

THE NORTH DAKOTA OLMSTEAD COMMISSION  
MEETING MINUTES OF  
MAY 10, 2023  
Job Service North Dakota, Bismarck and Virtual via Teams

**Members Present:** Wally Goulet, Scott Burlingame, Ryan Norrell, The Honorable Bruce Romanick, Veronica Zietz, Senator Judy Lee, Julianne Horntvedt

**Members Absent:** Representative Alisha Mitskog, Siobhan Deppa, Carlotta McCleary

**Others Present:** Jana Johnson, Carrie Berland, Daniel Gulya from P&A, Steven and Sheryl Beard, Trevor Vannett, Kayla Trzruc, Jennifer Henderson, Elyse Olson, Melanie Gaebe, Jacob Reuter, Brittany Armstrong Hanson, Brenda Schmid, Kirsten Dvorak, Rebecca Quinn, Deidre Hughes, Susan Dingle, Shaun Crowell, Angie Bosch, Roxane Romanick

Co-Chair Goulet called the meeting to order at 1:04 pm.

**Approval on the February 8, 2023 Meeting Minutes:**

The minutes were reviewed.

**Motion:** A motion was made by Mr. Burlingame and seconded by Ms. Zietz. The motion passed.

**Legislative Updates:**

Senator Lee stated that the Human Services Committee heard 72 Bills in the Senate and 53 from the House. If it was not the heaviest number of bills, it was the heaviest content. Senator Lee stated one of her favorites was on guardianships, who have been grossly underpaid for a very long time. We were looking for additional money for indigent and for individuals with developmental disabilities because there is not only a tremendous need to raise this pay, but we have waiting lists of people with guardianship needs.

Judge Feland had two years ago during the interim, gathered stakeholders on this issue to determine how to make professional guardianships more accountable.

The outcome was the creation of a Commission. Senate Bill 2345 is an extension of that work, whereby stakeholders with various perspectives will work together with that guardianship monitoring committee in the courts to improve accountability. There is a \$290,000.00 appropriation; the governor signed it yesterday. Additionally, there were pieces of guardianship legislation in the court's budget, the Office of Management and Budget (OMB), which handles funding for indigent guardianships, and the Department of Health and Human Services budget, which handles guardianship for people with disabilities. They were hoping for \$8.1 million for these guardianships but ended up getting \$7.1 million.

Senate Bill 2029 will convert the 8 Human Service Centers to Certified Community Behavioral Health Clinics (CCBHC). It will allow 24/7 access to care and there will be Behavioral Health Clinics. They are initially starting with two clinics.

### **Public Transportation Education:**

Deidre Hughes, Executive Director with Bismarck Transit shared information on public transportation in Bismarck and Mandan. The Bismarck Transit Board was incorporated as a nonprofit organization in April of 1987. The organization's aim at that time was to coordinate and establish transportation services for elderly and disabled individuals in our community. It wasn't until May of 1990 that enough funding was secured to begin the service. Over the years, communities grew and the need for the fixed route service became apparent. Currently, Bismarck Transit is contracted by the city of Bismarck to provide our public transportation that includes three different services:

1. The fixed route service, or the big buses that you see around town, run Monday through Friday, 6:30 AM to 7:00 PM; Saturdays 7:30 AM to 7:00 PM. There is no service on Sundays.

There are six routes in operation: five in Bismarck, and one in Mandan. All routes operate on a one-hour loop, except the route in Mandan, which is about an hour and a half loop.

2. The second service offered is door-to-door paratransit service. This requires an application for disabled individuals or elderly individuals over age 70 to qualify. Paratransit service is federally required to operate at the exact same hours that the fixed route operates. The paratransit service runs from 5:30 AM to 12:00 AM, Monday through Saturday and 7:30 AM to 2:30 PM on Sundays.

3. The last service is the “after-hours service” which includes anything that is operating outside the fixed route hours of service. This is a service above and beyond the federal requirement.

Each one-way fare on the fixed route service is \$1.50; the paratransit is \$3.00. That’s important to note because that is not the cost incurred for the operation; each paratransit trips costs about \$25-\$31 an hour. Like nearly every public transit organization, funding is one of the most significant pain points experienced. Lack of funding led to significant cuts in service back in 2017. At that time, we were running 24-hour services. The service is funded by three Bismarck Mills, two Mandan mills and a couple of federal grants, as well as some state DOT funding. A small portion of revenue also comes from fares and advertising.

The Bismarck-Mandan Metropolitan Organization and Bismar Transit are in the middle of a transit development plan. A study is being completed by a third-party organization out of Nebraska. The biggest thing they're looking at is how can we become more sustainable? We are running out of money, and that is not uncommon. If more funding is not secured, the conversation about service reductions will occur.

Right now, we're providing about 15,000 trips per month. April was the first month our fixed route ridership exceeded our paratransit since before COVID, but ridership wasn't the only thing to take a hit.

Because of COVID, supply chain issues have made it nearly impossible for us to replace our paratransit vehicles. Buses that would have cost \$80,000 in 2019 now costs about \$160,000, and it takes about 2 years for us to get them. Lastly, National Express, which is the subcontractor, is not immune to labor shortages, especially for operator positions. With the lack of drivers and bus replacement issues, we have run into some capacity problems during our peak hours of service. That's the 7:00 AM to 9:00 AM and the 3:00 PM to 5:00 PM timeframe where all the rides that are being requested can't be completed within a one-hour window, which is federally required. During peak times, we're getting about three to five requests per day that can't be completed. To help negate that issue, subscription services have been suspended until further notice. Although it's inconvenient to not have subscription services and inconvenient for the riders to have to call in

and schedule their rides day in and day out, it was something that needed to be corrected to be compliant with the Americans with Disabilities Act (ADA).

The last item is ongoing public outreach efforts. Bismarck Transit only has a staff of three. The team handles administration, marketing, and public outreach.

Mr. Goulet asked what level financing do you have for funding? Ms. Hughes stated they receive a 5307-operating grant as the standard for about \$1.7 million. A majority of that grant is a 50/50 split. Mills cover the local match, and fare revenue covers the local match. In order to continue operating as is, an additional \$1.3 million is needed each year. Through the transit development plan, SRF consulting is looking at a number of options, including a 1/10<sup>th</sup> of a percent sales tax.

Senator Lee shared there is an employee at the State Capitol that would have to leave her house at 6:00 am to get to work at 8:00 am by bus and she lives a mile away from the Capitol. Senator Lee noted if her understanding is correct, Bismarck has an ordinance that says that all licensed cab companies have to have a certain number of providers of services for individuals with disabilities like wheelchair accessibility. However, Bismarck doesn't have an ordinance that says every cab company has to be licensed. So, none of the cab companies in Bismarck are licensed with the city because then they don't have to follow that requirement.

Ms. Hughes stated Bismarck Transit has no relation to any of the taxi companies. They are private companies and Bismarck Transit is public. In the past, prior to 2017, Bismarck Transit had a partnership with Taxi 9000 where vouchers were offered for return rides for transportation outside of fixed hours. With the federal requirements, there was a drug and alcohol policy that needed to be put in place by that taxi provider to continue to fund them outside of the pilot period. They were not willing to implement a drug and alcohol policy, so the partnership was terminated.

Ms. Dvorak stated that part of the issue with Bismarck is the lack of fixed routes. She noted in her neighborhood it takes about 20 minutes to get to the fixed route. Not everybody with a disability lives in affordable housing, so there's parts of Bismarck that the bus doesn't even reach.

Shaun Crowell stated that Fargo transit mirrors a lot of the troubles that Bismarck is having. Recruiting and retaining drivers is difficult, so service hours have been reduced. They also offer paratransit service on Sunday. He notes they used to have 2 buses but because of driver shortages, are down to one.

### **Strategic Planning:**

Ms. Johnson stated that she put strategic planning on the agenda because she wants a more concrete definition of what the Olmstead Commission's goals are. There has been discussion on what our role is as far as systems advocacy or individual advocacy, and how we look at that. There was a subcommittee that developed the work plan for 2023, and that may be something that we do again as a subcommittee. A finalized Olmstead plan is needed to create objectives to move the Olmstead Commission forward.

### **Inquiry Process:**

Ms. Zietz stated that the Commission has had heavy discussion about the inquiry process and identified the need for developing parameters for accepting an inquiry and managing expectations of inquirers.

Ms. Johnson stated we need to have a definition of what an appropriate inquiry would be. Inquirers should also have attempted to resolve the issue from all other avenues before it comes to the Olmstead Commission.

Ms. Zietz said the Olmstead Commission should put together a formalized process to guide us through the handling of an inquiry.

Mr. Goulet stated we need a chart that outlines what that button down process looks like.

Ms. Zietz stated that she is willing to sit down with Ms. Johnson and outline a process that is reasonable for how the Commission handles these situations. This will be shared with the Commission. Ms. Johnson stated she will be in a virtual meeting next week with the National Olmstead Leaders and will be asking them about their inquiry processes.

### **Discussion and Planning:**

Ms. Zietz stated that the TAC assessment was very comprehensive and the consultant is waiting for direction to identify the Commission's top priorities so the plan can be finalized.

Ms. Horntvedt stated that from conversations with TAC, phase one was the research of the needs of the state by looking at other studies that were done and looking at programs. Now TAC is on hold until we identify priorities. TAC will help with phase two by building a plan and objectives with some measurable goals for the Commission.

Mr. Goulet stated he would like to form a small group to work on the project and bring it back to the Commission by the next meeting in August. The contract with TAC goes through November. Ms. Johnson will work with the Commission co-chairs to move forward with coordinating this work.

**Public Comment:**

Mr. Reuter stated that it is important for the Olmstead Commission to hear about the fact that DHHS is cooperating with public housing authorities and the North Dakota Housing Finance around services and housing supports and they're trying to really look at partnering services with the housing world. They received \$13.75 million for the Housing Incentive Fund (HIF) for the next biennium.

They are looking at housing for all populations that the department serves. He noted, "You can't provide many services without a place to live, and you can't sustain housing if we don't have good supports to help people maintain tenancy," so that committee is going to be working on that. There has been a lot of work that has already been done, including with consultants, and there is opportunity to get involved in this work.

Mr. Vanett stated that housing is going to be a major issue in the next few years. If you get a housing voucher, then it is nearly impossible to find housing that is accessible.

Ms. Henderson stated that there were two studies related to housing that were proposed and accepted during this last session. The first one is HCR 3030, which is meant to study the effectiveness of the North Dakota Rent Help program. Since that is a federal program, those dollars are going to be completely done by 2024 or sooner. Also, it will study homelessness and barriers to housing, so the next step for it is the Legislative Management Committee. The other study that was passed is SCR 4016 which is a study on the housing for individuals with physical disabilities. That is a very important study to just really address how many units are accessible in our state and identify possible improvements. Ms. Henderson

noted that the study may recognize that building code and other regulations do not require true accessibility standards, such as universal design.

The other thing that is important, and that is part of the Department of Justice Settlement agreement, is identifying funding sources available for environmental modifications, which would include adding accessibility to housing units. These programs are really important because it gives individuals the choice of where they would like to move and then modify that apartment to be suitable for them.

Ms. Trzpuc stated that South Dakota is trying to reach out to some of the building markets and talk about the four different features that really make a home easily adaptable, such as wider doorways and staircases, etc.

Jennifer Henderson of the ND Housing Finance Agency shared her email for those that would like to discuss the issue further - [jhenderson@nd.gov](mailto:jhenderson@nd.gov).

**Meeting was adjourned at 3:54 pm by Co-Chair Wally Goulet**