
COMMUNITY ACTION PARTNERSHIP OF ND BOARD MEMBER TRAINING

JANUARY 26, 2024



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OPPORTUNITY

COMMITMENT

EQUITY



HOPE

Community Action changes people's lives, embodies the spirit of hope, improves communities, and makes America a better place to live. We care about the entire community and we are dedicated to helping people help themselves and each other.

The Promise of Community Action



COMMUNITY

CARING

EXCELLENCE

INNOVATION

RESPECT

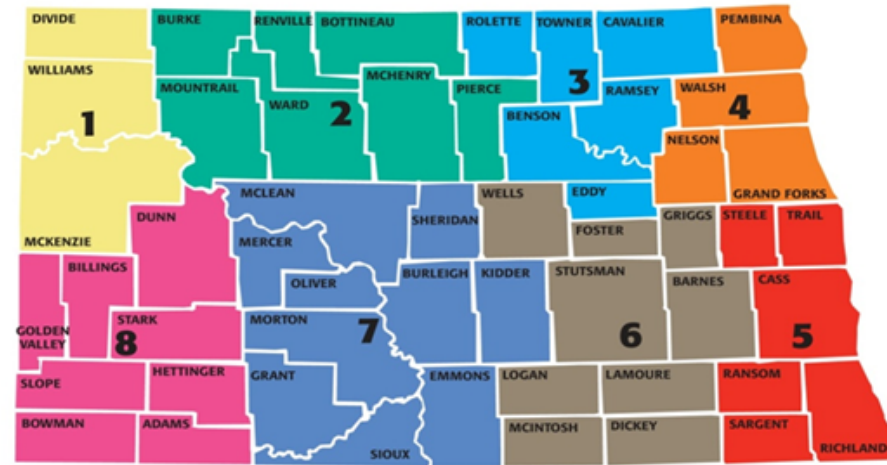
TODAY'S AGENDA

Quick Review of
Board Roles and
Responsibilities

North Dakota
Open Records and
Meeting Laws

Community Action
Celebrates 60 Years
with a Conference
and New Programs!

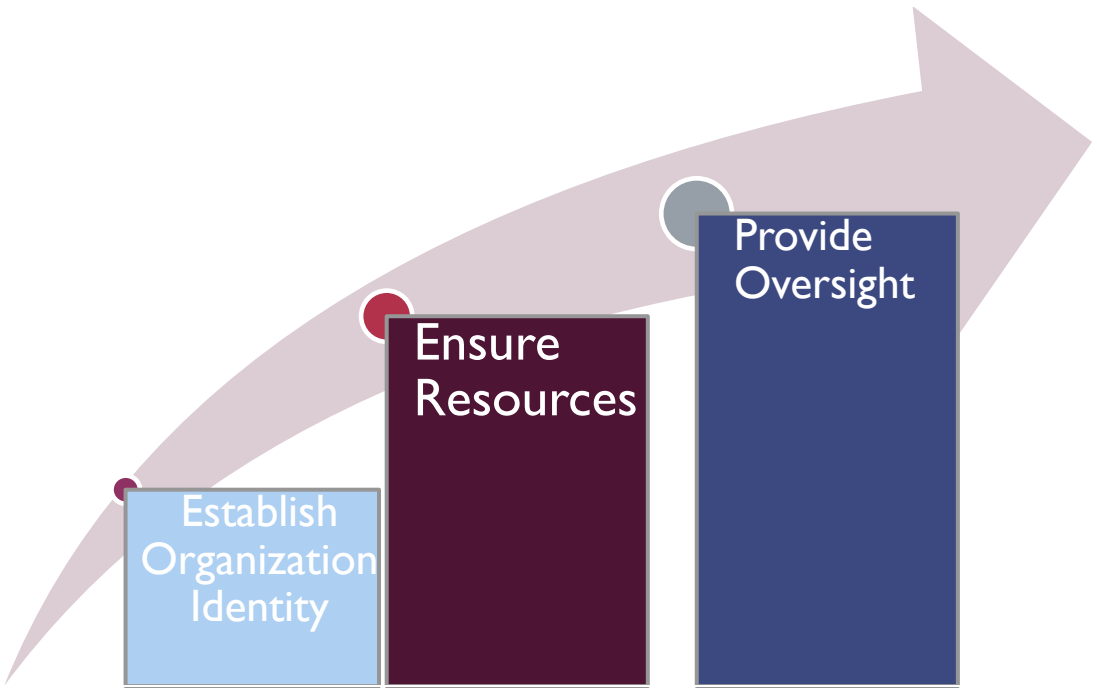
COMMUNITY ACTION AGENCIES IN NORTH DAKOTA



- Region 1 - Community Action Partnership - Williston/Dickinson
- Region 2 - Community Action Partnership - Minot
- Region 3 - Dakota Prairie Community Action - Devils Lake
- Region 4 - Red River Valley Community Action - Grand Forks
- Region 5 - Southeastern ND Community Action Agency - Fargo
- Region 6 - Community Action Program Region VI - Jamestown
- Region 7 - Community Action Program Region VII - Bismarck
- Region 8 - Community Action Partnership - Dickinson/Williston



BOARD MEMBER ROLES AND RESPONSIBILITIES



Determine Mission
Ensure Effective Organizational Planning
Select, Support and Evaluate the Executive Director
Ensure the Board Operates Effectively and Efficiently
Advocacy and Ambassadorship
Ensure Compliance with Legal Obligations and Ethical Norms
Protect Assets and Provide Proper Financial Oversight
Monitor Program Performance and Impact



DUTY OF CARE, LOYALTY, AND OBEDIENCE



DUTY OF CARE

Board members should fulfill their roles to the best of their abilities. This means proactively participating and



DUTY OF LOYALTY

All activities should be done in the best interest of the organization, not in the best interest of individual board



DUTY OF OBEDIENCE

The board should follow organizational rules as defined in the nonprofit's governance documents.

WHY BOARD TRAININGS:

We know this investment in leadership is important and trainings will help Board members gain the appropriate tools to assist them in the Board room.

Board trainings ensure members are current on their roles and responsibilities and have confidence in their leadership abilities while lending their expertise and knowledge to our network.

On-going training is vital and makes our CAA Boards informed, knowledgeable, and strong.



2024 TRAINING DATES

- January 26, 2024
- April 26, 2024
- July 26, 2024
- October 25, 2024
- 12:00 pm CT / 11:00 am MT
- www.capnd.org

Board Retreats – Dates TBD

Explore these additional resources.

- [CAA Executive Director Evaluation](#)
- [ND Century Code Handout for Boards](#)
- [Tripartite Board Requirements_IM82](#)

CAPLAW: Tools for Top-Notch CAAs: A Practical Approach to Governance and Financial Excellence

This six-section toolkit is intended to assist boards and management in their collaborative efforts to build well-governed and effective Community Action Agencies (CAAs). The toolkit includes case scenarios and examples to help you understand and apply the principles discussed. And, many of the sections provide sample documents that CAAs can use as a starting point for developing their own policies.

The toolkit addresses how to:

- Conduct and maintain minutes for board meetings;
- Build financial capacity through hiring of skilled financial staff and effective audits;
- Prepare organization-wide budgets;
- Get the most out of financial statements;
- Address conflicts of interest; and
- Draft and implement effective whistleblower policies.

Source: [CAPLAW](#)

- [Preface: Compliance with CSBG Organizational Standards](#)
- [Section 1: Making Board Meetings Matter](#)
- [Section 2: Improving a CAA's Financial Capacity](#)
- [Section 3: Creating the Annual Operating Budget](#)
- [Section 4: Getting the Most Out of Your Financial Statements](#)
- [Section 5: Dealing with Conflicts of Interest](#)
- [Section 6: Adopting a Whistleblower Policy](#)
- [Addendum: Challenges and Solutions for Rural/Small CAAs](#)
- [Appendices](#)

**RESOURCES FOR
BOARD MEMBERS**
WWW.CAPND.ORG

The Annual Update of the HHS Poverty Guidelines was published by HHS on January 17, 2024.

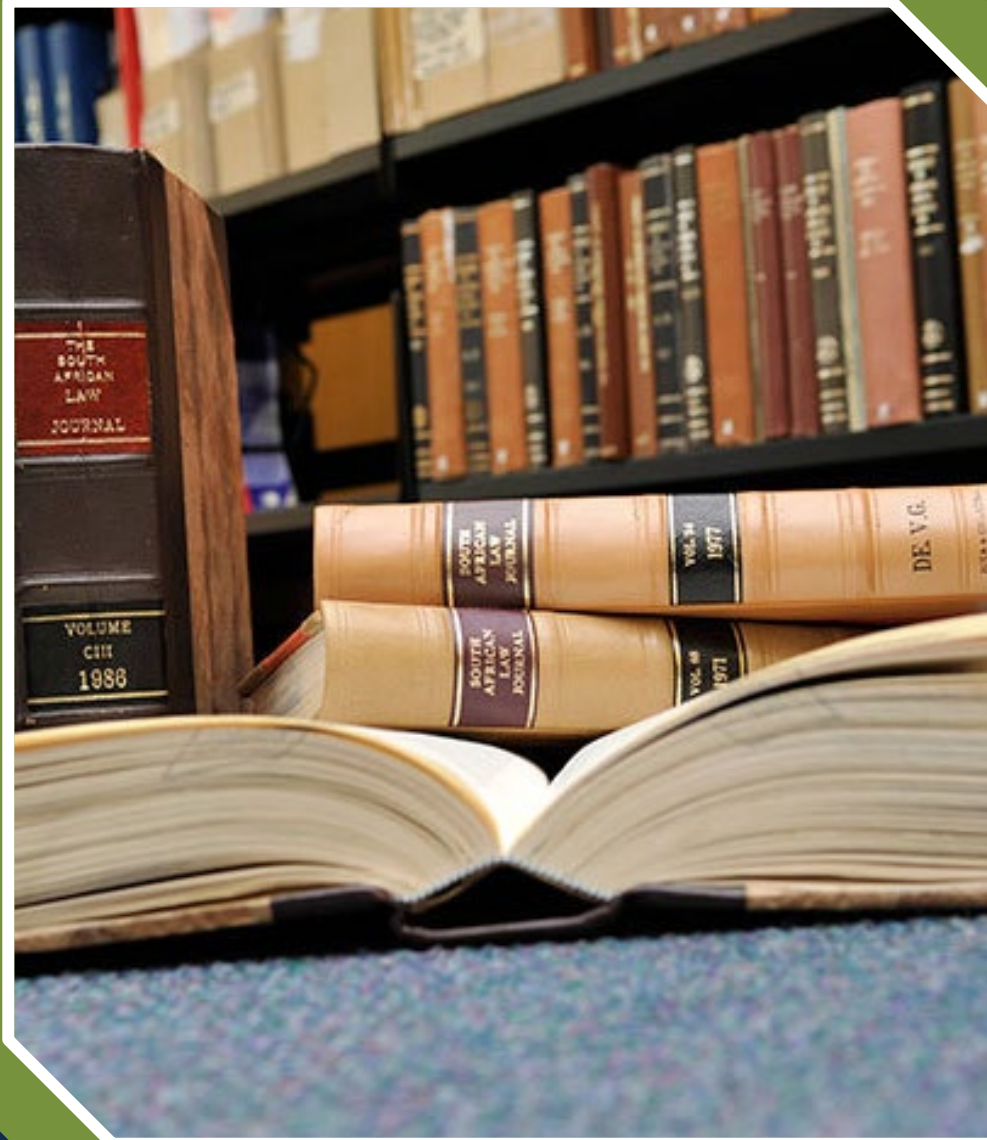
<https://aspe.hhs.gov/poverty>

HH SIZE	100%	125%	130%	150%	185%	200%
1	\$15,060	\$18,825	\$19,578	\$22,590	\$27,861	\$30,120
2	\$20,440	\$25,550	\$26,572	\$30,660	\$37,814	\$40,880
3	\$25,820	\$32,275	\$33,566	\$38,730	\$47,767	\$51,640
4	\$31,200	\$39,000	\$40,560	\$46,800	\$57,720	\$62,400
5	\$36,580	\$45,725	\$47,554	\$54,870	\$67,673	\$73,160
6	\$41,960	\$52,450	\$54,548	\$62,940	\$77,626	\$83,920
7	\$47,340	\$59,175	\$61,542	\$71,010	\$87,579	\$94,680
8	\$52,720	\$65,900	\$68,536	\$79,080	\$97,532	\$105,440
For each additional household member add	\$5,380	\$6,725	\$6,994	\$8,070	\$9,953	\$10,760



NORTH DAKOTA OPEN RECORDS AND MEETING LAWS





[This Photo](#) by Unknown Author is licensed under [CC BY-ND](#)

Open Records & Open Meetings

Primary Sources

- ND Constitution Article 11
- N.D.C.C. Chapter 44-04

Secondary Sources

- North Dakota Attorney General Opinions
- North Dakota Supreme Courts Cases



Open Records



Open Records Basics

All records
in the possession of a public entity
regarding public business
are Open Records.



Open Records Basics

What is a Record?

- **Recorded information** of any kind, regardless of the physical form or characteristic by which the information is stored, recorded, or reproduced . . .



Examples of Public Entities

- Public or governmental bodies, boards, bureaus, commissions, or state agencies,
- Entities created or recognized by the Constitution of North Dakota, state statute, or executive order of the governor,
- Task forces or working groups created by the individual in charge of a state agency or institution, to exercise public authority or perform a governmental function;
- Public or governmental bodies, boards, bureaus, commissions, or agencies of any political subdivision of the state,
- Entities created or recognized by resolution, ordinance, rule, bylaw, or executive order of the chief executive authority of a political subdivision of the state to exercise public authority or perform a governmental function; and
- Organizations or agencies supported in whole or in part by public funds or expending public funds.

Open Records Basics

What is Public Business?

- **All matters** that relate or may foreseeably relate in any way to . . . The performance of the public entity's governmental functions, including any matter over which the public entity has **supervision**, control, jurisdiction, or **advisory power**; or...the public entity's **use of public funds**.



Open Records Basics

There must be a law that specifically says the record is protected.

- The law will typically say the record is:
 - “*not subject to Article XI of the North Dakota Constitution,*”
 - “*not an open record,*”
 - “**exempt,**” or
 - “**confidential.**”

Open Records Basics

Exempt

- May be released.
- Public entity has discretion – needs entity action.
- May be called a “closed” record.
- Not against the law to release an exempt record.

Confidential

- Cannot be released.
- Public entity has no discretion.
- Can only be released pursuant to a statute.
- Class C felony to knowingly release confidential records.



Exempt

- Public employee personal information, including:
 - *Month/Day of Birth;*
 - *Home Address;*
 - *Personal Phone Numbers;*
 - *Photograph;*
 - *DMV and Employee ID Numbers;*
 - *Payroll Deduction Information;*
 - *Dependent/emergency contact information;*
 - *Any credit, debit, or electronic fund transfer card number;*
 - *Any account number at a bank or other financial institution; and*
 - *Type of leave taken, and leave applied for but not yet taken.*
- Internal investigation complaints – for no more than 75 days from the date of the Complaint

Confidential

- Social Security Numbers;
- Computer Passwords; and
- Employee use of Employee Assistance Programs; and
- CHRI Checks performed by BCI.



Examples of Open Records

- Personnel file, including:
 - *Job performance*
 - *Evaluations*
- Business-related e-mails
- Records on personal devices, including:
 - *Cell phones (e-mail, messages, photos)*
 - *Computers (e-mail, documents, etc.)*
- Contracts with a public entity, including:
 - *Prices*
 - *Costs*

Examples of Exempt Records

- Medical records, or a record containing medical information, in possession of a public entity are exempt. (N.D.C.C. § 44-04-18.32)
- Applications (N.D.C.C. § 44-04-18.27)
 - *Applications and any records related to the applications which contain information that could reasonably be used to identify an applicant are exempt. Finalists' information remains open.*
- Active litigation records (N.D.C.C. § 44-04-19.1(12))
 - *Records obtained, compiled, or prepared by a public entity or the attorney representing a public entity for the purpose of litigation, unless the records already have been filed publicly or the litigation is completed, are exempt.*

References & Resources

- North Dakota Constitution [Article XI General Provisions](#)
- North Dakota Century Code Chapter [44-04](#)
- Attorney General's website: www.attorneygeneral.nd.gov
 - *Open Records & Meetings Laws*
 - Manuals & Guides
 - [Open Records Guide](#) (“One pager”)
 - [Template for Responding to an Open Records Request](#)
 - [Open Meetings Guide](#) (“One pager”)
 - [Sample Form for Closing Executive Sessions](#)
 - [Sample Meeting Notice](#)
 - [Notice Checklist](#)



Open Meetings





Open Meetings Basics

When a **quorum** of
a **governing body**
of a **public entity**
discusses **public business**
it is an Open Meeting.

Open Meetings Basics

What is a Quorum?

- **One-half or more of the members** of the governing body, *or*
- Any smaller number if sufficient for a governing body to transact business on behalf of the public entity.

Open Meetings Basics

What is a Governing Body?

- “The multimember body responsible for making a collective decision on behalf of a public entity.”
 - *Includes any group of persons, regardless of membership, acting collectively pursuant to authority delegated to that group by the governing body.*



Examples of Public Entities

- Public or governmental bodies, boards, bureaus, commissions, or state agencies,
- Entities created or recognized by the Constitution of North Dakota, state statute, or executive order of the governor,
- Task forces or working groups created by the individual in charge of a state agency or institution, to exercise public authority or perform a governmental function;
- Public or governmental bodies, boards, bureaus, commissions, or agencies of any political subdivision of the state,
- Entities created or recognized by resolution, ordinance, rule, bylaw, or executive order of the chief executive authority of a political subdivision of the state to exercise public authority or perform a governmental function; and
- Organizations or agencies supported in whole or in part by public funds or expending public funds.



Open Meetings Basics

What is Public Business?

- **All matters** that relate or may foreseeably relate in any way to . . . The performance of the public entity's governmental functions, including any matter over which the public entity has **supervision**, control, jurisdiction, or **advisory power**; or...the public entity's **use of public funds**.

A Meeting can happen...

- By conference call;
- On very short notice;
- Over video; or
- At a restaurant

Anywhere a quorum is present.

Open Meeting Exceptions

- Chance or social gatherings where no public business is considered or discussed.
- Emergency operations during a disaster or emergency declared under section 37-17.1-10 or an equivalent ordinance if a quorum of the members of the governing body are present but are not discussing public business as the full governing body or as a task force or working group.
- Attendance at meetings of national, regional, or state associations.
- Training seminars where no public business is discussed.



Committees

Definition of Meetings includes Committees.

- Committee: **Two or more people** acting collectively pursuant to authority delegated to that group by the governing body.
 - *Includes delegation of any public business, including information gathering.*
 - *Applies even if the public business being discussed was not delegated, and **no decision-making authority was granted**, to the committee by the governing body, so long as it relates to the business of the public entity.*

Key questions:

- Did the governing body delegate any sort of authority?
- Is the committee doing something the governing body could do itself?

Reminder

It does not matter...

- If the committee does not have final authority;
- If the committee is just “brainstorming” or “fact-finding;”
- If the committee is only intended to recommend something to the governing body;
- If the subject being discussed is not a subject within the authority delegated to the committee.

...a quorum of a committee is still a meeting.

Two Kinds of Meetings

Regular Meetings

- Set by filing yearly schedule.
 - *Must still create agenda for each meeting.*
- May discuss items not on the agenda at the meeting.
- Agenda should contain all topics known at the time the agenda is drafted, but may contain some boilerplate or catch-all items (i.e. “Committee Reports”).

Special Meetings

- Can **only discuss the items on the published agenda.**
- Agenda must be specific (no “catch-all” entries such as “old business”).

Notice Requirements

What must the Notice say?

- Time, date, and location of the meeting;
- Topics to be discussed;
- Notice of any executive session.
- If a meeting is held electronically, the information necessary to join the meeting must be in the notice. (Zoom/Teams link)

The public should be able to read the notice and understand what the governing body is planning to discuss. Do not be vague.

Providing Notice

When should the Notice be provided?

- Notice should be posted “**at the same time as such governing body’s members are notified.**”
 - *Remember: When governing body receives the agenda, the public should see the agenda.*

If it’s a special meeting, and the members know the date of the meeting, but no agenda has been prepared?

- Post notice of date at the same time members know of the date.
- Once agenda is prepared, it should also be posted at the required locations.



Providing Notice

Where must the Notice go?

- Posted at the main office and
- Location of the meeting on the day of the meeting;
- Appropriate central location: SOS/City/County Auditor/designee
- **2023 Legislative Change: If you have a website, notice must be posted on the website.**
- Given to anyone who has requested it.

Special meetings – notification must be given to official newspaper. (*Committee meetings are probably special meetings*)

- Remember: **This does not mean it needs to be published.**



Meeting Minutes

Minutes must contain:

- Names of members attending;
- Date and time meeting was called to order and adjourned;
- List of topics discussed;
- Description of each motion made and whether it was seconded (and by whom);
- Results of every vote taken; and
- The vote of each member on every roll call vote (required for all *nonprocedural* votes).



Common Meeting Violations

Using email, text messages, or other communication methods where a quorum is involved to discuss public business.

- Permissible
 - *To provide information for members to review before a meeting;*
 - *To set a meeting date.*
- Violations
 - *Hitting “**reply all**” to a permissible communication to hold a discussion or provide an opinion.*
 - *A member sharing thoughts, ideas, or opinions to a quorum of a public entity or a committee, even if no one responds.*
 - *Track changes?*



Common Meeting Violations

- Straw polling (no matter who does the polling)
 - *Calling members prior to the meeting and polling their votes*
- Serial meetings
 - *A series of smaller gatherings, where public business is discussed, which collectively constitute a quorum*

References & Resources

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- Attorney General's website: www.attorneygeneral.nd.gov
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COMMUNITY ACTION CELEBRATES 60 YEARS WITH A
CONFERENCE AND NEW PROGRAMS



SAVE THE DATE



CAPND CONFERENCE
OCTOBER 1ST - 2ND, 2024
GRAND FORKS, ND

PEACE, LOVE, AND COMMUNITY ACTION

A close-up photograph of a person's hand pointing at architectural blueprints on a desk. Another hand is holding a pen over the blueprints. In the background, a laptop is open, and the scene is lit with warm, golden light, suggesting an indoor setting like an office or a home workspace.

North Dakota Homeowner Assistance and Repair Program

DHHS and CAPND

WHERE THEY DREAM

WHOLE

FAMILY APPROACH

Social & Economic Mobility

- Financial assistance is needed, but financial assistance alone is not enough to help all families with attaining social and economic mobility.

Serves the entire household

- A whole family approach is necessary to connect households to services that will fulfill the needs of the entire household – not just the parents or just the children, but both.

Partnership vs. Punitive

- Whole Family Coaches walk alongside their clients to help them achieve their goals and help connect them to resources when appropriate. Coaches do not “punish” their clients, rather they partner together to work towards a common goal.



KNOW ANYONE
WHO WANTS TO
WORK IN WX?!

[https://www.capnd.org/
weatherization.html](https://www.capnd.org/weatherization.html)



What is Weatherization?

Weatherization encompasses a variety of building or home improvements that save money on utility bills AND improve the health, safety, and comfort of homes for the residents. The Weatherization Assistance Program is a network of nearly 800 local organizations across the U.S. that use funds from the U.S. Department of Energy and other partners to weatherize the homes of low-income households at no cost to them.

We Need You!

None of the Weatherization work we do can happen without skilled and passionate workers. Across the country, the Weatherization Assistance Program supports 8,500+ career-track jobs and here in North Dakota we are looking for people interested in being a part of our Weatherization teams.

**Dickinson/Williston
Careers**

**Minot
Careers**

**Devils Lake
Careers**

**Grand Forks
Careers**

**Fargo
Careers**

**Jamestown
Careers**

**Bismarck
Careers**



Earn while you learn!

Weatherization provides you with the training you need to start a career and move through your career path. The skills are transferable to many other industries if your career path sends you in a new direction.



Steady, Ongoing Work with Competitive Pay and Benefits

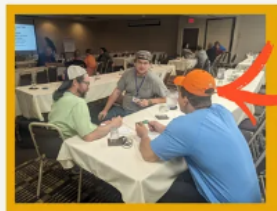
The Weatherization Program has been around for almost 50 years and work is steady year round. We offer competitive wages and valuable benefits



Help Your Community

Every day you are helping people in your community improve their health and safety as well as saving them money and reducing their energy usage.

BENEFITS OF A CAREER IN WEATHERIZATION



THE WEATHERIZATION WORKFORCE



Weatherization Crew
Installs home energy saving upgrades.



Quality Control Inspector
Ensures quality and completion of installed energy saving upgrades.



Crew Leader
Supervises the installation of home energy saving upgrades.



Client Intake Specialist
Confirms client eligibility for the program.



Energy Auditor
Examines homes to identify energy saving upgrades.



Program Director/Manager
Oversees program staff, planning, and performance.

Learn More About Weatherization Careers

Choosing a career in weatherization sets you on a career pathway that can be administrative or technical depending on what you want to pursue. As a nationwide multibillion-dollar industry, the skills and experience you gain can move with you anywhere in the country. And the skills are transferable to so many other industries if your career pathway leads you in a new direction.

There are many jobs that exist within the Weatherization Assistance Program. Check out more about some of the main jobs at the links below.



What is a Weatherization Crew Member/Technician?

Most people who enter the weatherization workforce start their career as a Weatherization Crew Member. This is an entry-level position for people interested in doing weatherization work on homes. Crew Members are the people who perform the home upgrades that result in the energy savings including installing insulation, replacing windows/doors, and more.



Weatherization Crew

Entry level position for people interested in doing weatherization work on homes.

EXPERIENCE WITH TOOLS

BASIC MATH & BUILDING SCIENCE

CUSTOMER SERVICE SKILLS

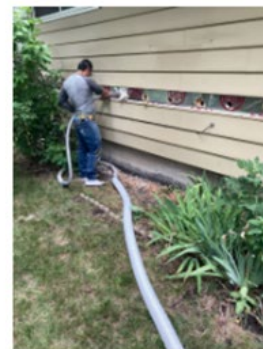
POSITIVE ATTITUDE

To be successful in this role, we recommend having:

- Experience using basic hand and construction tools such as tape measures, drills, and saws
- Basic building science and math skills
- Ability to use a phone and basic computer processes;
- Customer service skills, because you will be working directly with clients, contractors and fellow staff members

And the number one skill we recommend having is a *positive attitude!* This work is important, but can be challenging, in closed spaces like attics and crawlspaces, and includes working with people who have difficulties with their health, safety, or finances.

[Return to Weatherization Careers Home](#)



Advocacy And Ambassadorship



The CSBG Act requires partnerships are formed with, local law enforcement, local housing authorities, private foundations and other public and private partners.



Staff should help educate the community about your mission and the success of your organization.



Education and raising awareness about what your organization does is the best way to advocate for your organization and those they serve.



CONTACT INFORMATION

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