



MINNESOTA REDESIGN PROJECT

Strategic Communications & Outreach Plan

Preliminary Outline for August 2008 - April 2009

This PDF includes:

- **OVERVIEW** of the Strategic Communications & Outreach Plan
- **BACKGROUND INFORMATION/LETTERS**
- **GENERAL INFORMATION** (*Fact Sheets, Talking Points, Sample Resolutions*)
From these background pieces and talking points, we are asking your county to write letters to the editor and opinion pieces that could be used in your local paper.

Please use the interactive Table of Contents on the left side of this document to navigate through the PDF.

Association of Minnesota Counties
125 Charles Avenue, St. Paul, MN 55103-2108
Main Line: 651-224-3344, Fax: 651-224-6540
www.mncounties.org

If you have any questions about this information, please contact [Jim Mulder](#), AMC Executive Director, at 651-789-4325.



MINNESOTA REDESIGN PROJECT

Strategic Communications & Outreach Plan

Overview for August 2008 - April 2009

The AMC Board of Directors approached hiring an outside public relations firm to help AMC develop and execute a strategic communications plan to help counties respond to actions taken by the Legislature at the end of the 2008 session. AMC has contracted with **Tunheim Partners** to assist in shaping messages that empower county government and county elected officials.

A key piece of the project is to reposition county government in our relationships with the state, with other counties and with other local governments.

THE AMC EXECUTIVE COMMITTEE PRESENTED THREE KEY ISSUE GOALS:

1. **Transparency:** The relationship between the state and counties needs to be more transparent. It is not acceptable for the state to transfer new costs to counties without presenting clear and convincing evidence that the new costs are a county responsibility. The public defender costs for parents in CHIPS cases and the reduction in payment for STOs are perfect examples of how the state transfers its budget responsibility to counties without consideration of the impacts on counties.
2. **Flexibility:** Maintenance of Effort requirements (MOEs) take flexibility away from counties. Arbitrary decisions by the Legislature and state departments, whether it is a MOE for public libraries, chemical dependency, mental health, septic systems, etc., reduce the ability of county boards to make decisions that are in the best interest of their communities, constituents and the people we serve.
3. **Governance:** Just like the governor and legislators, county commissioners sign election certificates and pledge to carry out the laws of the state. It is imperative that county officials be given the authority to make the decisions that most affect their counties and communities. The Legislature must focus its efforts on outcomes rather than inputs.

BASIC MESSAGES:

- Create public awareness regarding the critical role that counties play as an administrative arm of the state by refusing to carry out a mandated or other service.
- Identify services that are paid for with local property tax dollars that could be considered to be discontinued.
- Highlight a limited number of services that affect county property taxes.
- Create media exposure to property tax fiscal drivers.
- The fiscal shell-game being played by the Legislature is bad business and even worse government.

TIMELINE:

This timeline starts in August with a currently drafted column to be signed by a commissioner(s). September includes two possible metro media events and smaller events in Greater MN, as well as a targeted media tour and guest columns. October has been reserved for a possible CHIPS event. November and December will concentrate on outlining legislative priorities for 2009. **NOTE:** A plan for January through April would be developed after a final decision regarding AMC's legislative agenda is determined. Too many variables, including the elections, are uncertain to draft a full plan for the legislative session at this time.



August 7, 2008

Dear Friends & Colleagues:

In late June, you should have received a letter outlining the AMC Board of Directors' decision to move forward with a plan to stand up to the administration and Legislature regarding the theoretical "partnership" between the state and counties. It is our belief that the time is right for counties to expose the pervasive inequities in the relationship between state and local government in Minnesota, because the situation doesn't have any chance for improvement if we don't do *something* now. We owe it to our citizens to do what we can to improve our state, and that begins with being clear and honest about how government currently operates and highlight the dysfunction wherever it exists.

Your response to this decision has been overwhelmingly positive, ranging from "where do I sign up?" to "it's about time!" The entire AMC Executive Committee and Board of Directors agrees with these sentiments and has come to the same conclusion that the state/county relationship cannot get any worse, and it's time that we take bold strides toward actually making it better.

At the summer AMC Policy Committee meetings last week, county officials and staff in attendance were extremely positive about the direction that the organization has decided to take.

The following outlines several of the actions that will be happening in the coming weeks and months:

1. Within the next week, your county will receive a packet of information from AMC that will include parts of the work plan, fact sheets and talking points. From these background pieces and talking points, we are asking your county to write letters to the editor and opinion pieces that could be used in your local paper. This information will also be available on the AMC web site.
2. AMC will submit the first of a number of op-ed pieces to daily newspapers statewide. We will send copies to your county and will ask that you take it to the local paper and submit it for publication. We are asking you to do this in person and force the editor to say yes or no.
3. We will be submitting a second op-ed piece at the end of the month and will ask for your help in getting it printed in every Minnesota newspaper.
4. In mid-September (tentatively Sept. 17), we will hold an event regarding the short-term offender problem on the state Capitol steps. We are asking each of you, your sheriffs and other county staff to join us, bring inmate jump suits from your jail and participate in the press conference. You will be getting more details in the next weeks but please adjust your calendar to be there on that day.
5. AMC will be working with Itasca County and the County Attorneys Association in the county appeal to the court order requiring the county to pay for the cost of parental counsel in CHIPS cases. A huge thank you to the Itasca County Board and county attorney for providing leadership on this issue.

6. On September 18, we will hold policy committee meetings to review bold new solutions that must be considered to resolve the challenges counties face. We should note that these solutions are not just about money, they will also focus on the key issues of governance, flexibility and transparency.
7. In late September or early October, we will hold a second event that will focus on levies and levy limits, what are the cost drivers in county budgets, MOEs, etc. No date has been decided but we will keep you informed.
8. In September and October, AMC officers and staff will be meeting with the state's daily papers and other editorial writers to provide background regarding the work we are doing and encourage them to become engaged in the process. We will be inviting you to participate in those discussions.
9. In October and November, we will be asking each county (officials, staff) to meet with the city councils, town boards and school boards, in your county to share information about what counties are doing and invite them to participate.
10. At the AMC Annual Conference, we will review AMC's reform agenda and ask for your support.
11. In January, AMC will hold a press conference announcing the agenda.

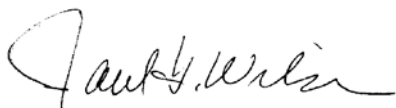
This is just a rough outline of the work plan that is evolving as we move forward. The plan is aggressive, bold, and will likely rankle some folks. For those of you that are wondering, *this is not a partisan endeavor*. This project is not about Republicans or Democrats. **This is about reaffirming the role of county government and being respected and treated fairly by the Legislature and the state.**

We do have one final request of each of you: we need your help and assistance. This is not something that AMC staff can do alone. We need each individual to make a personal commitment to this process and participate in each of the activities that we are suggesting. In addition, we need each county to appoint a point person for this project. This person will be the lead contact with the District Directors and with AMC to field questions and report on activities and actions being taken in your county. Please notify Jim Mulder at AMC who your point person is, either by email at jmulder@mncounties.org or by phone at 651-789-4325.

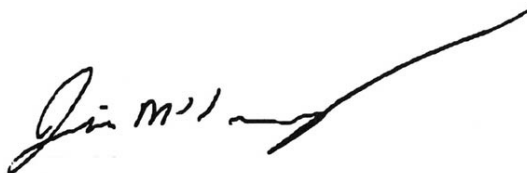
Now is an exciting time to be in county government. Each of us can make a difference for county government and for our communities.

Sincerely,

The Association of Minnesota Counties' Executive Committee



Paul Wilson, President
Olmsted County Commissioner



Jim McDonough, First Vice President
Ramsey County Commissioner



Jon Evert, Second Vice President
Clay County Commissioner



Bob Fenwick, Past President
Cook County Commissioner



Lenore Johnson, Secretary/Treasurer
Lake County Commissioner



June 23, 2008

Dear Friends and Colleagues:

I am sending you this letter, as both the president of the Association of Minnesota Counties and as a county commissioner who is extremely concerned about the future of county government and the relationship counties have with the state. As you are aware, the Legislature, upon the insistence of Gov. Tim Pawlenty, enacted levy limits on Minnesota's counties. Nearly two dozen special levies were part of the levy limit provision and as counties we appreciated those additions. The one measure, suspension of MOE's, matches and cost shares that would have given counties the power, authority and responsibility to actually reduce property taxes is to be repealed in January with the opening of the new session. I am sure each of you have seen the letter from Commissioners Hanson and Ludemann, threatening dire consequences should a county take advantage of the law and reduce MOE's. In my judgment, the letter was offensive and threatening to me personally and to county officials and county employees across the state in both tone and substance.

On Wednesday, June 18, members of the Executive Committee, Commissioner Bob Fenwick, Commissioner Lenore Johnson, AMC staff, Jim Mulder and Scott Simmons, and I met with members of the administration including Commissioner of Revenue Ward Einess, Commissioner of Human Services Cal Ludemann, Chief of Staff Matt Kramer, and others to discuss the letter and the circumstances that led up to it. It is clear that the governor's office will not back down from their position regarding levy limits or the repeal of MOE language. While the meeting was helpful to us in understanding their position, it was apparent that the governor's office had little understanding of county challenges in meeting the needs of our communities.

County officials have also been made aware of reductions in state grants and programs that will affect the counties bottom line. In particular, state funding for Short Term Offenders (STOs) has been reduced from an inadequate \$30 or so per day to an unbelievable amount of less than \$10 per day. Estimates from counties on the cost of the actual daily cost of housing a prisoner range from \$60 – \$100 or more per day. County officials have also received a letter from the Board of Public Defense informing counties that the board will no longer provide public defender services for adults in CHIPS cases due to the board's budgetary shortfalls. These two changes are expected to increase property taxes by an estimated \$10-15 million in 2009.

AMC staff has informed me that at district meetings, the focus of much of the discussion was on how counties can effectively respond to levy limits and more importantly, what can counties do collectively to stand up to the state Legislature and the Pawlenty administration. The AMC Board of Directors met on June 19 and 20 to discuss these very issues. The AMC Board, with unanimity not often seen in my experience has agreed that counties, both singly and as an association must respond aggressively and responsively. A failure to respond to this opportunity will allow state officials to continue to treat counties as just another special interest and not as a working partner providing needed services to citizens of Minnesota.

In our discussions, the board identified a number of goals that it is important that we, as an association achieve. The first of those goals is that the entire system must be transparent. The state can no longer continue to shift the cost of providing services to counties without open, public discussion about all funding options and all aspects of the issues. Counties must be allowed to provide information about the county budget effects prior to the imposition of local cost shares and maintenance of efforts. If after a comprehensive discussion on the issue, the Legislature determines that property taxes are the appropriate funding stream, so be it.

The board also discussed the need for more flexibility in how we deliver services. A best practice here in Olmsted County may not be right for Clearwater County. The Legislature must focus on goals and outcomes and have confidence that if they leave the operational responsibility to county officials, we will get the job done.

Finally, the board discussed the issue of governance. Each county commissioner has an election certificate that is as equally valuable as those signed by governors and legislators. Like them, we also take an oath to uphold the state's constitution, obey its laws, and to do our best to meet the needs of constituents. State officials must respect the challenges we face and allow us to make the decisions that are unique to each of our counties. The public will decide if we spend too much. The public will, through their votes, provide a referendum regarding how well we as elected officials do. It is not necessary for the state to be big brother and dictate what should or should not be done in each of our counties.

The AMC Board of Directors has approved an outline for a plan of action. The board has directed AMC staff to:

- A. Create an inventory of all MOEs, matches and cost shares to ascertain the local costs for these programs.
- B. Work with a public relations consultant to create a more detailed plan of action.
- C. Meet with legislative leaders to express our concern, frustration and anger at the position they have placed counties in and make suggestions for how to bring transparency and flexibility into the legislative process.
- D. Contact counties and seek their input regarding response options.
- E. Create a list of options that counties may consider, either individually or jointly in response to the current situation.
- F. Plan a comprehensive briefing regarding the action plan for the next policy committee meetings.

To achieve our goals of changing the system and having an impact during the next legislative session, I am asking each county official to look at the situation that exists in your county. Are you willing to continue to accept the relationship that your county has with the state? If you are, that's fine. If not, then I am asking you to join me in making every effort to reaffirm the role of county government in the governance process and to make the state and the Legislature uncomfortable when passing legislation that increases local levies or passes on new unfunded responsibilities. Please take a few minutes at your next board meeting to have a discussion about where we stand today and what options your county might consider as part of a response from your county or a collective response from all counties. Send a note to me or to Jim Mulder summarizing your discussion.

In the next few days, you will be receiving a letter from Jim Mulder, outlining the AMC plan for action and inviting you to be part of that plan. Jim, along with AMC staff has been tasked with coordinating the county effort. But the AMC response will only be as strong as the response that each of you make. I suspect that some state officials may get upset as we consider and carry out our actions. That's a good thing.

Thank you in advance for your efforts. AMC will keep you apprised of the situation as best we can. If you have comments, suggestion or concerns, please call or email me at wilson.paul@co.olmsted.mn.us or contact AMC Executive Director Jim Mulder at 651-789-4325 or jmulder@mncounties.org.

Sincerely,



Paul Wilson, President
Association of Minnesota Counties
Olmsted County Commissioner



July 2008

Governor Tim Pawlenty
130 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Commissioner Tom Hanson
Department of Finance
658 Cedar Street
Saint Paul, MN 55155

Senator Larry Pogemiller
235 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Speaker Margaret Anderson Kelliher
463 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Senator Richard Cohen
121 State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Representative Loren Solberg
443 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
Saint Paul, MN 55155

Dear Legislative Advisory Commission Members:

Each of you is aware of the recent decision of the Board of Public Defense to no longer provide representation services for adults in child in need of protective services (CHIPS) and termination of parental rights (TPR) cases. While this action is in direct response to that agency's budget dilemma, the fact that this decision, which directly impacts county responsibilities and budgets, was made with neither notice nor consultation and well after 2008 county budgets were established is profoundly disappointing.

This letter is to request that the Legislative Advisory Commission (LAC) consider an emergency transfer of funds to provide short-term funding relief for the limited purpose of providing eligible adults with counsel in child protection proceedings. Maintenance of the courts and the child protection system are core responsibilities of state government. Prosecutors, defense attorneys, judges and court administrators are in agreement that the child protection system cannot properly function without the availability of court-appointed counsel in qualifying cases. Counties share the view that the absence of representation of parents in CHIPS proceedings compromises child protection. For this reason, in many cases counties are now funding on a temporary, interim basis what should be a state responsibility solely to prevent the collapse of the child protection system.

A short-term solution is needed so that the financial and structural issues that led to this unfortunate decision can be evaluated and a statewide resolution put in place. There are a number of reasons for the LAC to intervene in this crisis. Included among them are the following:

Eligibility. Whether a right to counsel exists for certain adult parties to the proceedings is both statutory and court determined. Further, not all parents whom the courts allow to be parties in the proceedings are eligible for court-appointed counsel. For example, Minnesota Statutes, section 611.17 prescribe the financial standards for eligibility for a public defender. Arguably, if persons seeking representation do not satisfy the requirements of Chapter 611, the courts are without authority to order such representation in CHIPS and TPR cases.

State Court Takeover. As you know, the judicial branch, a core state function, was struck with significant budget reductions that will have collateral impacts on counties. Over the course of several years, the state “took over” the district courts and now discovers it cannot adequately fund the services without additional significant contributions from property tax payers. It was clearly understood by counties that as part of the state's court takeover, public defender services were to be paid for by the state. Counties sacrificed local aid dollars to assure that this would be the case. While public defenders claim they are not statutorily mandated to represent parents in CHIPS and TPR cases, they have been doing so for many years and the Legislature has funded the costs for such representation through its appropriations to the Board of Public Defense. It is unclear but not unreasonable to conclude that both the courts and the public defender believed that the state takeover included the duty of parental CHIPS and TPR representation. Counties believe it was the Legislature’s intention to do just that.

Financial Responsibility. Clearly counties have the authority to pay for court appointed counsel in CHIPS and TPR proceedings. The issue of county obligation to pay has not been fully evaluated or adjudicated. Counties agree that the right to counsel for eligible parties must not be denied. However, It is unclear under the present scheme whether and to what degree counties are “on-the-hook” to provide the state with financial relief to do so. A conclusion that counties bear the responsibility for this court ordered expense is premature and may not withstand judicial scrutiny.

Conflict of Interest. CHIPS petitions are designed, as the name suggests, to protect children. Absent CHIPS petitions, counties’ out-of-home placement costs spiral upwards. Having counties pay for the handling of the petition (e.g., social services and county attorney costs) and now the costs of representation for each of the adults whom the court designates as parties to the proceeding is simply a conflict of interest.

Fairness. The Board of Public Defense claims a shortfall of approximately \$3.8 million for the remainder of the biennium. One of several options it has undertaken to balance its budget is to eliminate what they call “non-mandated services.” Even though they have been doing so for many years, public defenders claim they are not mandated to represent parents in CHIPS and TPR cases. In 2004 the total county cost of shifting representation of adults in CHIPS cases to counties was estimated to be \$6.8 million. More recently, the estimated impact to county property tax payers is between \$9 and \$11 million. A \$3.8 million problem with an over \$7 million “solution” far exceeds the state’s needs and has a disproportionate negative impact to the counties.

Ability to Pay. Levy limits imposed by the Legislature have significantly impaired the ability of counties to meet state cost shifts and fund state-mandated expenses with local property tax dollars. There is no special levy exemption for the costs of court-appointed counsel. The imposition of levy limits along with matching and maintenance of effort requirements mean that counties can neither raise revenue nor manage their way out of this problem along with the myriad of other state-imposed problems. Certainly cuts in services are not an option.

For these reasons it is imperative that the LAC examine this matter and consider a temporary solution to the funding dilemma. Please contact me for additional information or to discuss how AMC can assist with these efforts.

Sincerely,

James Mulder
Executive Director

C: Senator Linda Higgins
Representative Michael Paymar



July 2008

Office of the Legislative Auditor
Centennial Office Building, Room 140
658 Cedar Street
Saint Paul, MN 55155

Dear Audit Commission Members:

As I am sure you are aware, the 2008 Legislative Session ended in confusion. I am particularly referencing an issue in the tax bill connected to levy limits for cities and counties. The Legislature passed and the Governor signed a bill that includes levy limits and about two dozen special levies that cities and counties may use to exceed those limits. Also included in the bill is a single sentence that would allow counties to suspend maintenance of efforts (MOE), local matches and local efforts during years in which levy limits were imposed (see attachment 1).

This provision, if used to the fullest extent by counties, would have had a significant impact on the state budget, impact matching funds for federal grants, and cause reductions in local services. Minnesota counties support the philosophy behind the legislation and have volunteered to work with the Legislature and the state to minimize the effect on the budget but provide more flexibility to county spending decisions. Subsequent to passage and signing of the bill, the Governor, the Speaker of the House, the Senate Majority Leader and the chairpersons of the Senate and House Tax Committees have agreed to introduce legislation to repeal the MOE suspension provision (attachments 2 and 3).

The original legislation and the resulting letters have led to a number of questions about the number and cost of MOEs to counties and the net effect to the state if there would be a suspension. Surprisingly, there is no compiled list of either. The Department of Revenue provided a list of approximately forty MOEs (attachment 4) and additional work by AMC has identified nearly twenty five more. (attachment 5)

County officials have asked the state to provide a fiscal accounting of the federal, state and local monies that may be affected by the MOE suspension law. We are being told that nobody knows the full impact of the MOE issue. Many counties are considering using the MOE suspension law as passed and go toe-to-toe with the state. My request of the commission is to do an audit of all MOEs, matches and local effort to determine the federal, state and county dollars that are being put into the system. Without this information, it is impossible to make good public policy decisions.

Thank you for consideration of this request.

Sincerely;

James A. Mulder
Executive Director