service; Sherry Hosford, Sargent County Water Resource Secretary; Jamie Thoennes, RDO; & Mary Engst, Sargent County Teller.

Ms. Willprecht reported on mass notification systems per a request from Commissioner Anderson. She reported on two systems, Everbridge & CodeRed. CodeRed is a less expensive option and would be simpler to utilize. It would cost \$2500/year and could be up and running within 4-5 days. There is 24/7 support & it would train Ms. Willprecht to push out notifications. After discussion, it was decided not to move forward with a mass notification system at this time.

Ms. Pfau brought forward a Families First Coronavirus Response Act (FFCRA) policy to be implemented into our COVID-19 policy.

### **Families First Coronavirus Response Act – Policy Amendment**

#### ***Purpose***

To comply with the Families First Coronavirus Response Act and to assist employees affected by the COVID-19 outbreak with job-protected leave and emergency paid sick leave. This policy will be in effect from April 1, 2020, until December 31, 2020. All existing county leave policies remain in place to the extent they are not superseded by FFCRA. This policy amendment shall be interpreted consistent with the US Department of Labor's rules.

#### ***Emergency Paid Sick Leave***

All full-time and part-time employees employed and are unable to work (or telework) due to one of the following reasons for leave are eligible for additional paid sick leave. Full-time employees are eligible for 80 hours of paid leave while part-time employees are eligible for the number of hours of leave that the employee works on average over a two-week period.

1. The employee is subject to a federal, state or local quarantine or isolation order related to COVID-19.
2. The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
3. The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis.
4. The employee is caring for an individual who is subject to either number 1 or 2 above.
5. The employee is caring for his or her child if the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions.
6. The employee is experiencing any other substantially similar condition specified by the secretary of health and human services in consultation with the secretary of the treasury and the secretary of labor.

#### **Rate of Pay for Emergency Paid Sick Leave**

For reasons (1), (2), or (3) as outlined above the employee is eligible for their regular rate of pay with a cap of \$511 per day and \$5,110 in the aggregate.

For reasons (4), (5), or (6) as outlined above the employee is eligible for 2/3rds of the employee's regular rate of pay with a cap of \$200 per day and \$2,000 in the aggregate.

Employees whose pay is subjected to the above limitations may supplement their Emergency Paid Sick Leave with any existing available leave to meet the employee's regular salary but in no cases may their salary exceed 100% of their existing wage. Paid leave under the Emergency Paid Sick Leave Act cannot be carried over year to year.

### ***Expanded FMLA Leave***

In addition to the Emergency Sick Leave Policy employees employed for more than 30 days who are unable to work (or telework) due to the need to take care of their child when the school or place of care has been closed, or the regular childcare provider is unavailable due to a public health emergency with respect to COVID-19 shall be entitled to an additional 10 weeks of expanded FMLA leave.

Leave taken under this section shall be paid at 2/3rds the employee's regular rate of pay with a cap of \$200 per day and \$10,000 in the aggregate. The employer may allow the employee to supplement the 2/3rds salary with any previously provided sick or vacation leave, if the employee has any, to bring the employee's salary to no greater than 100% of their regular wage.

This Expanded FMLA Leave only supplements the eligibility entitling an employee to use FMLA. This expansion is not in addition to the 12 week cap on FMLA previously provided. Employees who have previously spent FMLA during the annual period will have those times subtracted from their overall eligibility.

### ***Definitions for Expanded FMLA Leave***

“Child” means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

(A) under 18 years of age; or

(B) 18 years of age or older and incapable of self-care because of a mental or physical disability.

“Childcare provider” means a provider who receives compensation for providing childcare services on a regular basis, including:

- a center-based childcare provider
- a group home childcare provider
- a family childcare provider (one individual who provides childcare services for fewer than 24 hours per day, as the sole caregiver, and in a private residence)
- other licensed provider of childcare services for compensation
- a childcare provider that is 18 years of age or older who provides childcare services to children who are either the grandchild, great grandchild, sibling (if such provider lives in a separate residence), niece, or nephew of such provider, at the direction of the parent.

“School” means an elementary or secondary school.

### ***PROCEDURE FOR REQUESTING EMERGENCY PAID SICK LEAVE***

Employees must notify the Auditor’s Office of the need and specific reason for leave under this policy. Once emergency paid sick leave has begun, the employee will be expected to return to work at the end of the 80 hours of allotted time, unless the employee has communicated to the Auditor’s Office that they will return earlier or the employee has initiated additional leave, either through Extended FMLA, FMLA or use of the employees sick or vacation leave.

### ***Special Emergency Responders and Health Care Providers Provision***

Certain Emergency Responders and Health Care Providers may be disqualified from taking leave under categories 4-6 of the Emergency Paid Sick leave or Expanded Family Medical Leave Act. For those employees, prior approval of their department head in consultation with the State’s Attorney will be required.

Motion to amend the COVID-19 policy adding the language from the FFCRA Act as presented by State’s Attorney Pfau. (Anderson/Arth) Upon roll call vote, motion carried unanimously.

Alison Toepke, Treasurer/Recorder/Clerk of Court talked with the Board regarding public depositories of public funds. The county currently has all their funds in the Sargent County Bank, but she has recently reached out to the First Community Credit Union, but has not heard back from them. Approve public depositories with Sargent County Bank. (Bopp/Ruch) Upon roll call vote, motion carried unanimously.

Approve March 17, March 19, March 24, & March 31, 2020 meeting minutes as presented. (Arth/Bopp) Upon roll call vote, motion carried unanimously.

Merrill Engquist, Sargent County Road Supervisor; and Bruce Berg, Butler Machinery representative; arrived at the meeting via technology. State’s Attorney Pfau examined the bids and found that one bid did not have a bidder’s bond or certified check attached. As cashier’s checks and bid bonds are no longer mandated by state law and upon the advice of the state’s attorney, motion to open the bid to be

considered upon receipt of actual certified check or bidder's bond by end of business day, April 8, 2020. The board proceeded to open and read bids for the acquisition of One Motor Grader – New 2020 Model consistent with the county's specifications. Bids were received from RDO Equipment Co., Fargo, ND; and Butler Machinery Co., Fargo, ND. The road supervisor and the road commissioner will review each bid, including financing options, and will make a recommendation for Board consideration at the next meeting.

Ms. Chapin reported on the beds available at local hospitals if/when the COVID-19 pandemic hits in Sargent County. She also stated that they are testing curbside at the Oakes Clinic.

The courthouse heating system has been repaired other than a few of the radiators will need to be looked at as they appear to be leaking. The county is back on the off-peak electricity rate as of March 26.

The work in the emergency manager's office has been completed, the custodian has done some cleaning & some touch-up painting and Ms. Willprecht will soon be able to move back in. The auditor requested to store some election equipment in the back corner office if there is room. Permission granted providing there is enough room for it.

The police services contract between Sargent County and Forman City has been reviewed by the commission, sheriff and the state's attorney. As all approve of the contract, motion to authorize the chairman to execute the contract. (Arth/Bopp) Upon roll call vote, motion carried unanimously

Motion to re-appoint Roxanne Johnson of Gwinner to the Health Board. Ms. Johnson had returned an application and no other applications were received. Term ending April 19, 2025. (Anderson/Arth) Upon roll call vote, motion carried unanimously.

Motion to publish the annual notice concerning County Road Rights of Way in the official newspaper. (Bopp/Arth) Upon roll call vote, motion carried unanimously.

Motion to approve the EAP Full Service Contract for Services Employee Assistance Program with The Village Business Institute. (Bopp/Arth) Upon roll call vote, motion carried unanimously.

Approve Gaming Site Authorization for the El Zagal Viking Patrol, Gwinner, for adding electronic pull-tabs to their site at Dilly's Bar 'N' Grill, Stirum, from April 1, 2020, through June 30, 2020. (Bopp/Arth) Upon roll call vote, motion carried unanimously.

Motion to sign a representation letter and send to the auditing firm, Rath and Mehrer, P.C., stating that Sargent County has fulfilled the responsibilities as set out in the terms of the audit engagement letter. (Anderson/Bopp) Upon roll call vote, motion carried unanimously.

Motion to authorize the chairman to sign & return the North Dakota Insurance Reserve Fund (NDIRF) proxy form appointing the NDIRF Board Chairperson to vote for Burdell Johnson and Ty DeWitz to the Board of Directors on behalf of Sargent County at the Annual Meeting of members of the NDIRF to be held on May 20, 2020, in Bismarck. (Anderson/Ruch) Upon roll call vote, motion carried unanimously.

Melissa Seykora, NDSU Extension Ag and Natural Resources (ANR) Agent; and, Cindy Klapperich, NDSU Extension Family and Community Wellness (FCW) Agent; reported on the activities of the County's Extension Service office personnel from January through March, 2020. A written report was delivered to each commissioner and to the county auditor. A copy of the report can be obtained from the Extension Office. Ms. Seykora had worked with numerous projects including: Natural Resource Management; Farm Business Management; Crop Management; Livestock Management; Horticulture & Forestry; and, 4-H Youth Development. She had also attended other meetings and events on behalf of Sargent County. Ms. Klapperich has been involved with numerous projects involving county residents, including: Human Development; Family Science Education; 4-H Youth Development; Nutrition; Food Safety & Health Education; and Mass Media and Online Outreach. She also participated in professional development courses. The commission thanked the Sargent County Extension Service staff for a job well done.

Brenda Peterson phoned into the meeting and was concerned about the last paragraph in the newly adopted FFCRA policy. Ms. Pfau will look at it and report at the next COVID-19 meeting.

Mr. Pfau brought up the Joint Powers Agreement between Sargent County and the Sargent County Water Resource Board regarding the financing of Sargent County's share of the crossings on the Drain #11 project. There is now a project on Drain #12 that will require another Joint Powers Agreement. It was decided to schedule Sean Fredricks for a conference call at the next commission meeting.

Commissioner Ruch reported that the Sargent County Fair is still planning on holding the event in July, however, they are looking at contracts & determining cancellation procedures, if necessary. He also stated that there have been requests for the horse barn to be open for those wanting to rent the barn or arena. Motion stating that the commission does not object to the fair board renting out the horse barn/arena provided it is by appointment only and the social distancing protocol is implemented. Access needs to be limited and controlled. (Anderson/Bopp) Upon roll call vote, motion carried unanimously.

The auditor was instructed to check with NRG Technology Services for quotes for laptops with webcams for the commission.

Meeting recessed at 11:52 a.m. to 9:00 a.m. April 14<sup>th</sup>.

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JERRY WASWICK - CHAIRMAN

ATTEST:

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PAM MALONEY - AUDITOR