



1. **[County Directors, HCBS Case Managers] Timeline:** *What are the timelines and milestones laid out by the law? When will changes happen?*

The creation of the Zone Agreement and the selection of the Zone Board must occur by **December 1, 2019**. The agreement must identify the proposed counties of the human service zone, identify the host county, and list the board members. As for the board, it must have 15 or fewer members, which are appointed by the county commissioners of the counties that compose the zone. At least one commissioner from each county in the zone must be selected for the board. Once the board members are identified, they must elect a vice presiding officer, who will lead board discussions until the selection of the zone director (who will be the presiding officer). One of the first tasks of the board will be to establish internal procedures to issue payments for approved expenditures within the human service zone budget.

For those positions that are transferring to the department of human services – HCBS case management, child care licensing, and eligibility determination for foster care assistance, adoption assistance, and specialty unit for long-term care – in most or all cases these positions will be established and filled **by the end of 2019**.

Funding for human service zones will be state funds directed to the zone. Also, zones will be able to continue to bill Medicaid for key services which also result in revenue. However, the authority for counties to levy for human services has been removed. This results in permanent property tax relief.

The first payment from the state to the zone will be made in **January of 2020**. This payment will be made based on the most recent data about historical cost and income for services provided across the counties in the zone. This payment will go to the host county and include payment for indirect costs. The portion of the payment for indirect costs will then be distributed to the various counties within the zone according to their relative contribution, which the department will help each host county auditor / treasurer identify.

The Zone Director must be hired by the Zone Board by **April 1, 2020**. The director will be employed by the zone and must be based within the zone. The zone director will become the presiding officer of the zone board.

The zone plan must be submitted by **June 30, 2020**. The plan must provide funding for indirect costs and liability coverage, specify any role transitions for team members, describe unique locally-provided programs that would continue to be provided under the plan, allow for non-residents of participating counties to access services, and specify that reductions in access points are only made with agreement of human service zone board, county commissions of affected counties, and the department.

2. **[County Auditors] Host county selection:** *How will the host county be chosen?*

Historically, there has been a process for counties to legally join to work as one as a multicounty social service district. This process is detailed in 50-01.1-02 subsection 3. It was this piece of code that was amended to specify the process for creating zones. This section now reads:

“Counties shall identify other counties with which to enter a human service zone agreement, and **together the boards of county commissioners** shall file with the department a written agreement to create a human service zone no later than Dec. 1, 2019. **The agreement must identify the proposed counties of the human service zone, host county**, identify the human service zone board members, and agree to seek approval from the department regarding hiring or dismissal of county social services or human service zone employees.”

The interpretation of subsection 3 is that the host county would be identified collectively by the county commissions agreeing to participate in a particular zone.

3. **[County Directors] Zone board composition:** *Are there provisions for the newly formed zone board to allow equal representation from all counties (i.e., one county can't have 3 board members while the other counties only have 2 board members)?*

There are no provisions in Senate Bill (SB) 2124 to require equal representation. The representation from each county must be determined by the county commissioners when they develop the Zone Agreement. At least one County Commissioner from each county in the zone must serve on the zone board. Additionally, consideration must be given to "whether the human service zone board is constituted of individuals that represent the population of the human service zone" as outlined in Section 63 of the engrossed bill. This may involve ensuring representation from geographic areas within the zone or ensuring reflection of demographics of communities of zone among zone board members. County commissioners within each county of the zone will appoint their designees to the zone board.

4. **[County Directors] Zone board composition:** *Can we have more than the 15 zone board members listed in the bill?*

No, SB 2124 allows for up to 15 members but no more than 15.

5. **[County Directors] Zone board composition:** *Will county social service directors have input selection of zone board members?*

County commissioners will select the representatives to the zone board from their county. There is no formal role for the county directors in this process.

6. **[County Directors] Zone size:** *Is this [Kidder, Emmons, Logan, McIntosh, Dickey, LaMoure] too large of a land area? For example, travel be too much for workers - especially child welfare workers?*

Possibly. As outlined in Section 63 of the bill, consideration must be given to "whether the human service zone director can adequately supervise the activities and operations for the human service zone." The travel requirements for directors and workers will weigh on whether "adequate supervision" is possible.

7. **[County Directors] Zone template:** *Will the state provide a zone template for the zone planning/agreement that the counties are supposed to use?*

Yes, the department must establish a template by August 1, 2019.

8. **[County Directors] Zone board compensation:** *How much is the compensation for Zone Board members?*

The language from the statute (below), indicates that zone board member compensation should be consistent with other appointed boards of the county but there is also a hard cap at what Legislators get paid, which is referenced in NDCC 54-03-20 below.

50-01.2-02

"...compensate appointed members of the human service zone board at a rate ... consistent with the rate of compensation for members of other appointed boards within the member counties and not to exceed the compensation and expense reimbursement of members of the legislative assembly."

54-03-20. Compensation and expense reimbursement of members of the legislative assembly. (Effective through June 30, 2020) 1. Each member of the legislative assembly is entitled to receive as compensation for services the sum of one hundred eighty-one dollars for each calendar day during any organizational, special, or regular legislative session and for each day that member attends a meeting of a legislative committee between the organizational session and the regular session as authorized by legislative rule. [Note: this is adjusted to \$186 on July 1, 2020]

9. **[County Directors] Zone board composition:** *Can a zone board have a non-voting participant – like a legislator?*

A zone board can have up to 15 members, and membership is determined by the board of county commissioners. Appointed members of the zone board must consist of local elected officials and other key community partners, so having a legislator on the board would fit the criteria. The county commissioners

could determine who has voting or non-voting rights, with the exception of the presiding officer of the human service zone board, unless the issue involves employment matters of the human service Zone Director. Voting and non-voting members count toward the 15-member total.

10. [County Directors] Zone board composition: *Do zone board members have to be a resident of the county/counties in the zone?*

It is not a legal requirement that a zone board member is a legal resident of the county. However, the county commissioners can make that determination as the board must consist of local elected officials, other key community partners, and at least one county commissioner of that county. The board is responsible to provide information to the Department of Human Services relative to the community needs of the zone residents and advocate to meet those needs, establish procedures for the review and approval of all claims, take personnel actions related to the human service zone director, and hear and act on employee grievances. So, it might be difficult for someone who is not part of the zone community to perform these tasks, and the zone community members might oppose it as it removes some local control.

11. [County Directors] Zone board composition: *Can an Interim County Director serve on the zone board?*

A public official cannot be in a position to hire himself or herself. For this reason, an Interim County Social Service Director may not serve as a member of the Zone Board, which is charged with hiring the zone director.

12. [County Directors] Interim Zone Director: *Does the Interim Zone Director have to be one person, or can that role be filled by more than one person?*

Technically, the Interim Zone Director could be more than one person. The counties forming the zone would have to determine how this would be implemented, including do all the Interim Zone Directors of that specific zone have to agree on a decision, take action, and sign legal documents? Who would be the point of contact for DHS, and on what topics, and for potential modification of court orders regarding foster care? It becomes much more complicated if there is more than one Interim Zone Director.

13. [County Directors] Assistant zone directors: *Will there be assistant zone directors?*

There is no job description. It is up to the zone board and new Zone Director to assess their staffing needs in consultation with DHS. In the zone plan, the board and director are to identify the roles for staff impacted by the restructuring.

14. [County Auditors] Host county selection: *Can the host county be selected based on other factors than its benefit package?*

Counties are not required to go with the county with the best benefits. County benefits offered by the proposed human service zone is not a criteria that the department considers (See N.D.C.C. § 50-01.1-03) when approving the proposed human service zone plan. Some of the factors the department must consider are: whether the affective counties agencies are able to supply an adequate legal and quality of social and economic assistance services; the number and qualifications of staff personnel serving the affected county agencies; and the benefits that would be realized from the creation of the human service zone in terms of lower costs, increase availability of services, new services, and improvement of services.