



Planning Committee Agenda

Diversion Authority Planning Committee

May 7, 2024 @ 1:00p.m. CST

This meeting will be in-person at the Hjemkomst Center Willow Room (202 1st Avenue North, Moorhead, MN, 56560).

1. Call to Order
 - a. Roll call of Members
2. Approve minutes – April 9, 2024
[Attachment 01.00] (Pg. 2)
3. Approve Order of Agenda
4. Executive Director Next Steps
[Attachment 02.00] (Pg. 4)
5. Employee Handbook
[Attachment 03.00] (Pg. 63)
6. Co-Executive Director Update
7. Other Business
8. Next Meeting: June 11, 2024
9. Adjournment

MEDIA AND PUBLIC PARTICIPATION INFORMATION

This meeting is an in-person public meeting.



Metro Flood Diversion Authority Planning Committee Meeting Minutes

1:00 PM –April 9, 2024
Hjemkomst Center, Willow Room

A meeting of the Metro Flood Diversion Authority Planning Committee was held on April 9, 2024. The following members were present: Dr. Tim Mahoney, Mayor, City of Fargo; Bernie Dardis, Mayor, City of West Fargo; Kevin Campbell, Clay County Commissioner; Shelly Carlson, Mayor, City of Moorhead; Tony Grindberg, Cass County Commissioner and Rodger Olson, Cass County Joint Water Resource District.

Member(s) absent: no members were absent.

1. CALL TO ORDER

Mayor Carlson called the meeting to order at 1 PM. Roll call was taken, and a quorum was present.

2. APPROVAL OF MINUTES FROM FEBRUARY 2024

MOTION PASSED

Mayor Mahoney moved to approve the minutes from the February 2024 meeting and Mr. Grindberg seconded the motion. On a voice vote, the motion carried.

3. APPROVE ORDER OF THE AGENDA

MOTION PASSED

Mayor Dardis moved to approve the order of the agenda and Mr. Grindberg seconded the motion. On a voice vote, the motion carried.

4. MFDA GOVERNANCE POLICIES MONITORING PLAN

Mr. Paulsen reported that beginning in May, the governance policies will be reviewed on a monthly basis. This review will be a standing agenda item to ensure that the committee is following the policies and meeting expectations.

5. FEMA COORDINATION

Mr. Paulsen and Mr. Bakkegard reported that an introductory meeting was held with FEMA and the USACE regarding remapping of the flood plain. Mr. Bakkegard indicated that regular meetings will be held with FEMA, USACE and the DA to develop a planning document. The next meeting will be in September.

6. OTHER BUSINESS

Mr. Olson shared his concerns regarding the issues with the gates. He indicated that if the gates did not work correctly and additional impacts to those upstream occurred, it would portray the DA as disseminating information that is not factual and we would not be doing what we said we were going to do.

7. CLOSED EXECUTIVE SESSION

Closed executive session pursuant to N.D.C.C. § 44-04-19.1 (2) and (9) for Attorney Consultation regarding a potential claim regarding ECR reasonably anticipated to be presented to the Technical Dispute Resolution Board as established by the Project Agreement for the Storm Water Diversion Channel and Associated Infrastructure.

MOTION PASSED

Mr. Grindberg moved to go into executive session and Mayor Mahoney seconded the motion. On a voice vote, the committee began executive session at 1:28 PM.

8. NEXT MEETING

The next meeting will be May 7, 2024.

9. ADJOURNMENT

The meeting resumed at 3 PM; Mr. Campbell moved to adjourn, and Mayor Dardis seconded the motion. The meeting adjourned at 3 PM.

Memorandum



To: Chair Shelly Carlson, Mayor of Moorhead
Planning Committee Members

From: Co-Executive Directors Robert Wilson & Michael Redlinger

Cc:

Date: May 3, 2024

Re: History of MFDA Executive Director Recruitment Processes

We were asked to prepare a briefing memo detailing the recruitment, screening, interview, and hiring process the last time the Executive Director position was vacant and filled in 2019. In total there were three (3) search efforts undertaken prior to identifying a preferred candidate and making a job offer in the summer of 2019.

A summary of the Board of Authority's previous search processes is detailed below:

Search #1: This effort was underway when I began employment with Cass County in March 2017 and was initiated in January 2017 by the Board of Authority. The original agreement for recruiting services with Ms. Pam Derby of CPS HR Consulting was signed in February 2017. A job description was developed, and a salary range identified. Copies of these background materials are attached for your reference.

The position was posted in early 2017, and three candidates were interviewed on July 24 & 25, 2017 by the Executive Director Search Advisory Group, made up of Fargo Mayor Tim Mahoney, Cass County Commissioners Chad Peterson and Mary Scherling and Moorhead Mayor Del Rae Williams. That group recommended scheduling one candidate for a follow-up full day of meetings and conversations with the Board of Authority, project partners and members of the public. The Board voted to extend an employment offer to the candidate, Mr. Jay Neider. Ultimately Mr. Neider and the Authority could not arrive at acceptable terms for an employment agreement. Following this failed search, the project was the subject of an injunction in September 2017.

Search #2: In February and March of 2018, the Board of Authority updated the position profile and reposted the position. Through April and May the recruitment was challenging, but the reason wasn't immediately clear. Ms. Derby recommended that moving forward perhaps a survey should be added to elicit feedback from potential candidates. Litigation and permitting challenges were mentioned as reasons some would-be candidates did not apply. At that point 8 resumes were received and two were viable candidates. There was some discussion of a \$150k - \$175k hiring range being part of the challenge. The position profile listed a salary range starting at \$150k. In July, Ms. Derby sent a memo that 2 of the three candidates initially identified to be viable had withdrawn from the process. That left a single candidate, and the Board chose not to make an offer.

Search #3: At the urging of Board of Authority Chair Mary Scherling, the effort to recruit and hire an Executive Director was restarted in February 2019. The Authority updated the recruiting agreement with Ms. Derby and CPS HR Consulting. The Executive Director Search Advisory Group also reengaged and

included Moorhead Mayor Judd, Fargo Mayor Mahoney, Commissioner Scherling, Commissioner Steen, and Commissioner Campbell.

An updated recruitment workplan and position profile were also delivered at the end of March. Remote interviews were conducted with four candidates in June and follow-up in-person interviews with three candidates were held on July 16 and 17, 2019. Ms. Derby provided a salary recommendation memorandum to the Co-Executive Directors on August 8, 2019, and on August 22 the Diversion Board of Authority approved an employment agreement with Mr. Joel Paulsen. Mr. Paulsen started as the Metro Flood Diversion Authority Executive Director on September 3, 2019.

Attachments: Staff Memorandum & Overview of Professional Service Agreement
CPS HR Professional Services Agreement
2017 Executive Director Recruiting Material
Search Consultants Matrix – Options for Search Consultant Services
CPS HR Consulting Salary Comparison Memorandum (8/8/19)



February 23, 2017

To: Flood Diversion Board of Authority
Fr: Michael Redlinger, Co-Executive Director & Assistant City Administrator, City of Fargo
Re: Professional Services Agreement for FMDA Executive Director

Recommendation: The Co-Executive Directors request the Flood Diversion Board of Authority receive a presentation regarding the recruitment and screening process for the Executive Director position for the Authority. Following this presentation, the Board of Authority is asked to consider and approve a professional services agreement with CPS HR Consulting to assist the Authority with recruiting, screening, and selecting its first Executive Director.

Background: At the January 26, 2017 Board of Authority meeting, the Board considered and approved a position description for Executive Director. The Executive Director will serve as the Chief Administrative Officer of the FM Diversion Authority and provide program leadership and oversight to the member entities of the Joint Powers Agreement. Following approval of the position description, staff solicited proposals from six executive search firms located in Minnesota (2), California (2), Washington, and Delaware to determine the interest and availability of a firm to assist with candidate recruitment, screening, and placement. It is the intent of the Authority that an outside consultant will supplement, and not replace, logistical and administrative support services provided by the local member entities in the Executive Director recruitment process.

Particular emphasis in the executive search solicitation was placed on firms that have assisted governmental and non-governmental organizations in large, complex transportation or infrastructure projects, including public-private partnerships. A key objective of this outreach was to gauge the consultant’s approach and expertise in placing a high-level technical manager (e.g. an executive civil engineer) in a complex environment, such as the FM Diversion Project setting. An internal staff team comprised of Co-Executive Directors Redlinger and Vanyo; Clay County Administrator Brian Berg, and General Counsel John Shockley reviewed the proposals submitted and arrived at a consensus recommendation for a firm to assist the Authority with its recruitment.

Firms Contacted:

Firm	State
Springsted, Inc.	Minnesota
The Prothman Company	Washington
Professional Recruiting Consultants, Inc.	Delaware
CPS HR Consulting	California
MRA	Minnesota
Bob Murray & Associates	California

Summary of Proposal Solicitations & Recommendation: Four (4) of the six firms contacted provided a formal proposal for consideration. Following a review of the proposals, it is recommended that the Board of Authority consider and approve a professional services agreement with CPS HR Consulting of Sacramento, CA for consultant services. A copy of the CPS HR Consulting proposal is attached for reference, and Co-Executive Director Redlinger will provide a presentation at the February 23, 2017 Board of Authority meeting with highlights of the proposal, cost, timeline, and previous firm experience. In addition, a proposed framework to assist with screening/interviewing the Executive Director candidates will be discussed and recommended at the meeting.

Organizational Model for Screening & Interviewing Candidates: Following approval of the professional services agreement for executive search services, it is recommended that the Board of Authority establish a small subcommittee to assist with screening Executive Director semi-finalist candidates. Together with the search consultant and Co-Executive Directors, the subcommittee will prepare a list of finalist candidates for Board consideration and approval, and the finalist candidates will be invited to Fargo for interviews. The role of the subcommittee and the participation of the Board of Authority in the interview process will be discussed in detail at the February 23, 2017 meeting.

Attachments: CPS HR Consulting Proposal
FMDA Executive Director Position Description – approved January 26, 2017



MASTER CONSULTING SERVICES AGREEMENT

This Master Consulting Services Agreement (Agreement) is by and between Cooperative Personnel Services, dba CPS HR Consulting, a California Joint Powers Authority (CPS HR), with offices at 241 Lathrop Way Sacramento, CA 95815 and the Agency named in the signature block at the end of this Agreement (Agency, hereafter referred to as Client), and is effective as of February 27, 2017 (Effective Date). CPS HR and the Client shall be collectively referred to herein as the "Parties" and individually as a "Party."

- A. Purpose.** This Agreement defines CPS HR consulting services, policies and procedures.
- B. Services.** CPS HR will provide certain consulting services (Services) to Client as set forth in Statements of Work that specifically reference this Agreement (each a Statement of Work). Each Statement of Work shall be substantially in the form attached hereto and incorporated into this Agreement as Exhibit "A" and shall be executed by an authorized signatory of CPS HR and by an authorized signatory of Client. CPS HR shall perform only the Services requested by Client, at the times, dates, and locations specified by Client. The terms and conditions of this Agreement shall apply to all Statements of Work executed by the parties during the term of this Agreement.
- C. Compensation.**
 - 1. Payment.** Client will compensate CPS HR for Services by paying certain fees as set forth in the applicable Statement of Work. Client will reimburse CPS HR for business expenses as set forth in the applicable Statement of Work. Client will pay all invoices within thirty (30) days from receipt of invoice.
 - 2. Funding.** Client certifies that funding for compensation payable to CPS HR under this Agreement has been approved by Client's governing body, either as a part of the general operating budget or as a specific item. Client further certifies that it anticipates sufficient cash will be available for payment of compensation as required above.
 - 3. Late Payment.** Any invoices not paid within thirty (30) days may incur a service charge of the lesser of two percent (2%) or

the maximum allowable by law per month on any outstanding overdue balances. In addition, reasonable collection costs may be added to any invoice not paid within ninety (90) days.

- D. Taxes.** Except as expressly stated in any Statement of Work, the fees listed therein are in addition to, and not in lieu of, any additional fees, assessments, levies, taxes, etc. assessed against the transactions contemplated herein (Taxes). With the exception of Taxes imposed on CPS HR's net income, all Taxes shall be Client's responsibility. Client shall pay any Taxes, which CPS HR may be required to collect and remit, upon invoice.
- E. Term and Termination of Agreement.**
 - 1. Term.** The term of this Agreement is one (1) year from the Effective Date (Initial Term) hereof and thereafter shall automatically renew for successive one-year terms unless terminated by either Party.
 - 2. Immediate Termination upon Material Breach.** Either Party may terminate this Agreement immediately upon any material breach by the other Party.
 - 3. Termination Without Cause.** Either Party may terminate the Agreement without cause upon thirty days written notice to the other Party.
 - 4. Payment on Termination.** Upon termination without cause, Client shall pay CPS HR for all work performed through the effective date of termination. For termination upon material breach, Client shall pay CPS HR for all work performed which is in compliance with the terms of the Statement of Work.
- F. Limited Warranty.**
 - 1. Warranty.** CPS HR represents and warrants that: (i) it has the authority to enter into this Agreement; (ii) it will comply with applicable law; and (iii) it will provide Services in a workmanlike manner consistent with industry standards. The foregoing warranties shall apply as to each Statement of Work until accepted by Client.

2. Warranty Disclaimer. EXCEPT AS EXPRESSLY SET FORTH HEREIN, CPS HR EXPRESSLY DISCLAIMS ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, ORAL OR WRITTEN, WITH RESPECT TO THE SERVICES AND THE WORK PRODUCT INCLUDING, WITHOUT LIMITATION, ALL IMPLIED WARRANTIES OF MERCHANTABILITY OR FITNESS FOR ANY PARTICULAR PURPOSE OR IN RESPECT OF ANY THIRD-PARTY PRODUCTS OR SERVICES AND ALL WARRANTIES IMPLIED FROM ANY COURSE OF DEALING AND NO REPRESENTATIVE OF CPS HR IS AUTHORIZED TO GIVE ANY ADDITIONAL WARRANTY.

G. Work Product.

1. Ownership. Except as set forth in the Statement of Work, upon CPS HR' receipt of fees due under the Agreement, all studies, reports, documents and other writings prepared by CPS HR and its subcontractors, produced as a result of CPS HR' work, or delivered by CPS HR to Client in the course of performing services (collectively, "Work Product") shall become the property of Client and Client shall have the right to use the materials without further compensation to CPS HR or its subcontractors.

2. Retention of Rights. Notwithstanding Client's ownership of the Work Product, Client acknowledges and agrees that: (i) CPS HR has the right to re-use any of its know-how, ideas, concepts, methods, processes, or similar information, however characterized, whether in tangible or intangible form, and whether used by CPS HR in the performance of Services or not, at any time and without limitation, and (ii) CPS HR retains ownership of any and all of its intellectual property rights that existed prior to the Effective Date including, but not limited to, all methods, concepts, designs, reports, programs, and templates.

H. Release of Information to Third Parties.

Each Party understands that information provided to government entities may be subject to disclosure under a public records or freedom of information act. Each Party hereto (each, a Recipient) shall protect and keep confidential all non-public information disclosed to Recipient by the other Party (each, a Discloser) and identified as confidential by Discloser, and shall not, except as may be authorized by Discloser in writing, use or disclose any such Confidential Information during and after the term of this Agreement. If CPS HR or Client receives a

request for disclosure of Confidential Materials, such as a subpoena or a public records or freedom of information request, that Party shall immediately notify the other Party of the request. Upon request, Client or CPS HR shall maintain the confidentiality of the Confidential Materials pending the grant or denial of a protective order or the decision of a court or administrative body as to whether the requested materials must be disclosed under the applicable public records statute. Client and CPS HR shall cooperate with each other in seeking any relief necessary to maintain the confidentiality of the Confidential Materials. Each Party shall defend, indemnify and hold the other harmless from any claim or administrative appeal, including costs, expenses, and any attorney fees, related to that Party pursuing protection of the Confidential Materials from disclosure.

I. Indemnification. CPS HR agrees to indemnify and hold Client, its agents, officers, employees and volunteers harmless from and against any and all losses, liabilities and damages arising from or related to a claim of bodily injury or property damage resulting from CPS HR's willful misconduct or negligent performance of this Agreement; provided that, Client notifies CPS HR in a commercially reasonable time, in writing of any such claim and gives CPS HR (at CPS HR's expense) sole control of the defense of same and all negotiations for its settlement or compromise.

J. Limitation of Liability. NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED HEREIN, NEITHER PARTY HERETO SHALL HAVE ANY LIABILITY OR RESPONSIBILITY FOR ANY INDIRECT, INCIDENTAL, EXEMPLARY, SPECIAL OR CONSEQUENTIAL DAMAGES (INCLUDING, BUT NOT LIMITED TO, DAMAGES ARISING FROM LOSS OF PROFITS OR DATA), EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. CPS HR' LIABILITY FOR DAMAGES HEREUNDER SHALL NOT EXCEED THE AMOUNT OF FEES PAID BY CLIENT TO CPS HR UNDER THE APPLICABLE STATEMENT OF WORK.

K. Miscellaneous.

1. Notices. Any notice to the parties required or permitted under this Agreement shall be given in writing and shall be sent to the persons at the address listed in the applicable Statement of Work.

2. Dispute Resolution; Remedies.

(a) In the event of a dispute, the parties may agree to pursue mediation or either binding or nonbinding arbitration to resolve their dispute, under such rules as the parties may agree.

(b) If either CPS HR or Client determines it appropriate to file a judicial action, then, in addition to any other remedies available at law or in equity, Client acknowledges that breach of this Agreement may result in irreparable harm to CPS HR for which damages would be an inadequate remedy and, therefore, CPS HR shall be entitled to seek equitable relief, including injunction.

3. Attorneys Fees. If any legal action or arbitration or other proceeding is brought to enforce or construe the term of this Agreement or because of an alleged dispute, breach or default in connection with any provision of this Agreement, the successful or prevailing Party shall be entitled to recover reasonable attorneys fees and other costs incurred in that action, arbitration or proceeding in addition to any other relief to which it may be entitled.

4. Governing Law. This Agreement will be governed by the laws of the State of California without regard to its rules concerning conflict of laws.

5. Force Majeure. Neither Party shall be liable for delays caused by fire, accident, labor dispute, war, insurrection, riot, act of government, inaction of government, superior force, or any other cause, existing or future reasonably beyond its control.

6. Waiver. The failure of any Party at any time or times to require performance of any provision of this Agreement shall in no manner affect its right to enforce that provision at a later time. Nor shall the waiver by either Party of a breach of any provision of this Agreement be taken or held to be a waiver of the provision itself. No waiver shall be enforceable unless made in writing and signed by the Party granting the waiver.


7. Entire Agreement; Modifications. This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof and supersedes all other agreements, representations and warranties. All modifications and supplements to this Agreement must be in writing and signed by both parties.

8. Counterparts; Facsimile Signature; Electronic Signature. This Agreement may be executed in any number of counterparts. If this Agreement or any counterpart is signed and then faxed or e-mailed by PDF or otherwise, the faxed or -mailed copy bearing the signature shall be as good as the original, wet-ink signed copy for all intents and purposes.

9. Authority to Sign. The person signing this Agreement on behalf of the Client (the Principal Signer) represents that he or she is the head of the agency or is otherwise duly authorized to sign this Agreement and to bind the Client.

10. Ambiguities. As this Agreement has been voluntarily and freely negotiated by both parties, the rule that ambiguous contractual provisions are construed against the drafter of the provision shall be inapplicable to this Agreement.

**Cooperative Personnel Services dba
CPS HR Consulting**
241 Lathrop Way, Sacramento, CA 95815

By: 
Authorized Signature

Name: Gerald Greenwell

Title: Chief Executive Officer

Metro Flood Diversion Authority
211 Ninth Street South, Fargo, ND 58108

By: 
Authorized Signature

Name: Michael Redlinger

Title: Co-Executive Director
Assistant City Administrator,
City of Fargo, ND

Exhibit A

**SAMPLE
STATEMENT OF WORK NO. 1**

This Statement of Work ("SOW"), effective _____ ("Effective Date") is issued under and subject to all of the terms and conditions of the Master Consulting Services Agreement, (the "Agreement"), dated as of _____ by and between Cooperative Personnel Services, dba **CPS HR Consulting**, a California Joint Powers Authority ("CPS HR") with offices at 241 Lathrop Way, Sacramento, CA 95815 and _____ ("Client") with offices at _____.

Any modifications specified in this SOW shall be applicable only to the parties hereto and shall not affect the Agreement or any other agreement. All changes to this SOW must be mutually agreed to and executed in writing by duly authorized representatives of both parties as an amendment to this SOW.

Capitalized terms used herein shall have the meanings ascribed to them in the Agreement.

1. **SERVICES:** Services to be provided are as described in Exhibit "A" attached hereto and incorporated herein.

2. **CLIENT RESPONSIBILITIES:**

- a. Client is responsible for designating an individual to coordinate communication, meetings, interview schedules, and review of products with the project team. Client's Project Representative will be responsible for the following activities:
 - i. Coordinating all meeting schedules, conference calls, facilities and equipment needs
 - ii. Coordinating interview schedules and facilities and distributing project update information
- b. Any work products developed during the activities described above will be submitted to the Client's Project Representative for review, comment and/or approval. This is a critical step to ensure accurate, reliable, and valid products.

3. **START DATE(S):**

4. **COMPLETION DATE(S):**

5. **CPS HR PROJECT MANAGER:** _____ **Phone Number:** _____

6. **CLIENT PROJECT REPRESENTATIVE:** _____ **Phone Number:** _____

7. **BUSINESS EXPENSES:** Not to exceed _____

8. **SERVICE FEES:**

- a. All Services provided to Client by CPS HR hereunder are priced on a **FIXED PRICE** basis. All amounts are based upon the following assumptions. Any deviations from the following assumptions may result in an increase in the Fees: (i) Client will timely perform its responsibilities as set forth in this SOW; and (ii) Services will normally be performed during normal business hours, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding CPS HR holidays ("Normal Business Hours").
- b. CPS HR will invoice Client at the fixed fee rate of \$ _____, plus expenses, billed in **monthly installments** with a final installment of \$1,000.00 billable upon project completion. Incidental expenses such as lodging, parking, meals, mailing costs, etc., will be billed at actual cost and are estimated at \$ _____. Mileage will be billed at the current U.S. Internal Revenue Services approved rate.
- c. Invoices will be submitted for payment on a **monthly** basis. Client will pay CPS HR within thirty (30) calendar days following receipt of invoice.

- 9. In the event the project is terminated early, CPS HR will be paid such amount as is due for professional services performed and out-of-pocket expenses incurred up to and including the effective date of termination.
- 10. This SOW covers work requested and performed prior to the commencement of this SOW.

EACH PARTY ACKNOWLEDGES THAT IT HAS READ THIS SOW, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

**Cooperative Personnel Services dba
CPS HR Consulting**

By: DO NOT EXECUTE - SAMPLE
Authorized Signature

By: DO NOT EXECUTE - SAMPLE
Authorized Signature

Name: _____

Name: _____

Title: _____

Title: _____

PROPOSAL

Fargo-Moorhead Diversion Authority

Executive Recruitment Services for Executive Director

Due Date: February 7, 2017

SUBMITTED BY:

MELISSA ASHER

Sr. Practice Leader, Products and Services

CPS HR Consulting
241 Lathrop Way
Sacramento, CA 95815
P: 916-471-3358
F: 916-561-8441
masher@cps hr.us
Tax ID: 68-0067209

www.cps hr.us



Your Path to Performance



February 7, 2017

Michael J. Redlinger, Assistant City Administrator
 Fargo-Moorhead Diversion Authority (City of Fargo)
 200 Third Street North
 Fargo, ND 58102

Submitted via email to: mredlinger@cityoffargo.com

Subject: Executive Recruitment Services for Executive Director

Dear Mr. Redlinger:

CPS HR Consulting (CPS HR) is pleased to have the opportunity to submit a proposal to assist the Fargo-Moorhead Diversion Authority (FMDA) with the recruitment of a new Executive Director. We are uniquely qualified to undertake this effort as we have vast experience in assisting public agencies with executive search, screening, and placement. We possess a number of important strengths to assist the FMDA in accomplishing the goals for this recruitment, including:

- **Broad recruitment experience for public sector executive and managerial positions.** CPS HR has recruited executives and managers for a variety of positions with counties, cities, special districts, and nonprofit entities. We have extensive experience in the recruitment of all types of local government, executive, and professional staff, including council/board appointed executives, department directors, and key professional and management positions. We will apply this expertise to your recruitment.
- **A proven track record with more than 1,700 recruitments for 600+ clients.** We understand and appreciate the intricacies of managing the executive recruitment for an organization, and we bring that expertise and knowledge to the recruitment process. For this recruiting engagement, we will custom-tailor a program to fit your needs to provide a strong, competitive pool of candidates.
- **An in-depth understanding** of all state and local government operations, programs, and services. This understanding has been gained through consulting engagements with local government agencies throughout the United States.
- **Partial Recruiting List.** Below is a partial listing of similar executive recruitments within the past five years.

Agency	Title	Year Completed
Casitas Municipal Water District	Safety Officer	2016
Denver Water	Director of Planning	2016



Agency	Title	Year Completed
Sacramento Area Council of Governments	CEO	2016
Sacramento Area Flood Control Agency	Administrative Officer	2016
San Jose, City of	Division Manager, Pavement	2016
Tualatin Valley Water District	Chief Engineer	2016
Urban Drainage and Flood Control District	Executive Director	2016
Washington Department of Transportation	Alaska Way Viaduct and Seawall Replacement Program Administrator	2016
Abilene, City of	Water Utility Director	2015
San Francisco Estuary Institute	Executive Director	2014
San Francisco Municipal Transportation Agency	Deputy Director Program Delivery	2014
San Francisco Municipal Transportation Agency	Director of Sustainable Streets	2014
San Jose, City of	Division Manager of Pavement Services	2014
Modesto Irrigation District	Assistant General Manager, Finance	2013
Modesto Irrigation District	General Counsel	2013
San Jose, City of	Deputy Director of Transportation for Planning, Policy, and Program Delivery	2013
San Jose, City of	Operations Division Manager-Regional Wastewater Facility	2013
Santa Clara Valley Water District	Deputy Operating Officer of the Water Utility Operations and Maintenance Division	2013

It is our commitment to work in partnership with your organization to a successful result. Thank you for the opportunity to be considered for this assignment. Should you have questions or comments about the information presented in this proposal, **please contact me at masher@cpsshr.us or (916) 471-3358.**

Sincerely,

Melissa Asher, Senior Practice Leader, Products and Services

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Methodology

Key Stakeholder Involvement

The Diversion Authority Board must be intimately involved in the search for a new Executive Director. For this reason, our approach assumes their direct participation in key phases of the search process. Additionally, at the discretion of the Diversion Authority Board, other key stakeholders may also be invited to participate in focus group sessions or round-table meetings to provide input for the development of the candidate profile.

FMDA's Needs

A critical first step in a successful executive search is for the Diversion Authority Board to define the professional and personal qualities required of the Executive Director. To be certain this occurs, we have developed a very effective process that will permit the Diversion Authority Board to clarify the preferred future direction for the Fargo-Moorhead Diversion Authority (FMDA); the specific challenges the FMDA is likely to face in achieving this future direction; the working style and organizational climate the Diversion Authority Board wishes to establish with the Executive Director; and ultimately, the professional and personal qualities that will be required of the Executive Director.

Aggressive, Proactive, and Robust Recruitment

We take an aggressive approach in identifying and recruiting the best available candidates. There are those candidates who would gladly rise to the professional challenge and apply for this position; however, some of the best candidates are often not actively seeking a new position and may only consider a change once we present them with your opportunity. Evoking the sense of vision and opportunity in qualified persons is among the responsibilities of CPS HR, and we pride ourselves in our efforts to reach the best available potential candidates.

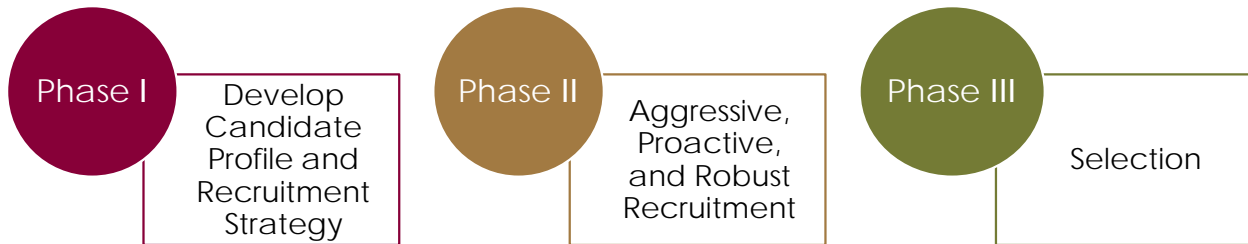
Selection

The selection of the best available candidate requires the use of tools specifically designed to evaluate each candidate against the personal and professional qualities identified by the Diversion Authority Board. For this reason, we tailor our selection techniques to the FMDA's

specific requirements. In addition, we also assume responsibility for administering the selection process for the FMDA.

Three-Phase Project Approach for Success

Our proposed executive search process is designed to provide the FMDA with the full range of services required to ensure the ultimate selection of a new Executive Director who is uniquely suited to the FMDA's needs.



Phase I: As desired by the FMDA, our consultant will meet with the Diversion Authority Board and other FMDA representatives to ascertain the FMDA's needs and ideal candidate attributes, to target our search efforts, and maximize candidate fit with the FMDA.

Phase II: The recruitment process is tailored to fit the FMDA's specific wants and needs, with targeted advertising, combined with personal contacts with qualified individuals from our extensive database.

Phase III: The selection process is customized for the FMDA. CPS HR will work with the Diversion Authority Board to determine the process best suited to the Fargo-Moorhead Diversion Authority.

Project Tasks

Phase I - Develop Candidate Profile and Recruitment Strategy

Task 1 - Review and Finalize Executive Search Process and Schedule

The first step in this engagement is a thorough review of the following with the Diversion Authority Board:

- FMDA's needs, culture, and goals
- Executive search process
- Schedule

This will ensure that the FMDA's needs are met in the most complete manner possible.

Task 2 - Key Stakeholder Meetings

As desired by the FMDA, CPS HR is prepared to meet with any additional key stakeholders to obtain input in developing the ideal candidate profile and to assist CPS HR in understanding key issues and challenges that will face a new Executive Director. The specific nature of the involvement process would be developed in consultation with the FMDA. The results of the above activities will be summarized by CPS HR and provided to the FMDA as an additional source of information for developing the candidate profile and selection criteria.



Task 3 - Candidate Profile and Recruitment Strategy Development

This task will be accomplished during a workshop session involving the Diversion Authority Board and CPS HR. It will result in the identification of the personal and professional attributes required for the position and will include the following activities:

- The Diversion Authority Board will identify key priorities for the new Executive Director.
- CPS HR will assist them in identifying the conditions and challenges likely to be encountered in achieving the priorities identified above.
- The Diversion Authority Board will describe the type of working relationship they wish to establish with the Executive Director.
- CPS HR will assist the FMDA in generating lists of specific competencies, experiences, and personal attributes needed by the new Executive Director in light of the analyses conducted above.

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- CPS HR will present several recruitment and selection strategies for the FMDA’s consideration. The FMDA will choose the recruitment and selection process most likely to produce the intended results.

Task 4 – Develop Recruitment Brochure

Following the completion of the workshop session, CPS HR will work with a professional graphic artist to design a recruitment brochure and present it to the FMDA for review prior to printing. Please refer to **Appendix A** for a sample brochure. Additional brochure examples are available on our website at www.cpshr.us/search.

Task 5 – Place Advertisements

Advertisements (which will include a direct link to your brochure) will be prepared and placed for publication in appropriate magazines, journals, newsletters, job bulletins, social media, and websites to attract candidates on a nationwide, regional, local, or targeted basis, depending on the preference of the FMDA. CPS HR will present examples to the FMDA for review and approval. Examples may include:

Advertising Sources	
<ul style="list-style-type: none"> ● FMDA’s website ● American Society of Civil Engineers ● Construction, Building & Engineering News ● LinkedIn 	<ul style="list-style-type: none"> ● CPS HR website ● American Public Works Association ● Society of Women Engineers ● Institute of Transportation Engineers ● American Association of State Highway and Transportation Officials

CPS HR will prepare an email distribution list containing prospective candidates and referral sources. These individuals will receive a link to the Executive Director brochure along with a personal invitation to contact CPS HR should they have any questions about the position.

CPS HR is focused on reaching a diverse candidate pool and would recommend publications/websites that are targeted to minority and female candidates. CPS HR will specifically research other jurisdictions in which the demographics mirror those of the Cass County area and target outreach to those individuals. In addition to placing ads on websites aimed at minority candidates, we will contact leaders within appropriate associations to gain their insight and referrals of possible candidates.

Within the past five years, we have successfully placed more than 170 minority and female candidates in executive level positions.

Phase II – Aggressive, Proactive, and Robust Recruitment

Task 1 - Identify and Contact Potential Candidates

This very crucial task will include a variety of activities. CPS HR will:

- Contact respected and experienced industry leaders to identify outstanding potential candidates on a referral basis. CPS HR maintains a comprehensive, up-to-date database of such professionals; however, we do not rely solely upon our current database. We also conduct specific research to target individuals relevant to your specific needs and expectations to ensure that we are thorough in our efforts to market this position to the appropriate audience and to garner a diverse and quality pool of candidates. These individuals, as well as other potential candidates, are typically contacted very soon after they have received a recruitment brochure in order to maximize the impact of the multiple contacts.
- Select top quality candidates for consideration from past recruitments.
- Provide each potential candidate with a copy of the recruitment brochure.
- Contact potential candidates by telephone to explain the career opportunity, answer questions, and encourage them to submit a resume. Oftentimes this component necessitates multiple conversations with the same person to pique his/her interest and to answer his/her questions sufficiently.

As a consulting firm that interacts with hundreds of public sector executives during engagements, we have a cadre of individuals who we inform of recruitments, both to increase the visibility of the opening and to attract appropriate individuals who fit the special needs of our client. Communication with these professionals ensures that an accurate picture of the requirements of the job is apparent and proliferated throughout their professional networks. The approach utilized by CPS HR employs the following techniques:



- Communicating to candidates, through advertising materials and verbal conversations, a strong sense of the purpose and strategy of the FMDA. For many talented individuals, understanding these aspects is one of the key motivators to compete in such an environment.
- Providing guidance and resources to candidates regarding the area’s cost of living, mean and median housing prices, higher education opportunities, K-12 education information, and other aspects of interest to those who are considering relocating to the area. We have found that potential candidates sometimes make the decision not to apply based on

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rumored information, rather than facts and research. It is our job to ensure the candidates we are in communication with have accurate and helpful information.

- Actively seeking individuals who are highly visible in the field – widely published, frequent presenters and/or thought leaders – who are seemingly ready for the challenge. These highly qualified candidates may be attracted by the prospect of collaboration with other FMDA departments, providing exceptional leadership to the Fargo-Moorhead Diversion Authority, or continuing to ensure the public confidence in the integrity of the FMDA.

Task 2 – Resume Review and Screening Interviews

All resumes will be submitted directly to CPS HR for initial screening. This screening process is specifically designed to assess the personal and professional attributes the FMDA is seeking and will include:

- A thorough review of each candidate's resume, and if applicable, supplemental questionnaire responses and other supporting materials.
- Interviews with the candidates who appear to best meet the FMDA’s needs. CPS HR will spend extensive time ascertaining each candidate’s long term career goals and reasons why the candidate is seeking this opportunity, as well as gaining a solid understanding of the candidate’s technical competence and management philosophy. We will also gather data on any other unique aspects specific to this recruitment based upon the candidate profile.
- Internet research on each candidate interviewed.



Task 3 – Diversion Authority Board Selects Finalists

At the conclusion of the previous tasks, CPS HR will prepare a written report that summarizes the results of the recruitment processes and recommends candidates for further consideration by the FMDA. Typically the report will recommend five to eight highly qualified candidates, and will include resumes and a profile on each interviewee's background. CPS HR will meet with the Diversion Authority Board to review this report and to assist the FMDA in selecting a group of finalists for further evaluation.

Phase III – Selection

Task 1 - Design Selection Process

Based on the results of the meeting conducted in Phase I, CPS HR will design a draft selection process. CPS HR will meet with the FMDA to review this process and discuss the FMDA's preferred approach in assessing the final candidates. The selection process will typically include an in-depth interview with each candidate, but may also include other selection assessments such as an oral presentation, preparation of written materials, and/or problem-solving exercises.

Task 2 - Administer Selection Process

CPS HR will coordinate all aspects of the selection process for the FMDA. This includes preparing appropriate materials such as interview questions, evaluation manuals, and other assessment exercises; facilitating the interviews; assisting the FMDA with deliberation of the results; and contacting both the successful and unsuccessful candidates.



Task 3 – Final Preparation for Appointment

Following the completion of the selection process, CPS HR will be available to complete the following components:

- **Arrange Follow-up Interviews/Final Assessment Process:** Should the FMDA wish to arrange follow-up interviews and/or conduct a final assessment in order to make a selection, CPS HR will coordinate this effort.
- **Conduct In-Depth Reference Checks:** The in-depth reference checks are a comprehensive 360 evaluation process whereby we speak with current and previous supervisors, peers, and direct reports. (It is our policy to not contact current supervisors until a job offer is made contingent upon that reference being successfully completed so as not to jeopardize the candidates' current employment situation.) The candidates are requested to provide a minimum of six references sources. CPS HR is able to ascertain significant, detailed information from reference sources due to our assurance and commitment to each individual that their comments will remain confidential, which leads to a willingness to have an open and candid discussion, resulting in the best appointment for the FMDA. A written (anonymous) summary of the reference checks is provided to the FMDA.
- **Conduct Background Checks:** We will arrange for a background records check of a candidate's driving record, criminal and civil court, credit history, education, newspaper article publishings, and other sensitive items. Should any negative or questionable content appear during these checks, CPS HR will have a thorough discussion with the finalist(s) and will present a full picture of the situation to the FMDA for further review.

Commitment to Communication

Throughout the recruitment process, we are strongly committed to keeping you fully informed of our progress. We will collaborate with you to provide updates on the status of the recruitment via your preferred method of communication (phone conference, email, etc.).

In addition, during each phase in the process, we are corresponding with candidates and advising them of their status. We place the highest level of importance on customer service and responding in a timely manner to all client and candidate inquiries. Our previous clients and candidates have expressed a sincere appreciation for our level of service and responsiveness to the management of the recruitment process; as a result, we have many long-term relationships with clients that have resulted in the opportunity to assist them with multiple recruitments.

CPS HR's communication extends once you have selected the new Executive Director. We will contact both the Diversion Authority Board and the newly appointed Executive Director within six months of appointment to ensure an effective transition has occurred.

Project Timeline

The project team CPS HR has selected is prepared to begin work upon receipt of a fully-executed contractual agreement. All search activities up to and including the selection of a new Executive Director can be completed in 14 to 16 weeks. The precise schedule will depend on the placement of advertising in the appropriate professional journals, and the ability to schedule, as quickly as possible, the initial meeting. A proposed schedule of major milestones is presented below.

Task Name	Month 1				Month 2				Month 3				Month 4			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Initial Meeting/Candidate Profile	➤															
Draft Brochure		➤														
Brochure Approved/Printed Place Ads			➤													
Aggressive Recruiting							➤									
Final Filing Date							➤									
Preliminary Screening									➤							
Present Leading Candidates to FMDA										➤						
FMDA Interviews													➤			
Reference/Background Checks														➤		
Appointment																➤
Weeks	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

Executive Recruitment Team

Our executive recruitment team of Ms. Pam Derby, Mr. Frank Rojas, Mr. Stuart Satow, and Ms. Teresa Webster possesses extensive public sector recruiting experience and will serve as resources throughout this recruitment effort. Ms. Derby will serve as your dedicated project manager throughout this recruitment process. We do not utilize subcontractors and no staff members will be removed or replaced without the prior written concurrence of the FMDA. Their full resumes follow.

Role/Project Assignment	Name	Phone	Email
Senior Executive Recruiter/Project Manager	Pam Derby	916-471-3126	pderby@cpsr.us
Senior Executive Recruiter	Frank Rojas	916-471-3111	frojas@cpsr.us
Senior Executive Recruiter	Stuart Satow	916-471-3134	ssatow@cpsr.us
Executive Recruiter	Teresa Webster	916-471-3462	twebster@cpsr.us

Resumes

Pamela H. Derby

Profile

Since joining CPS HR Consulting in 2003, Pam Derby has conducted a wide range of recruitments for county, city, special district and association executives including city attorney, executive director, general manager, city manager, assistant and deputy city manager, police chief, community and economic development director, human resource director, finance director, city administrator, registrar of voters, library director, and director of information technology in addition to specialized support positions.

Ms. Derby recently placed the Program Administrator for the Alaskan Way Viaduct Replacement Program for the Washington Department of Transportation. This is a \$3.1 billion that includes a two-mile-long tunnel beneath downtown Seattle; a mile-long stretch of new highway that connects to the south entrance of the tunnel; a new overpass at the south end of downtown that allows traffic to bypass train blockages near Seattle’s busiest port terminal; demolition of the viaduct’s downtown waterfront section; and, a new Alaskan Way surface street along the waterfront that connects SR 99 to downtown. The program includes projects led by the Washington State Department of Transportation, King County, the City of Seattle and the Port of Seattle. The Federal Highway Administration is also a partner in this effort. This recruitment required extensive personal outreach with engineers and project managers around the world. Candidates were sought who had managed significant P3 or public projects and also possessed

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the demeanor necessary to work with a myriad of stakeholders including the Governor's Office, Legislature, project partners and the public.

Prior to joining CPS HR, Ms. Derby served as the Aide to the Yuba County Board of Supervisors serving as the Board's liaison to County Department Heads, the community, and the media. This experience provided her with a unique perspective into the special circumstances that exist in a Board/Council-Manager relationship and a keen awareness of the inner workings of local government. She is sensitive to balance the wants of the community with the needs of the client so as to tailor a recruitment process that reaches out to the most appropriate candidates and ensures a diverse group of individuals from which to make a selection. She has successfully employed these techniques in jurisdictions ranging from under 10,000 to 10 million. Moreover, she employs a firmly-held personal philosophy that candidates must be treated with the same respect and careful consideration as her client. Prior to her local government service, Ms. Derby served in the private sector and with several non-profit lobbying associations. She was responsible for the management of several large consumer groups.

Employment History

- Senior Executive Recruiter, CPS HR Consulting
- Professional Management Consultant, CPS HR Consulting
- Administrative Technician, CPS HR Consulting
- Aide to the Board of Supervisors, Yuba County, CA
- Special Cases Manager, Consumer Relations, The Money Store, CA
- Supervisor, Trailing Documents, The Money Store, CA
- Executive Assistant, Randlett Associates, CA

Professional Experience

- Project manager for local government, special district, and non-profit executive recruitments. Responsible for all facets of process including proposal interviews, all client meetings, creating marketing and advertising materials, conducting candidate screening interviews and developing finalist candidate interview processes.
- Assisted executive recruiting team in the recruitment of local government and public agency executives.
- Managed staff responsible for addressing escalated customer complaints. Negotiated and mediated pre-litigation settlements with attorneys, state regulators, and other state agencies, involving home improvement loans. Served as department fraud coordinator.
- Provided administrative support to SVP, including drafting correspondence, report writing, and special projects as assigned. Supervised department receptionist, responsible for interfacing with vendors and facilities management.

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- Provided administrative and research support for private professional lobbying firm. Researched legislative bills, corresponded with professional association members regarding legislative proposals.

Education

- California State University, Chico, major course emphasis – Physical Education/English

Frank Rojas

Profile

Frank Rojas is a Senior Executive Recruiter with CPS HR Consulting. Frank brings more than 30 years of recruiting experience from the highly competitive direct placement and contract labor industries as well as the corporate environment. Mr. Rojas has significant experience placing corporate leaders, executive, professional, and technical staff including individual contributors for government sector, non-profits, aerospace, architectural and engineering, information technology, petroleum and chemical, energy, power, civil/structural, transportation and private industry.

In addition to just completing recruitments for City of Moreno Valley, City of Anaheim, City of Upland, and OCTA, recent successful efforts include positions of City Manager, Director of Human Resources & Organizational Development, Vice President of Human Resources, Chief Executive Officer, Chief Information Officer, Vice President of Risk, Corporate and Government Controllers, General In-House Counsel, and Director-level hires for Finance, Administrative Services, Engineering, Emergency Services, Fleet, Environmental, Regulatory Compliance, Training, and Division/Site General Managers. Mr. Rojas has established a strong client and customer base through trust, effective recruiting, relationship building, and teamwork.

Mr. Rojas began his career in Contract Labor and over the next 20+ years launched seven start-up offices in several states and locations providing direct placement and contract support to hundreds of clients in virtually all industries and levels of talent. He continued his career in the non-profit environment managing and building talent acquisition support during significant growth periods. Having been a speaker at several networking and career coaching venues, Frank believes in utilizing traditional recruiting methodology with social media. He was named in the top 1% viewed profiles on LinkedIn.

Mr. Rojas resides in Riverside, CA.

Employment History

- Senior Executive Recruiter, CPS HR Consulting
- Employment Director and Senior Recruiter, PRIDE Industries
- Corporate Recruiter, EMF Broadcasting
- Branch Manager and Acting Vice President, Fastek Technical Services

Professional Experience

- Managed and led recruiting efforts including client interface to define and write position descriptions, profiles, and goals. Responsible for creating marketing plans, screening and selection strategies, conducting interviews and participating in final hire and post-hire activities including reference and background checks.

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- Assisted in salary evaluation and competitive comparisons. This includes candidate negotiations, travel and relocation (if appropriate), benefits, and confirmation and acceptance of any requirements prior to the submittal process and acceptance of offer.
- Managed in-house staff to ensure adherence of company policies and legal compliance. Developed and maintained positive, team-building methodologies that increased productivity, created a positive, productive staff, and maintained cooperativeness and trust.
- Recruited and identified senior-level management for several federal locations including General Managers, Assistant General Managers, HR Directors, Site Controllers, Quality Managers, T-4 Water and Environmental Director and Departmental Leadership at Fort Bliss, El Paso; Fort Polk, Louisiana; Joint Base McGuire-Dix-Lakehurst; New Jersey; Los Angeles Air Force Base; Cape Canaveral, Florida; and the Lawrence Livermore National Laboratory.
- Set up staff procedures and office functions; negotiated service agreements, ensured EEO, safety/OSHA quality, and all local, state, and federal compliance policies. Migrated and implemented several Applicant Tracking Systems including participation as Systems Administrator.
- Initiated effort to define the mission and business plans of expanding organizations. Developed road maps to build client base, relevant labor pools, and resources to sustain growth for the entire enterprise. Started corporate recruiting department and initiated recruiting strategies, hiring processes, retention, and integrated cost-effective marketing tools.
- Hired and motivated in-house talent and created cross-functional business/sales and recruiting process allowing for growth, skills development, and achievement to meet customer needs and provide for an effective team-oriented environment.

Education

- B.A., Political Science, University of California at Berkeley, Berkeley, CA

Stuart Satow

Profile

Since joining CPS HR Consulting in 2002, Stuart Satow has conducted over 250 successful recruitments covering all areas of public sector executive search including city, county, state, special district, and regional governments. Mr. Satow has extensive experience in conducting high-level recruitments for council/board appointed positions, as well as executive recruitments for mid-management and department head level positions in community development/planning, finance, human resources, information technology, legal, parks and recreation, public safety, and public works/utilities.

Previously, as a sportscaster for ABC affiliate KXTV Channel 10, Mr. Satow interviewed hundreds of management-level executives, university officials, and professional and amateur athletes. He is a popular public speaker and emcee who has long been involved in community events in the Sacramento region. With a BA degree in Communication Studies from California State University, Sacramento and 27 years of experience in the communications industry, Mr. Satow is an experienced writer and interviewer who has excellent people skills and a positive track record in staff and project management.

Employment History

- Senior Executive Recruiter, CPS HR Consulting
- Sports Director, KXTV-10, Sacramento, CA
- Sports Reporter / Weekend Sports Anchor, KXTV-10, Sacramento, CA
- Sports Reporter / Weekend Sports Anchor, KNTV Channel 11, San Jose, CA
- Sports Reporter / News/Sports Photographer, KTXL, Channel 40, Sacramento, CA

Professional Experience

- Conducting public sector recruitments for executive level positions (includes upper- and mid-management, department directors, and council/board appointed positions).
- Managing entire recruitment process: develop and submit responses to proposals, meet with clients to understand their recruitment needs and develop a project plan, develop marketing brochures for recruitments, place advertisements, and research and identify potential candidates. Proactively contact potential candidates; market the position to them. Conduct screening interviews. Facilitate the entire interview process. Perform thorough reference checks and oversee extensive background checks on candidates. Negotiate employment agreements.
- Coordinating activities of the Sports Department for local television news station

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- Reporting on local sports events/teams of interest including high school, college and professional sports (and others)
- Liaison to local and regional sports contacts (including local and bay area professional teams, universities/colleges, high school athletic directors/coaches, and other key sports contacts)
- Experienced writer and interviewer with excellent people skills and a positive track record in staff and project management.

Education

- B.A., Communication Studies (with honors), California State University, Sacramento

Teresa Webster

Profile

Ms. Webster has 15 years of professional consulting and marketing experience in public sector human resources, including experience in the areas of project management, marketing communications, administration, and employee recruitment. She has worked as a CPS HR consultant for more than ten years, where she has managed or completed a wide variety of projects for CPS HR Consulting (CPS HR) subject matter experts and senior executive staff.

Employment History

- Executive Recruiter, CPS HR Consulting
- Senior Marketing Coordinator, CPS HR Consulting
- Northwest Hydraulic Consultants, Inc. , West Sacramento, California

Professional Experience

- Conducts recruitments for various positions for public sector clients.
- Assisted the CPS HR Executive Search team as an Associate Recruiter. Wrote advertising copy, recruitment brochure text, did email outreach, built target candidate lists based on candidate requirements, researched other sources for outreach and candidate pools, conducted screening interviews, helped facilitate candidate interviews, and performed candidate reference checks.
- Served as liaison for internal business units collaborating on long-term marketing plans and strategies. Worked closely with unit managers, coordinators, vendors and staff support the organization's mission and direction.
- Managed CPS HR's Webinar Series. Worked with business units to develop monthly webinar calendar highlighting expertise of CPS HR consultants and diverse services. Moderates monthly sessions.
- Chaired Qualification Appraisal Panels (QAPs) for the Merit System Services contract. Lead structured interviews for social services candidates. Worked with panel members from client counties to ensure an unbiased rating process according to merit principles. Reviewed rating scales, discussed failing scores, and various types of rating errors with panel members. Served on rating panel.
- Conducted client visits to public agencies in California and Oregon to ensure that client needs are met. Relayed any service issues or grievances to appropriate service manager. Informs and educates clients on CPS HR products and services. Researched online data to pursue potential new areas of growth.

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- Wrote copy for CPS HR collateral including print ads, html blasts, direct mail, and case studies. Plans and executes e-mail and direct mail campaigns. Wrote articles for trade journals.
- Contributes on an as-needed basis as a member of CPS HR's external website team developing content, collaborating with work units on content page deadlines. Performs website maintenance and page development, familiar with html code and SEO techniques
- Coordinates CPS HR booth/personnel logistics at various conferences and tradeshow. Develops and maintains budget. Plans and implements pre-tradeshow promotions. Interface with current and potential clients at tradeshow throughout the year
- Establishes and/or maintains relationships with regional and local agencies and associations, such as CSDA, ACWA, and MMANC, to promote CPS HR and its consultants. Served as committee member on MMANC branding and conference initiatives
- Managed Board offsite (two times a year) and Senior Manager Offsite (quarterly or as needed) meetings. Organized special events. Researched and wrote new policy on security badges

Certifications and Memberships

- Certificate in Public Relations and Marketing from UC Davis Extension
- 2009 Sacramento Public Relations Association Volunteer of the Year
- Former member of the Corporate Volunteer Council of Greater Sacramento

Education

- BA, English, California State University, Pomona

References

Provided below is a partial list of clients we have recently worked with in providing executive recruitment services. We are confident that these public sector clients will tout our responsiveness and ability to successfully place candidates that were a good fit for their organization’s needs.

CLIENT/POSITIONS	CONTACT(S)
Washington Department of Transportation 719 Sleater Kinney Road SouthEast Olympia, WA 98504	Kris Rietmann, Deputy Communications Director (360) 705-7423 rietmak@wsdot.wa.gov
Alaska Way Viaduct and Seawall Replacement Program Administrator (2016)	
San Francisco Municipal Transportation Agency Human Resources Department 630 I St. Sacramento, CA 95814	Travis Fox, Chief Information Officer (415) 701-2311 travis.fox@sfmta.com
Deputy Director of Program Delivery (2015)	
Chief Technology Officer (2015)	
San Jose, City of Department of Transportation 200 E Santa Clara St. San Jose, CA 95113	Sandra Castellano, Administrative Services Officer (408) 975-3274 Sandra.castellano@sanjoseca.gov
Innovation Manager (2017)	
Jim Ortbal, Director of Transportation (408) 535-3845 jortbal@sanjoseca.gov	

Professional Fees, Expenses, & Guarantee

Professional Services

Our professional fixed fee covers all CPS HR services associated with **Phases I, II, and III** of the recruitment process, including the necessary field visits (up to three) to develop the candidate profile and recruitment strategy, assist the FMDA with finalist selection, and facilitate candidate interviews.

Reimbursable Expenses

Actual out-of-pocket expenses for such items as consultant travel, advertising, marketing, printing/copying, and postage/delivery charges are reimbursable at cost. There is no mark-up on expenses and ***we will work proactively with the FMDA to ensure that the dollars being spent for expenses are in keeping with the FMDA’s expectations.*** Travel expenses for candidates who are invited forward in the interview process are not included under our reimbursable range. The listed reimbursable expenses range includes a background check on the selected finalist candidate.

Professional Fixed Fee & Reimbursable Expenses*	
Professional Services Full Recruitment (Fixed Flat Fee)	\$18,500
Reimbursable Expenses <u>Approximate</u> recruitment costs include: <ul style="list-style-type: none"> ■ Brochure Design and Printing (\$1,100) ■ Advertising (\$3,000) ■ Background check for one candidate (\$450) ■ Other recruitment expenses such as supplies, travel, and shipping (\$3,500) 	\$7,500-\$8,000
Not-to-Exceed Total	\$26,500

**Professional fees and reimbursable expenses would be billed and paid monthly.*

Two Year Guarantee

If the employment of the candidate selected and appointed by the FMDA, as a result of a full executive recruitment (*Phases I, II, and III*), comes to an end before the completion of the first two years of service, CPS HR will provide the FMDA with professional services to appoint a replacement. Professional consulting services will be provided at no cost. The FMDA would be responsible only for reimbursable expenses. **This guarantee does not apply to situations in which the successful candidate is promoted or re-assigned within the organization during the two-year period.** Additionally, should the initial recruitment efforts not result in a successful appointment, CPS HR will extend the aggressive recruiting efforts and screen qualified candidates until an offer is made and accepted. CPS HR does not provide a guarantee for candidates placed as a result of a partial recruitment effort.

Qualifications

CPS HR specializes in the recruitment and selection of key professionals for cities, counties, special districts, and non-profits. Working in partnership with the governing body or selection team, we develop customized search strategies that focus on locating and recruiting qualified candidates who match the agency's unique needs. Our wealth of recruitment experience has been gained through *more than 13 years* of placing top and mid-level executives in public agencies throughout the United States.

■ Unmatched Recruitment Experience for Government Agencies

CPS HR has extensive experience in recruiting executive-level professionals for public agencies across the United States. As a public agency ourselves, we understand how to work with and within government. Our understanding of public sector culture and policy uniquely sets us apart from our competitors.

■ Seasoned Executive Recruiters

Our recruiters possess a high level of expertise in recruiting and placing executive-level professionals. Our staff of experts includes an exceptional group of full-time employees as well as a full complement of subject matter experts, intermittent employees, and part-time employees with a variety of public and private sector experience.

■ Detailed Needs Assessments

We conduct a detailed needs assessment to identify 1) future organizational direction; 2) challenges facing the position; 3) the working style and organizational climate; and 4) required core and job specific competencies as well as personal and professional characteristics.

■ Vast Pool of Public Agency Contacts

CPS HR maintains a database of candidates and an extensive network of external resources to leverage for executive-level positions. We utilize our vast pool of public and non-profit contacts to deliver a strong list of competitive candidates who will be well prepared to assist you in the accomplishment of your specific mission and goals.

■ Success Recruiting Non-Job Seeking Talent

We recognize that the very best candidates for some types of positions may not be looking for a career change, therefore, our recruitment team takes a very aggressive approach to identify and recruit such candidates.

■ Diversity Sensitivity

CPS HR encourages applicant diversity and incorporates a variety of activities to attract the best available candidates. We have successfully recruited and placed minority and female candidates for a variety of executive-level positions.

■ **Cost Effective**

The combination of CPS HR's seasoned recruitment management and highly qualified staff enable us to reliably deliver successful results on time and on budget.

■ **Satisfied Clients**

Our executive search client satisfaction rating averages 4.6 on a scale of 5. While many companies talk about client satisfaction, how many measure the impact of that through assessing client satisfaction by distributing written surveys and tying the results of these surveys to their performance management system? CPS HR Consulting does. A client satisfaction survey is sent at the end of every engagement requesting feedback on the quality of our staff, deliverables, and the overall consulting relationship.

■ **Strong Base of Repeat Clients**

We make sure we understand our client's challenges and customize our process to fit their needs. As a result, we have a long and growing list of returning clients who seek our services for multiple engagements.

■ **Proven Placement Success**

Please refer to **Appendix B** for a partial listing of successful placements within the past five years.

About CPS HR Consulting

CPS HR Consulting has been assisting organizations with their talent management needs for over 30 years. We have unique expertise in delivering HR management and consulting services, employment testing, and assessment services to government agencies throughout North America.

CPS HR’s core competency is its knowledge of and expertise in the public sector. As a public agency, we understand the challenges and issues facing our client base. As a self-supporting public entity, we also understand the need for innovative yet practical results. CPS HR can provide expertise that is unique because we share with our clients a common perspective. There is no competitor in the industry that can make this claim.



CPS HR offers clients a comprehensive range of competitively priced services, all of which can be customized to meet your organization’s specific needs. We are committed to supporting and developing strategic organizational leadership and human resource management in the public sector. We offer expertise in the areas of organizational strategy, recruitment and selection, training and development, and organization and workforce management.

CPS HR is a public agency governed by regulations and public sector concerns. We understand what it is to work with and within government. Unlike other public sector organizations, CPS HR is self-supporting. We employ the strategy, innovation, and flexibility found in the private sector to the client’s advantage. CPS HR’s unique position in the public arena attracts professionals from both public and private sectors who are driven to help the client reach its organization’s vision and mission. We work collaboratively with the client to generate solutions that are creative yet practical, to meet the organization “where it is” while also moving it to the next level.

CPS HR currently has a staff of 107+ full-time employees and more than 1,200 subject matter experts and contract employees who have a wide variety of government, public, and private sector human resources experience. CPS HR has worked with more than 1,200 government and public/non-profit clients throughout the United States and Canada.

Our headquarters are located in Sacramento, CA. We have a regional office in Austin, TX.

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CPS HR Consulting offers a comprehensive range of products and services. Our systematic approach to human resource management ensures that the solutions, strategies, and methodologies we implement improve your organization. For more information on our services, please visit our website at www.cps hr.us.

CPS HR CONSULTING SERVICES	
ORGANIZATIONAL STRATEGY	TESTING, RECRUITMENT & SELECTION
<ul style="list-style-type: none"> ● Workforce & Succession Planning 	<ul style="list-style-type: none"> ● Job Analysis
<ul style="list-style-type: none"> ● Organizational Assessment, Redesign and Re-Engineering 	<ul style="list-style-type: none"> ● Develop/Deliver Assessment Center Services
<ul style="list-style-type: none"> ● Performance Management 	<ul style="list-style-type: none"> ● Executive Search
<ul style="list-style-type: none"> ● Employee Engagement 	<ul style="list-style-type: none"> ● Test Development*
<ul style="list-style-type: none"> ● Change Management 	<ul style="list-style-type: none"> ● Test Administration*
<ul style="list-style-type: none"> ● Complaint Investigations & HR Outsourcing 	*(for employment and licensing certification)
CLASSIFICATION AND COMPENSATION	TRAINING AND DEVELOPMENT
<ul style="list-style-type: none"> ● Classification 	<ul style="list-style-type: none"> ● Training
<ul style="list-style-type: none"> ● Compensation 	<ul style="list-style-type: none"> ● Coaching
	<ul style="list-style-type: none"> ● Accelerated Leader 360° Assessment™
	<ul style="list-style-type: none"> ● Leadership Development



We thank you for your consideration of our proposal. We are committed to providing high quality and expert solutions and look forward to partnering with the Fargo-Moorhead Diversion Authority in this important endeavor.

Appendix A: Sample Brochure

**Washington State
Department of Transportation**

**Alaskan Way Viaduct
Replacement Program Administrator**
Lead A \$3.1 Billion Construction Project

Proposal to the Fargo-Moorhead Diversion Authority
Executive Recruitment Services for Executive Director



THE AREA

Seattle has morphed from its early roots as a lumber town into one of the most vibrant big cities in the United States. While the city sits at sea level, it is surrounded by spectacular marine and mountain vistas. Seattle enjoys a top-notch education system, charming neighborhoods, a hip urban center, and a robust arts and culture scene. Food lovers find much to appreciate in the area. Influences from many countries coupled with the "grow-your-own food" movement make for interesting combinations that can satisfy any appetite. Several local breweries coupled with ciders and wine from the nearby Yakima region complete the package. The Seattle region is a commercial center and a major hub for trans-Pacific and European trade. Some of the world's most successful and innovative companies are located here, including Microsoft, Starbucks, Amazon, Costco, Intel, Paccar, Weyerhaeuser, Nordstrom, Boeing and many more.

There are numerous ways to enjoy the outdoors in Seattle. Touring the numerous waterways, bicycling the new recreational trail in the South Lake Union neighborhood or simply strolling through Pioneer Square, there are many views to the City. A short drive opens even more outdoor possibilities. Mount Rainier offers world-renowned snowfall and climbing while the Olympic Peninsula includes parks, rainforests, lakes, mountains, lavender farms and the Dungeness National Wildlife Refuge. There are several professional sports teams playing in the region including the Seattle Seahawks football team, Mariners baseball, Seattle Storm women's basketball and the Sounders soccer team. College teams include the University of Washington Huskies, Seattle Pacific University Falcons and the Seattle University Redhawks. Washington is viewed as a progressive and innovative state where people are outgoing and friendly.

EXCITING OPPORTUNITY

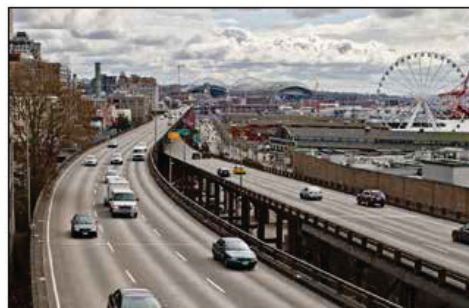
The Washington State Department of Transportation (WSDOT) is seeking an innovative, dynamic leader committed to bringing the **Alaskan Way Viaduct Replacement Program (AWV)** to completion. Building a new State Route 99 through Seattle, elements of this project include a new overpass, new highway and surface street, and a two-mile long tunnel beneath downtown Seattle. The Administrator position is critical to the successful delivery of the AWV Program Improvements. This is a unique opportunity to bring to fruition a project that will influence transportation in the Pacific Northwest for years to come. This position will primarily work out of WSDOT's downtown Seattle office.

THE PROGRAM

The Alaskan Way Viaduct program's key activities include planning, environmental, design and construction with a mix of design-build and design-bid-build program contracts. The largest contract currently under construction is the \$1.6 billion bored tunnel design-build project. The AWV program includes projects led by the WSDOT, King County, the City of Seattle and the Port of Seattle with the Federal Highway Administration as a partner in the effort. The program includes a mix of approximately six design-bid-build and design-build projects. There is an additional \$400 million of projects to develop, design and either oversee construction by WSDOT or by Agreement with the City of Seattle within the corridor within the next two to five years. The complexity of day-to-day delivery in this urban area results in a challenging environment requiring continuous improvement, transparency and accountability. There are several related projects being completed by partner agencies including street, transit and waterfront improvements.

THE POSITION

The Alaskan Way Viaduct Replacement Program Administrator is responsible for delivery of the \$3.1 billion AWV program. This position reports to the Assistant Secretary of Engineering and



*Proposal to the Fargo-Moorhead Diversion Authority
Executive Recruitment Services for Executive Director*



Regional Operations (Chief Engineer). Working under the executive leadership team of the Secretary of Transportation, this position is responsible for working with the Governor's office, legislators and legislative staff, other elected officials and key stakeholders as well as the Transportation Commission to resolve policy and funding issues, develop transportation system plans, develop financial strategies and agreements, develop environmental streamlining initiatives, implement design-build and innovative construction methodologies for delivery of the program. These responsibilities are performed in conjunction with other WSDOT divisions, the Federal Highway Administration and regional government staff. This position directly manages a blended team of state and consultant staff totaling approximately 180 employees.

This position will perform the following work:

- Provide leadership for the Alaskan Way Viaduct Replacement Program, projects and positions. Represent WSDOT via personal contact, telephone and in correspondence with federal, state and local officials, tribes, advisory groups, community groups, business organizations, business owners, property owners, citizens and representatives with Washington state.
- Provide direction to program management team members in ensuring the program's goals are met. These include the Deputy Program Administrator, Director of Operations, Communications Manager, Directors of Engineering and the Design-Build Tunnel Leadership Team.
- Serve as primary communication point of contact for all agency activities associated with the program. Represent the agency to the media, citizens, local jurisdictions, legislators, tribal agencies, business and property owners and stakeholders. Responsible for facilitating the resolution of transportation issues for the program.
- Determine and provide direction for WSDOT transportation planning and budgeting efforts necessary to deliver the program. Determine and guide the direction taken by WSDOT to solve problems necessary to meet project scope, budget and delivery timelines.

- Ensure appropriate levels of resources are available for all disciplines to effectively and efficiently deliver their program elements. Approve and recommend workforce actions such as new hires, promotions, transfers, corrective and disciplinary actions and the establishment of positions in accordance with state personnel rules.
- Work with local agencies, tribes and other governments to create partnerships that meet both the needs of WSDOT and those of other parties.
- Resolve conflicts that may arise internally or between the department and other agencies or community groups.
- Resolve complaints from other agencies, the public, private sector or legislative interests.
- Make recommendations about multi-million dollar delivery of unique contracts, agreements, settlement decisions, contract or agreement resolutions strategies, and communication strategies.

Position Qualifications

- It is required that the incumbent have a professional engineer (PE) license.
- Bachelor of Science degree in civil engineering or closely related field.
- Executive-level leadership and management skills and experience including the management of other managers and an understanding of the state personnel system.
- Knowledge and hands-on experience with transportation and civil engineering practices and standards.
- Complete understanding of public sector finance, budget and programming procedures.
- Substantive experience with the legislative process.
- Advanced written and verbal communication skills including the ability to communicate complex information to diverse technical and non-technical groups and to the media.



*Proposal to the Fargo-Moorhead Diversion Authority
Executive Recruitment Services for Executive Director*



APPLICATION AND SELECTION PROCEDURE

This position is open until filled with first review of resumes **Friday, December 18, 2015**. To be considered for this excellent career opportunity, please immediately submit your resume (including months **and** years of employment) with cover letter, current salary and six work-related references (including a range of direct reports, peers, and supervisors) via electronic submission to resumes@cpshr.us. For further information contact:



Pam Derby
CPS Executive Search
Tel: 91 6 263-1401
Fax: 91 6 561-7205
Email: resumes@cpshr.us
Website: www.cpshr.us/search

- Ability to translate strategic plans into detailed goals and objectives.
- Proven engineering problem-solving skills.

This Candidate Demonstrates...

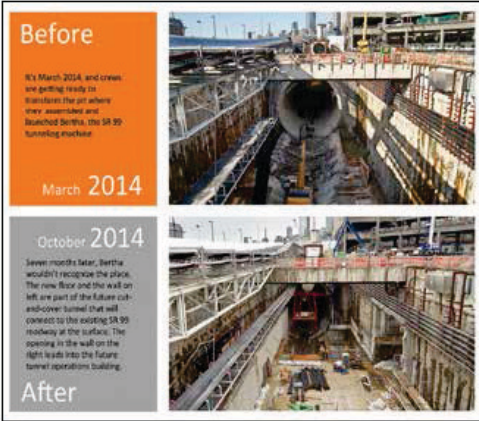
- Positive leadership
- Excellent communication
- Integrity and accountability
- Community relations skills
- A capacity to build and maintain constructive relationships
- The ability to build trust and consensus
- Skill in strategic and mission driven planning
- An attention to detail while still maintaining the big picture perspective
- A commitment to public service
- An ability to decrease risk
- Skill in interacting at all levels, from the abstract to the concrete and operational
- A drive to see results

Selection Process

Resumes will be screened in relation to the criteria outlined in this brochure. Candidates with the most relevant qualifications will be given preliminary interviews by the consultant. A select group of candidates will be selected to interview with the Agency. An appointment to the position will follow the completion of thorough reference and background checks.

COMPENSATION

The salary for this position is **up to \$173,352** and is complemented by an attractive benefits package.



Appendix B: Partial Recruitment Listing

Agency	Title	Year Completed
Alameda, City of	Chief Engineer	2016
Alpine, County of	Assistant County Administrative Officer, Budget and Finance	2016
Aurora, City of	Director of Neighborhood Services	2016
Aurora, City of	HR Manager	2016
Austin, City of	Compensation Manager	2016
Austin, City of	Human Resources Assistant Director	2016
Avalon, City of	City Manager	2016
Bend, City of	Assistant Finance Director – Partial	2016
Boulder, City of	Deputy City Manager	2016
Boulder, City of	Deputy Director for Housing	2016
Boulder, City of	Deputy Director of Human Resources	2016
Boulder, City of	Director of Transportation	2016
Boulder, City of	Risk Manager	2016
CA Department of Toxic Substance Control	Director, Office of Emergency Management	2016
CA Office of Emergency Services	Assistant Director, Public Safety Communications	2016
California Department of Insurance	Deputy Commissioner - Financial Surveillance Branch	2016
California Student Aid Commission	Executive Director	2016
Casitas Municipal Water District	Safety Officer	2016
Clark County Public Transportation (C-TRAN)	Director of Information Technology	2016

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Agency	Title	Year Completed
Conejo recreation and Park District	Recreation and Community Services Administrator	2016
Cordova Recreation and Park District	District Administrator	2016
Cosumnes Community Services District	EMS Division Performance and Development Coordinator	2016
Cosumnes Community Services District	HR Manager	2016
Denver Water	Director of Planning	2016
Dixon, City of	Community Development Director	2016
Dixon, City of	HR Director	2016
East Bay Regional Park District	Chief of Park Operations	2016
East Bay Regional Park District	Deputy General Manager	2016
Fairfield, City of	Assistant Director of Public Works/City Engineer	2016
Fairfield, City of	Dispatch Manager	2016
Florin Resources Conservation District/Elk Grove Water District	Program Manager	2016
Garland, City of	Senior Managing Director of Development Services	2016
Hayward Area Recreation and Park District	General Manager	2016
Hayward, City of	HR Manager	2016
Henderson, City of	Director of Finance	2016
Henderson, City of	Labor Relations Manager	2016
Hidden Valley Lake Community Services District	General Manager	2016
Kern Community College District	Chief Information Officer	2016

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Agency	Title	Year Completed
Klamath Falls, City of	Wastewater Division Manager	2016
Las Vegas, City of	Director of Information Technologies	2016
Long Beach, City of	Director of Parks	2016
Marin Municipal Water District	Communications and Outreach Manager	2016
Missouri City, City of	Fire Chief	2016
Mojave Desert Air Quality Management District	Executive Director/APCO	2016
Monterey, County of	Deputy Director	2016
Monterey, County of	Deputy Director of Adult Services	2016
Monterey, County of	Deputy Director of Social Services, Family and Children’s Services	2016
Moreno Valley, City of	Parks and Community Services Director	2016
Municipal Pooling Authority	Chief Administrative Officer	2016
Nevada Irrigation District	HR Manager	2016
Orange County Fire Authority	HR Director	2016
Orange, County of	Chief Deputy Probation Officer	2016
Pleasant Hill Recreation and Park District	General Manager	2016
Provo, City of	Director of Parks and Recreation	2016
Puget Sound Clean Air Agency	Engineer II	2016
Reno, City of	Community Development Director	2016
Sacramento Area Council of Governments	CEO	2016
Sacramento Area Flood Control Agency	Administrative Officer	2016

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Agency	Title	Year Completed
Sacramento Housing and Redevelopment Agency	Program Manager	2016
Sacramento Transportation Authority	Executive Director	2016
Sacramento Transportation Authority (STA)	Executive Director	2016
Sacramento, City of	Management Analyst	2016
San Bernardino, County of	Health Information Manager	2016
San Jose, City of	Deputy Director of Finance-Treasury	2016
San Jose, City of	Division Manager, HR Health and Safety	2016
San Jose, City of	Division Manager, Medical Marijuana	2016
San Jose, City of	Division Manager, Parks, Recreation and Neighborhood Services	2016
San Jose, City of	Division Manager, Pavement	2016
San Jose, City of	Vision Zero Project Manager	2016
Santa Barbara, County of	Assistant Director of General Services	2016
Santa Barbara, County of	Deputy Director of Planning and Development	2016
Santa Barbara, County of	Director, Office of Emergency Management	2016
Santa Clara Valley Habitat Agency	Habitat Conservation Plan Specialist/Principal Program Manager	2016
Santa Clara, County of	Deputy County Executive	2016
Santa Clara, County of	Deputy Director of Parks	2016
South San Luis Obispo County Sanitation District	District Administrator	2016
Stockton, City of	Assistant Director of HR	2016
Tacoma, City of	Assistant Director of HR	2016

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Agency	Title	Year Completed
Tacoma, City of	HR Manager-Utilities	2016
Tahoe Regional Planning Agency	Director of Human Resources & Organizational Development	2016
Travis, County of	Executive Manager	2016
Tualatin Valley Water District	Chief Engineer	2016
Tucson, City of	Business Services Administrator	2016
Tucson, City of	Director of Tucson Water	2016
Upland, City of	Deputy Operations Manager	2016
Upland, City of	Utility Operations Manager	2016
Urban Drainage and Flood Control District	Executive Director	2016
Washington Department of Transportation	Alaska Way Viaduct and Seawall Replacement Program Administrator	2016
Abilene, City of	Director of Planning and Development Services	2015
Abilene, City of	Water Utility Director	2015
Anaheim, City of	City Manager	2015
Anaheim, City of	Engineering Manager - Design Services	2015
Anaheim, City of	Senior Buyer	2015
Austin, City of	Corporate IT Security Officer	2015
Casitas Municipal Water District	Safety Officer	2015
East Bay Municipal Utility District (EBMUD)	Finance Director	2015
Fairfield, City of	Director of Community Resources	2015
Fairfield, City of	Transportation Manager	2015
Garden Grove, City of	City Manager	2015

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Agency	Title	Year Completed
Housing Authority of Stanislaus County	Executive Director	2015
Kings River Conservation District	General Manager	2015
Marinwood Community Services District	District Manager	2015
Monterey Regional Water Pollution Control Agency	Chief Financial Officer	2015
Puget Sound Clean Air Agency	Human Resources Manager	2015
Sacramento, City of	Human Resources Director	2015
32nd Agricultural District Association/Orange County Fair	Chief Executive Officer	2014
Alameda County Bar Association	Chief Executive Officer	2014
Alameda County Employees' Retirement Association	Chief Counsel	2014
Apache Junction, City of	Director of Development Services	2014
Bar Association of San Francisco	Executive Director	2014
Brentwood, City of	Director of Parks and Recreation	2014
California Department of Consumer Affairs-California Medical Board	Executive Director of the California Medical Board	2014
Chandler, City of	City Engineer	2014
Citrus Heights Water District	Assistant General Manager	2014
Compton, City of	Director of Community Development	2014
Concord, City of	Director of Information Technology	2014
Davis, City of	Finance Administrator	2014
East Bay Regional Park District	Assistant District Counsel	2014
East Bay Regional Park District	Chief Financial Officer/Controller	2014

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Agency	Title	Year Completed
East Bay Regional Park District	Chief of Interpretive and Recreation Services	2014
East Bay Regional Park District	Chief of Park Operations	2014
East Bay Regional Park District	District Counsel	2014
East Bay Regional Park District	Human Resources Manager	2014
Fairfield, City of	Assistant Public Works Director/City Engineer	2014
Five Cities Fire Authority	Fire Chief	2014
Florin Resource Conservation District (Elk Grove Water)	Finance Manager	2014
Goodyear, City of	Engineering Director	2014
Greater Vallejo Recreation District	Maintenance and Development Manager	2014
Las Vegas, City of	Director of Parks and Recreation	2014
Marana, Town of	Deputy Town Manager	2014
Maricopa, City of	Chief Information Officer	2014
Maricopa, City of	City Manager	2014
Maricopa, City of	Director of Human Resources	2014
Maricopa, City of (Partial)	Assistant to the City Manager	2014
Merced County Employees' Retirement Association (Partial)	Plan Administrator	2014
Monterey Regional Water Pollution Control Agency	Director of Operations and Maintenance/Deputy General Manager	2014
Paradise Valley, Town of	Town Manager	2014
Sacramento Metropolitan Air Quality Management District (Partial)	Division Manager Administrative Services	2014
Sacramento, City of	Fire Chief	2014

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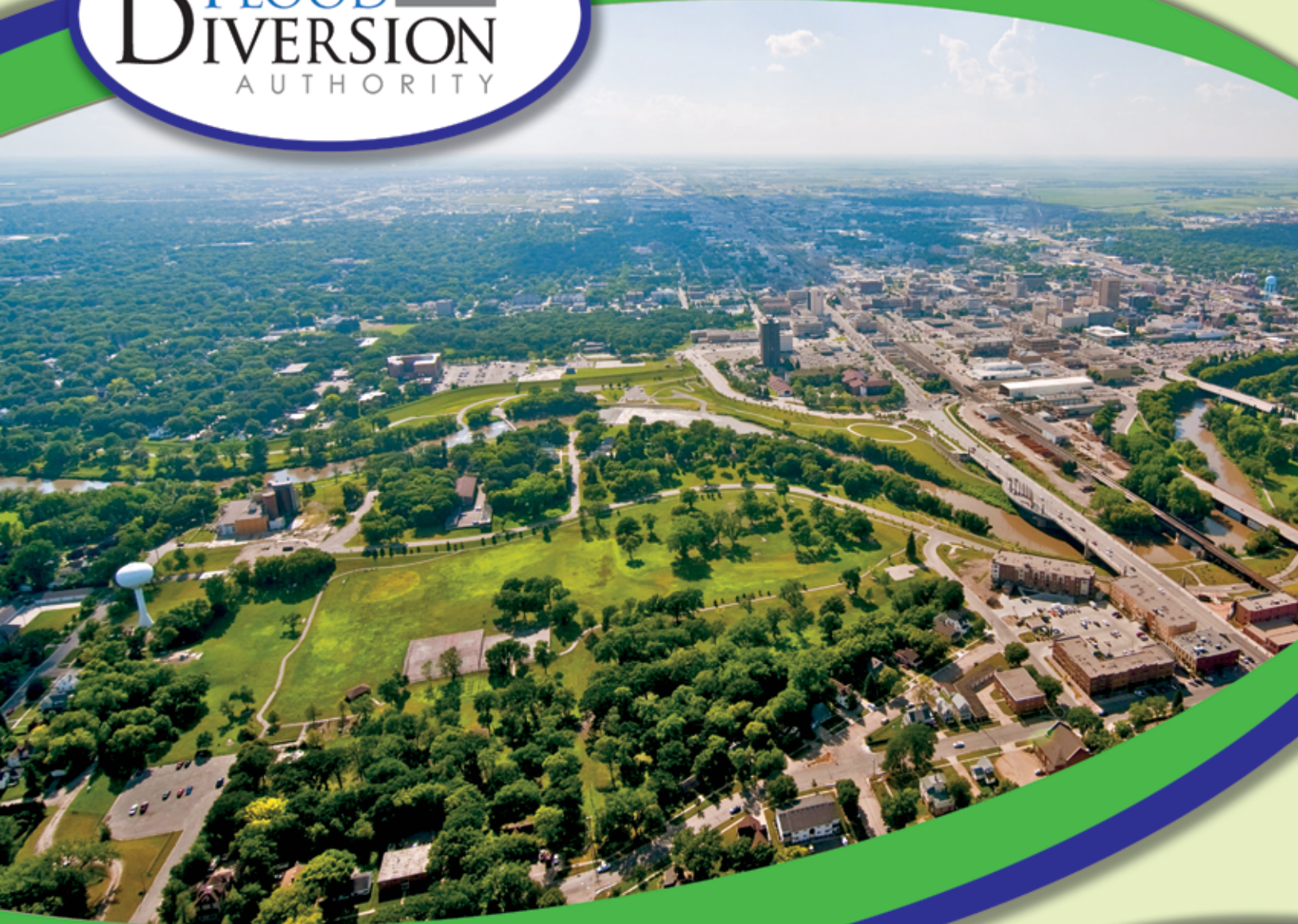
Agency	Title	Year Completed
San Francisco Estuary Institute	Executive Director	2014
San Francisco Municipal Transportation Agency	Deputy Director of Rail Maintenance	2014
San Francisco Municipal Transportation Agency	Deputy Director Program Delivery	2014
San Francisco Municipal Transportation Agency	Director of Sustainable Streets	2014
San Francisco Municipal Transportation Agency	Director of Taxis	2014
San Francisco Municipal Transportation Agency	Senior Operations Manager, Cable Car	2014
San Jose, City of	Assistant Finance Director	2014
San Jose, City of	Assistant Library Director	2014
San Jose, City of	Deputy Director of Emergency Services (Fire)	2014
San Jose, City of	Deputy Director of Treasury	2014
San Jose, City of	Division Manager of Pavement Services	2014
San Jose, City of	Division Manager, Sanitary Sewer Maintenance/Division Manager of Sewer and Storm Services	2014
Santa Clara Valley Habitat Agency	Executive Officer	2014
Superior Court of California, County of Orange (Partial)	Chief Technology Officer	2014
Surprise, City of	Community Development Director	2014
Surprise, City of	Fire Chief	2014
Tacoma Employees' Retirement System	Retirement Director	2014
Welfare Client Data Systems Consortium	Executive Director	2014

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Agency	Title	Year Completed
Anaheim, City of	Chief of Police	2013
California Department of Developmental Services	Executive Director of Sonoma Development Center	2013
California Earthquake Authority	Chief Information Officer	2013
Carmichael Recreation and Park District	District Administrator	2013
Chandler, City of (Partial)	Assistant City Manager	2013
Coconino, County of	County Manager	2013
East Bay Regional Park District	Chief of Stewardship	2013
Gilbert, Town of	Fire Chief (Partial)	2013
Gilbert, Town of	Public Works Director	2013
King, County of	Section Manager in Public Health	2013
Las Vegas, City of	Fire Chief	2013
Maricopa, City of	Development Services Director	2013
Modesto Irrigation District	Assistant General Manager, Finance	2013
Modesto Irrigation District	General Counsel	2013
Monterey Peninsula Regional Park District	General Manager	2013
Morgan Hill, CA, City of	Community Development Director	2013
Morgan Hill, CA, City of	Community Services Director	2013
Nevada Irrigation District	General Manager	2013
Oakland, Port of	Chief Technology Officer	2013
San Jose, City of	Deputy Director of Transportation for Planning, Policy, and Program Delivery	2013
San Jose, City of	Operations Division Manager-Regional Wastewater Facility	2013

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Agency	Title	Year Completed
San Jose, City of (Partial)	IT Manager, Department of Transportation	2013
Santa Clara Valley Water District	Deputy Operating Officer of the Water Utility Operations and Maintenance Division	2013
Southern Nevada Health District	Chief Health Officer	2013
Southern Nevada Health District	Director of Administration	2013
Surprise, City of	Chief Financial Officer	2013
Vallejo, City of	Chief Assistant City Attorney	2013



METRO FLOOD DIVERSION AUTHORITY FARGO, NORTH DAKOTA

Executive Director

LEAD A \$2.2 BILLION CONSTRUCTION PROJECT

EXCITING OPPORTUNITY

The Metro Flood Diversion Authority (MFDA), a political subdivision of the State of North Dakota, is seeking an innovative, dynamic leader committed to bringing a major P3 project, to build and operate a flood diversion channel along the Red River of the North, to completion. This is a unique opportunity to bring to fruition a project that will significantly reduce the threat of catastrophic flooding to the Fargo-Moorhead Metropolitan area, where the Red River has exceeded flood stage in 49 of the past 110 years, and every year from 1993 through 2011 and again in 2013. A 500-year event would flood nearly the entire city of Fargo and a large portion of neighboring Moorhead, Minnesota as well as a major portion of West Fargo, North Dakota along with several surrounding communities in the area.



THE PROJECT

The Fargo-Moorhead Metro Area Flood Control Diversion Project is a 20,000 cubic feet per second, 36-mile long, 1,500-foot wide diversion channel that features a 32,500 acre upstream storage area to stage floodwater entering the project. This plan was selected after several years of diligent study, public input, and cooperation between the cities of Fargo, ND and Moorhead, MN; Cass County, ND and Clay County, MN; the Cass County (ND) Joint Water Resource District; and the Buffalo-Red River (MN) Watershed District.

PROJECT GOVERNANCE

The member entities of the project have entered into a comprehensive joint powers agreement that forms the Flood Diversion Board of Authority. The Board consists of 13 members representing the stakeholders, who are appointed by the individual member entities of the joint powers agreement. Together with the new Executive Director, the Board will provide strategic leadership, planning, and policy guidance to assist in implementing the project.

PROJECT OPERATIONS

The FM Diversion Project will reduce a 100-year flood event from 42.4 feet to 35 feet at the Fargo gage. For reference, the 2009 flood of record peaked at 40.8 feet. Though not designed to prevent a 500-year flood event, the FM Diversion Project would provide the area a chance by reducing the river level in Fargo from 46.7 feet to 40 feet during a 500-year event. The plan includes 150,000 acre-feet of upstream staging. This staging area would only be used for flood events exceeding a 10-year event, or a 35-foot event in Fargo.

The total estimated cost of the project is \$2.2 billion from the following funding sources:

- \$450 million has been authorized through the execution of a Project Partnership Agreement with the U.S. Army Corps of Engineers (USACE). Federal funds will be delivered to the project over time through Congressional appropriations.
- \$570 million from North Dakota, with \$304 million appropriated to date.

- \$43 million to be requested from Minnesota at a future date.
- \$1.1 billion has been approved by the voters through three half-cent sales taxes to be extended through 2084 to cover the local cost share requirement of the project.

INNOVATIVE FINANCE: A First In The Nation Public-Private Partnership (P3) Project

A "Split Delivery" model will deliver the majority of the project's features through a Public-Private Partnership (P3) model, while the U.S. Army Corps of Engineers intends to use a traditional design-bid-build method for their portion of the project (\$450M). This will be the first USACE project in the country to feature a Split Delivery approach utilizing P3. The P3 model will deliver the best value for the public, provide performance guarantees and long-term warranties that otherwise would not be available, promote project delivery innovation, and shorten the schedule to achieve flood risk reduction sooner than could be achieved through conventional construction practices. When complete, the project will serve as a showcase for future USACE innovative finance and alternative project delivery.

THE AREA

Settled in the mid-1800s by mostly Scandinavian and European immigrants, Fargo and Moorhead sit at the center of the Red River Valley – one of the world's most fertile agricultural areas. The Red River of the North separates the two cities and serves as the border between North Dakota and Minnesota. Today





the population of the Fargo-Moorhead metropolitan area is more than 200,000, with significant population growth and economic prosperity on the horizon for these twin cities. This is due in large part to a very low unemployment rate (consistently below the national average), an affordable cost of living, and a robust, diversified local economy. While agriculture is still prominent in the local economy, the area has also become an important regional center for other professions, including technology, higher education, medicine, manufacturing, and retail. The Fargo-Moorhead area offers a quality of life that is more affordable, and more accessible, than other regions of the country.

In addition, the metropolitan area offers exemplary public and private K-12 educational opportunities and several major institutions of higher education, including North Dakota State University (the land grant university for North Dakota), Minnesota State University Moorhead, Concordia College, and Minnesota State Community & Technical College. The Fargo-Moorhead area offers a quality of life that is more affordable, and more accessible, than other regions of the country. Additionally, the F-M area serves as a gateway to Minnesota Lakes Country and abundant outdoor recreational opportunities. An easy 3.5-hour drive east of Fargo-Moorhead is the Minneapolis-Saint Paul (MN) metropolitan area, which is home to world class performing arts, professional sports teams, cultural events, and major retail centers, including the Mall of America.

THE POSITION

The Executive Director is the chief executive officer of the Metro Flood Diversion Authority, reporting directly and responsible to the Diversion Authority (DA) Board for the efficient and effective day-to-day administration and leadership of the FM Metro Area Flood Control Diversion Project. This is a new position that will function without staff in the near term and will be expected to shape the administrative vision and organizational approach for the Diversion Authority in the future.

Primary duties will include:

- Responsible for the overall management of all affairs and functions under the jurisdiction of the Diversion Authority Board.
- Ensure compliance and enforcement of the MFDA Joint Powers Agreement, resolutions of the DA Board, and other legal agreements between member entities.
- Create an administrative framework for the Diversion Authority and hire qualified staff to assist the Executive Director in the performance of duties as approved by the DA Board.
- Responsible for the supervision of all MFDA administration and related functions as directed by the DA Board, including all systems related to personnel, budget, purchasing, management, communications, and planning.
- Responsible for all MFDA purchases including procurement of services as directed by the DA Board and pursuant to purchasing regulations established by the DA Board. Administer various agreements and contracts entered into by the DA Board.
- Attend and present at DA Board meetings, recommend to the DA Board for adoption measures necessary for the efficient administration of the MFDA's affairs, and keep the DA Board fully informed of project status and deliverables.
- Identify expertise and innovative solutions necessary to administer project tasks, lead a diverse team of consultants, contractors, entity staff, and implement the project.
- Analyze consultant team resources, capabilities, and Master Service Agreements, providing consistent oversight of all professional service agreements and efficiently allocating task orders to consultant teams.
- In cooperation with the MFDA Finance Committee, prepare and submit to the DA Board a proposed annual budget and long-range capital expenditure program for such period as the DA Board may direct, each of which shall include detailed estimates of revenue and expenditures, and enforce the provisions of the budget when adopted by the DA Board.
- Examine the books and papers of officers and departments of the MFDA as directed by the DA Board and report the findings to the DA Board, keep the DA Board fully advised as to the financial condition and needs of the MFDA, and make such other reports from time to time as required by the DA Board or the Executive Director deems advisable.
- Develop and implement administrative procedures for the MFDA as directed by the DA Board.
- Represent the MFDA in public and stakeholder meetings and events; serve as the MFDA's ambassador.

- Organize and direct all aspects of government relations; advocate for the project with local, state, and federal staff and elected officials; serve as the MFDA's legislative liaison with local, state, and federal officials.
- Serve as public information officer for the MFDA and primary spokesperson for project activities at public meetings.
- Perform other management and administrative duties as directed from time-to-time by the DA Board.
- Provide effective guidance and direction to the Diversion Authority's Program Management Consultant, managing all aspects of the Authority's relationship with the Program Management Team.

THE IDEAL CANDIDATE

The new Executive Director is an accomplished, visionary, strategic leader who ideally possesses:

- Executive-level leadership and project management experience with P3 or other significant public flood control construction projects.
- Understanding of complex project finance, budget and programming procedures.
- An unwavering commitment to completing projects for the public good on time and on budget and a track record of 'getting things done' under sometimes challenging circumstances.
- Advanced written and verbal communication skills, including the ability to communicate complex information to diverse technical and non-technical groups and to the media.
- Ability to translate strategic plans into detailed goals and objectives. Capable of big picture thinking while executing project detail.
- Proven problem-solving skills.
- An already recognized level of credibility and the ability to quickly establish mutual trust and respect.
- The interpersonal skills, emotional intelligence and political astuteness necessary to build and maintain relationships with the Board, external partners, and community.
- Ability to develop and grow the governance capacity of the Board; build a strong and coherent governance model that will endure beyond the physical construction of the project.

- Strong collaboration and negotiation skills coupled with resiliency, persistence and patience.

EDUCATION/EXPERIENCE

A Bachelor's degree and 15+ years of experience at an equal or prerequisite level for the responsibilities and duties of the position are expected. A PMP Certificate and/or registration as a Professional Engineer, MBA/MPA or other business background is preferred, but not required.

COMPENSATION

The salary for this position is competitive and negotiable dependent on the qualifications of the chosen candidate. Salary will be complemented by an attractive benefits package.

APPLICATION AND SELECTION PROCEDURE

This position is open until filled with first review of resumes **Friday, May 19, 2017**. To be considered for this excellent career opportunity, please immediately submit your resume (including months **and** years of employment) with cover letter, current salary and six work-related references (including a range of direct reports, peers, and supervisors via electronic submission to resumes@cpsshr.us. For further information contact:



Pam Derby
CPS Executive Search
Tel: 916 263-1401 • Fax: 916 561-7205
Email: resumes@cpsshr.us
Website: www.cpsshr.us/search

Selection Process

Resumes will be screened in relation to the criteria outlined in this brochure. Candidates with the most relevant qualifications will be given preliminary interviews by the consultant. A select group of candidates will be selected to interview with the Authority. An appointment to the position will follow the completion of thorough reference and background checks.



F-M Diversion Authority Executive Director Search Consultants Solicitation (as of 2/16/17)

Firm Name	POC	MR Comments	Proposal Status	Recommendation
Springsted, Inc.	Sharon Klumpp; 651.223.3053; sklumpp@springsted.com	Midwest presence, but national scale if required. Believes a PE/Engineer is necessary for a technical lead. Will discuss scope and specific ideas for recruitment strategy with other consultants. Scope will be provided at later date.	Message	Solicit/secure proposal.
The Prothman Company	Sonja Prothman; 206.368.0050; sonja@prothman.com	WA, OR, CA concentration in local government search. Experience working with water districts and authorities in CA. A relative newcomer in executive search, Prothman has developed a strong brand identity and recognition in the Pacific NW and CA markets.	Yes	Proceed to reference checks and draft report for DA Board.
Professional Recruiting Consultants, Inc.	Roger Malatesta; 302.479.9550; roger@prcstaffing.com'	Understood scope of work well; could potentially bring out-of-region candidates to the search. Detailed scope not provided; overview of capabilities only.	Yes	Do Not Proceed
CPS HR Consulting	Pam Derby; 916.263.1401; pderby@cpsshr.us	Nonprofit JPA entity that has history as a CA state agency (now independent and self-sustaining). Experience recruiting Program Managers/Project Managers. Performed a global search process for Washington-Alaska Viaduct Project. Large infrastructure experience with Public-Private Partnership background.	Yes	Proceed to reference checks and draft report for DA Board.
MRA	Linda Jancaric; 800.488.4845	Member association with emphasis on compensation analysis and executive recruiting. Scoping discussion to be scheduled after internal consultation.	Message	Do Not Proceed
Bob Murray & Associates	Gary Phillips; 916.784.9080	Message left.	No follow-up necessary.	Do Not Proceed

Regions: CA (2); WA; MN (2); DE

Key Takeaways:

- 1) Phone calls and outreach will be key (recruiting into private sector organizations).
- 2) No initial major concerns about a "normal" salary range in the \$200-\$225K range (severance component will be key).
- 3) Position start date in late summer/early fall should be workable.
- 4) Executive technical experience vs. administrator skill set.
- 5) Subcommittee of the Board to work with Co-Executive Directors on semi-finalist screening.



MEMORANDUM

TO: Metro Flood Diversion Authority

Cc: Robert Wilson, Cass County
 Michael Redlinger, City of Fargo
 John Shockley, Authority Counsel

FROM: Pam Derby
 CPS HR Consulting

DATE: August 8, 2019

SUBJECT: Executive Director Salary Comparisons

CPS HR has researched several different types of organizations (spreadsheet attached) with not much success.

We have learned that even at \$185,000, Mr. Paulsen would be one of the highest paid public servants in the region. According to the ICMA Salary Study of 2017, the maximum base salary of City Managers of reporting cities in Minnesota was \$173,356. There was no information for North Dakota.

A comparable project in California is the Sites Reservoir – a \$5B project that is also represented by a JPA. The Executive Director, who is a PE, is making \$225,000 but also possesses 30 years of project management experience. A conservative estimate of the difference between California and North Dakota salaries would be 15% making \$191,250 the equivalent.

In comparison, the Executive Director for the Three Rivers Levee Authority – a \$500,000 project mainly with the Army Corps in California – is making \$160,000.

Mr. Wilson has also gathered some information for a similar JPA that is paying \$150,000 – albeit that salary is probably low.

Agency	Position	Agency/Dept. Budget	Salary
County of Sacramento	Public Works Director (current recruitment)		152,558-228,837
Metro Council (Minneapolis)	Environmental Services General Manager	1.4B (5-yr ACP+CIP)	122,012-181,022
Sites Project Authority	Jim Watson, General Manager	\$5B	225k (2015)

Memorandum



To: Metro Flood Diversion Authority Planning Committee Members
From: Co-Executive Directors Robert Wilson & Michael Redlinger
Cc: Mr. John Shockley
Date: May 3, 2024
Re: Status Update: Diversion Authority Personnel Policy/Employee Handbook

We have worked with Chair Carlson and General Counsel John Shockley to understand Diversion Authority matters that require immediate attention and those that are longer-term in nature.

One item we have identified requiring near-term follow-up and Board direction involves Diversion Authority personnel policies. There are two sets of personnel policies that have been authorized and/or utilized simultaneously, and it appears the Board of Authority has not formally adopted the policy currently being utilized.

The Diversion Authority has a Memorandum of Understanding (MOU) with Cass County to provide payroll and benefits to Diversion Authority staff. At multiple points the MOU refers to Cass County human resource policies and the Cass County Employee Handbook. In accordance with this MOU, prior to 2022 the County provided HR support to the Diversion Authority as needed based on Cass County policy.

Separately, on December 15, 2021, the Authority entered into an agreement with HighRoad Partners HR Solutions, LLC to “deliver a customized employee handbook.” HighRoad Partners delivered an employee handbook to the former Executive Director in October 2022. The Cass County Human Resources Director was provided a copy of the handbook to review but was not asked to authorize or approve this material.

A short time later the former Executive Director informed Cass County the Diversion Authority would adopt human resource policies described in the HighRoad Partners employee handbook and no longer utilize Cass County HR policies. This change in policy was never considered or authorized by the Diversion Board of Authority.

In addition to the initial HighRoad Partners handbook, HighRoad Partners provided the former Executive Director with an updated employee handbook in 2023. Neither the Cass County Human Resources Director nor the Diversion Authority’s General Counsel were provided a copy of this update. The updated handbook was not authorized by the Diversion Board of Authority.

Chair Carlson, Mr. Shockley and the Co-Executive Directors believe Board of Authority action is required to formally adopt human resources policies for the Diversion Authority. We anticipate bringing forward recommendations for the Board of Authority to consider in the near future.



METRO
FLOOD
DIVERSION
AUTHORITY

Employee Handbook

Metro Flood Diversion Authority

2023



ABOUT THIS HANDBOOK/DISCLAIMER

We prepared this manual to help employees find the answers to many questions that they may have regarding their employment with Metro Flood Diversion Authority. Please take the necessary time to read it.

We do not expect this manual to answer all questions. Supervisors and Human Resources also serve as a major source of information.

Neither this manual nor any other verbal or written communication by a management representative is, nor should it be considered to be, an agreement, contract of employment, express or implied, or a promise of treatment in any particular manner in any given situation, nor does it confer any contractual rights whatsoever. Metro Flood Diversion Authority adheres to the policy of employment at will, which permits the Authority or the employee to end the employment relationship at any time, for any reason, with or without cause or notice.

No Authority representative other than Executive Director may modify at-will status and/or provide any special arrangement concerning terms or conditions of employment in an individual case or generally and any such modification must be in a signed writing.

Many matters covered by this manual, such as benefit plan descriptions, are also described in separate Authority documents. These Authority documents are always controlling over any statement made in this manual or by any member of management.

This manual states only general Authority guidelines. The Authority may, at any time, in its sole discretion, modify or vary from anything stated in this manual, with or without notice, except for the rights of the parties to end employment at will, which may only be modified by an express written agreement signed by the employee and Executive Director.

This manual supersedes all prior manuals.

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RECEIPT OF NON-HARASSMENT POLICY

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Section 1 - GOVERNING PRINCIPLES OF EMPLOYMENT

1-1. Introduction

For employees who are commencing employment with Metro Flood Diversion Authority ("Metro Flood Diversion Authority" or "the Authority"), on behalf of Metro Flood Diversion Authority, let me extend a warm and sincere welcome.

For employees who have been with us, thanks for your past and continued service.

I extend my personal best wishes for success and happiness here at Metro Flood Diversion Authority. We understand that it is our employees who provide the services that our customers rely upon, and who will enable us to create new opportunities in the years to come.

Joel Paulsen, Executive Director

1-2. Equal Employment Opportunity

Metro Flood Diversion Authority is an Equal Opportunity Employer that does not discriminate on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth, pregnancy-related conditions, and lactation), gender identity or expression (including transgender status), sexual orientation, marital status, military service and veteran status, physical or mental disability, genetic information, or any other characteristic protected by applicable federal, state, or local laws and ordinances. Metro Flood Diversion Authority's management team is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities, access to facilities and programs, and general treatment during employment.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of Executive Director. Metro Flood Diversion Authority will not allow any form of retaliation against employees who raise issues of equal employment opportunity. If employees feel they have been subjected to any such retaliation, they should contact Executive Director. To ensure the workplace is free of artificial barriers, violation of this policy including any improper retaliatory conduct will lead to discipline, up to and including discharge. All employees must cooperate with all investigations conducted pursuant to this policy.

1-3. Non-Harassment

It is Metro Flood Diversion Authority's policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers or employees by another employee, supervisor, vendor, customer or any third party on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, public assistance status, military service and veteran status, physical or mental disability, genetic information or any other characteristic protected by applicable federal, state or local laws (referred to as "protected characteristics"). Such conduct will not be tolerated by Metro Flood Diversion Authority.

The purpose of this policy is not to regulate our employees' personal morality, but to ensure that no one harasses another individual in the workplace, including while on Authority premises, while on Authority business (whether or not on Authority premises) or while representing the Authority. In addition to being a violation of this policy, harassment or retaliation based on any protected characteristic as defined by applicable federal, state, or local laws also is unlawful. For example, sexual harassment and retaliation against an individual because the individual filed a complaint of sexual harassment or because an individual aided, assisted or testified in an investigation or proceeding involving a complaint of sexual harassment as defined by applicable federal, state, or local laws are unlawful.

Harassment Defined

Harassment generally is defined in this policy as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion towards an individual because of any actual or perceived protected characteristic or has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), visual (including offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or e-mails) or physical conduct (including physically threatening another, blocking someone's way, etc.). Such conduct violates this policy, even if it does not rise to the level of a violation of applicable federal, state or local laws. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a manner consistent with the intended purpose of this policy.

Sexual Harassment Defined

Sexual harassment can include all of the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal, visual or physical conduct of a sexual nature when:

- submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- the conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

The following are examples of conduct that violate this policy. Please note these examples are not an exhaustive list:

1. unwelcome flirtations, leering, whistling, touching, pinching, assault, blocking normal movement;
2. requests for sexual favors or demands for sexual favors in exchange for favorable treatment;
3. obscene or vulgar gestures, posters or comments;
4. sexual jokes or comments about a person's body, sexual prowess or sexual deficiencies;
5. propositions or suggestive or insulting comments of a sexual nature;
6. derogatory cartoons, posters and drawings;
7. sexually-explicit e-mails, text messages or voicemails;
8. uninvited touching of a sexual nature;
9. unwelcome sexually-related comments;
10. conversation about one's own or someone else's sex life;
11. conduct or comments consistently targeted at only one gender, even if the content is not sexual; and

12. teasing or other conduct directed toward a person because of the person's gender.

Reporting Procedures

If the employee has been subjected to or witnessed conduct which violates this policy, the employee should immediately report the matter to Executive Director. If the employee is unable for any reason to contact this person, or if the employee has not received an initial response within five (5) business days after reporting any incident of what the employee perceives to be harassment, the employee should contact the Diversion Authority's attorney. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact any higher-level manager in the reporting hierarchy.

Investigation Procedures

Every report of perceived harassment will be fully investigated, and corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. All employees must cooperate with all investigations conducted pursuant to this policy.

Retaliation Prohibited

In addition, the Authority will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If the employee has been subjected to any such retaliation, the employee should report it in the same manner in which the employee would report a claim of perceived harassment under this policy.

Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including termination.

1-4. Drug-Free And Alcohol-Free Workplace

To help ensure a safe, healthy and productive work environment for our employees and others, to protect Authority property, and to ensure efficient operations, Metro Flood Diversion Authority has adopted a policy of maintaining a workplace free of drugs and alcohol. This policy applies to all employees and other individuals who perform work for the Authority.

The unlawful or unauthorized use, abuse, solicitation, theft, possession, transfer, purchase, sale or distribution of controlled substances (including medical marijuana), drug paraphernalia or alcohol by an individual anywhere on Authority premises, while on Authority business (whether or not on Authority premises) or while representing the Authority, is strictly prohibited. Employees and other individuals who work for the Authority also are prohibited from reporting to work or working while they are using or under the influence of alcohol or any controlled substances, which may impact the employee's ability to perform their job or otherwise pose safety concerns, except when the use is pursuant to a licensed medical practitioner's instructions and the licensed medical practitioner authorized the employee or individual to report to work. However, this exception does not extend any right to report to work under the influence of medical marijuana or to use medical marijuana as a defense to a positive drug test, to the extent the employee is subject to any drug testing requirement, except as permitted by and in accordance with applicable law. This restriction does not apply to responsible drinking of alcohol at business meetings and related social outings.

The Authority maintains a policy of non-discrimination and will endeavor to make reasonable

accommodations to assist individuals recovering from substance and alcohol dependencies, and those who have a medical history which reflects treatment for substance abuse conditions. However, employees may not request an accommodation to avoid discipline for a policy violation. We encourage employees to seek assistance before their substance abuse or alcohol misuse renders them unable to perform the essential functions of their jobs, or jeopardizes the health and safety of any Authority employee, including themselves.

Violation of this policy will result in disciplinary action, up to and including discharge.

The Authority maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist individuals recovering from substance and alcohol dependencies, and those who have a medical history which reflects treatment for substance abuse conditions. However, employees may not request an accommodation to avoid discipline for a policy violation. We encourage employees to seek assistance before their substance abuse or alcohol misuse renders them unable to perform the essential functions of their jobs, or jeopardizes the health and safety of any Authority employee, including themselves.

1-5. Workplace Violence

Metro Flood Diversion Authority is strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to Authority and personal property.

Metro Flood Diversion Authority does not expect employees to become experts in psychology or to physically subdue a threatening or violent individual. Indeed, Metro Flood Diversion Authority specifically discourages employees from engaging in any physical confrontation with a violent or potentially violent individual. However, Metro Flood Diversion Authority does expect and encourage employees to exercise reasonable judgment in identifying potentially dangerous situations.

Experts in the mental health profession state that prior to engaging in acts of violence, troubled individuals often exhibit one or more of the following behaviors or signs: over-resentment, anger and hostility; extreme agitation; making ominous threats such as bad things will happen to a particular person, or a catastrophic event will occur; sudden and significant decline in work performance; irresponsible, irrational, intimidating, aggressive or otherwise inappropriate behavior; reacting to questions with an antagonistic or overtly negative attitude; discussing weapons and their use, and/or brandishing weapons in the workplace; overreacting or reacting harshly to changes in Authority policies and procedures; personality conflicts with co-workers; obsession or preoccupation with a co-worker or supervisor; attempts to sabotage the work or equipment of a co-worker; blaming others for mistakes and circumstances; or demonstrating a propensity to behave and react irrationally.

Prohibited Conduct

Threats, threatening language or any other acts of aggression or violence made toward or by any Authority employee WILL NOT BE TOLERATED. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious or destructive action undertaken for the purpose of domination or intimidation.

Procedures for Reporting a Threat

All potentially dangerous situations, including threats by co-workers, should be reported immediately to any member of management with whom the employee feels comfortable. Reports of threats may be maintained confidential to the extent maintaining confidentiality does not impede Metro Flood Diversion Authority's

ability to investigate and respond to the complaints. All threats will be promptly investigated. All employees must cooperate with all investigations. No employee will be subjected to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

If the Authority determines, after an appropriate good faith investigation, that someone has violated this policy, the Authority will take swift and appropriate corrective action.

If the employee is the recipient of a threat made by an outside party, that employee should follow the steps detailed in this section. It is important for the Authority to be aware of any potential danger in its offices. Indeed, the Authority wants to take effective measures to protect everyone from the threat of a violent act by employees or by anyone else.

1-6. Whistleblower Protections

We strive to create an ethical and open work environment, to ensure we have a governance and accountability structure that supports our mission, and to encourage and enable you to raise legitimate concerns about the occurrence of illegal or unethical actions within the Authority instead of turning to outside parties for resolution.

We expect you to report activities you consider to be illegal, unethical, or dishonest internally. You are not responsible for formally investigating the activity or determining fault or corrective measures. Instead, as discussed below, appropriate management officials are charged with these responsibilities.

Examples of illegal, unethical, or dishonest activities include, but are not limited to:

- Violations of federal, state or local laws
- Activities that potentially violate healthcare reform laws
- Theft or inappropriate removal or possession of property
- Unethical, immoral, or criminal conduct in or outside the workplace
- Falsification of timekeeping records
- Violation of OSHA or other regulatory standards
- Sexual or other unlawful or unwelcome harassment
- Unauthorized disclosure of business "secrets" or confidential information

If you have knowledge of or a concern about actual or potential illegal, dishonest, or fraudulent activity, you should contact your immediate supervisor or the Executive Director. The matter will be investigated to determine the proper course of corrective action.

Insofar as possible, we will try to maintain your confidentiality. However, your identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. We will not retaliate, nor permit retaliation against anyone who brings forward a legitimate concern under this policy. If you believe you are being retaliated against, contact the Executive Director immediately. Protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

If you intentionally or recklessly file a false or baseless report of wrongdoing, you will be subject to discipline up to and including termination.

1-7. Federal Contractors: Pay Transparency

The contractor will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is: 1) in response to a formal complaint or charge; 2) in furtherance of an investigation, proceeding, hearing or action, including an investigation conducted by the employer; or 3) consistent with the contractor's legal duty to furnish information.

1-8. Reasonable Accommodations & Interactive Dialogue

Metro Flood Diversion Authority is committed to complying with applicable federal, state, and local laws governing reasonable accommodations of individuals, including, but not limited to, the Americans with Disabilities Act (ADA). To that end, we will endeavor to make a reasonable accommodation to applicants and employees who have requested an accommodation or for whom Metro Flood Diversion Authority has notice may require such an accommodation, without regard to any protected classifications, related to an individual's:

- Disability, meaning any physical, medical, mental, or psychological impairment, or a history or record of such impairment;
- Sincerely held religious beliefs and practices;
- Needs as a victim of domestic violence, sex offenses, or stalking;
- Needs related to pregnancy, childbirth, or related medical conditions; and/or
- Any other reason required by applicable law, unless the accommodation would impose an undue hardship on the operation of our business.

Any individual who would like to request an accommodation based on any of the reasons set forth above should contact Cass County Human Resources. Accommodation requests can be made in writing using a form which can be obtained from Cass County Human Resources. If an individual who has requested an accommodation has not received an initial response within five (5) business days, the employee should contact Cass County Human Resources.

After receiving a request for an accommodation or learning indirectly that the employee may require such an accommodation, Metro Flood Diversion Authority will engage in an interactive dialogue with the employee.

Even if employee has not formally requested an accommodation, Metro Flood Diversion Authority may initiate an interactive dialogue under certain circumstances, such as when Metro Flood Diversion Authority has knowledge that employee's performance at work has been negatively affected and a reasonable basis to believe that the issue is related to any of the protected classifications set forth above, in compliance with applicable law. In the event Metro Flood Diversion Authority initiates an interactive dialogue with an employee, it should not be construed as Metro Flood Diversion Authority's belief an individual requires an accommodation, but will serve as an invitation for the employee to share with Metro Flood Diversion Authority any information the employee desires to share, or to request an accommodation.

The interactive dialogue may take place in person, by telephone, or by electronic means. As part of the interactive dialogue, Metro Flood Diversion Authority will communicate openly and in good faith with the employee in a timely manner in order to determine whether and how Metro Flood Diversion Authority may be able to provide a reasonable accommodation. To the extent necessary and appropriate based on the request, Metro Flood Diversion Authority will attempt to explore the existence and feasibility of alternative accommodations as well as alternative positions for the employee. Metro Flood Diversion Authority is not required to provide the specific accommodation sought by the employee, provided the alternatives are reasonable and either meet the specific needs of the employee or specifically address the employee's limitations.

As part of the interactive dialogue, Metro Flood Diversion Authority reserves the right to request supporting documentation, to the maximum extent permitted by applicable law.

Metro Flood Diversion Authority will endeavor to keep confidential all communications regarding requests for reasonable accommodations and all circumstances surrounding the employee's underlying reason for needing an accommodation.

Metro Flood Diversion Authority will not allow any form of retaliation against employees who have requested an accommodation, for whom Metro Flood Diversion Authority has notice may require such an accommodation, or who otherwise engage in the interactive dialogue process.

Employees with questions regarding this policy should contact Cass County Human Resources.

Section 2 - OPERATIONAL POLICIES

2-1. Employee Classifications

For purposes of this manual, all Metro Flood Diversion Authority employees fall within one of the classifications below.

Full-Time Employees - Employees who regularly work at least 40 hours per week who were not hired on a short-term basis.

Part-Time Employees - Employees who regularly work fewer than 40 hours per week who were not hired on a short-term basis.

Short-Term Employees - Employees who were hired for a specific short-term project, or on a short-term freelance, per diem or temporary basis. Short-Term employees generally are not eligible for Authority benefits, but are eligible to receive statutory benefits.

In addition to the above classifications, employees are categorized as either "**exempt**" or "**non-exempt**" for purposes of federal and state wage and hour laws. Employees classified as exempt do not receive overtime pay; they generally receive the same weekly salary regardless of hours worked. Such salary may be paid less frequently than weekly. The employee will be informed of these classifications upon hire and informed of any subsequent changes to the classifications.

2-2. Employee Service Credit

"Length of service" refers to the length of time that employees spend as active full-time or part-time employees with Metro Flood Diversion Authority. Service begins on the day they become full-time or part-time employees.

Length of service may be used in determining certain employee benefits, such as time-off benefits. Employees will not lose credit for service with the Authority provided their last day of service was within 60 days of again becoming an active employee. Cass County Human Resources will discuss this issue with any rehired employees upon hire.

2-3. Your Employment Records

In order to obtain their position, employees have provided personal information, such as address and telephone number. This information is contained in their personnel file.

Employees should keep their personnel file up to date by informing Cass County Human Resources of any changes. Employees also should inform Cass County Human Resources of any specialized training or skills they acquire, as well as any changes to any required visas. Unreported changes of address, marital status, etc. can affect withholding tax and benefit coverage. Further, an "out of date" emergency contact or an inability to reach employees in a crisis could cause a severe health or safety risk or other significant problem.

An employee who desires to review a personnel file may contact the Executive Director to arrange a time for

review. Such review must be supervised and no material may be added, removed, or altered during the review. A copy of materials in the file may be provided upon request.

In accordance with N.D.C.C. § 44-04-18, personnel files are public records that are open to inspection by the public during reasonable office hours. Personal information may not be released without the written consent of the employee.

2-4. Working Hours And Schedule

Employees will be assigned a work schedule and will be expected to begin and end work according to the schedule. To accommodate the needs of the business, at some point Metro Flood Diversion Authority may need to change individual work schedules on either a short-term or long-term basis.

Employees will be provided meal and rest periods as required by law. A supervisor will provide further details.

2-5. Remote Work/Telecommuting

Metro Flood Diversion Authority may allow employees to work remotely if their job duties and work performance are determined to be eligible for remote work. Eligibility will be decided on a case-by-case basis by the Authority. Employees also may be required to work remotely during periods of public health emergencies if government orders and mandates recommend such work.

This policy provides general information regarding remote work/telecommuting. Employees who are approved to work remotely should consult their individual agreement for specific details of their remote work/telecommuting arrangement, such as expected work hours, equipment provided, and other important information.

Any remote work/telecommuting arrangement may be discontinued by the Authority at any time and at the discretion of the Authority. Employees also may discontinue the arrangement but may not be guaranteed office space at the Authority's location.

At-Will Employment

This policy and any individual agreement addressing this work arrangement do not create a contract of employment and are not intended to be considered or construed as a promise of continued employment. Employment is at will and may be discontinued at any time by the Authority or employee without notice, cause, or liability.

Hours of Work

Employees will work full time from home. Scheduled hours of work will be set by the employees' manager or supervisor. Employees should maintain regular contact with their supervisors and managers.

Nonexempt employees must accurately record all hours worked pursuant to the Authority's timekeeping system and take rest and meal breaks as if in the Authority's workplace and as required by law. Nonexempt employees may not work beyond scheduled working hours (including working more than 40 hours in a workweek) without prior, written authorization from their manager or supervisor.

Location

Employees will provide, at their expense, a secure, dedicated work area. Employees are responsible for

maintaining the work area in a safe, secure, and nonhazardous condition at all times. Employees will maintain security devices and procedures necessary to prevent use by unauthorized persons, including by preventing the connection of any Authority-furnished computer system, network, or database to any computer, network, or database other than a computer, network, or database to which connections are provided or authorized by the Authority.

Duties

Employees are expected to follow all existing Authority policies and procedures. The duties, obligations, responsibilities, and conditions of employment with the Authority remain unchanged. Employees must stay engaged with work throughout the workday and be fully available during normal business hours. If employees do not successfully perform their job duties remotely, this arrangement will be revoked. Employees are expected to follow existing Authority policies with respect to scheduled and unscheduled time off, including the obligation to speak with their manager or supervisor before the scheduled start time in the event of an unscheduled absence, tardy, or early departure.

Accidents and Injuries

Employees agree to maintain safe conditions in the remote work space and to practice the same safety habits and rules applied on Authority premises. If employees incur an injury arising out of the course and scope of the assigned job duties while working in the remote work space, the workers' compensation provisions in place for the state in which the employees are working will apply. Employees must notify their supervisor or manager immediately and complete all necessary and/or requested documents regarding the reported injury. The Authority assumes no responsibility for injuries occurring in the remote work space outside normal working hours or for injuries that occur as a result of a reasonably recognizable unsafe remote work space.

Equipment

Employees agree to use electronic equipment that has been encrypted and meets all of the Authority's security requirements. If the Authority provides equipment for home use, employees agree to provide a secure location for Authority-owned equipment and will not use, or allow others to use, such equipment for purposes other than Authority business. Employees have no expectation of ownership in such equipment, linkages, property, or other items installed or provided by the Authority. The Authority will bear the expense of removal of any such equipment, linkages, and installations provided by the Authority upon the termination of the remote work/telecommuting arrangement but not modification of or repairs to the work location. Employees hereby release the Authority from any damage or liability incurred in the installing or removal of the equipment provided by the Authority.

Return of Authority Property

All equipment, records, and materials provided by the Authority will remain Authority property. Employees agree to return Authority equipment, records, and materials upon request. All Authority equipment will be returned by employees for inspection, repair, or replacement as needed or requested or immediately upon termination of the remote work/telecommuting arrangement. All equipment must be returned within five (5) business days of written notice to the employees.

Expenses

After having provided receipts and in accordance with the Business Expense Reimbursement policy, the Authority will reimburse employees for certain preapproved expenses.

Regular household utility charges, such as electricity, water, phone, Internet service, auto, homeowners' insurance, etc., are not reimbursable unless state law requires reimbursement.

Confidentiality

Employees agree that they are subject to the Authority's policies prohibiting the nonbusiness use or dissemination of the Authority's confidential business information. Employees will take all appropriate steps to safeguard the Authority's confidential business information, including segregating it from personal papers and documents, not allowing nonemployees to access such information, and keeping such information in locked drawers or file cabinets when not in use. Employees will maintain confidential information, including, but not limited to, information regarding the Authority's products or services, processing, marketing and sales, client lists, client e-mail addresses and mailing addresses, client data, orders, memoranda, notes, records, technical data, sketches, designs, plans, drawings, trade secrets, research and development data, experimental work, proposals, new product and/or service developments, project reports, sources of supply and material, operating and cost data, and corporate financial information.

Contact

If employees have any questions concerning this policy or would like to apply to work remotely, they should contact Cass County Human Resources.

2-6. Timekeeping Procedures

Employees must record their actual time worked for payroll and benefit purposes. Non-exempt employees must record the time work begins and ends, as well as the beginning and ending time of any departure from work for any non-work-related reason, on forms as prescribed by management.

Altering, falsifying or tampering with time records is prohibited and subjects the employee to discipline, up to and including discharge.

Exempt employees are required to record their daily work attendance and report full days of absence from work for reasons such as leaves of absence, sick leave or personal business. Exempt employees who have worked at least four hours in a day do not need to record vacation leave for a partial day absence.

Non-exempt employees may not start work until their scheduled starting time.

It is the employee's responsibility to sign time records to certify the accuracy of all time recorded. Any errors in the time record should be reported immediately to a supervisor, who will attempt to correct legitimate errors.

2-7. Overtime

Like most successful companies, Metro Flood Diversion Authority experiences periods of extremely high activity. During these busy periods, additional work is required from all of us. Supervisors are responsible for monitoring business activity and requesting overtime work if it is necessary. Effort will be made to provide employees with adequate advance notice in such situations.

Any non-exempt employee who works overtime will be compensated at the rate of one and one-half times (1.5) their normal hourly wage for all time worked in excess of 40 hours each week, unless otherwise required by law.

Employees may work overtime only with prior management authorization.

For purposes of calculating overtime for non-exempt employees, the workweek begins at 12:01 am on Saturday and ends 168 hours later at 12:00 am on the following Friday.

2-8. Travel Time For Non-Exempt Employees

Overnight, Out-of-Town Trips

Non-exempt employees will be compensated for time spent traveling (except for meal periods) during their normal working hours, on days they are scheduled to work and on unscheduled work days (such as weekends). Non-exempt employees also will be paid for any time spent performing job duties during otherwise non-compensable travel time; however, such work should be limited absent advance management authorization.

Out-of-Town Trips for One Day

Non-exempt employees who travel out of town for a one-day assignment will be paid for all travel time, except for, among other things: time spent traveling between the employee's home and the local railroad, bus or plane terminal; and meal periods.

Local Travel

Non-exempt employees will be compensated for time spent traveling from one job site to another job site during a workday. The trip home, however, is non-compensable when the employee goes directly home from the final job site, unless it is much longer than the regular commute home from the regular worksite. In such case, the portion of the trip home in excess of the regular commute is compensable.

Commuting Time

Under the Portal to Portal Act, travel from home to work and from work to home is generally non-compensable. However, if a non-exempt employee regularly reports to a worksite near their home, but is required to report to a worksite farther away than the regular worksite, the additional time spent traveling is compensable.

If compensable travel time results in more than 40 hours worked by a non-exempt employee, the employee will be compensated at an overtime rate of one and one-half (1-1/2) times the regular rate.

To the extent that applicable state law provides greater benefits, state law applies.

2-9. Safe Harbor Policy For Exempt Employees

It is Metro Flood Diversion Authority's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure proper payment and that no improper deductions are made, employees must review pay stubs promptly to identify and report all errors.

Those classified as exempt salaried employees will receive a salary which is intended to compensate them for all hours they may work for Metro Flood Diversion Authority. This salary will be established at the time of hire or classification as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Under federal and state law, salary is subject to certain deductions. For example, unless state law requires

otherwise, salary can be reduced for the following reasons:

- full-day absences for personal reasons;
- full-day absences for sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing wage replacement benefits for such absences (deductions also may be made for the exempt employee's full-day absences due to sickness or disability before the employee has qualified for the plan, policy or practice or after the employee has exhausted the leave allowance under the plan);
- full-day disciplinary suspensions for infractions of our written policies and procedures;
- Family and Medical Leave Act absences (either full- or partial-day absences);
- to offset amounts received as payment from the court for jury and witness fees or from the military as military pay;
- the first or last week of employment in the event the employee works less than a full week; and
- any full work week in which the employee does not perform any work.

Salary may also be reduced for certain types of deductions such as a portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or voluntary contributions to a 457(b) or pension plan.

In any work week in which the employee performed any work, salary will not be reduced for any of the following reasons:

- partial day absences for personal reasons, sickness or disability;
- an absence because the Authority has decided to close a facility on a scheduled work day;
- absences for jury duty, attendance as a witness, or military leave in any week in which the employee performed any work (subject to any offsets as set forth above); and
- any other deductions prohibited by state or federal law.

However, unless state law provides otherwise, deductions may be made to accrued leave for full- or partial-day absences for personal reasons, sickness or disability.

If employees believe they have been subject to any improper deductions, they should immediately report the matter to a supervisor. If the supervisor is unavailable or if the employee believes it would be inappropriate to contact that person (or if the employee has not received a prompt and fully acceptable reply), they should immediately contact Cass County Human Resources or any other supervisor in Metro Flood Diversion Authority with whom the employee feels comfortable.

2-10. Your Paycheck

Employees will be paid monthly for all the time worked during the past pay period.

Payroll stubs itemize deductions made from gross earnings. By law, Metro Flood Diversion Authority is required to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions also may include any court-ordered garnishments. Payroll stubs also will differentiate between regular pay received and overtime pay received.

If there is an error in any employee's pay, the employee should bring the matter to the attention of Cass County Human Resources immediately so the Authority can resolve the matter quickly and amicably.

Paychecks will be given only to the employee, unless the employee requests that they be mailed or authorizes in writing that another person may accept the check.

2-11. Direct Deposit

Metro Flood Diversion Authority strongly encourages employees to use direct deposit. Authorization forms are available from Cass County Human Resources.

2-12. Performance Review

Depending on the employee's position and classification, Metro Flood Diversion Authority endeavors to review performance annually. However, a positive performance evaluation does not guarantee an increase in salary, a promotion or continued employment. Annual cost-of-living adjustment (COLA) increases occur on the employee's anniversary date and will generally follow the Social Security Administration's guidance, along with other relevant factors. Compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of management.

In addition to these formal performance evaluations, the Authority encourages employees and supervisors to discuss job performance on a frequent and ongoing basis.

2-13. Record Retention

Metro Flood Diversion Authority acknowledges its responsibility to preserve information relating to litigation, audits and investigations. Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against the Authority and its employees and possible disciplinary action against responsible individuals (up to and including discharge of the employee). Each employee has an obligation to contact the Executive Director to inform them of potential or actual litigation, external audit, investigation or similar proceeding involving the Authority that may have an impact on record retention protocols.

2-14. Job Postings

Metro Flood Diversion Authority is dedicated to assisting employees in managing their careers and reaching their professional goals through promotion and transfer opportunities. This policy outlines the job posting process which is in place for all employees. To be eligible to apply for an open position, employees must meet the following requirements:

- be a current, regular, full-time or part-time employee;
- have been in current position for at least six (6) months;
- maintain a performance rating of satisfactory or above;
- not be on conduct/performance-related probation or warning;
- meet the job qualifications listed on the job posting; and
- provide their current manager with notice prior to applying for the position.

If employees find a position of interest and they meet the eligibility requirements, an application must be completed in order to be considered for the position. Not all positions are guaranteed to be posted. The Authority reserves the right to seek applicants solely from outside sources or to post positions internally and externally simultaneously.

For more specific information about the program, please contact the Executive Director.

2-15. Artificial Intelligence

The Authority recognizes that the use of AI tools can potentially assist employees with the performance of job duties. However, there are many risks. To ensure the protection of confidential information and the integrity of our operations, as set forth below, all employees who wish to use AI tools must receive management approval and, if granted, comply with the below best practices.

Evaluation of AI tools. Employees must evaluate the utility and security of any AI tool before using it. This includes reviewing the tool's security features, terms of service, and privacy policy. Employees should also review the reputation of the tool developer and any third-party services used by the tool. But most importantly, employees **must** receive management approval prior to using any AI tool after explaining the manner in which it will be used and the benefits to the business.

Protection of confidential data. In using any AI tool, employees must not upload or share any confidential, proprietary, or protected data without prior written approval from the Executive Director. This includes data related to customers, employees, or partners. Similarly, employees must ensure any AI tool does not utilize confidential or copyrighted information of a third party.

Access control. Employees must not give access to any AI tools approved for business use to anyone outside the company without prior approval from the Executive Director and implementation of processes as required to meet security compliance requirements. This includes sharing login credentials or other sensitive information with third parties.

Compliance with security policies. Employees must apply the same security best practices we use for all company and customer data. This includes using strong passwords, keeping software up-to-date, and following the Authority's data retention and disposal policies.

2-16. Open Door Policy

All employees have the opportunity to express ideas and opinions to management. The Authority believes that open communication is essential to a successful work environment, as well as to the Authority's success. All employees may express ideas and opinions directly to Authority management. Employees who would like to bring an idea or suggestion to the Authority's attention, or just simply wishes to discuss an issue not covered by a separate reporting procedures, are always welcome to send an email or make a call to Human Resources.

Section 3 - BENEFITS

3-1. Benefits Overview

In addition to good working conditions and competitive pay, it is Metro Flood Diversion Authority's policy to provide a combination of supplemental benefits to all eligible employees. In keeping with this goal, each benefit program has been carefully devised. These benefits include time-off benefits, such as vacations and holidays, and insurance and other plan benefits. We are constantly studying and evaluating our benefits programs and policies to better meet present and future requirements. These policies have been developed over the years and continue to be refined to keep up with changing times and needs.

The next few pages contain a brief outline of the benefits programs Metro Flood Diversion Authority provides employees and their families. Of course, the information presented here is intended to serve only as guidelines.

The descriptions of the insurance and other plan benefits merely highlight certain aspects of the applicable plans for general information only. The details of those plans are spelled out in the official plan documents, which are available for review upon request from Cass County Human Resources. Additionally, the provisions of the plans, including eligibility and benefits provisions, are summarized in the summary plan descriptions ("SPDs") for the plans (which may be revised from time to time). In the determination of benefits and all other matters under each plan, the terms of the official plan documents shall govern over the language of any descriptions of the plans, including the SPDs and this manual.

Further, Metro Flood Diversion Authority (including the officers and administrators who are responsible for administering the plans) retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority with regard to administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility and entitlement.

While the Authority intends to maintain these employee benefits, it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

If employees have any questions regarding benefits, they should contact Cass County Human Resources.

3-2. Paid Holidays

Full-time employees will be paid for the following holidays:

New Year's Day

Martin Luther King, Jr. Day

President's Day

Good Friday

Memorial Day

Independence Day

Labor Day

Indigenous People's Day

Veterans' Day

Thanksgiving Day

Christmas Day

When holidays fall or are celebrated on a regular work day, eligible employees will receive one (1) day's pay at their regular straight-time rate.

If a holiday falls within an eligible employee's approved vacation period, the eligible employee will be paid for the holiday (at the regular straight-time rate).

If a holiday falls within a jury duty or bereavement leave, the eligible employee will be paid through the jury duty or bereavement leave programs (at the regular straight-time rate).

If a non-exempt employee is called into work on a holiday, the employee will be paid their regular wage plus "holiday pay" of .5 times the regular rate for each hour worked, typically called "time and a half".

If an example employee is called into work on a holiday, the employee will be able to observe the holiday on an alternate day within the same calendar year upon approval of his or her supervisor.

The Executive Director will review the calendar annually for holidays that fall on weekends to determine if the holiday will be observed on a weekday. Typically, if the holiday falls on a Saturday it will be observed on a Friday, and if it falls on a Sunday, it will be observed on a Monday.

3-3. Paid Vacations

Metro Flood Diversion Authority appreciates how hard employees work and recognizes the importance of providing time for rest and relaxation. Metro Flood Diversion Authority fully encourages employees to get this rest by taking time away from work. Vacation leave may be used for vacation, illness, and personal reasons.

Eligibility

Regular full-time and regular part-time employees accrue and use vacation leave as described in this policy. Temporary employees are not eligible for vacation leave. The accrual schedule set forth in the table below is based a forty (40) hour per week schedule. Accruals for part-time employees (i.e. those working less than 40 hours per week), will be pro-rated accordingly. Employees will accrue vacation leave hours on the first day of each calendar month.

VACATION LEAVE ACCRUAL SCHEDULE

Years of Eligible Service	Vacation Leave Days Each Year	Vacation Leave Hours Each Month
Years 0-2	12 Days	8 Hours
Years 2-5	18 Days	12 Hours
5+ Years	24 Days	16 Hours

Usage and Rollover

Vacation leave may not be used before it has accrued (negative balances are not permitted). Any time off taken in excess of your accrual balance will be considered unpaid time off, and is generally discouraged.

Vacation leave is paid at your base pay rate at the time of absence. It does not include overtime or any special forms of compensation such as incentives, commissions, or bonuses.

To schedule vacation leave, advance approval must be requested from your supervisor as soon as possible. All departments must be appropriately staffed to meet the needs of our customers and clients. Therefore, while efforts will be made to accommodate requests, vacation leave may not be granted in all circumstances.

Upon Termination

Upon termination, an employee will be paid for accrued, but unused, vacation time. If the employee has taken more vacation leave than has been earned and resigns or is terminated, the negative balance will be withheld from the employee's final paycheck. Negative PTO balance is treated as an advance in pay and is required to be repaid upon termination if not earned. Pursuant to North Dakota law, accrued PTO will not be paid to employees who have been employed for less than one year and who voluntarily resign employment with less than a 5 days' notice.

3-4. Paid Personal Days

Full-time employees are eligible to accrue up to four (4) paid personal days per calendar year on a pro-rata basis. However, during the calendar year in which a full-time employee is first hired, those full-time employees hired after June 30 will be eligible to accrue personal days on a pro-rata basis and to use up to two (2) paid personal days. Any additional personal time that must be taken by eligible employees generally will be unpaid.

Part-time employees accrue personal days in a similar manner, except on a pro-rated basis depending upon the number of hours they work.

Accrued, unused personal days are forfeited at the end of the calendar year and are not paid out at separation unless otherwise required by law.

Personal days must be used in at least half-day increments.

Personal days must be scheduled at least two (2) weeks in advance. Management reserves the right in its sole discretion to deny any requests.

Advanced but unaccrued personal days will be deducted from the final paychecks, to the extent permitted by law.

3-5. Sick Days

Eligibility

The Authority provides paid sick leave benefits to all full-time and part-time employees for periods of temporary absence due to illnesses or injuries. Temporary employees are not eligible.

Accrual

Full-time employees accrue sick leave benefits at the rate of 8 hours per month (12 days per year). Sick leave is pro-rated for part-time employees according to hours worked. Sick Leave accruals cease after 30 calendar days of continuous unpaid leave.

Guidelines for Use

Sick leave may be used for an absence due to the employee's illness or injury, or for medical and dental appointments. Employees can also use sick leave to care for family members who are ill or need assistance obtaining medical or health services. For the purposes of this policy, eligible family members include: spouse, parent, child (natural, adoptive, foster, or step), and any other family member financially or legally dependent upon the employee, residing with you the employee in order to receive care. Up to 160 hours per year may be used for the purpose of caring for family members under this policy. If more than 160 hours are required to care for a family member, advance approval of the Executive Director is required.

Notice

If you are unable to report to work due to illness or injury, you should notify your direct supervisor before the scheduled start of the workday if possible. Your direct supervisor must also be contacted on each additional day of absence. In general, calls from friends or family members are not acceptable. If you are absent for three or more consecutive days due to illness or injury, or at our discretion, a physician's statement may be required to verify the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits.

Sick leave benefits will be calculated based on your base pay rate at the time of absence.

Unused sick leave benefits will be allowed to accumulate until you have accrued a total of 960 hours' worth of sick leave benefits. If your benefits reach this maximum, you will receive monetary compensation for 50% of all hours accumulated over 960 at your hourly rate of pay. This compensation will occur annually in December or upon termination.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence, except where specifically provided for in this handbook. Please use your sick leave only for legitimate illnesses and injuries, and keep in mind that if you are out of sick leave and/or annual leave, then any other absences will be unpaid, may be considered unexcused, and may subject to disciplinary action up to and including termination of employment. In rare circumstances, unpaid time off may be permitted if approved in advance. Note that unpaid time off will not count against you if it is approved under another leave policy within this handbook.

3-6. Lactation Accommodations

Metro Flood Diversion Authority will provide a reasonable amount of break time to accommodate employees desiring to express breast milk for their child, in accordance with and to the extent required by applicable law. The break time, if possible and permitted by applicable law, must run concurrently with rest and meal periods already provided. If the break time cannot run concurrently with rest and meal periods already provided, the break time will be unpaid, subject to applicable law.

The Authority may not be able to provide additional break time if doing so would seriously disrupt the Authority's operations, subject to applicable law.

The Authority will make reasonable efforts to provide employees with the use of a room or location in close proximity to the employee's work area, other than a bathroom, to express milk in private. This location may be the employee's private office, if applicable. Please consult Cass County Human Resources with questions regarding this policy.

Employees should advise management if they need break time and an area for this purpose. Employees will not be discriminated against or retaliated against for exercising their rights under this policy.

3-7. Workers' Compensation

On-the-job injuries are covered by Metro Flood Diversion Authority's Workers' Compensation Insurance Policy, which is provided at no cost. If employees are injured on the job, no matter how slightly, they should report the incident immediately to their supervisor. Failure to follow Authority procedures may affect the ability of employees to receive Workers Compensation benefits.

This is solely a monetary benefit and not a leave of absence entitlement. Employees who need to miss work due to a workplace injury must also request a formal leave of absence. See the Leave of Absence sections of this manual for more information.

3-8. Jury Duty

Metro Flood Diversion Authority realizes that it is the obligation of all U.S. citizens to serve on a jury when summoned to do so. All employees will be allowed time off to perform such civic service as required by law. Employees are expected, however, to provide proper notice of a request to perform jury duty and verification of their service.

Employees also are expected to keep management informed of the expected length of jury duty service and to report to work for the major portion of the day if excused by the court. If the required absence presents a serious conflict for management, employees may be asked to try to postpone jury duty.

Employees on jury duty leave will be paid for their jury duty service in accordance with state law; however, exempt employees will be paid their full salary for any week in which time is missed due to jury duty if work is performed for the Authority during such week.

3-9. Bereavement Leave

The death of a family member is a time when employees wish to be with their families. If the employee is full-time and loses a close relative, the employee will be allowed paid time off of up to four (4) workdays to assist in attending to obligations and commitments. For the purposes of this policy, a close relative includes a spouse, domestic/civil union partner, child, parent, sibling, grandchildren, grandparents or any other relation required by applicable law. Paid leave days only may be taken on regularly scheduled, consecutive workdays following the day of death. Employees must inform their supervisor prior to commencing bereavement leave. In administering this policy, Metro Flood Diversion Authority may require verification of death.

3-10. Voting Leave

In the event employees do not have sufficient time outside of working hours to vote in a statewide election, if required by state law, the employee may take off enough working time to vote. Such time will be paid if required by state law. This time should be taken at the beginning or end of the regular work schedule. Where possible, supervisors should be notified at least two (2) days prior to the voting day.

3-11. Insurance Programs

Full-time employees may participate in Metro Flood Diversion Authority's insurance programs. Under these plans, eligible employees will receive comprehensive health and other insurance coverage for themselves and their families, as well as other benefits.

Upon becoming eligible to participate in these plans, employees will receive summary plan descriptions (SPDs) describing the benefits in greater detail. Please refer to the SPDs for detailed plan information. Of course, feel free to contact Cass County Human Resources with any further questions.

3-12. Salary Continuation

Metro Flood Diversion Authority provides enhanced monetary short-term disability benefits to full-time employees. These enhanced monetary benefits are inclusive of any monetary workers' compensation or statutory short-term disability benefits.

This is not a leave of absence provision. Employees who will be out of work must request a leave of absence. See the Leave of Absence sections of this manual for more information. Employees will be required to submit medical certification as requested by Metro Flood Diversion Authority. Required medical certification under this policy may differ from the medical certification required for any leave of absence requested.

3-13. Employee Assistance Program

Metro Flood Diversion Authority provides the Employee Assistance Program, which offers qualified counselors to help employees cope with personal problems they may be facing. Further details can be obtained through Human Resources.

3-14. Retirement Plan

Eligible employees are able to participate in North Dakota Public Retirement System. Plan participants will make pre-tax contributions via payroll deduction to a retirement account.

Upon becoming eligible to participate in this plan, employees will receive an SPD describing the plan in greater detail. Please refer to the SPD for detailed plan information. Of course, feel free to speak to Cass County Human Resources if there are any further questions.

Section 4 - LEAVES OF ABSENCE

4-1. Personal Leave

If employees are ineligible for any other Authority leave of absence, Metro Flood Diversion Authority, under certain circumstances, may grant a personal leave of absence without pay. A written request for a personal leave should be presented to management at least two (2) weeks before the anticipated start of the leave. If the leave is requested for medical reasons and employees are not eligible for leave under the federal Family and Medical Leave Act (FMLA) or any state leave law, medical certification also must be submitted. The request will be considered on the basis of staffing requirements and the reasons for the requested leave, as well as performance and attendance records. Normally, a leave of absence will be granted for a period of up to eight (8) weeks. However, a personal leave may be extended if, prior to the end of leave, employees submit a written request for an extension to management and the request is granted. During the leave, employees will not earn vacation, personal days, or sick days. Metro Flood Diversion Authority will continue health insurance coverage during the leave if employees submit their share of the monthly premium payments to the Authority in a timely manner, subject to the terms of the plan documents.

When the employees anticipate returning to work, they should notify management of the expected return date. This notification should be made at least one (1) week before the end of the leave.

Upon completion of the personal leave of absence, the Authority will attempt to return employees to their original job or a similar position, subject to prevailing business considerations. Reinstatement, however, is not guaranteed.

Failure to advise management of availability to return to work, failure to return to work when notified or a continued absence from work beyond the time approved by the Authority will be considered a voluntary resignation of employment.

Personal leave runs concurrently with any Authority-provided Short-Term Disability Leave of Absence.

4-2. Military Leave

If employees are called into active military service or enlist in the uniformed services, they will be eligible to receive an unpaid military leave of absence. To be eligible for military leave, employees must provide management with advance notice of service obligations unless they are prevented from providing such notice by military necessity or it is otherwise impossible or unreasonable to provide such notice. Provided the absence does not exceed applicable statutory limitations, employees will retain reemployment rights and accrue seniority and benefits in accordance with applicable federal and state laws. Employees should ask management for further information about eligibility for Military Leave.

If employees are required to attend yearly Reserves or National Guard duty, they can apply for an unpaid temporary military leave of absence not to exceed the number of days allowed by law (including travel). They should give management as much advance notice of their need for military leave as possible so that Metro Flood Diversion Authority can maintain proper coverage while employees are away.

Section 5 - GENERAL STANDARDS OF CONDUCT

5-1. Workplace Conduct

Metro Flood Diversion Authority endeavors to maintain a positive work environment. Each employee plays a role in fostering this environment. Accordingly, we all must abide by certain rules of conduct, based on honesty, common sense, and fair play.

Because everyone may not have the same idea about proper workplace conduct, it is helpful to adopt and enforce rules all can follow. Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, in the Authority's sole discretion. The following are examples of some, but not all, conduct which can be considered unacceptable:

1. Obtaining employment on the basis of false or misleading information.
2. Stealing, removing, or defacing Metro Flood Diversion Authority property or a co-worker's property, and/or disclosure of confidential information.
3. Completing another employee's time records.
4. Violation of safety rules and policies.
5. Violation of Metro Flood Diversion Authority's Drug and Alcohol-Free Workplace Policy.
6. Fighting, threatening, or disrupting the work of others or other violations of Metro Flood Diversion Authority's Workplace Violence Policy.
7. Failure to follow lawful instructions of a supervisor.
8. Failure to perform assigned job duties.
9. Violation of the Punctuality and Attendance Policy, including but not limited to irregular attendance, habitual lateness, or unexcused absences.
10. Gambling on Authority property.
11. Willful or careless destruction or damage to Authority assets or to the equipment or possessions of another employee.
12. Wasting work materials.
13. Performing work of a personal nature during working time.
14. Violation of the Solicitation and Distribution Policy.
15. Violation of Metro Flood Diversion Authority's Harassment or Equal Employment Opportunity Policies.
16. Violation of the Communication and Computer Systems Policy.
17. Unsatisfactory job performance.
18. Any other violation of Metro Flood Diversion Authority policy.

Obviously, not every type of misconduct can be listed. Note that all employees are employed at-will, and Metro Flood Diversion Authority reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. The Authority will deal with each situation individually and nothing in this manual should be construed as a promise of specific treatment in a given situation.

The observance of these rules will help to ensure that our workplace remains a safe and desirable place to work.

5-2. Punctuality And Attendance

Employees are hired to perform important functions at Metro Flood Diversion Authority. As with any group effort, operating effectively takes cooperation and commitment from everyone. Therefore, attendance and punctuality are very important. Unnecessary absences and lateness are expensive, disruptive and place an unfair burden on fellow employees and Supervisors. We expect excellent attendance from all employees. Excessive absenteeism or tardiness will result in disciplinary action up to and including discharge.

We do recognize, however, there are times when absences and tardiness cannot be avoided. In such cases, employees are expected to notify Supervisors as early as possible, but no later than the start of the work day. Asking another employee, friend or relative to give this notice is improper and constitutes grounds for disciplinary action. Employees should call, stating the nature of the illness and its expected duration, for every day of absenteeism.

Unreported absences of three (3) consecutive work days generally will be considered a voluntary resignation of employment with the Authority.

5-3. Use Of Communications And Computer Systems

Metro Flood Diversion Authority's communication and computer systems are intended primarily for business purposes; however limited personal usage is permitted if it does not hinder performance of job duties or violate any other Authority policy. This includes the voice mail, e-mail and Internet systems. Users have no legitimate expectation of privacy in regard to their use of the Metro Flood Diversion Authority systems.

Metro Flood Diversion Authority may access the voice mail and e-mail systems and obtain the communications within the systems, including past voice mail and e-mail messages, without notice to users of the system, in the ordinary course of business when the Authority deems it appropriate to do so. The reasons for which the Authority may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that Authority operations continue appropriately during the employee's absence.

Further, Metro Flood Diversion Authority may review Internet usage to ensure that such use with Authority property, or communications sent via the Internet with Authority property, are appropriate. The reasons for which the Authority may review employees' use of the Internet with Authority property include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that Authority operations continue appropriately during the employee's absence.

The Authority may store electronic communications for a period of time after the communication is created. From time to time, copies of communications may be deleted.

The Authority's policies prohibiting harassment, in their entirety, apply to the use of Authority's communication and computer systems. No one may use any communication or computer system in a manner that may be construed by others as harassing or offensive based on race, national origin, sex, sexual orientation, age, disability, religious beliefs or any other characteristic protected by federal, state or local law.

Further, since the Authority's communication and computer systems are intended for business use, all

employees, upon request, must inform management of any private access codes or passwords.

Unauthorized duplication of copyrighted computer software violates the law and is strictly prohibited.

No employee may access, or attempt to obtain access to, another employee's computer systems without appropriate authorization.

Violators of this policy may be subject to disciplinary action, up to and including discharge.

5-4. Use Of Social Media

Metro Flood Diversion Authority respects the right of any employee to use social media sites. Social media is any web-based network used to share information between users. Social media sites include, but are not limited to, Facebook, Twitter, Youtube, Instagram, LinkedIn, Snapchat, Nextdoor, Pinterest, Tumblr, TikTok, etc. However, to protect Authority interests and ensure employees focus on their job duties, employees must adhere to the following rules:

Employees may not use social media sites during work time or at any time with Authority equipment or property.

All rules regarding confidential and proprietary business information apply in full to social media sites. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed in a social media site.

Whether the employees are posting something on their own social media site or on someone else's, if the employee mentions the Authority and also expresses either a political opinion or an opinion regarding the Authority's actions that could pose an actual or potential conflict of interest with the Authority, the poster must include a disclaimer. The poster should specifically state that the opinion expressed is his/her personal opinion and not the Authority's position. This is necessary to preserve the Authority's good will in the marketplace.

Any conduct that is impermissible under the law if expressed in any other form or forum is impermissible if expressed through a social media site. For example, posted material that is discriminatory, obscene, defamatory, libelous or violent is forbidden. Authority policies apply equally to employee social media usage.

Metro Flood Diversion Authority encourages all employees to keep in mind the speed and manner in which information posted on a social media site is received and often misunderstood by readers. Employees must use their best judgment. Employees with any questions should review the guidelines above and/or consult with their manager. Failure to follow these guidelines may result in discipline, up to and including discharge.

5-5. Personal And Company-Provided Portable Communication Devices

Metro Flood Diversion Authority-provided portable communication devices (PCDs), including cell phones and personal digital assistants, should be used primarily for business purposes. Employees have no reasonable expectation of privacy in regard to the use of such devices, and all use is subject to monitoring, to the maximum extent permitted by applicable law. This includes, as permitted, the right to monitor personal communications as necessary.

Some employees may be authorized to use their own PCD for business purposes. These employees should work with the IT department to configure their PCD for business use. Communications sent via a personal

PCD also may subject to monitoring if sent through the Authority's networks and the PCD must be provided for inspection and review upon request.

All conversations, text messages and e-mails must be professional. When sending a text message or using a PCD for business purposes, whether it is a Authority-provided or personal device, employees must comply with applicable Authority guidelines, including policies on sexual harassment, discrimination, conduct, confidentiality, equipment use and operation of vehicles. Using a Authority-issued PCD to send or receive personal text messages is prohibited at all times and personal use during working hours should be limited to emergency situations.

If employees who use a personal PCD for business resign or are discharged, they will be required to submit the device to the IT department for resetting on or before their last day of work. At that time, the IT department will reset and remove all information from the device, including but not limited to, Authority information and personal data (such as contacts, e-mails and photographs). The IT department will make efforts to provide employees with the personal data in another form (e.g., on a disk) to the extent practicable; however, the employee may lose some or all personal data saved on the device.

Employees may not use their personal PCD for business unless they agree to submit the device to the IT department on or before their last day of work for resetting and removal of Authority information. This is the only way currently possible to ensure that all Authority information is removed from the device at the time of termination. The removal of Authority information is crucial to ensure compliance with the Authority's confidentiality and proprietary information policies and objectives.

Please note that whether employees use their personal PCD or a Authority-issued device, the Authority's electronic communications policies, including but not limited to, proper use of communications and computer systems, remain in effect. Personal devices used for Authority business may be subject to North Dakota open records requirements as determined by North Dakota law. Therefore, it is critical that employees who choose to utilize their personal mobile device to conduct Authority business are cognizant of the impact these communications or interactions may have in the event of an open records request.

Portable Communication Device Use While Driving

Employees who drive on Authority business must abide by all state or local laws prohibiting or limiting PCD (cell phone or personal digital assistant) use while driving. Further, even if usage is permitted, employees may choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking or listening to another person or sending an electronic or text message via the PCD.

Regardless of the circumstances, including slow or stopped traffic, if any use is permitted while driving, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while driving, and permitted by law, employees must use a hands-free option and advise the caller that they are unable to speak at that time and will return the call shortly.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a cell phone while driving, employees who are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities that result from such actions.

Texting and e-mailing while driving is prohibited in all circumstances.

5-6. Inspections

Metro Flood Diversion Authority reserves the right to require employees while on Authority property, or on client property, to agree to the inspection of their persons, personal possessions and property, personal vehicles parked on Authority or client property, and work areas. This includes lockers, vehicles, desks, cabinets, work stations, packages, handbags, briefcases and other personal possessions or places of concealment, as well as personal mail sent to the Authority or to its clients. Employees are expected to cooperate in the conduct of any search or inspection.

5-7. Smoking

Smoking, including the use of e-cigarettes, is prohibited on Authority premises and in all Authority vehicles.

5-8. Personal Visits And Telephone Calls

Disruptions during work time can lead to errors and delays. Therefore, personal telephone calls must be kept to a minimum, and only be made or received after working time, or during lunch or break time.

For safety and security reasons, employees are prohibited from having personal guests visit or accompanying them anywhere in Metro Flood Diversion Authority facilities other than the reception areas, without prior approval.

5-9. Solicitation And Distribution

To avoid distractions, solicitation by the employee of another employee is prohibited while either employee is on work time. "Work time" is defined as the time the employee is engaged, or should be engaged, in performing their work tasks for Metro Flood Diversion Authority. Solicitation of any kind by non-employees on Authority premises is prohibited at all times.

Distribution of advertising material, handbills, printed or written literature of any kind in working areas of the Authority is prohibited at all times. Distribution of literature by non-employees on Authority premises is prohibited at all times.

5-10. Confidential Company Information

During the course of work, employees may become aware of confidential information about Metro Flood Diversion Authority's business, including but not limited to information regarding Authority finances, pricing, products and new product development, software and computer programs, marketing strategies, suppliers and customers and potential customers. Employees also may become aware of similar confidential information belonging to the Authority's clients. It is extremely important that all such information remain confidential, and particularly not be disclosed to Metro Flood Diversion Authority's competitors. Any employee who improperly copies, removes (whether physically or electronically), uses or discloses confidential information to anyone outside of the Authority may be subject to disciplinary action up to and including termination. Employees may be required to sign an agreement reiterating these obligations.

5-11. Conflict Of Interest And Business Ethics

It is Metro Flood Diversion Authority's policy that all employees avoid any conflict between their personal interests and those of the Authority. The purpose of this policy is to ensure that the Authority's honesty and integrity, and therefore its reputation, are not compromised. The fundamental principle guiding this policy is that no employee should have, or appear to have, personal interests or relationships that actually or potentially conflict with the best interests of the Authority.

It is not possible to give an exhaustive list of situations that might involve violations of this policy. However, the situations that would constitute a conflict in most cases include but are not limited to:

1. holding an interest in or accepting free or discounted goods from any organization that does, or is seeking to do, business with the Authority, by any employee who is in a position to directly or indirectly influence either the Authority's decision to do business, or the terms upon which business would be done with such organization;
2. holding any interest in an organization that competes with the Authority;
3. being employed by (including as a consultant) or serving on the board of any organization which does, or is seeking to do, business with the Authority or which competes with the Authority; and/or
4. profiting personally, e.g., through commissions, loans, expense reimbursements or other payments, from any organization seeking to do business with the Authority.

A conflict of interest would also exist when a member of the employee's immediate family is involved in situations such as those above.

This policy is not intended to prohibit the acceptance of modest courtesies, openly given and accepted as part of the usual business amenities, for example, occasional business-related meals or promotional items of nominal or minor value.

It is the employee's responsibility to report any actual or potential conflict that may exist between the employee (and the employee's immediate family) and the Authority.

5-12. Use Of Facilities, Equipment And Property, Including Intellectual Property

Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards and guidelines.

Employees should notify their supervisor if any equipment, machines, or tools appear to be damaged, defective or in need of repair. Prompt reporting of loss, damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Supervisors can answer any questions about the employees' responsibility for maintenance and care of equipment used on the job.

Employees also are prohibited from any unauthorized use of the Authority's intellectual property, such as audio and video tapes, print materials and software.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in discipline, up to and including discharge.

Further, the Authority is not responsible for any damage to employees' personal belongings unless the employee's supervisor provided advance approval for the employee to bring the personal property to work.

Employees have a duty to preserve the assets of the Authority. Employees may not use Authority-owned materials, equipment, property, or other assets for any unauthorized purpose. Employees who willfully damage, misuse, steal, or destroy Authority property or assets may be disciplined up to and including termination of employment.

5-13. Health And Safety

The health and safety of employees and others on Authority property are of critical concern to Metro Flood Diversion Authority. The Authority intends to comply with all health and safety laws applicable to our business. To this end, we must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Employees are required to be conscientious about workplace safety, including proper operating methods, and recognize dangerous conditions or hazards. Any unsafe conditions or potential hazards should be reported to management immediately, even if the problem appears to be corrected. Any suspicion of a concealed danger present on the Authority's premises, or in a product, facility, piece of equipment, process or business practice for which the Authority is responsible should be brought to the attention of management immediately.

Periodically, the Authority may issue rules and guidelines governing workplace safety and health. The Authority may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines, as strict compliance will be expected.

Any workplace injury, accident, or illness must be reported to the employee's supervisor as soon as possible, regardless of the severity of the injury or accident.

5-14. Hiring Relatives/Employee Relationships

A familial relationship among employees can create an actual or at least a potential conflict of interest in the employment setting, especially where one relative supervises another relative. To avoid this problem, Metro Flood Diversion Authority may refuse to hire or place a relative in a position where the potential for favoritism or conflict exists.

In other cases, such as personal relationships where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or discharged from employment, at the discretion of the Authority. Accordingly, all parties to any type of intimate personal relationship must inform management.

If two employees marry, become related, or enter into an intimate relationship, they may not remain in a reporting relationship or in positions where one individual may affect the compensation or other terms or conditions of employment of the other individual. The Authority generally will attempt to identify other available positions, but if no alternate position is available, the Authority retains the right to decide which employee will remain with the Authority.

For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

5-15. Employee Dress And Personal Appearance

Employees are expected to report to work well groomed, clean, and dressed according to the requirements of their position. Some employees may be required to wear uniforms or safety equipment/clothing. Employees should contact their supervisor for specific information regarding acceptable attire for their position. If employees report to work dressed or groomed inappropriately, they may be prevented from working until they return to work well groomed and wearing the proper attire.

5-16. Publicity/Statements To The Media

All media inquiries regarding the position of the Authority as to any issues must be referred to Executive Director. Only Executive Director is authorized to make or approve public statements on behalf of the Authority. No employees, unless specifically designated by Executive Director, are authorized to make those statements on behalf of Authority. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of the Authority must first obtain approval from Executive Director.

5-17. Operation Of Vehicles

All employees authorized to drive Authority-owned or leased vehicles or personal vehicles in conducting Authority business must possess a current, valid driver's license and an acceptable driving record. Any change in license status or driving record must be reported to management immediately.

Employees must have a valid driver's license in their possession while operating a vehicle off or on Authority property. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers must demonstrate safe driving habits at all times.

Authority-owned or leased vehicles may be used only as authorized by management.

Portable Communication Device Use While Driving

Employees who drive on Authority business must abide by all state or local laws prohibiting or limiting portable communication device (PCD) use, including cell phones or personal digital assistants, while driving. Further, even if use is permitted, employees may choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking or listening to another person or sending an electronic or text message via the PCD.

Regardless of the circumstances, including slow or stopped traffic, if any use is permitted while driving, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while the employees are driving, and permitted by law, they must use a hands-free option and advise the caller that they are unable to speak at that time and will return the call shortly.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a PCD while driving, employees who are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities

that result from such actions.

Texting and e-mailing while driving is prohibited in all circumstances.

5-18. Business Expense Reimbursement

Employees will be reimbursed for reasonable approved expenses incurred in the course of business. These expenses must be approved by the employee's Supervisor, and may include air travel, hotels, motels, meals, cab fare, rental vehicles, or gas and car mileage for personal vehicles. All expenses incurred should be submitted to the employee's Supervisor along with the receipts in a timely manner.

Employees are expected to exercise restraint and good judgment when incurring expenses. Employees should contact their Supervisor in advance if they have any questions about whether an expense will be reimbursed.

5-19. References

Metro Flood Diversion Authority will respond to reference requests through Cass County Human Resources Department. The Authority will provide general information concerning the employee such as date of hire, date of discharge, and positions held. Requests for reference information must be in writing, and responses will be in writing. Please refer all requests for references to Cass County Human Resources Department.

Only Cass County Human Resources Department may provide references.

5-20. If You Must Leave Us

Should any employees decide to leave the Authority, we ask that they provide a Supervisor with at least four (4) weeks advance notice of departure. Thoughtfulness will be appreciated. All Authority property including, but not limited to, keys, security cards, parking passes, laptop computers, fax machines, uniforms, etc., must be returned at separation. Employees also must return all of the Authority's Confidential Information upon separation. To the extent permitted by law, employees will be required to repay the Authority (through payroll deduction, if lawful) for any lost or damaged Authority property. As noted previously, all employees are employed at-will and nothing in this handbook changes that status.

5-21. Exit Interviews

Employees who resign are requested to participate in an exit interview with a Highroad HR Partner, if possible.

5-22. A Few Closing Words

This manual is intended to give employees a broad summary of things they should know about Metro Flood Diversion Authority. The information in this manual is general in nature and, should questions arise, any member of management should be consulted for complete details. While we intend to continue the policies, rules and benefits described in this manual, Metro Flood Diversion Authority, in its sole discretion, may always amend, add to, delete from or modify the provisions of this manual and/or change its interpretation of

any provision set forth in this manual. Employees should not hesitate to speak to management if they have any questions about the Authority or its personnel policies and practices.

GENERAL HANDBOOK ACKNOWLEDGMENT

This Employee Manual is an important document intended to help employees become acquainted with Metro Flood Diversion Authority. This document is intended to provide guidelines and general descriptions only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the Authority's operations may change, the contents of this Manual may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of management.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Manual.

I have received and read a copy of Metro Flood Diversion Authority's Employees Manual. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of the Authority at any time.

I further understand that my employment is terminable at will, either by myself or the Authority, with or without cause or notice, regardless of the length of my employment or the granting of benefits of any kind.

I understand that no representative of Metro Flood Diversion Authority other than Executive Director may alter "at will" status and any such modification must be in a signed writing.

I understand that my signature below indicates that I have read and understand the above statements and that I have received a copy of the Authority's Employee Manual.

Employee's Printed Name: _____

Employee's Signature: _____

Position: _____

Date: _____

The signed original copy of this acknowledgment should be given to management - it will be filed in your personnel file.

RECEIPT OF NON-HARASSMENT POLICY

It is Metro Flood Diversion Authority's policy to prohibit intentional and unintentional harassment of or against job applicants, contractors, interns, volunteers or employees by another employee, supervisor, vendor, customer or any third party on the basis of actual or perceived race, color, creed, religion, national origin, ancestry, citizenship status, age, sex or gender (including pregnancy, childbirth and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, public assistance status, military service and veteran status, physical or mental disability, genetic information or any other characteristic protected by applicable federal, state or local laws (referred to as “protected characteristics”). Such conduct will not be tolerated by Metro Flood Diversion Authority.

The purpose of this policy is not to regulate our employees' personal morality, but to ensure that no one harasses another individual in the workplace, including while on Authority premises, while on Authority business (whether or not on Authority premises) or while representing the Authority. In addition to being a violation of this policy, harassment or retaliation based on any protected characteristic as defined by applicable federal, state, or local laws also is unlawful. For example, sexual harassment and retaliation against an individual because the individual filed a complaint of sexual harassment or because an individual aided, assisted or testified in an investigation or proceeding involving a complaint of sexual harassment as defined by applicable federal, state, or local laws are unlawful.

Harassment Defined

Harassment generally is defined in this policy as unwelcome verbal, visual or physical conduct that denigrates or shows hostility or aversion towards an individual because of any actual or perceived protected characteristic or has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), visual (including offensive posters, symbols, cartoons, drawings, computer displays, text messages, social media posts or e-mails) or physical conduct (including physically threatening another, blocking someone’s way, etc.). Such conduct violates this policy, even if it does not rise to the level of a violation of applicable federal, state or local laws. Because it is difficult to define unlawful harassment, employees are expected to behave at all times in a manner consistent with the intended purpose of this policy.

Sexual Harassment Defined

Sexual harassment can include all of the above actions, as well as other unwelcome conduct, such as unwelcome or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal, visual or physical conduct of a sexual nature when:

- submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- the conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

The following are examples of conduct that violate this policy. Please note these examples are not an

exhaustive list:

1. unwelcome flirtations, leering, whistling, touching, pinching, assault, blocking normal movement;
2. requests for sexual favors or demands for sexual favors in exchange for favorable treatment;
3. obscene or vulgar gestures, posters or comments;
4. sexual jokes or comments about a person's body, sexual prowess or sexual deficiencies;
5. propositions or suggestive or insulting comments of a sexual nature;
6. derogatory cartoons, posters and drawings;
7. sexually-explicit e-mails, text messages or voicemails;
8. uninvited touching of a sexual nature;
9. unwelcome sexually-related comments;
10. conversation about one's own or someone else's sex life;
11. conduct or comments consistently targeted at only one gender, even if the content is not sexual; and
12. teasing or other conduct directed toward a person because of the person's gender.

Reporting Procedures

If the employee has been subjected to or witnessed conduct which violates this policy, the employee should immediately report the matter to Executive Director. If the employee is unable for any reason to contact this person, or if the employee has not received an initial response within five (5) business days after reporting any incident of what the employee perceives to be harassment, the employee should contact the Diversion Authority's attorney. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact any higher-level manager in the reporting hierarchy.

Investigation Procedures

Every report of perceived harassment will be fully investigated, and corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. All employees must cooperate with all investigations conducted pursuant to this policy.

Retaliation Prohibited

In addition, the Authority will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If the employee has been subjected to any such retaliation, the employee should report it in the same manner in which the employee would report a claim of perceived harassment under this policy.

Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including termination.

I have read and I understand Metro Flood Diversion Authority's Non-Harassment Policy.

Employee's Printed Name: _____

Employee's Signature: _____

Position: _____

Date: _____

The signed original copy of this receipt should be given to management - it will be filed in your personnel file.