

A Checklist To Ensure Meetings Are Compliant
With The Right-to-Know Law During The State Of Emergency
Coös County Delegation - Special Meeting
March 13, 2021

Chairman Th  berge read the following prior to the start of the meeting:

As Chair of the Co  s County Delegation, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

We are utilizing Zoom for this electronic meeting. All members of the Co  s County Delegation have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following phone # 1-646-558-8656 or by clicking on the following website address: www.zoom.us/join. Meeting ID # 822 0007 7480, passcode 793801.

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting using Zoom or telephonically. Instructions have also been provided on the website of the Co  s County Delegation at: www.cooscountynh.us.

If anybody has a problem, please call 603-331-5670 or email at: jennifer.fish@cooscountynh.us.

In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled. Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. The roll was called by the clerk, Representative Larry Laflamme. There were ten members in attendance.

Representative Craig	present	Representative Laflamme	present
Representative Davis	present	Representative Merner	present
Representative Dostie	present	Representative Th��berge	present
Representative Hatch	present	Representative Thompson	present
Representative Kelley	present	Representative Tucker	present

Also present remotely: County Commissioners Tom Brady, Paul Grenier and Raymond Gorman; County Administrator Jennifer Fish; Director of Finance Carrie Klebe; Nursing Home Administrator Lynn Beede; Nursing Hospital Administrator Laura Mills; Sheriff Brian Valerino; a member of the press and public.

1. Chairman Th  berge opened the Delegation meeting at 2:04 p.m.

2. *Review & Approval of the Minutes of the February 27, 2021, quarterly meeting, as distributed:* A motion was made by Representative Hatch, seconded by Representative Thompson to approve the minutes of the February 27, 2021, quarterly meeting. The motion was approved by roll call 10-0.

Representative Craig	yes	Representative Laflamme	yes
Representative Davis	yes	Representative Merner	yes
Representative Dostie	yes	Representative Théberge	yes
Representative Hatch	yes	Representative Thompson	yes
Representative Kelley	yes	Representative Tucker	yes

3. *Hearing of the Public:*

Commissioner Grenier noted that correspondence that transpired amongst Delegation members prior to the meeting is public information. Commissioner Grenier continued that there were a few items in the correspondence from Rep. Thompson that needed to be clarified.

First, in regards to Melanson Heath, *“They said that their interactions with the Commissioners the last time where outside of the parameters of what they experienced in past audits of Government agencies and that is putting it diplomatically.”* Commissioner Grenier noted with absolute certainty that none of the Commissioners had interactions with the performance auditors. This statement was absolutely false.

Commissioner Brady agreed with Commissioner Grenier. The Board did not speak with the auditors or meet with them. Rep. Thompson stated that he could not recollect who it was and would make the correction in his statement to read “someone”.

Rep. Hatch noted that in the beginning the auditor had no clear understanding of what was expected and the initial contact with staff created issues with obtaining information. Once there was clarity and issues were resolved, there was full cooperation by staff.

Chairman Théberge noted that he was not aware of any correspondence between the Board and Melanson Heath.

Second, Commissioner Grenier believed that this was an observation by Rep. Thompson. At the last Commissioners’ meeting, the Board discussed a facilities audit. It was the only terminology he could think of at that time. He was bringing home the point that the Berlin Nursing Home Administrator has been ringing the bell for some time about the lack of licensed personnel at the Berlin and West Stewartstown nursing homes. It had nothing to do with looking at the physical confides but rather at the operational issues that they are experiencing. The Berlin facility is currently capped at 80 out of 100 beds because of the lack of personnel. The statement that two of the Commissioners have been in office for many years and are used to decide how to manipulate the Delegation so things run as they always have is an insult to the County Commissioners. The Board has always operated with the interest of the county, residents and its employees at heart. He took great offense at the statement.

The last point was a comment made by Representative Thompson that *it is the Delegation’s duty to control how and where the taxpayer dollars are spent* is also incorrect. Commissioner Grenier read from NH Statutes Chapter 24 -24:13. The power to raise county taxes, to make appropriations for the use of the county and to authorize the purchase of real estate for its use, the sale and

conveyance of its real estate. That is the only conveyance that the Delegation. It is the County Commissioners job to determine where funds are spent not the Delegation. Chairman Th  berge noted that the concerns expressed by the Berlin Nursing Home Administrator fall under a performance audit and not a facilities audit.

Commissioner Brady noted that he has never manipulated the Delegation and also took offense with the statement. Since becoming Chair, he has always asked for joint meetings with the Delegation in order to work together. He asked for an apology. Rep. Thompson noted that the statements were his opinion, would stand by them and would not apologize. These are his observations based on how the Commissioners have conducted their meetings over the last couple of years. Commissioner Brady also reiterated that the emails amongst the Delegation are public records.

The Pledge of Allegiance was led by Chairman Th  berge.

4. *Other Business:*

a. Discussion of a Performance Audit of the Co  s County Government Agencies:

Chairman Th  berge noted that if a performance audit does move forward that he did not want to deal with Melanson Heath any more. A list of agencies receiving requests for proposals will be available. The performance audit would not be addressed until August or September and he suggested an appropriation of \$100,000 for the performance audit.

Rep. Hatch did not believe that this was the appropriate time for a performance audit. There are a lot of things being done and not done because of the pandemic. A performance audit addresses processes under normal circumstances by staff. He suggested reviewing LBO which has a whole section for performance audits and other items. There are suggestions which the Delegation could use to move forward.

Rep. Hatch also noted that he is researching information on the upcoming stimulus funds coming to the county. He suggested maybe a facilities assessment since the funds may need to be used for capital improvements.

Chairman Th  berge also noted that there seems to be a misunderstanding about performance audits. Performance audits are not used to fire people. Chairman Th  berge asked Commissioner Grenier if there was any information on whether the Unincorporated Places would be receiving stimulus funds. Commissioner Grenier did not have information on the Unincorporated Places.

Rep. Tucker stated that now is not the time to start a performance audit. But the county should be keeping its eyes open for projects moving forward and suggested looking at broadband or other capital projects which could be done with stimulus money. The Delegation members barely know each other's names. The ill will at the start of the meeting was an indicator of what happened the last time. She noted that she had covered the last audit as a reporter and it was not the best moment of county government.

Rep. Laflamme amplified Rep. Tucker's comments. What will be audited? How the county is running and functioning under COVID restrictions? It would not be a valid audit. People are still working from home. The Delegation and Commissioners will need to evaluate how the

administrative offices are working from a separate building. A performance audit is premature and a facilities audit is not possible with all facilities closed to the public. Chairman Th  berge noted that no audit would take place until people were working in offices.

Commissioner Brady appreciated Rep. Tucker's comments and offer a joint meeting of the Commissioners and Delegation at a later date to discuss the future of broadband in Co  s County. This definitely is an issue that needs to be followed. Broadband would attract individuals and businesses in various areas of the county. Chairman Th  berge welcomed the idea of a joint meeting at a later date.

Rep. Kelley read his response to the email from earlier in the day:

This is the first time I'm hearing about the deaths in West Stewartstown as a reason for this audit, and I think it underlines the reasons I'm hesitant to move forward with a "performance audit" at this time. I'm drawing from my two semesters in Program Evaluation at the UNH Carsey School so, to be clear, I'm no expert. I think a good part of the reason the last performance audit was universally criticized is that going into it we were not clear on what questions we were looking to answer. By not providing enough direction to the auditors we left them room to interpret what we wanted. It's likely part of the reason that there is now animosity between Melanson and the commissioners.

To properly move forward this time around I think it is very important that we do our due diligence and evaluate what we can on our own first. A performance audit will rely on in-person observation and interviews conducted by the auditors. This can be a stressful process especially if staff are not involved in shaping it. Staff can feel attacked and blamed. They may feel unsupported or not appreciated. I think even ordering or proceeding with this process at this time would send the wrong message to the staff that as you said, have done an overall amazing job at protecting our seniors. I think the better plan would be to publicly affirm our support for them by voting down this audit, and then coming back in the fall after we have given them a short Coos County summer to recover from the stress they have surely been under.

That does not mean we can't continue to do work in the meantime to prepare for the fall. Here are some steps I think we should take:

1. Approach state agencies to ask for help evaluating the West Stewartstown outbreak. *The DHHS has several offices that may be able to help accomplish this goal. The first would be the Long-Term Care Ombudsman whose office is specifically tasked with evaluating the ability of these facilities to deal with outbreaks and emergencies. Another would be Health Facilities Administration office who may be able to give us direction on what they believe we should do next. The last would be the Infectious Disease Control office and DHHS Special Investigation Unit who should specifically look into this as are skilled at looking into things like Cancer Clusters. I'm actually shocked that they haven't been dispatched to West Stewartstown. It may signal what I mentioned earlier that the state is delaying critical analysis until we are clearly out of this pandemic to avoid further stressing the system.*

2. Gather free professional help and insight to focus the eventual Request For Proposal. *None of the members of our delegation (that I am aware of are) are trained CPAs. We lack insight and experience into these audits, which I think is clear from the number of definitions I have received*

in the last week. We do however have CPAs and former auditors in our district who may be able to help us craft a plan to move forward. People who could provide us with high-level expertise at no cost. We should reach out to them and ask for help. We also live in a state with an excellent public policy school which I have had the pleasure of partaking in. The Carsey School at UNH is a state resource that we should take full advantage of. They may not be able to perform the full audit, but they could provide us with guidance and education before we spend County money. I have taken the liberty of reaching out to my Program Evaluation professor in hopes that she or one of her colleagues could join the delegation at a future meeting to answer some of our questions and help us move forward effectively.

3. Most importantly, we, the delegation, need to do groundwork to make sure we have support from the necessary parties. *For the audit to be successful we need the county employees, from top to bottom, to buy into this process. They need to be honest with the auditors, and the only way to get that is show that we are on the same team. That starts with being clear with them about what we are looking to get out of it and listening for their input. They need to know who we are and that we are doing this for the common good. We should take tours of the facilities and meet with employees so we understand how an audit will change their daily lives. It will mean some work on our end, but I think that is the least we can do before burdening them with this. For any of you who have watched the 1999 movie Office Space you may understand why that film is basically a joke in the auditing community. You cannot have a successful audit with a contentious staff. Unfortunately, it will be several months before we can properly introduce ourselves to those communities and do the tours we need to do. Even though nursing home staff and many of our delegation have been vaccinated or will soon be vaccinated, vaccinated people can still spread the virus. That means that we could introduce it to staff who may spread it to their unvaccinated contacts. Possibly causing them to miss work to deal with a sick child or loved one. Until we have reached 70-80% vaccination in Coos, I do not think it is appropriate for us to visit these facilities as a group and therefore appropriate for us to move forward with the auditing process. We may be able to look at other county facilities sooner, but I think that would rely on if those facilities are in our final auditing plan which will require more work (see section 2).*

Again, I want to say that I do not outright oppose the idea of an audit. I think it is important financially for us to have a 5, 10, and 20-year plan for the county and an audit could help us get there. I am opposed to moving forward at this time even knowing that it will be several months before anything happens. I'm opposed because of the message it will send to staff and because I worry we have not done enough preparation to assure we don't repeat the problems of 2010. I look forward to talking to you all shortly and hope that you will consider this rationale when deciding how to vote.

Chairman Théberge noted that he had been advised by several individuals to hold off on any performance audits at this time.

Commissioner Grenier noted that there is a broadband committee and the Delegation should familiarize themselves. Chairman Théberge noted that he would contact Senator Hennessey.

Representative Tucker noted that she had looked at the county budget and the county was fortunate things look like they do. She also noted that the county report was impressive and the Delegation should take a moment to look through it.

Representative Thompson noted that he has no recollection of ever meeting Commissioner Brady and Commissioner Grenier. His comments were not intended to be personal attacks. His comments are based his own personal opinion reading meeting minutes from the last couple of years.

Representative Laflamme noted that he and Rep. Merner are co-sponsors of HB153 to form a study committee to look into universal broadband access. It was retained by committee. Also, HB545, to allow muni and counties to deal with banks not chartered in New Hampshire. It was referred to ought to pass by 18-0.

Representative Merner stated that he had to retain the bill or it would have been killed. Also, the bill referred to by Commissioner Grenier, will be going to his committee and it looks really good. He agreed with Rep. Tucker's earlier comments. He noted that the Delegation has four or five new members and they do not know each other. The relationship with the Commissioners has been great.

The Quarterly Meeting scheduled for Friday, April 30 has been moved to Saturday, May 1.

A motion was made by Representative Tucker, seconded by Representative Hatch to adjourn the meeting at 3:02 p.m. The motion passed by roll call 10-0.

Representative Craig	yes	Representative Laflamme	yes
Representative Davis	yes	Representative Merner	yes
Representative Dostie	yes	Representative Th��berge	yes
Representative Hatch	yes	Representative Thompson	yes
Representative Kelley	yes	Representative Tucker	yes

Respectfully submitted,

Representative Larry Laflamme, Clerk