

CLAY COUNTY BOARD OF COMMISSIONERS

Tuesday, May 22, 2007

4:00 p.m.

County Board Room – 3rd Floor – Courthouse

MINUTES

The Clay County Board of Commissioners met in regular session on Tuesday, May 22, 2007, with all commissioners present: Brunsvold, Campbell, Evert, McCarthy, and Waller.

APPROVAL OF AGENDA

On motion by McCarthy, seconded by Waller, and unanimously carried, the Board approved the agenda with the following additions:

- Communication from Minnesota Counties Insurance Trust re: legal defense fees for former County Attorney Lisa Borgen
- Proclamation of August 7, 2007 as ‘National Night Out’
- Weed eradication issues

APPROVAL OF PROVIDER FOR MENTALLY RETARDED-RELATED CONDITIONS (MR-RC), COMMUNITY ALTERNATIVES FOR DISABLED INDIVIDUALS (CADI), TRAUMATIC BRAIN INJURY (TBI), COMMUNITY ALTERNATIVE CARE (CAC) WAIVER SERVICES

By consent agenda, the Board approved *Why Not Home Health Care, Inc.*, Hitterdal, as a provider of MR-RC, CADI, TBI, and CAC waiver services.

APPROVAL OF LAKES & PRAIRIES COMMUNITY ACTION AGENCY, INC. LEASE

By consent agenda, the Board approved the Family Service Center lease for Lakes & Prairies Community Action Agency, Inc., for 620 sq.ft., Suite 405A, at \$11.75 sq.ft. for the period 6/1/07-12/31/07.

REQUEST FOR OUT OF STATE TRAVEL FOR TWO SOCIAL SERVICES STAFF TO ATTEND NATIONAL WRAPAROUND CONFERENCE

By consent agenda, the Board approved out of state travel for two Social Services staff to attend a National Wraparound Conference in Portland, Oregon from May 31 – June 2, 2007. The Family Support Model Workgroup will pay all expenses for the training including conference registration, transportation, hotel and meals.

APPROVAL OF CHANGE ORDER FOR HOUSEHOLD HAZARDOUS WASTE BUILDING REMODELING PROJECT

By consent agenda, the Board approved a change order for the Household Hazardous Waste building remodeling project in the amount of \$767.62, bringing the total for the project to \$97,635.62. The consultant who prepared the bid documents, YHR Partners, Ltd., mistakenly assumed that a building permit fee would not be assessed for a building on city property, and the contractor, Key Contracting, Inc., did not include that fee in their bid.

CITIZENS TO BE HEARD

There were no citizens present who wished to address the Board.

APPROVAL OF MINUTES OF MAY 1 AND 8, 2007

On motion by Evert, seconded by Waller, and unanimously carried, the Board approved the minutes of the County Board meetings held May 1 and 8, 2007.

BID OPENING FOR SAP 14-602-23 AND 14-608-10 BRIDGE REPAIR AND
CONCRETE DECK OVERLAY

County Engineer David Overbo opened and read sealed bids for the SAP 14-602-23 and 14-608-10 bridge repair and concrete deck overlay projects. Mr. Overbo explained that the projects will be conducted jointly with Cass County, North Dakota. Clay County's 50% of the projects will be split between State Aid and Bridge Bonding funds. The bid will be awarded to the contractor with the combined low bid of the two projects.

Contractor	SAP 14-602-23	SAP 13-608-10	Combined Total
Robert Schroeder Construction, Inc .	\$287,529.00	\$300,991.50	\$588,520.50
Progressive Contractors, Inc.	\$231,773.10	\$215,287.65	\$447,060.75
Industrial Builders, Inc.	\$292,228.00	\$239,619.00	\$531,847.00

On motion by Waller, seconded by Evert, and unanimously carried, the Board awarded the bid for the above mentioned bridge repair and concrete deck overlay projects to the apparent low bidder, Progressive Contractors, Inc., for their bid of \$447,060.75, contingent upon there being no changes in the bid following tabulations.

APPROVAL OF SALARY GRID PLACEMENT FOR TRUCK DRIVER

County Engineer David Overbo requested the Board's authorization to place a truck driver on Line 8, Step J, based on his 20 years of past experience with Clay County as a motor grader operator, the fact that no training will be required, his knowledge of the work and familiarity with County roads. Mr. Overbo added that the candidate would also be able to fill in when motor grader operators are on vacation, sick leave, etc. Human Resources Director Dawn Schlosser Greuel added that this is the third time interviews have been conducted for this position and supported the request. By filling the position as requested above, the budget will not be negatively impacted.

On motion by McCarthy, seconded by Evert, and unanimously carried, the Board approved the placement of the truck driver candidate on Line 8, Step J of the 2007 Salary Grid based on his 20 years of previous experience with Clay County.

CONSIDERATION OF EMPLOYEE DISCIPLINE

At the May 15, 2007 County Board meeting, the Board reviewed in closed session the facts surrounding the termination of employment of Mr. Kenton Jensen as Ag Inspector/Sanitarian. (Following the termination, Mr. Jensen requested the independent review, which was conducted by the County Board.) Chief Assistant County Attorney Michelle Winkis commented that the meeting today is for Board discussion prior to taking action on the matter.

Commissioner McCarthy inquired of County Administrator Vijay Sethi if his recommendation to terminate Mr. Jensen's employment still stands. Mr. Sethi replied in the affirmative.

Commissioner Evert commented that Mr. Jensen did not obtain the required licensure for the Sanitarian portion of his position, despite the fact that he had two years to do so. He felt this was a gross oversight.

Commissioner Evert moved that the County Board uphold the County Administrator's decision to terminate the employment of Mr. Kenton Jensen. Commissioner McCarthy seconded the motion.

Commissioner Brunsvold commented that he felt some sort of discipline is in order, but not termination. He did not feel termination is consistent with other past practices dealing with misconduct by County employees.

Commissioner Waller commented that he felt no satisfaction in an employee losing their job, and inquired what type of discipline Commissioner Brunsvold would see as appropriate.

Commissioner Brunsvold commented that the motion is for termination and he would vote against it. He was unsure of other types of discipline, and reiterated that misconduct by other employees has not resulted in termination, i.e. zoning issues with timeliness of response and an instance where the job wasn't getting done for two years. He was uncertain if the law requires the County to be consistent or not, but these actions affect morale and the way people work.

Commissioner Campbell felt the County is consistent, and when certain criteria are required for a position, that criteria must be upheld.

The Chair called for the vote on the motion to uphold the County Administrator's decision to terminate Mr. Kenton Jensen's employment. The motion carried with Commissioner Brunsvold opposed.

COMMUNICATION FROM MCIT RE: LEGAL DEFENSE FEES FOR FORMER COUNTY ATTORNEY LISA BORGEN

County Administrator Vijay Sethi informed the Board that Minnesota Counties Insurance Trust (MCIT) has denied the County's claim for reimbursement of the expenses incurred in the defense of a complaint against former County Attorney Lisa Borgen. MCIT's action is due to the fact that they believe this issue is beyond the scope of the County's liability coverage. Chief Assistant County Attorney Michelle Winkis requested time to review the matter in more depth, considering that the County also has a public officials' endorsement for additional coverage.

Commissioner McCarthy felt the County must have firm grounds to appeal MCIT's decision.

On motion by McCarthy, seconded by Evert, and unanimously carried, the Board authorized the County Attorney's office to appeal MCIT's denial of the above mentioned claim, contingent upon further review by the County Attorney's office that there is grounds for the appeal.

WEED ERADICATION ISSUES

Commissioner Waller shared concerns he has received from the public regarding the absence of an Ag Inspector for Clay County and the need for immediate action concerning the treatment of leafy spurge, thistles, etc.

Planning & Environmental Programs Director Tim Magnusson indicated that he would contact former Ag Inspector Lyle Schultz for assistance in the interim until the Ag Inspector/Sanitarian position is filled. Another possibility may be to contract with a neighboring county

for assistance with weed spraying. A plan will be developed to map the areas for chemical application for weed eradication.

REVIEW OF AFFIRMATIVE ACTION PLAN

Human Resources Director Dawn Schlosser-Greuel informed the Board that the County's Affirmative Action Plan compliance certificate has expired. The Affirmative Action Plan has now been completely revised, using the MN Department of Human Rights template, and brings the County into compliance (See Attachment "A").

Commissioner Campbell noted that even though the County was not technically in compliance, all of the guidelines in the Affirmative Action Plan had been properly followed. Ms. Schlosser-Greuel noted that the Work Force analysis portion will be conducted annually in the future.

On motion by McCarthy, seconded by Brunsvold, and unanimously carried, the Board adopted the Affirmative Action Plan as presented.

APPROVAL OF BILLS AND VOUCHERS

On motion by McCarthy, seconded by Evert, and unanimously carried, the bills and vouchers were approved as presented.

PROCLAMATION – NATIONAL NIGHT OUT

On motion by Evert, seconded by Waller, and unanimously carried, the Board proclaimed August 7, 2007 as, "National Night Out":

PROCLAMATION – NATIONAL NIGHT OUT

WHEREAS, The National Association of Town Watch (NATW) is sponsoring a unique, nationwide crime and drug prevention program on August 7, 2007, called "National Night Out"; and

WHEREAS, the 24th Annual National Night Out provides a unique opportunity for communities to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, it is essential that all citizens of our communities be aware of the importance of crime prevention programs and impact that their participation can have on reducing crime, drugs and violence in our communities; and

WHEREAS, Law enforcement-community partnerships and neighborhood safety and awareness and cooperation are important themes of the "National Night Out" program;

NOW, THEREFORE, WE, MAYORS AND COMMISSION CHAIRS, do hereby call upon all citizens of this metropolitan area and neighboring communities to join law enforcement and the National Association of Town Watch in supporting the "24th Annual National Night Out" on August 7, 2007.

FURTHER, LET IT BE RESOLVED THAT, WE GOVERNMENT LEADERS, do hereby proclaim Tuesday, August 7, 2007, as "National Night Out" in our communities.

SALARY DISCUSSION FOR PUBLIC HEALTH DIRECTOR OF ADMINISTRATION AND FINANCE POSITION

Public Health Administrator Kathy McKay requested the Board's authorization to place a candidate for the Director of Administration and Finance position on Line 12, Step G of the 2007 Salary grid based on her 15 years of experience with non-profits, budgets, analysis, etc. The candidate has an MBA and the qualifications the department is looking for. Ms. McKay acknowledged that very few of the applicants for the position had the appropriate qualifications, and only three were interviewed.

Human Resources Director Dawn Schlosser-Greuel informed the Board that the candidate also has direct grant writing experience and her total experience is typical for placement on the salary grid at Line 12, Step G.

On motion by Evert, seconded by McCarthy, and unanimously carried, the Board approved placement of a candidate for the Public Health Director of Administration & Finance position on Line 12, Step G, based on her years of experience and lack of candidates with similar qualifications.

PUBLIC HEALTH NURSE POSITION FOR ADULT HEALTH

Public Health Administrator Kathy McKay was present to request the addition of one FTE Public Health Nurse for the Adult Case Management programs due to the increased number of referrals and growth of the Minnesota Senior Health Options Program (contracted through Secure Blue Health Plan and Medica Health Plan). Currently, the number of clients each nurse can maintain through the program is exceeding the contractual caseload requirement. Ms. McKay added that the reimbursement by Secure Blue and Medica covers the staff expenses, thus the addition of one FTE will be budget neutral.

On motion by Brunsvold, seconded by Evert, and unanimously carried, the Board approved the hiring of one FTE Public Health Nurse for the Adult Case Management programs.

“WORKPLACES ON THE MOVE” GRANT PROPOSAL

On motion by McCarthy, seconded by Waller, and unanimously carried, the Board approved an application to Blue Cross Blue Shield of Minnesota for grant funds (\$25,000 to \$60,000 over a three year period) for a project entitled, “Workplaces on the Move”. This program will provide funding for planning and implementation of employee health strategies to encourage physical activities and subsequently improve the health of Clay County employees. Ms. McKay clarified that participation in the program will not require additional staff.

VETERANS SERVICE OFFICE UPDATE

Veterans Service Officer Tom Figliuzzi updated the Board on recent activities in the Veterans Service Office, including his opportunity to participate in soldier reintegration in Ft. McCoy, Wisconsin this summer; evaluations of county veteran service offices by the Office of the Legislative Auditor; the move from contract nursing homes to providing in-home care; short term and long term goals; and the hiring of new Veterans Benefits Program Coordinator, JoDee Peterson.

Commissioner McCarthy left the meeting at 5:10 p.m.

AWARD BID FOR FAMILY SERVICE CENTER REMODELING: HEAD START & SECOND FLOOR

In connection with the Rehabilitate Facilities for Early Childhood Programs grant which Clay County received (\$138,300), which requires a dollar-for-dollar match, advertisement has taken place for the remodeling of the Head Start space in conjunction with another small remodeling project on 2nd Floor of the Family Service Center. The dollar-for-dollar grant match, as well as the costs for the 2nd Floor remodeling, will be paid from County reserves. The bids for the project were opened in the Clay County Family Service Center on Monday, May 21, 2007.

Mr. Kerry Peuser, Michael J. Burns Architects, informed the Board that five bids had been submitted for the remodeling of Head Start and 2nd Floor space in the Family Service

Center (See Attachment "B"). The low bid was submitted by Contemporary Builders as follows: Base Bid of \$223,800, plus Alternates of \$24,750, for a total of \$248,550. (Of this total, \$69,500 is set aside for the 2nd Floor remodeling.) Other project costs include a 7% Construction Contingency (\$17,398.50), Architect's Fee (\$22,300), and YouthBuild cost estimates (\$23,704), for a Total Project Cost of \$311,952.50 (See Attachment "C").

Mr. Peuser informed the Board that each bidder was allowed \$10,871 for their coordination efforts in working with the YouthBuild Program, which involves recruiting youth 18-21 to work on the program, focusing on the youth acquiring marketable skills in construction, and providing safety training on the work site, etc., thus reducing contractor costs of labor.

The Board discussed the various alternates that are included in the project (inclusion of a handicap unisex bathroom, paint, replace vinyl wall covering, replace ceiling tiles, etc.)

Mr. Peuser advised that they have planned for a considerable amount of recycling of light fixtures, tiles, hardware, etc..

Lakes & Prairies Executive Director Joe Pederson reminded the Board that the remodeling allows Lakes & Prairies to enter into a long term (10 year) lease with the County for their space in the Family Service Center. He felt this is advantageous to both entities. He added that the YouthBuild program is important in that it provides training for economically disadvantaged youth.

On motion by Evert, seconded by Brunsvold, and unanimously carried, the bid for the Head Start and 2nd Floor remodeling project in the Family Service Center was awarded to the low bidder, Contemporary Builders, for their total bid of \$248,550, which includes the Alternates totaling \$24,750 (\$69,500 of the total is specifically for 2nd Floor remodeling). The County's share of the project is to be paid for from reserves.

On motion by Evert, seconded by Brunsvold, and unanimously carried, the Board authorized execution of the YouthBuild contract between Rural CEP and Clay County.

On motion by Waller, seconded by Brunsvold, and unanimously carried, the Board authorized execution of the contract between Clay County and Michael J. Burns Architects, Ltd., for their work on the above mentioned remodeling project in the amount of \$22,300.

COMMITTEE REPORTS/ADMINISTRATOR UPDATE

Commissioner Waller attended the recent Greater Fargo Moorhead Economic Development Corporation annual meeting, MetroCOG, and Personnel Issues Committee meetings.

Commissioner Evert attended the Planning Commission, Extension Committee, Red River Basin Commission, and Executive Committee meeting for Red River Basin Commission.

Commissioner Brunsvold commented that the Greater Fargo Moorhead Economic Development Corporation is seeking to recruit business leaders on the Minnesota side to serve on a committee to ensure that the community is aware of the various activities of the EDC and provides support. The Public Health Advisory Committee has a new initiative regarding obesity and the ultimate costs of health care.

Commissioner Campbell advised that one of the potential partners in a joint powers effort for Transit services has now declined to join the agreement. MetroCOG will recalculate the potential investment for each remaining entity. Extension is working on filling the vacancy in the Ag/Horticulture area. Commissioner Campbell attended the Inter-Agency Early Intervention Committee meeting.

County Administrator Vijay Sethi advised that a meeting is planned to determine steps the Board may take in establishment of an Advisory Committee for the Planning Commission dealing with feedlot technicalities.

The District IV meeting will be held June 1st in Fergus Falls.

Commissioner Evert extended an invitation from Mr. Joe Belford, Devils Lake, North Dakota, to join other county officials in a tour of the Devils Lake-Stump Lake area on June 14.

ADJOURN

The meeting adjourned at 6:15 p.m.

Kevin Campbell, Chair
Clay County Board of Commissioners

Vijay Sethi, County Administrator

**AFFIRMATIVE ACTION PROGRAMS
For Minorities, Women, and Disabled Individuals**

CLAY COUNTY

5/1/07 – 5/1/08

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Appendix B – Availability/Utilization/Underutilization Analysis

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DESCRIPTION OF ORGANIZATION

Clay County is a government entity that provides a variety of services to the public. This Affirmative Action Plan covers all employees of Clay County, located at the following sites:

Clay County Courthouse
807 11 St N
Moorhead MN 56560

Family Service Center of Clay County
715 11 St N
Moorhead MN 56560

Law Enforcement Center
915 9 Ave N
Moorhead MN 56560

West Central Regional Juvenile Center
919 8 Ave N
Moorhead MN 56560

Drivers License Testing & Motor Vehicle
1300 15 Ave N
Moorhead MN 56560

Clay County Highway Department and outlying shops
2951 41 ½ St S
Moorhead MN 56560

Clay County Landfill
3301 190 St S
Hawley MN

DEFINITIONS OF TERMS USED IN THIS AAP

Individual with a Disability: any person who has a physical, sensory, or mental impairment which "materially" (Minnesota) or "substantially" (Federal) limits one or more major life activity or has a record of or is regarded as having such an impairment. "Individual with a Disability" does not include an alcohol or drug abuser whose current use of alcohol or drugs renders that individual a direct threat to property or to the safety of others.

American Indian or Alaska Native - a person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

Asian - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

Black or African American - A person having origins in any of the black racial groups of Africa.

Hispanic or Latino - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

Native Hawaiian or Other Pacific Islander - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

White - A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

Minority – Any person who identifies as being American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, or in any combination of these identifiers, or someone who identifies as White and as any of the other identifiers.

Job Groups: Although companies are not limited to using these broad job groups as the only means of analyzing their workforce, Clay County use the following as guidelines:

Managers and Administrators: Occupations requiring administrative personnel who set broad policies, exercise overall responsibility for execution of these policies, and direct individual departments or special phases of an organization's operations. Includes: officials, executives, middle management, plant managers, department managers, superintendents, salaried supervisors who are members of management, purchasing agents and buyers. First line supervisors, unless specifically listed under officials and managers or craft (skilled), who engage in the same activities as the employees they supervise should be reported in the same job category.

Professionals and Technicians: Professionals are considered to be persons working in occupations requiring either college graduation or experience of such kind and amount as to provide a comparable background. Technicians are those whose work requires a combination of basic scientific knowledge and manual skills which can be obtained through about two years of post high school education, such as is offered in many technical schools and community colleges, or through equivalent on-the-job training.

Sales Workers: Occupations engaged wholly or primarily in direct selling. Includes: advertising agents and sales agents, insurance agents and brokers, real estate agents and brokers, sales agents and sales clerks, grocery clerks, cashiers/checkers.

Office and Clerical: All clerical work regardless of the level of difficulty, where the activities are predominantly non-manual, though some manual work not directly involved with altering or transporting the products is included. Includes: bookkeepers, collectors, messengers, office helpers, office machine operators, shipping and receiving clerks, stenographers, typists, secretaries, and telephone operators.

Skilled Crafts: Manual workers of a relatively high skill level, having a thorough and comprehensive knowledge of the process involved in their work. They exercise considerable independent judgment and usually receive an extensive period of training. Includes: building trades, hourly paid foremen and lead-workers who are not members of management, mechanics and repairmen, skilled machinery occupations, electricians. Exclude learners and helpers of craft workers (apprentices).

Operatives: (Semi-skilled): Workers who operate machines or processing equipment or perform other factory-type duties of an intermediate skill level which can be mastered in a few weeks and requires only limited training. Includes: apprentices, operatives, attendants, delivery and route drivers, truck and tractor drivers, dressmakers, weavers, welders. Include craft apprentices in such fields as auto mechanics, printing, metalwork, carpentry, plumbing and other building trades.

Laborers: (Unskilled): Workers in manual occupations which generally require no special training. They perform elementary duties which may be learned in a few days and which require the application of little or no independent judgment. Includes: garage laborers, car washers, gardeners, lumber workers, laborers performing lifting, digging, mixing and loading.

Service Workers: Workers in both protective and nonprotective service occupations. Includes: attendants, clean-up workers, janitors, guards, police, fire fighters, waiters and waitresses.

Underutilization: The Minnesota Department of Human Rights defines underutilization as being present in a job group if the number of women or minorities in a job group is less than what would be expected based on the availability percentage Clay County has adopted for this analysis. When the number expected is half a person or more, that number is rounded up to the next whole number. Declaration of underutilization does not indicate that discrimination has occurred in a company; rather it is a term used within this plan document to enable our company to apply good faith efforts to ensure equal opportunity.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

This is to affirm Clay County's policy of providing Equal Opportunity to all employees and applicants for employment in accordance with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of Federal, State and Local governing bodies or agencies thereof.

Our organization will not discriminate against or harass any employee or applicant for employment because of race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, membership or activity in a local human rights commission, or status with regard to public assistance.

Clay County will take Affirmative Action to ensure that all employment practices are free of such discrimination. Such employment practices include, but are not limited to, the following: hiring, promotion, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. We will provide reasonable accommodation to applicants and employees with disabilities.

Clay County will evaluate the performance of its management and supervisory personnel on the basis of their involvement in achieving these Affirmative Action objectives as well as other established criteria. In addition, all other employees are expected to perform their job responsibilities in a manner that supports equal employment opportunity for all.

The Clay County Board of Commissioners have appointed **Dawn Schlosser-Greuel, HR Director** to manage the Equal Employment Opportunity Program. This person's responsibilities will include monitoring all Equal Employment Opportunity activities and reporting the effectiveness of this Affirmative Action Program, as required by Federal, State and Local agencies. The Clay County Board Chair will receive and review reports on the progress of the program. Any employee or applicant may inspect our Affirmative Action Program during normal business hours by contacting the EEO Manager.

If any employee or applicant for employment believes he or she has been treated in a way that violates this policy, they should contact either **Dawn Schlosser-Greuel** at 807 11 St N Moorhead MN 56560 218-299-5002 or any other representative of management, including any Clay County Commissioner. Responsible parties will investigate allegations of discrimination or harassment as confidentially and promptly as possible, and Clay County will take appropriate action in response to these investigations.

Kevin Campbell, Clay County Board of Commissioners Board Chair

Date

ASSIGNMENT OF RESPONSIBILITY FOR AFFIRMATIVE ACTION PROGRAM

Dawn Schlosser-Greuel, HR Director is designated as EEO/AA coordinator to monitor all employment activity to ensure that our EEO/AA policies are being carried out. The EEO/AA coordinator will be given the necessary top management support and staffing to fulfill the duties of the position. Those duties include, but are not limited to, the following:

1. Develop Clay County's EEO/AA policy statement and Affirmative Action Plan/Program, so that it is consistent with policies, and so that it establishes affirmative action goals and objectives.
2. Implement the Affirmative Action Plan/Program including internal and external dissemination of our EEO/AA policies and plan.
3. Conduct and/or coordinate EEO/AA training and orientation.
4. Ensure that Clay County managers and supervisors understand it is their responsibility to take action to prevent the harassment of employees and applicants for employment.
5. Ensure that all minority, female, and disabled employees are provided equal opportunity as it relates to organization-sponsored training programs, recreational/social activities, benefit plans, pay and other working conditions.
6. Implement and maintain EEO audit, reporting, and record-keeping systems in order to measure the effectiveness of Clay County's Affirmative Action Plan/Program and to determine whether our goals and objectives have been attained.
7. Coordinate the implementation of necessary affirmative action to meet compliance requirements and goals.
8. Serve as liaison between Clay County and relevant governmental enforcement agencies.
9. Coordinate the recruitment and employment of women, minorities, and people with disabilities, and coordinate the recruitment and utilization of businesses owned by women, minorities, and people with disabilities.
10. Coordinate employee and company support of community action programs that may lead to the full employment of women, minorities, and people with disabilities.
11. Receive, investigate, and attempt to resolve all EEO complaints.
12. Keep management informed of the latest developments in the area of EEO.

DISSEMINATION OF AFFIRMATIVE ACTION POLICY AND PLAN

A. Internal Dissemination

1. Clay County's policy statement and non-discrimination posters will be permanently posted and conspicuously displayed in areas available to employees and applicants for employment
2. Clay County's EEO/AA policy statement will be communicated to our employees in the same manner that other major personnel policies or decisions are communicated.
3. Clay County's EEO/AA policies will be included in our policy manual or employee handbook and in any collective bargaining agreements.
4. Clay County's policy will be made available to all employees including part-time, roster, temporary or seasonal employees.
5. Clay County will review EEO/AA policies at least once a year with all of our employees and management.

B. External Dissemination

1. As needed, Clay County will notify all subcontractors, vendors, and suppliers of our EEO/AA policy and project goals, requiring supportive action on their part.
2. Clay County will notify all recruitment sources, employment agencies, and labor unions of our EEO/AA policies, and we will encourage them to assist us in achieving our affirmative action objectives by actively recruiting and referring women, minorities, and people with disabilities.
3. Clay County will include the statement "Equal Opportunity Employer" or "Affirmative Action Employer" on advertisements recruiting employees, on employment applications, and on our company's website, if we post job opportunities on our website.

INTERNAL AUDIT AND REPORTING SYSTEMS

Clay County's EEO Coordinator has the responsibility for implementing and monitoring our affirmative action programs. Department heads, managers, and supervisors are responsible for providing the EEO Coordinator with information and/or statistical data as necessary to measure our good faith efforts to implement our programs.

At least annually, internal audit reports will be prepared in table format and dated. Data collected for these reports will include applicant flow, new hires, promotions, transfers, and terminations (voluntary and involuntary) by job group. Figures for each personnel process must show a breakdown by sex, minority classification, and disability status. Reports will be disseminated to appropriate levels of management, and any problem areas will be addressed as promptly as possible.

External reports will be submitted to government agencies, like the Minnesota Department of Human Rights, as required.

WORKFORCE ANALYSIS

See Workforce Analysis in Appendix A

AVAILABILITY/UTILIZATION/UNDERUTILIZATION ANALYSIS

See Job Group Availability/Utilization/Underutilization Analysis & Annual Goals and Composite Availability Worksheets in Appendix B

GOALS AND TIMETABLES

During this plan year, it is our goal to meet or exceed the availability percentage for women or minorities in all job groups, as identified in our availability/utilization/underutilization analysis chart. Clay County will make specific good faith efforts to achieve the availability percentages for minorities or women in any job group where underutilization is identified by our analysis.

Clay County will continue our efforts to recruit and retain individuals with disabilities in all levels of our workforce.

PROBLEM AREA IDENTIFICATION

Clay County periodically conducts an in-depth analysis of its total employment process to determine whether and where impediments to equal employment opportunity may exist. We evaluated:

1. Workforce composition by job group: We have identified underutilization in our availability/utilization/ underutilization analysis chart, and we have set goals to remedy that underutilization.
2. Personnel activity: We routinely conduct adverse impact analyses using the "Eighty Percent Test" or other statistical methods to analyze our personnel activities, including applicant flow, hires, promotions, terminations and other personnel actions, to determine if there are selection disparities between men and women, minorities and nonminorities (and within specific racial groups, if appropriate), or disabled and nondisabled applicants or employees. If any tests are used as a part of our selection process, we have determined that these tests are job-related and are validated. We have taken corrective action to remove any barriers to hiring or retaining women, people of color, or people with disabilities.
3. Compensation system: We routinely review our compensation system, including rates of pay and bonuses, to determine whether there are gender, race, ethnicity, or disability-based disparities. If any disparities are identified, we take prompt action to resolve the disparity. In offering employment to individuals with disabilities, we will not reduce the amount of compensation offered because of any disability income, pension, or other benefit the applicant or employee receives from another source.
4. Personnel procedures: We routinely review all of our personnel procedures and processes, including selection, recruitment, referral, transfers and promotions, seniority provisions and apprenticeship programs (if applicable), and company-

sponsored training programs or other activities to determine if all employees or applicants are fairly considered.

5. Any other areas that might impact the success of our Affirmative Action Program: We continually analyze any other areas that may impact our success, such as accessibility of our facility to the available workforce, proper posting of our EEO policy and required governmental posters, proper notification of our subcontractors or vendors, and retention of records in accordance with applicable law. We take prompt action to remedy any problems in these areas through training of staff or other methods.

ACTION-ORIENTED PROGRAMS:

Measures To Facilitate Implementation of Equal Employment Opportunity Policy and Affirmative Action Programs for Women, Minorities, and People with Disabilities

Selection Process

Clay County will evaluate our selection process using an adverse impact analysis to determine if our requirements screen out a disproportionate number of minorities, women, or people with disabilities. All personnel involved in the recruitment, screening, selection, promotion, disciplinary, and related processes will be carefully selected and trained to ensure that there is a commitment to the affirmative action program and its implementation.

Schedule for Review of Job Requirements: Clay County will annually review all physical and mental job requirements to ensure that these requirements do not tend to screen out qualified individuals with disabilities. We will determine whether these requirements are job-related and are consistent with business necessity and the safe performance of the job, and we will remove any physical or mental requirements that do not meet these criteria. Any job descriptions or requirements changed after review will be distributed to all relevant employees, particularly those involved in the selection process and supervision of employees.

Pre-Employment Medical Examination: If Clay County requires medical examinations or inquiries as a part of our selection process, all exams or inquiries will be conducted after a conditional offer of employment. Only job-related medical examinations and inquiries will be conducted, and the results of these examinations or inquiries will not be used to screen out qualified individuals with disabilities. Information obtained in response to such inquiries or examinations will be kept confidential except that (a) supervisors and managers may be informed regarding restrictions on the work or duties of individuals with disabilities and regarding accommodations, (b) first aid and safety personnel may be informed, where and to the extent appropriate, if the condition might require emergency treatment, and (c) officials, employees, representatives, or agents of the MN Department of Human Rights or local human rights agencies investigating compliance with the act or local human rights ordinances will be informed if they request such information.

Accommodations to Physical and Mental Limitations of Employees

Clay County will make reasonable accommodations to the physical and mental limitations of an employee or applicant unless such an accommodation would impose an undue hardship on the employer.

Recruitment of Employees

1. All solicitation or advertisements for employees will state that applicants will receive consideration for employment regardless of their race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, or status with regard to public assistance. When needed, to help address underutilization, help wanted advertising will also be placed in news media oriented towards women or minorities. Copies of advertisements for employees will be kept on file for review by enforcement agencies.
2. When Clay County places help-wanted advertisements, we will not indicate a preference, limitation, or specification based on sex, age, national origin, or other protected characteristic, unless that characteristic is a bona fide occupational qualification for a particular job. We will not allow any employment agency with which we work to express any such limitation on our behalf, and we will require that these agencies share our commitment to EEO.
3. All positions for which Clay County posts or advertises externally will be listed with State of Minnesota Workforce Centers, America's Job Bank, or similar governmental agencies.
4. As necessary to ensure that potential candidates are aware of job openings, Clay County will contact community organizations focused on the employment of women, minorities, and people with disabilities (including state vocational rehabilitation agencies or facilities, sheltered workshops, college placement offices, education agencies, or labor organizations). We will keep documentation of all contacts made and responses received, whether formal or informal. We will make every effort to give these agencies a reasonable amount of time to locate and refer applicants.
5. Clay County will carry out active recruiting programs at relevant technical schools and colleges, where applicable.
6. Clay County will encourage present minority, female, and disabled employees to recruit other employees.
7. *Consideration of minorities and women not currently in the workforce:* Clay County will take additional steps to encourage the employment of women, minorities, and people with disabilities who are not currently in the workforce, such as providing part-time employment, internships, or summer employment.

Training Programs

Minority, female, and disabled employees will be afforded a full opportunity and will be encouraged to participate in all organization sponsored educational and training programs.

Clay County will seek the inclusion of qualified minority, female, and disabled employees in any apprenticeship program in which we participate.

Promotion Process

Our promotion process has been developed and documented and only legitimate qualifications are considered in our promotion decisions. Clay County conducts adverse impact analyses to ensure that women, minorities, and employees with disabilities are promoted at rates substantially similar to those of men, nonminorities, and employees without disabilities.

Termination Process

Clay County uses progressive discipline before terminating employees, where appropriate. All employees are made aware of our discipline process. We conduct adverse impact analyses to ensure that women, minorities, and employees with disabilities do not leave our company at rates substantially dissimilar to those of men, nonminorities, and employees without disabilities.

Religion and National Origin Discrimination and Accommodation for Religious Observance and Practice

As a part of our commitment to Equal Employment Opportunity for all, Clay County has made a specific effort to ensure that national origin and religion are not factors in recruitment, selection, promotion, transfer, termination, or participation in training. The following activities are undertaken to ensure religion and national origin are not used as a basis for employment decisions:

1. Recruitment resources are informed of our commitment to provide equal employment opportunity without regard to national origin or religion.
2. Our employees are informed of our policy and their duty to provide equal opportunity without regard to national origin or religion.
3. Employment practices exist and are reviewed to ensure that we implement equal employment opportunity without regard to national origin or religion.
4. The religious observances and practices of our employees are accommodated, except where the requested accommodation would cause undue hardship on the employer.
5. We do not discriminate against any qualified applicant or employee because of race, color, creed, disability, age, sex, sexual orientation, marital status, or status with regard to public assistance in implementing the policy concerning non-discrimination based on national origin or religion.

Sex Discrimination Guidelines

Clay County incorporates the following commitments into this AAP to ensure that all laws related to the prohibition of discrimination based on sex are followed:

1. Employment opportunities and conditions of employment are not related to the sex of any applicant or employee. Salaries are not related to or based upon sex.
2. Women are encouraged to attend all training programs that can facilitate their chances for promotion, and to apply for all positions for which they are qualified.
3. We do not deny employment to women or men with young children and do not penalize, in conditions of employment, women or men who require time away from work for parental leave.
4. Appropriate physical facilities are provided to both sexes.

Prevention of Harassment and Discrimination

Clay County has developed policies prohibiting the harassment of or discrimination against any employee because of any characteristic protected under civil rights laws. We distribute these policies routinely to current employees and incorporate these policies as a part of new employee orientation. Employees are aware of contact persons to report any violation of these policies.

ANTI-HARASSMENT POLICY

See Clay County Harassment , Offensive Behavior, and Violence policy in Appendix C

PROBLEM RESOLUTION POLICY

See Clay County Grievances Policy in Appendix D.



CLAY COUNTY FAMILY SERVICE CENTER REMODELING
Moorhead, Minnesota

Michael J. Burns Architects, Ltd.
824 Center Avenue
Moorhead, Minnesota

BID DATE: MONDAY, MAY 21, 2007 AT 3:00 PM

CONTRACTOR	Comstock Construction	Contemporary Builders	Meinecke Johnson Co.	Minko Construction	Olaf Anderson & Son Construction
5% Bid Bond	✓	✓	✓	✓	✓
Addendums					
1	✓	✓	✓	✓	✓
2	✓	✓	✓	✓	✓
3	✓	✓	✓	✓	✓
4	✓	✓			✓
Base Bid	\$272,000	\$223,800	\$234,700	\$239,900	\$257,730
2nd Floor Breakout Price	\$62,100	\$69,500	\$55,000	\$60,000	\$77,000
Alternates					
1: Headstart Toilet Room	\$14,000	\$10,900	\$9,600	\$10,800	\$12,100
2a: Paint Existing Radiation Cabinet Covers	\$250	\$250	\$210	\$220	\$250
2b: Paint Existing Radiation Cabinet Covers	\$470	\$400	\$390	\$425	\$400
3a: Replace Existing Vinyl Wall Covering At Corridor 201	\$7,150	\$6,800	\$5,500	\$6,200	\$6,140
3b: Replace Existing Acoustical Ceiling Tiles at Corridor 201	\$2,900	\$2,200	\$2,300	\$1,850	\$2,375
3c: Replace Ceilings / Paint Grid at Rainbow Bridge Staff 2	\$5,140	\$4,200	\$3,300	\$2,450	\$2,795

Clay County Family Service Center Remodeling ~ Breakdown of Project Costs ~	
Base Bid (Head Start & 2 nd Floor)	\$223,800.00
Alternates	\$24,750.00
TOTAL	\$248,550.00
Construction Contingency (7%)	\$17,398.50
TOTAL	\$265,948.50
Architect's Fee	\$22,300.00
Youthbuild cost estimates provided by Work Force Center (\$34,575 - \$10,871 = \$23,704)	\$23,704.00
TOTAL PROJECT COST	\$311,952.50

Note: This project total does not include the cost of phone and data connections.