

ASSOCIATION OF MINNESOTA COUNTIES



MINNESOTA
REDESIGN

GOVERNANCE ♦ FLEXIBILITY ♦ TRANSPARENCY

*The REDESIGN Project aims to improve Minnesota
by redesigning government to be more
transparent, flexible and innovative.*

FEBRUARY 2009

Minnesota Redesign Project Background

MINNESOTA COUNTIES

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A HISTORY OF ACCOMPLISHMENT... A COMMITMENT TO THE FUTURE

Minnesota county government has a long and venerated history that can be traced back to the original thirteen colonies and further to England and France. With a few Minnesota counties established before Minnesota statehood, county history is a story of accomplishment and an ability to meet service delivery challenges throughout our state's history.

MINNESOTA COUNTY DEVELOPMENT

The Minnesota Territory was established in 1849 and included a portion of the Northwest Territory (Wisconsin Territory) and the northern portion of the Louisiana Purchase west of the Mississippi River. Stillwater, for instance was once part of St. Croix County, Wisconsin. Alexander Ramsey, the first territorial governor of Minnesota proclaimed that the new territory would be governed by the same laws as those existing in Wisconsin. This, combined with the fact that the majority of migration to Minnesota came through Wisconsin and America's northern tier of states, encouraged the development of a strong county and town form of government similar to that found in Wisconsin, Michigan and New York. This tradition of strong local government continues till this day.

The first Minnesota counties established by the territorial Legislature on October 27, 1849, were Benton, Isanti, Ramsey, Wabasha and Washington. Three additional counties, Mankato, Pembina and Wahnata were also established in law but they were neither organized nor abolished. Fifty-seven counties were established during the territorial period which ended with statehood in 1857. The youngest of Minnesota's eighty-seven counties was created by a popular vote of citizens in 1926 from the area that had been Beltrami County. The vote split Beltrami County in half and created Lake of the Woods County to the north.

Thomas Jefferson would have been proud of how Minnesota was established both philosophically and physically. Jefferson believed in lots of governments and high levels of participation in those governments. The physical establishment of Minnesota counties came after President Jefferson's order to survey the Louisiana Purchase. As one looks at the southern third of a county map of Minnesota, you see the results of that survey. County boundaries are symmetrical and in most cases follow that survey. It was Jefferson's belief that the size of counties established should be no larger than an area that would allow a citizen to travel on horseback to and from the county seat in one day.

The physical size and shape of Minnesota counties in the central third of Minnesota, although often having straight lines as boundaries are strongly influenced by the physical characteristics of the land. Rivers such as the Minnesota and Mississippi were critically important determinants for the establishment of county boundaries. Often, there were no easy ways to cross natural boundaries and they became county borders. Determinations of county boundaries in the northern third of the state were strongly influenced by the regional economics of the fur trade, large tract agriculture, mining and the lumber industry.

What began as a county "local government" function and role has evolved into a joint responsibility of being both a "local government" and an "administrative arm of the state."

Counties have traditionally been the hidden level of government. County services are primarily delivered to those most in need and those who have run afoul of the law. The average citizen would know that the county collects property taxes, manages land records and does something or other with welfare. Generally, the list of things that counties do that the citizen is not aware of is much longer than the know list.

But even with a long history of success and achievement, Minnesota county officials have determined that county government, as it operates today is not sustainable. The public is demanding greater efficiencies and the elimination of redundancies in how local government services are delivered. In fact, many county officials have come to the conclusion that without reinventions of what counties do and how counties deliver services, there will be a breakdown in the ability of counties to provide and deliver needed services to county citizens.

The original organizational structure of Minnesota counties was also very Jeffersonian. While electing only a few officials in their early years, Minnesota counties added numerous elected offices over the next 60 years. Each was given very independent authorities. Not only were five member county boards elected, other county elected officials included the county sheriff, county auditor, county treasurer, county recorder, county attorney, county court administrator, county judge, county coroner, county surveyor, county assessor, county engineer, county superintendent of schools and more.

The challenge of this structure was that each of these offices was given statutory responsibilities and each was independent of the others. The only connection between these offices and the county board was the county board responsibility and authority to levy property taxes. It should also be noted that during the early years of statehood, county boards met only one and two times a year.

MINNESOTA COUNTY GOVERNMENT STRUCTURE

Minnesota counties are creatures of the state. Established under Minnesota statute, counties face the daunting task of serving in two distinctly different roles with a distinction that is often muddled and muddled. The first of those roles is as a local government providing local services at the behest and demand of county citizens. Traditionally, this role centers on services such as roads, bridges, jails, public safety, preservation of land records, etc. But even these services are not just local in nature and are not limited exclusively to county government. Roads may, for instance, serve both a local function but may also have regional and national utility. Roads may be the responsibility of a town, city, county or the state. It is a rare, observant citizen who understands and recognizes when they are driving on which type of road.

The second role of county government is to serve as an administrative arm of the state and federal governments. As an extension of these other governments, counties are mandated to deliver services that are determined not by the county board but by congress and/or the state legislature. This administrative role is as equally challenging as the local government role as it is often hard to distinguish where the state or federal mandate ends and where local administrative authority and discretion begins. An additional role twist centers on the fact that Minnesota counties each developed unique structures, policies and practices to carry out their joint missions.

THE DILLON RULE

A key element for understanding the workings of local government is to have an understanding and appreciation of the extent which cities and counties can make independent decisions and the extent to which they are extensions of state government. Just as Hamilton and Jefferson, two of our nation's founders played tug of war over whether the federal or state government was the supreme power in the land, so too have local governments struggled to establish an independence from state authority.

As the reader is aware, the United States system of governance has multiple different levels. These levels (federal, state and local) each have a specific role to play in providing public services. At times, the authority to provide services is redundant with more than one level of government providing the same services and at times there are gaps in the delivery of services. While the challenges of jurisdiction are at times still evident, two defining decisions made by the Iowa Supreme Court in the 1880's, clearly outlined the relationship between local autonomy and state supremacy. These decisions have commonly been titled "Dillon's Rule."

Early state constitutions gave local government direct representation in state legislatures which allowed local governments a large degree of local autonomy. By the mid-1800's, widespread corruption in municipal government was extremely prevalent and a broad debate ensued over local government autonomy. Local government corruption most often manifested itself in two forms: patronage based awarding jobs, contracts, licenses and franchises and the deliberate creation and extinction of municipalities to avoid accumulated debt. These actions prompted litigation in various state courts over the appropriateness and rationale for local government independence. Judge John Dillon of Iowa was one of the nation's premier authorities on municipal law at the time. His decision in *Clark v. City of Des Moines* (1865) first set forth the rule of judicial construction that would later be named for him.

Judge Dillon wrote: "It is a general and undisputed proposition of law that a municipal corporation possesses and can exercise the following powers and no others: First, those granted in express words; second, those necessarily or fairly implied in or incident to the powers expressly granted; third, those essential to the declared objects and purposes of the corporation, not simply convenient, but indispensable. Any fair, reasonable doubt concerning the existence of the power is resolved by the courts against the corporation, and the power is denied." Most state and federal courts quickly adopted the rule.

While this ruling generally silenced those who championed far reaching local autonomy, a national movement to provide for stronger municipal authorities began in Missouri in 1875. The home rule movement convinced several western states to adopt state constitutional amendments expanding the scope of municipal independence. The home rule doctrine allows a municipality to exercise any function so long as it is not prohibited by state legislation or is in conflict with the state constitution or state statute. In Minnesota, limited home rule authority has been granted to "charter cities" and the Legislature granted Ramsey County limited home rule authorities through charter legislation in early 1987. Although home rule may appear promising to those desirous of expanding local autonomy, the state Legislature still controls the scope of power held by local governments. At their discretion, a state Legislature may repeal the home rule doctrine, or employ a laundry list of exemptions and exceptions that prohibit counties from exercising specific powers. The courts have ruled that if there is any uncertainty of who has power or jurisdiction, state government is granted those authorities.

A GROWING SCHISM BETWEEN STATE AND LOCAL GOVERNMENTS

The second half of the 20th century could be described as both the "best of times and worst of times" for county government in Minnesota. In response to federal programs such as Medicare and Medicaid, the Johnson Great Society initiatives and even the Nixon Federal Revenue Sharing program, the responsibility to provide services and the role of county government grew at a phenomenal pace. Mandates from both the federal and state governments became both the boon and curse of local government officials. On the one hand, the role of county government expanded with new responsibilities for providing welfare services, environmental services, health services, etc. Mandates, as defined by county officials grew to a point where nearly eighty to eighty-five percent of county services are mandated by the state or federal governments. New local aid programs were created that partially paid for these new mandates and property tax relief programs were created to cushion the blow to property tax payers, particularly homeowners.

On the other hand, new mandates were created that generally were un- or under funded, leaving local governments scrambling to meet their mandate responsibilities while at the same time being asked to control the growth of local spending and property taxes. The management of solid waste is a good example of this challenge. In the late 1980's, counties were given the legislative responsibility to manage solid waste in their communities. Local dumps and burn pits were outlawed. The mandate created a hierarchy of waste disposal options and counties were charged to develop county plans that would best meet this hierarchy. Generally, the state goal for county plans was to reduce the total amount of solid waste being disposed of in landfills and encourage alternative strategies for waste disposal such as recycling, waste to energy burn facilities, composting, etc. In addition the state extended the state sales tax on garbage disposal to provide a revenue stream to subsidize these local government activities.

While the theory and start up of the solid waste management mandate went well, there has been an ongoing erosion of state support for local waste management programs. The mandate for solid waste management has continued and grown but the state financial support has dwindled as state sales tax monies collected on solid waste has been diverted to other state priorities and counties have had to subsidize solid waste services with locally raised taxes and fees. This lack of ongoing partnership between state and counties has worn thin the willingness of local officials to support state programming.

In addition to the funded/unfunded mandate debate, local governments have had an ongoing battle regarding how much legislative control should be imposed on local government revenue raising capacity. For the most part, Minnesota counties have an extremely limited capacity for raising revenue. Counties are allowed to levy property taxes, charge fees and in addition receive intergovernmental revenues from the state and federal governments. The decades of the eighties and nineties saw a new wrinkle in local government revenue raising capacity: the imposition of state imposed levy limits on cities and counties.

Levy limits as imposed by the state on local governments are used to control the ability of local governments to increase property tax revenues and more recently to control spending growth. While the nuance and detail of levy limits is quite arcane, the fundamental underpinnings of levy limits come from a legislative belief that the public blames legislators for property tax increases and a common legislative belief that local government officials are wild spenders and cannot be trusted to contain local spending.

IS THE CURRENT SYSTEM SUSTAINABLE?

A renewed Minnesota county officials' focus on the future of county government can be traced to the fall of 2002. The state was faced with a projected shortfall in the state budget. Candidates had promised no new taxes and dire consequences were at hand for county government. In January of 2003, AMC organized an association wide meeting to discuss what was titled the Minnesota County Restructure Act. Its goal was to spin the county/state relationship one-hundred and eighty degrees and establish a county/state relationship in which counties would be granted home rule authority. After long debate, the association membership chose to not propose radical change but rather work with the administration and the Legislature to seek solutions to the state fiscal crisis.

The budget, as passed by the Legislature had dramatic effects on counties as there were cuts in state aid, new state mandates and cost shifts from the state to counties.

In the spring of 2003, the AMC Board of Directors came to the conclusion that as county officials, it was vital that they look at county government and reexamine its traditional roles. The Board recognized that county government will change tomorrow, the next day, and the day after that. With the massive reductions in state aid, the cost shifts, levy limits and the demands for new services, Minnesota counties had no choice but to become more agile and more creative in the delivery of county services. The Board took the first steps in developing the Minnesota County Futures Project when they approved the hiring of the Himle/Horner public affairs firm. They were hired to begin the process of collecting and analyzing data about the public's perception of county government and were asked to assist AMC in developing strategic long and short range options for counties. These options could include service delivery changes, structural changes and public relations and public information strategies. Recognizing the importance of getting out front and managing and directing these changes was the vision for this project.

THE ROAD LESS TRAVELED

Efforts to create a change culture; enhance the state/county relationship; and to nurture partnerships have not been a simple stroll through the good government public policy park.

County government in Minnesota must change and that change in county government is necessary. The state and federal government appear to have lost their ability to govern as they become more and more mired in the partisan political syrup of large P politics. County government and local governments can no longer expect great new ideas, programs or revenues from the feds or from the state.

The current local government models will not be able to sustain themselves in the future as times, conditions, and citizen expectations change. County and local governments have an opportunity to meet the challenges of citizen wants and needs as we build new communities and prosper through partnerships and collaborations. These concepts are particularly true in the rural areas of our state. Rural Minnesota is taking body blow after body blow as communities age and more and more young people are exported to urbanizing areas.

"Civic laboratories of democracy" was how Thomas Jefferson envisioned local government. He saw a future where local governments would innovate, test, succeed and fail.

Minnesota local government officials have the ability to redefine Minnesota's service delivery systems and to reconstruct how services are delivered.

Minnesota county officials should heed the advice of Robert Frost as he wrote "I took the one less traveled by, and that has made all the difference."

Carl Neu used the term "refounders" in describing the need for county officials to grab control of their own destinies. County officials can sit back and let life happen but I have confidence that the leadership skills are there and that the passion and desire to meet the challenges of the day exist to shape a new tomorrow for Minnesota County government. ■JM

MINNESOTA REDESIGN

THE REDESIGN PROJECT AIMS TO IMPROVE MINNESOTA BY REDESIGNING GOVERNMENT TO BE MORE TRANSPARENT, FLEXIBLE AND INNOVATIVE.

Counties serve a unique dual role in Minnesota's government structure. **Counties are a local government unit meeting the needs of the community.** As such, counties are responsible for maintaining roads, managing land records, securing public safety, handling solid waste, preserving the environment, and responding to the general needs of citizens. **Counties also serve as an administrative arm of the state by providing services on its behalf.** The bulk of these state services are delivered by county human services, health and, environmental services and, in some cases, probation departments. Some of these services are funded by the state, some are unfunded, some are entitlements, and some are discretionary. Counties are often asked to levy local property taxes to pay for these important services. **County officials are extremely concerned that current county/state relationship is not sustainable.** Arguably, counties and county property tax payers have been used as the state's ATM to pay for services for which the state is unwilling or unable to pay for from its own coffers. **County officials believe that the inequities and inefficiencies of the broken relationship are actually damaging to citizens.** Minnesota counties and the state must have a shared vision for our future to be effective partners. Without a shared vision, the partnership will remain fractured and dysfunctional. State and local officials and citizens are encouraged to work with county officials to meet the challenges of a new era of government.

MINNESOTA REDESIGN PROPOSALS

There are three key **REDESIGN** Project goals for government and its service delivery systems:

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 decisions that most affect their counties and communities. Success in governance mean clear responsibilities and outcomes for state and local government; holding state and local officials accountable to their respective constituencies; delivering services at the level of government that can be most effective; and turning the Legislature's focus on outcomes rather than inputs.

TRANSPARENCY

The relationship between the state and counties as well as the governing process need to be more transparent. The foundations for successful transparency must be trust; implementation of an open decision-making processes; government accountability and responsibility; guaranteed public participation; and use of clear and convincing evidence as the basis for policy decisions. State legislators and the state administrators must trust counties to carry out the delivery of services that meet the intended outcomes. It is not acceptable for the state to transfer costs to counties without presenting clear and convincing evidence that the costs are a county taxpayer responsibility. The legal representation costs for parents in CHIPS cases and the short-term offender program are examples of how the state transfers its budget responsibility to counties without consideration of the impacts.

FLEXIBILITY

Thomas Jefferson described local government as the laboratory of democracy. State legislators must give local governments the space needed to be innovators. Success in flexibility means that service delivery should be tailored to meet local needs; policymakers should focus on outcomes not solely the management of inputs; and the creation of incentives for innovations and efficiencies. Local government officials are in the best position to understand the unique place that is their community and given the appropriate tools to do the job, are in the best position to meet the goals, objectives and outcomes envisioned by the state. Maintenance of effort requirements impair county flexibility. Arbitrary decisions by the Legislature and state departments, whether it is an MOE for public libraries, chemical dependency, or mental health, reduce the ability of county boards to make decisions that are in the best interest of their communities, constituents and the people we serve.

The proposals in this document identify for the Legislature and other stakeholders opportunities for change and innovation. The list is not exhaustive, but is representative of the ideas generated by county officials as they seek to recast the local/state relationship and address the challenges of moving to a more sustainable government.

THE REDESIGN PROPOSALS ARE CATEGORIZED AS FOLLOWS:

Short-term (1-3 years): Short-term initiatives are redesign concepts that are well-suited for current attention and discussion and could be actionable at the Legislature or with executive branch agencies or other local governments within the current biennium.

Medium-term (3-5 years): Medium-term initiatives are redesign concepts that are not likely to be actionable in the current biennium but may be reasonably resolved or have the potential for some form of progress to be achieved within the next five years. These initiatives will likely need a significant amount of resources to keep the discussion moving.

Long-term (5 years or more): Long-term initiatives are redesign concepts that are among the most complex and merit significant further exploration, understanding, and discussion with AMC membership and at the Legislature before they are ready to move forward. Short or mid-term accomplishments may be made within these proposals, but it is unlikely that full redesign of the issue could ever be achieved in a shorter time frame. These proposals are among those most visionary, but in many cases have the most controversial impacts.

Ongoing Initiatives: Ongoing initiatives are redesign concepts that could be addressed through incremental changes or require a multi-year strategy to create buy-in from state policymakers and within the AMC membership. For example, these issues may include technological advancements that never reach an end point as they will continue to be developed.

SHORT-TERM

ENVIRONMENT & NATURAL RESOURCES

SCORE Funding

Proposal: Allocate all of the funds collected through the Solid Waste Management Tax (SWMT) to solid waste activities done by counties.

Background: The current funding mechanism is a 9.75 percent tax on residential garbage collection and a 17 percent tax on commercial collection. These taxes, based entirely on the solid waste charges at each resident or business, generate between \$55 to \$60 million tax dollars per year of which 30 percent goes to the General Fund and the remaining about is allocated to the Environment Fund. This amount is estimated to increase at a rate of 2 to 4 percent each year. Of the total amount collected, currently only \$14 million is returned to counties for implementation of SCORE programs. This money is apportioned among all 87 counties. The amount initially distributed in 1989 was \$15.5 million. If inflation is considered, the current distribution of \$14 million amounts to 60 percent less than the Legislature's commitment in 1989. At the program's inception counties were to receive a state match of about 75 percent. Now, in order to keep collection and recycling programs viable, many counties are contributing several times more in local resources than what they receive from the state. More than \$41 million in local taxes charged against Minnesota consumers on their solid waste bill remains in the state General Fund and is being spent on environmental purposes other than solid waste programs.

Redesign Issue: This is a transparency issue, there needs to be a clearer nexus between the SWMT and what it is being used for.

GENERAL GOVERNMENT

Local Fee Schedules

Proposal: Remove all fees from statute and instead allow each county to set fees locally to reflect the actual costs for services and also take into account the differing income ranges from one area of the state to the next.

Background: Counties set a fee schedule each year which informs the public of the cost for various public services. Some fees, such as the notary fee, are written in state statute.

Redesign Issue: Counties should have some flexibility regarding how large or small the fees are that are collected on the county level. Counties can improve governance by setting fees in a manner that best serves their citizens rather than adhering to an arbitrary one-size-fits-all fee determined by the state.

Private Accountants for Audit

Proposal: Allow counties to utilize whichever source of audit services is most cost effective. Also minimize reporting to OSA in order to reduce administrative costs.

Background: In response to budget cuts made to the Office of the State Auditor (OSA) in 2003, some counties were directed to have their annual audits conducted by qualified, private CPAs rather than the OSA. Since that time some counties have found private audits to be more cost effective. Over time counties have also been asked to provide an increasing amount of information to the various state offices and agencies.

Redesign Issue: Counties should have the flexibility to provide audits in the most accurate and timely manner possible, be that through public or private resources. Audits are one of the primary ways in which county finances are made transparent to taxpayers. Flexibility for counties could be gained by allowing them to choose between the OSA and private firms.

Maintenance of Effort and Cost Shares

Proposal: All maintenance of effort (MOEs) and cost share requirements imposed on counties should be legislatively evaluated and addressed in at least one of five ways: 1) statutorily repealed or administratively eliminated; 2) given a targeted sunset date to allow for further review, change (e.g., outcome measures) or repeal; 3) replaced with performance measures and outcome or incentive-based initiatives; 4) redefined (rebased) to reflect contemporary client and economic conditions; or 5) not changed at all.

Background: Current laws in a number of program areas require counties to either spend a minimum number of dollars on a program (MOE) or pay a certain percentage of the costs for a government service being provided (cost share). Many of these spending floors and cost shares have been the result of state budget deficit mitigation strategies where state financial participation was reduced but the state did not want to reduce program service levels. Some MOEs were implemented at a specific point in time or with specific county spending amounts and never adjusted to contemporary conditions. There are some MOEs that remain on the books and are unenforced.

Redesign Issue: MOEs and cost-shares prohibit transparency by putting government on "auto-pilot" and shielding those who make spending decisions from public scrutiny. Counties assume program accountability as they remain on the frontline for complaints about program costs, methods of delivery and management, but the state retains most of the authority needed to address the concerns of the public. County boards know best how to allocate limited public resources and make spending priorities that best fit local needs, which would improve overall governance. The lack of flexibility to make funding decisions for programs locally results in a lack of incentive to make programs more efficient or effective.

Truth-in-Taxation

Proposal: Study the so-called truth-in-taxation (TNT) policy and law to determine which aspects are most effective. Include a line-item in the TNT statement that would identify the amount of the levy that is the direct result of state mandates, MOEs or other decisions not made at the local level.

Background: The truth-in-taxation process does not adequately engage the public. There seems to be significant misunderstanding by the taxpayer about the roles of various levels of government in our property tax system as evidenced by citizens who attend TNT hearings to argue about their assessments.

Redesign Issue: TNT should be a tool that promotes transparency for the citizens to better understand how decisions are being made in an effort to hold elected officials accountable on all levels of government.

Library Maintenance of Effort

Proposal: Allow counties to determine funding levels for libraries locally by repealing or modifying the maintenance of effort (MOE) requirement.

Background: County library funding is determined locally; however, in order to draw down state dollars counties must satisfy a MOE. This prevents counties from reducing library funding. Furthermore, an infusion of new dollars for the library raises the MOE for future budgets thus creating a disincentive for counties to make investments in their library systems. One option would be to allow counties to provide funding equal to 90% of the previous year's spending. Another option might be to simply freeze the MOE in place and allow inflation to erode the MOE.

Redesign Issue: MOEs work against government transparency by limiting the ability of county boards to make local funding choices. MOEs also limit the ability of local elected officials to make decisions considering their unique local environments thereby creating governance issues. Finally, MOEs allow no flexibility for decision making, nor do they provide opportunity for local governments to innovate or become more efficient.

HEALTH & HUMAN SERVICES

Mental Health Maintenance of Effort (MOE)

Proposal: Eliminate the existing MOE for mental health or give counties the opportunity to 'opt out' if they meet agreed-upon performance measures.

Background: Counties are required to maintain spending for mental health at the same level as in 2004 and 2005. This creates an arbitrary spending floor not related to need or outcomes. The MOE 'floor' was established based on for years in which many counties had higher than usual levels of spending due to changes in mental health services. The MOE essentially limits funds available for other areas of human services in an era of shrinking resources. Changing the MOE would require a change to state law but would probably not have a state fiscal impact.

Redesign Issue: This change would increase county flexibility to use resources more effectively and enhance their governance authority to make local decisions. There is additional discussion on MOEs and cost shares in the General Government section.

Medical Assistance Cost Shares

Proposal: Repeal county cost shares for people on Medical Assistance in nursing homes, intermediate care facilities, and institutes for mentally disabled and county shares of regional treatment centers.

Background: Counties now pay a flat share (ranges from 10% to 50%, depending on program) of the cost for people in these facilities but have little influence over whether clients are served in these facilities or in the smaller community settings. This is a reversal of policy made in the 1990s, in which counties agreed to significantly less Homestead Agricultural Credit Aid or HACA (precursor to county program aid) for the medical assistance share formerly paid by counties. The intent of that change was to assure that publicly funded health care services were consistent across the state and not dependent on the property values in a given county.

Redesign Issue: Repealing county shares in these programs would align the funding with the governance responsibility, which primarily rests at the state level. This change would have significant fiscal implications for the state, but raising the issue will create more transparency in how services are funded and delivered. For additional discussion on MOEs and cost shares, see the Short-term General Government section.

Official Publications

Proposal: The county website should be recognized as a legal alternative to newspapers as the official publication for certain announcements.

Background: Counties are currently required by law to publish certain announcements in the "official publication," which refers to one of the local newspapers. These papers may not be widely read by county residents and the cost for publishing the notices continues to grow. The advent of local access television, the internet and e-mail provide many new and affordable methods of communicating with citizens beyond the simple newspaper.

Redesign Issue: Counties need the flexibility to determine how to best reach their citizens. Some counties may find the website to be the best tool; others might believe that the newspaper is still the best location to publish notices.

Chemical Dependency Treatment Funding and System Redesign

Proposal: Rebase the county share of the chemical dependency treatment fund by providing additional state funding for those counties that pay the greater proportion of the cost. Begin to examine additional ways to redesign the chemical health system.

Background: The current maintenance of effort (MOE) for chemical dependency, because of the way the state and local shares are structured, penalizes those counties that were spending more money in the year it was created. Equity could be achieved by increasing the funding in the pool so that no county's maintenance of effort is increased as a result of this change. Additionally, chemical health services are fragmented, crisis-oriented, and thus limited in their effectiveness. An overhaul of the system is needed to focus on earlier intervention, aftercare, better integration with mental health, and more flexible models of service delivery.

Redesign Issue: This change would create more *transparency* in the use of funds for chemical dependency, more consistency in services throughout the state, and improved outcomes. For additional discussion on MOEs and cost shares, see the General Government section.

Aggregate Cap on MOEs

Proposal: Replace individual MOEs with an aggregate spending cap.

Background: Counties are required to maintain consistent level of spending in several specific program areas, ranging from libraries to chemical dependency. Especially under levy limits, this makes it difficult for counties to carry out mandated programs. The aggregate cap would limit the total maintenance of effort required of any given county, thus allowing them to stay within levy limits.

Redesign Issue: This change would both increase a county's short-run flexibility to use resources most effectively and their governance authority to make local decisions. The aggregate cap on MOEs will ease the transition to a permanent solution of repeal, rebasing, or performance measurement. For additional discussion on MOEs and cost shares, see the General Government section below.

SHORT-TERM *continued*

Public Health Personal Care Assistant Reassessment

Proposal: Require DHS to provide sufficient information to make it possible for counties to complete reassessment for personal care assistant (PCA) services in a timely manner. Fund counties to provide case management for these clients rather than just funding the assessments and reassessments.

Background: State law requires county public health nurses to conduct assessments for individuals eligible for personal care attendant services (and they receive Medicaid payment for doing so), but penalizes the county if they are late in completing the reassessment. Counties are not funded for case management for these individuals, which would allow them to track their PCA services, and do not receive notification from DHS when the reassessment is due. Thus, it is difficult to avoid the penalty for lack of timely reassessment. If counties were funded to provide case management, they would be better able to track clients' status and determine when reassessment is needed.

Redesign Issue: This change would create transparency in providing counties information to carry out this responsibility and improve outcomes for clients.

PUBLIC SAFETY & JUDICIARY

Custody of State Felons

Proposal: Eliminate the Short-Term Offender (STO) Program, move to a voluntary, contractual relationship between the state and counties for the housing of short-term offenders, or restructure the STO Program to focus resources on community supervision rather than incarceration.

Background: Counties do not have the option of refusing the placement of state short-term offenders regardless of whether their facility has space to house them or if the county's budget can absorb the costs to house them. Requiring that the state Department of Corrections (DOC) contract with counties for bed space at their option and at market rates is one alternative. Alternatively, if the DOC were to expand the use of supervised release in order to free up enough beds to keep STO's in DOC facilities, the resources currently used to fund the STO Program could instead be used to support the counties that provide the correctional field supervision. This shift to probation supervision would provide greater efficiency in the use of limited resources than the greater public costs of incarceration.

Redesign Issue: Each of the state offenders currently housed in county jails are felony level offenders committed to the custody of the commissioner of corrections. There should be transparency in the relationship between the state and the county as to whose responsibility it is to house the offenders and who provides the funding to house the offenders. Many counties have greater capacity to supervise offenders in the community with the funds available in the STO program than they do in their jails.

Court Services – ITV Technology

Proposal: Expand and allow the use of interactive television (ITV) technology in court proceedings whenever possible.

Background: Limited use of ITV technology is already being used by the court system. There is potential to make it permissible for additional types of court appearances. The expanded use of ITV in court proceedings in first appearances, pretrial hearings, post-trial hearings (other than sentencing) or for testimony pertaining to the chain of evidence or other testimony when consented to by the parties should be explored. This expansion will reduce costs to all parties involved in a case, including costs associated with transporting offenders to a proceeding.

Redesign Issue: Counties would like the flexibility to minimize transportation costs and also give those accused a speedier trial through the use of technology in the court setting. Expediting the court processes may have the effect of reducing jail crowding. Court rules should be revised to authorize expanded use of ITV in procedural court proceedings and for certain other trial proceedings upon consent of the parties.

Court Services – Venue Reciprocity

Proposal: Allow judicial reciprocity for arraignments and other early court proceedings.

Background: Individuals arrested in jurisdictions other than where the crime is committed must be transported back to the original jurisdiction for all early court appearances.

Redesign Issue: If judicial reciprocity is allowed, counties would have the flexibility to have the defendant arraigned in the county where he is being held rather than transporting for a court appearance. This would be especially helpful in an instance where the defendant lives in the jurisdiction where he was arrested and will return there after making bail.

Court Services – Diversion Program Access

Proposal: Allow all persons facing criminal sanctions equal access to diversion programs implemented at the county level.

Background: In some counties, persons prosecuted by city attorneys do not have access to diversion programs implemented by county attorneys or community corrections agencies. All offenders within a county should have access to diversion programs for crimes that would be eligible for diversion if those crimes were prosecuted by the county attorney.

Redesign Issue: This is a governance and flexibility issue in that counties should allow offenders prosecuted by city attorneys' access to diversion programs operated by that county. Funding for program participation and monitoring should be the joint responsibility of counties and cities.

Public Defender Duties

Proposal: Eliminate involvement of public defender services at the trial or appellate level where that involvement has been determined to not be a constitutional right.

Background: Various statutes and court rules dictate what situations require the assistance of a public defender. These situations may in some cases be broader than those in which it has been determined that appointment of a public defender is Constitutionally mandated.

Redesign Issue: Applicable rules and statutes need to be identified and a determination made whether the representation each requires is constitutionally mandated. Where it is not, analysis is needed to determine whether it is just and appropriate to eliminate the provision in light of budget constraints.

Dispatch Consolidation

Proposal: Deploy all first responders from one entity with the goal of fewer dispatch centers statewide (e.g., one dispatch center per county or per region).

Background: Currently there are well over 100 dispatch centers in Minnesota being operated by the state, counties and some cities. There is geographic overlap for some of these dispatch centers causing confusion over who is responsible for what and, in some cases, creating a duplication of services.

Redesign Issue: This would establish dispatch centers operated at the most appropriate level of government and would improve the transparency and accountability of who is responsible for dispatch.

Jail Health Care

Proposal: Establish or retain MinnesotaCare eligibility for pre-convicted offenders in county facilities.

Background: Based on current MinnesotaCare rules, as soon as an offender is arrested he eligibility for the program is terminated. This is not true of General Assistance Medical Care (GAMC) and can be a tremendous cost savings to counties to not foot the health care bill for jail inmates that have not yet been convicted of a crime. In fact, if they are not convicted they will be eligible again upon release.

Redesign Issue: Until offenders are convicted of a crime, the state should continue the role in providing health care for the people that are eligible to receive it. The county is currently saddled with this burden in an arrangement that is not transparent.

TRANSPORTATION

Transportation Project Delivery Streamlining

Proposal: Current project approval and funding processes need reevaluation. Counties should be allowed to utilize innovative plan, design and construction processes that streamline transportation and transit project delivery and allow counties to better address local needs in a timelier manner.

Background: Transportation projects often take many years to complete. Major projects, for example, can take more than ten years to advance through all plan, design and construction phases. These project delays have significant detrimental impacts on the state and its counties. Inadequate and congested highways and substandard transit options cost the state's citizens and businesses time and money in lost productivity. Moreover, delayed highway safety improvements result in crashes that may have otherwise been avoided, thus stunting progress toward the statewide goal of zero highway deaths. While it is important that projects adhere to all required permitting and public input steps during the plan, design and construction phases of a project, past experiences at MnDOT demonstrate that adding project delivery flexibility results in a process that more rapidly meets the needs of citizens without compromising careful preparation and implementation. Further, much more collaboration can occur between cities, counties, the state and federal government.

Redesign Issue: This is a flexibility issue because counties currently face statutory limitations on their ability to apply innovative plan, design and construction processes, and those limitations ultimately delay resources from being directed toward other high priority local needs.

Resources to Improve Safety

Proposal: Ensure that adequate resources are available for counties to fully comply with increased frequency and scope of safety inspections on its transportation infrastructure.

Background: State governments have imposed mandates on local governments that are intended to improve transportation safety (i.e., bridge inspection mandates). However, few to none of the mandates include funding sources that assist local governments in achieving compliance.

Redesign Issue: This is a flexibility issue because counties must forfeit the financial flexibility necessary to respond to local issues of greatest need when they are mandated to act elsewhere first.

MEDIUM-TERM

ENVIRONMENT & NATURAL RESOURCES

Uniform Planning and Zoning Statute

Proposal: Synthesize the planning and zoning statutes that apply to cities and towns (M.S. 462) and those that apply to counties (M.S. 394).

Background: State statutes applying to municipalities differ. For several years incremental changes have been made chapters 462 and 394. In some cases the statute that applies to cities and towns provides clearer definitions. Rather than sporadically adopting bits and pieces of Chapter 462 to incorporate into Chapter 394, it may make more sense to sit down with other local units of government and determine if there is any way that we can arrive at one statute to achieve more cooperation and understanding of what authorities municipalities have.

Redesign Issue: This is a transparency issue, a uniform planning statute would ideally make state planning and zoning issues easier for residents to understand.

GENERAL GOVERNMENT

Categorical Aid Programs

Proposal: Restore categorical aids for state mandated services.

Background: County Program Aid (CPA) is the result of categorical aids (criminal justice aid, HACA, Family Preservation Aid) being combined and administered through one formula. The current CPA formula generally works well, however there is confusion over the purpose of CPA. Some believe that CPA is a funding source for county programs; others believe that CPA is intended to combat inequities between counties that are caused by higher needs or lower property tax bases.

Redesign Issue: It is misleading for legislators to assume that CPA provides adequate funding for all of the costs counties incur on the state's behalf. If legislators reduce county program aid they don't always understand that currently those cuts might be absorbed in transportation, or public safety. Categorical aids improve transparency because they allow state revenues to be targeted, as well as state cuts. This change would increase clarity about which state mandates are unfunded or underfunded and which services are actually paid for by the state.

Administrative Fines

Proposal: Give counties and other local governments' clear authority in law to impose administrative fines.

Background: Current law does not clearly authorize counties or other local governments to utilize administrative fines. These fines have been put in place by some local governments despite the current lack of clarity. Some extremely busy courts have directed law enforcement not to issue citations for certain moving violations due to workload concerns. Administrative fines could be issued providing workload relief for the courts.

Redesign Issue: In order to provide good governance, counties need to have the ability to deter behavior, such as speeding, in order to meet the service needs of the communities they represent. In addition, counties should be the flexibility to determine how heavy-handed fines, such as traffic violations, are within their local jurisdiction.

Metropolitan Governance

Proposal: State and metro area local governments should examine the forty-year old metropolitan regional governance structure within the Twin Cities and determine if the current framework is best equipped to handle regional planning and whether that framework effectively and efficiently delivers services for metro area citizens.

Redesign Issue: This is a governance issue. As metro area service needs have changed over time, the entities delivering those services have remained virtually unchanged. By re-evaluating the overall metro-governance structure, the state and metro area local governments can collectively identify the entities that would most effectively deliver services to citizens in the present and adapt to future service delivery needs.

State Surcharge on Traffic Violations

Proposal: The state surcharge on traffic fines should be eliminated.

Background: In order to balance past budget deficits the state surcharge on traffic violations has been increased. It currently stands at \$75 and is collected by law enforcement officers, both state and local, and used as a revenue stream by the state. Some local law enforcement agencies have expressed their reluctance to issue citations due to the extremely high costs to those who commit relatively minor traffic violations. Citations are not intended to be a revenue generator; instead they are to be a deterrent and should only be used to support law enforcement efforts by the agency issuing the citation.

Redesign Issue: This is a transparency issue because many citizens believe the full amount of the citation is directed to the issuing entity. Few citizens understand that the majority of the fine is redirected from local law enforcement to the state.

State Court System Take-Over

Proposal: The courts should complete the transition to a fully state-operated system that does not depend on counties for funding or to provide court-related services.

Background: Since the "completion" of the state court take-over, many court and criminal justice system costs have not yet been picked up by the state. Costs for court room space, improvements, security and utilities remain the financial burden of counties rather than the judicial system. It is currently unclear which level of government is responsible for other court related services, such as public defenders, leaving some to argue that counties remain responsible for those costs.

Redesign Issue: The current state-operated court system lacks transparency because it relies on counties to pick up certain costs and provide some services such as courtroom security and public defenders for non-custodial parents in CHIPs cases.

PUBLIC SAFETY & JUDICIARY

Consolidated Prosecutions and Court Jurisdiction

Proposal: Expand court jurisdiction to prosecute crimes to allow for multiple prosecutions involving the same defendant. The proposal could include consolidated prosecutions involving the same defendant commenced within a six month period combined into one county or city with the consent of all affected county or city attorneys. District courts should be allowed to hear combined cases from other districts whenever such combined charges are filed.

Background: On occasion crimes occur in multiple jurisdictions involving the same defendant. Combining these prosecutions whenever feasible within one jurisdiction for offenses occurring within a certain time frame will reduce both court filings and court hearings, speed up the criminal justice process and reduce the number of criminal justice professionals who must deal with the cases. Allowing combined prosecutions that cross district boundaries to be heard in any judicial district will further the same goals.

Redesign Issue: This is governance issue in that legislation to expand the jurisdiction of county or city prosecutors to allow combined prosecutions involving the same defendant into one prosecution jurisdiction will significantly reduce costs associated with prosecution of multiple crimes against the same defendant in different counties or cities. Legislation should authorize offenses to be heard in any district court where the offenses are charged, regardless of where they occur.

Local Adjudication

Proposal: Establish a county magistrate/hearing officer system to adjudicate certain civil and minor offenses.

Background: Many minor offenses, (i.e., traffic offenses) take time on court calendars that could be used on proceedings for more serious substantive offenses, especially those for which the party involved is being held in jail.

Redesign Issue: Handling these types of offenses at the local level, rather than through the state court system makes sense from a governance perspective as the offenses are primarily of local impact.

TRANSPORTATION

Outcome-Based Safety Standards

Proposal: Create outcome-based safety standards that effectively protect the citizens of Minnesota while also spurring county advances in the areas of innovation, efficiency, and communication instead of setting costly mandates.

Background: The state too often focuses on means and ignores that what actually matters are the ends achieved by counties. If one county has the ability to protect the same amount of lives as another, they should be allowed to achieve those results in a manner most appropriate to their jurisdiction. The most effective strategy is the one that responsibly balances innovation with limited resources.

Redesign Issue: This is a flexibility issue because counties currently are not allowed to tailor their service delivery to match local needs.

LONG-TERM

ENVIRONMENT & NATURAL RESOURCES

Water Management Single Administrative Body

Proposal: State and local government need to discuss ways to make applications and reporting on related activities in the area of water management less complex.

Background: The area surrounding water quality is very complicated. In addition to the state, counties must also work with the federal government and other local units of government to carry out a wide variety of activities, which include on-the-ground activities such as permitting and reporting. Activities also encompass jurisdictional concerns and state fund distribution to units of local government.

Redesign Issue: It is proposed that AMC engage county commissioners and state agency representatives in discussions about the various roles that are played as a starting point to determine if there are repetitive activities, permitting or reporting taking place. Identifying these areas would increase transparency, increase flexibility and provide the opportunity for local government to be more efficient.

GENERAL GOVERNMENT

Sales Tax on Local Government Purchases

Proposal: Repeal the sales tax on local units of government or phase the tax out over a short period of time.

Background: Local governments are currently required to pay sales tax on purchases. Historically local governments did not pay sales tax on purchases. However, during a past budget shortfall the state subjected local governments to the sales tax in order to balance the budget.

Redesign Issue: Taxing local government purchases effectively redirects local property tax revenues from local budgets to the state general fund. This reduces budget transparency in both state and local government. Accountability is also reduced for state legislators who use local revenues to fund their spending decisions and also mistakenly places blame on local government officials for increased property taxes.

Obsolete Responsibilities

Proposal: Create a commission of local and state officials to thoroughly analyze what the role of counties should be in Minnesota. This commission would seek to eliminate out-dated county responsibilities and also form a uniform vision of what counties are and what duties they are expected to perform.

Background: Some county mandates may no longer be relevant to counties, or may be better administered by a different level of government.

Redesign Issue: Clear roles and responsibilities increase accountability and improve transparency. In addition, counties could provide better governance if the state sets clear expectations.

HEALTH & HUMAN SERVICES

Family Child Care Licensing

Proposal: Consider other models for licensing and inspection of family child care facilities.

Background: Counties are currently responsible for licensing family child care, while the state has similar responsibilities for child care centers. Fees support a part, but not all, of the local costs; the service is primarily county-funded and state law limits the level of fees that can be charged. While this service helps ensure quality child care and makes it possible for MFIP families to move into work, the state budget deficit creates an environment where it may be necessary to explore other models. These could include regional licensing or having the state assume some aspects of the program. This would require a change in state law that currently requires DHS to withhold a portion of the CCSA block grant to counties if they do not perform this function. It would also result in costs to the state unless these facilities were no longer licensed.

Redesign issue: This change would free up county resources to devote to higher priority activities, and thus create more flexibility for counties. This proposal and its implications need further exploration.

Child Support Enforcement

Proposal: Explore other models for determining eligibility for and collection of child support..

Background: Counties are responsible for determining eligibility and collecting child support for custodial parents regardless of income. This has been funded with federal and local funds. However, the 2006 Deficit Reduction Act (DRA) disallowed use of federal funds for parents who are not low-income. If counties no longer had responsibility for this program, DHS would have to do it directly or contract with private organizations. Further discussion is needed about ways to redesign child support enforcement to gain more efficiencies or relieve counties of a service for which there are no longer adequate resources.

Redesign Issue: This change may allow counties to better manage their budgets, as counties would no longer have responsibility for one area of human services, thus increasing flexibility at the local level. This proposal and its implications need further exploration.

Tribal Child Welfare

Proposal: Require that tribes or the state assume the cost for child welfare out-of-home placement, as the governance relationship is between the state and the tribe rather than the county. Also require that the tribe be required to conform with the federal Title IV, Part E laws (federal payments for foster care and adoption assistance in the Social Security Act) regarding child safety and permanence in these placements.

Background: Current law allows tribes to assume responsibility for placement of children at risk of abuse/neglect in out-of-home placement, but holds the county responsible for the cost. Thus, counties bear the financial burden for child protection (including out-of-home placement) but have no authority over the arrangements made. This could be accomplished by expanding the existing Title IV-E pilots funded by the Legislature two years ago. Evaluation of the pilots and further refinement would increase the potential for success in this area.

Redesign Issue: This places governance for tribal child welfare in the hands of the tribes.

PUBLIC SAFETY & JUDICIARY

Probation Funding

Proposal: Implement a single probation funding stream/funding formula on a statewide basis.

Background: Currently the three probation delivery systems receive state subsidies/reimbursements from multiple pots of money, some only accessible to one delivery system or another. There is confusion and misunderstanding about how certain budget decisions affect correctional field services in different counties.

Redesign Issue: This is both an issue of governance and transparency. Counties need a clearer understanding of what funding is available to them and how it is distributed. The public and the Legislature need a clearer system to understand what role the state has in delivery of these services and what role county tax dollars play in the delivery of these services.

Probation Delivery

Proposal: Implement a single statewide probation delivery system.

Background: The current model of three different systems of probation delivery provides an inconsistent application of supervision around the state and also causes confusion in how the system as a whole is funded

Redesign Issue: This change would allow the county the flexibility to provide the services in their county that best serve the counties needs. The simplification of the delivery system model would result in a simplification of how probation is funded in Minnesota, adding a level of transparency to the process. This proposal and its implications need further exploration.

ONGOING

ENVIRONMENT & NATURAL RESOURCES

Product Stewardship

Proposal: AMC supports product stewardship among manufacturers, retailers, and consumers, with the emphasis placed on industry through an Extended Producer Responsibility framework approach, which creates effective producer-led reduction, reuse and recycling programs, to deal with a product's lifecycle impacts from design through end of life management, without relying solely on state and local governments.

Background: AMC has had a policy position for many years about support for product stewardship; where manufacturers are held responsible for their products at the end of the product's life. The Environment and Natural Resources Policy Committee recommends a change in the product stewardship platform that would provide better definition to the product stewardship expectations and would promote effective producer-led reduction, reuse and recycling programs to deal with a products lifecycles from design through end of life management without relying solely on state and local governments. The Pollution Control Agency is currently gathering input in order to submit a report about product stewardship to the Legislature in 2009. AMC and the Solid Waste Administrators Association (SWAA) should be engaged with the PCA in this process to convey the county position.

Redesign Issue: Product stewardship is an issue of transparency where consumers should understand what the cradle to grave cost is of that product. Local government should not be tasked with being the sole party responsible for programs of reduction, reuse and recycling.

TRANSPORTATION

Long-Term Funding Sources

Proposal: State and local governments must cooperatively and swiftly work to secure sources of funding for Minnesota's transportation and transit needs that will remain robust over time, provide adequate resources for state and local programmatic initiatives, and provide transparency for users of the system. As a short-term strategy, a statewide entity involving the appropriate stewards and stakeholders should be empanelled to examine funding alternatives and strategies.

Background: The Legislature overrode a gubernatorial veto in 2008 and enacted a comprehensive transportation and transit funding package based on tax increases to fuel, motor vehicle sales, and general sales. The funding was significant but, due to inflationary pressures, will only allow for scheduled maintenance and repair and not accommodate the new transportation and transit development that many citizens wanted. Furthermore, as governments encourage citizen to conserve gasoline, the amount of revenue generated from gas taxes continues to decrease and highlights the needs for innovative sources of funding.

Redesign Issue: This is a transparency issue because many citizens currently do not recognize or understand the funding structure used to fund transportation initiatives; instead of discussing the ability of funding to accomplish stated transportation goals, legislators continually argue over nominal taxation figures.

GENERAL GOVERNMENT

Retroactive Legislation

Proposal: Do not allow the Legislature to pass laws that affect existing contracts, current year budgets or funding that has already been disbursed.

Background: The Legislature has been utilizing retroactive legislation more and more frequently each year. Reductions in County Program Aid below certified levels, changes to JOBZ business subsidy agreements and reversals in state policy such as the eligibility and penalties for green acres are recent examples of the state making drastic changes in policy that disregard earlier policy decisions.

Redesign Issue: The inability for the state to follow through on policies creates an inherent distrust in government and is a poor governance model. Retroactive legislation creates an uncertain business climate, paralyzes local governments and undermines the rule of law.

HEALTH & HUMAN SERVICES

Integrated Service Delivery and Information Systems

Proposal: Develop and implement a long-term plan to integrate information systems, and hence services, in order to improve client outcomes would result in better use of state and county resources.

Background: Clients often receive multiple services from counties. However, often these services are not integrated, nor are the information systems that track levels of service, costs, and client characteristics. This results in duplication, gaps, and inefficient services to clients and families.

Redesign Issue: This change would create transparency in which services are provided to whom, better information on cost of services, better ability to track performance and outcomes, and improved governance capacity of counties.

PUBLIC SAFETY & JUDICIARY

Law Enforcement

Proposal: Create incentives that encourage the adoption of single, county-wide law enforcement authorities or other cooperative law enforcement arrangements.

Background: Multiple levels of local and state law enforcement often results in duplication or in some cases gaps in service in areas that could be better served by a single law enforcement agency, especially in rural areas.

Redesign Issue: A single law enforcement services provider would bring transparency to the provision and funding of law enforcement in a given area. It is also a governance issue in terms of making sure the appropriate level of government provides the service and setting clear expectations for the level of government providing the service.

Collaboration Incentives

Proposal: Establish priority for state contributions to regional jail/emergency management center/dispatch center bonding projects.

Background: In many cases regionalization of the delivery of services make sense and putting incentives in place to encourage government to regionalize will make that a reality without a mandate that may prove problematic when applied on a statewide basis.

Redesign Issue: Local units of government need the flexibility to provide the services that best fit their area's needs while being encouraged to find efficiencies through cooperation with neighboring government units.

Jail Standards

Proposal: Establish jail supervisory and construction standards that create clear expectations for existing jails and related secured facilities. Ensure that construction standards applied to renovations and new construction are consistently applied on a statewide basis. Ensure that supervisory standards are consistently applied on a statewide basis.

Background: Evidence suggests that counties forced into new jail construction or renovation are required to comply with significantly heightened jail supervisory and construction standards that did not apply when the jail was constructed. Further, the standards that are being used are not being consistently applied across the state.

Redesign Issue: Counties should be allowed the flexibility to upgrade and expand their facilities on timelines that they create. Additionally, clear and consistent standards would improve the transparency of the process of why a renovation or new facility is necessary and what level of supervision is required.

Voluntary Multicounty Collaboration in Public Health and Human Services

Proposal: Encourage counties to explore and enter into voluntary models of multicounty collaboration.

Background: In tight financial times, it is critical for counties to explore and implement different ways to collaborate to deliver services. Improved efficiencies or effectiveness may be achieved by counties entering into multicounty arrangements to deliver human services and public health. This would allow for potentially more effective service delivery and consistency across county lines. Examples may include case manager or contract manager who would serve several counties, or 'hub and spoke' model for one county to deliver services on behalf of several. Ideally, state funds would provide incentives for those counties interested in pursuing such options.

Redesign issue: This would allow for more local governance and flexibility to perform government functions. A related initiative would be a state study of multicounty arrangements across all areas of county government to identify factors that contribute to successful outcomes.

TRANSPORTATION

Technological Advancements

Proposal: State government should encourage and support efforts by counties to utilize innovative transportation technologies that enhance environmental outcomes, material durability, citizen safety and/or law enforcement efforts.

Background: County engineers must adhere to strict regulations when choosing transportation construction methods and materials, and those restrictions limit the ability of counties to adapt to their particular environment or situation. Examples of new technologies used in road management are the use of both recycled glass and shingles as overlay components. This would also be an effective demonstration of product stewardship if promoted effectively.

Redesign Issue: This is a flexibility issue because counties are not allowed to tailor their service delivery to match local needs.

Local Impact Notes

Proposal: Require local impact notes for all legislation moving forward that could have either a monetary or governance impact on counties or other local units of government.

Background: Currently, local fiscal impact notes are created solely at the request of the chair or ranking member on either the House or Senate tax committees. Many times requests for local fiscal impact notes on legislation affecting county budgets and governance are either never made or, in some cases, never completed. Most commonly the notes that are created only look at financial impacts.

Redesign Issue: Requiring local impact notes before legislation is allowed to reach the House or Senate floor would establish a transparent legislative process where all costs and effects of legislation on the local level could be made known to the public prior to it being adopted by the Legislature. This would greatly improve governance on the state level by reducing the unintended consequences that have become more frequent in recent years.

POTENTIAL MANDATES FOR REPEAL AND SUGGESTIONS TO IMPROVE SERVICE EFFICIENCY

SUBMITTED BY MINNESOTA COUNTIES
UPDATED JANUARY 2009

CORRECTIONS & LAW ENFORCEMENT

<i>Extended Juvenile Jurisdiction</i>	State funding support for EJJ has been reduced to the point where the state should repeal the mandate.
<i>Incarceration Alternatives</i>	Increase the use of alternatives to incarceration by expanding electronic monitoring and other supervisory alternatives.
<i>Jails and Sentences</i>	Utilize intensive community supervision and expand use of intensive supervised release.
<i>Administrative Fines</i>	Clarify law to allow counties and other local units of government to issue administrative fines. Court backlogs and large fines have resulted in the reluctance from some officers to issue citations for certain violations.
<i>Booking Fee Increase</i>	Modify the current booking fee to allow counties to fully recover the costs of booking an individual.
<i>BCA Reporting</i>	All reports submitted by counties to the BCA should be reviewed for usefulness. The annual firearms report, for example, is a duplication of information available in court documents. Reports not critical to the function of BCA should be eliminated.
<i>Juvenile Supervision</i>	Transfer supervisory duties for juvenile petty offenders from community corrections to the parents or guardian. Increase sanctions or extend supervision beyond six months for those who violate the terms of the supervision.
<i>Jail and Supervisory Standards</i>	Implement a moratorium on adopting new and more expensive department rules for jail construction standards and jail supervision standards.
<i>Bail Evaluations</i>	Either eliminate the county pre-trial bail evaluation responsibility for the courts or limit county involvement to conducting risk evaluations to the extent of available resources.

COURTS

<i>Technology</i>	Courts should maximize the use of interactive televideo (ITV) technology for court proceedings excluding the trial itself.
<i>Resolution Through Fines</i>	Expand the current list of offenses that can be resolved by payment of a fine without a court appearance.
<i>Pre-Sentence Investigations</i>	Pre-sentence investigations for domestic abuse offenders should be provided by a court-appointed mental health provider or social services agency at the expense of the offender.
<i>Custody Investigations</i>	Eliminate county welfare agency or court services obligation to provide custody investigations in divorce proceedings. Social services does not have a relationship with divorcing couples in civil court proceedings.
<i>Victim Witness</i>	Eliminate the mandate for counties to provide victim witness services and allow counties to determine when victim witness services will be provided.
<i>Protective Services</i>	Eliminate requirement that counties provide bailiff services to state court personnel. Limit county responsibility to securing the courthouse facility and grounds.

GENERAL GOVERNMENT

<i>Rulemaking Suspension</i>	There are currently several state rulemaking processes moving forward, nearly all of which will increase county costs to comply. The state should immediately implement a two year moratorium on new rules that could have a fiscal impact on local governments.
<i>County Audits</i>	Allow local governments to seek bids for their audit from private CPAs. The State Auditor would establish the format of the audit and would be eligible to enter a bid to conduct the audit.
<i>Lobby Report</i>	The local government lobbying expenditure report is an unneeded administrative burden and duplicates information currently found in the financial reports of local governments.
<i>Noxious Weeds</i>	Noxious weed requirements should be carried out by cities and towns. State responsibility for noxious weeds was eliminated in 2003.
<i>Elected Minimum Salary</i>	AMC proposes to repeal the outmoded language establishing the minimum salary for elected county officers. County boards can establish a minimum salary for their county officer positions.
<i>Elected Officials Salary Appeal</i>	Eliminate the authority for county officials (sheriff, auditor, treasurer, attorney and recorder) to appeal their budget allotment from the county board. The salary appeal process requires both the county board and the elected official to hire attorneys and go through court action at the expense of the county.
<i>Publications</i>	The county website should be recognized as an official publication for purposes of publishing public notices. Counties should be afforded a choice between traditional newspapers and electronic media.
<i>Air Travel</i>	Reporting requirements for frequent flyer benefits earned from public travel should be eliminated. The reporting is a significant administrative burden without a significant benefit to the public.

<i>Court System Support</i>	There is obsolete language in M.S. 375.14 regarding the courts. Update the law to reflect the state court takeover.
<i>County Fees and Collections</i>	Counties may charge fees and interest after 90 days. Allow counties to charge interest and late fees after thirty days and set own fees.
<i>County Facilities Group</i>	The requirement in M.S. 373.42 for counties to create and maintain a facilities group should be eliminated.
<i>Cremation in Lieu of Burial</i>	Current law mandates that the indigent be buried and the families must be allowed to use the funeral home of their choice. Counties should be afforded the option of cremation in lieu of burial as long as it is respectful of cultural and religious beliefs. Provision of other funeral services should no longer be required.
<i>Campaign Complaint Hearings</i>	Require the local government unit involved in Office of Administrative Hearings pay the costs for campaign violations. All costs are incurred by the county regardless of which local government is involved.
<i>Pay Equity Reporting</i>	Suspend Pay Equity reporting. Counties are liable under federal law for all types of discriminatory practices and this report is unnecessary.
<i>Travel Policies</i>	Eliminate requirement that county out-of-state travel policies be reviewed annually.
<i>Small Claims</i>	Increase the small claims noticing threshold from \$300 to \$5000. This reduces publication costs significantly.
<i>Automated Dialing Machines</i>	Prohibit calls to government phone numbers from automated dialing machines.

HEALTH & HUMAN SERVICES

<i>Child Support</i>	Administratively redirect child support to the person having physical custody of the child in lieu of going to the court.
<i>Foster Care Licensing</i>	Eliminate the duplicative requirement that the foster care licensor “coordinate with placement workers to ensure that the license holder is visited by a placement worker or the licensor at least monthly for the first six months after the first placement in childcare.”
<i>Children & Community Services Act (CCSA)</i>	Eliminate the requirement for biennial revision or redraft of the CCSA service plan.
<i>Children’s Services</i>	Increase flexibility when providing children’s therapeutic services and supports.
<i>Early Intervention</i>	Amend requirement that core early intervention services should be provided to all disabled children at no cost to parents. Provide for parental contributions consistent with M.A. asset and income standards.
<i>Child Care Sliding Fee</i>	Repeal basic sliding fee child care MOE.
<i>Employment & Training</i>	Repeal MOE on employment and training services.

<i>Foster Care</i>	Waive cultural sensitivity training for foster parents who are caring for children who are related.
<i>GAMC</i>	Require GAMC recipients to provide a social security number.
<i>Guardianship/ Conservatorship</i>	Implement income and asset thresholds for petitioners in guardianship/conservatorship cases when the protected person in question is indigent. Petitioners with the financial means should pay for their own legal costs.
<i>Overpayments</i>	Clarify the law to make repayment of overpayments for health care programs mandatory.
<i>Chemical Assessments</i>	Chemical assessments for juveniles found delinquent for underage consumption or drug use should be discretionary.
<i>Eliminate Redundancies</i>	1) Eliminate the level of care determination required within three days by M.S. 245.4885. This determination is redundant and provides no meaningful outcomes. 2) Eliminate functional assessments for adults with mental illness under Rule 79 are a duplication of the diagnostic assessment and the individual community support plan.
<i>Mental Health MOE</i>	Repeal the mental health MOE to allow counties to allocate resources to the human services programs most needed within each county.
<i>Administrative Costs</i>	Ensure that allowable administrative costs for MFIP employment and training are the same as those allowable by the Workforce Investment Act (WIA). Current interpretations are creating variations in allowed expenses between the two programs.
<i>Correctional Health</i>	Suspend requirement for using the mental health screening tool for correctional health purposes in county jails.
<i>Personal Care Assistance</i>	Relax the timelines for completing PCA assessments, reassessments, long-term care consultations, and pre-admission screenings.
<i>Health Plan Information Mailings</i>	Allow counties to send summary sheets on health plan enrollment options to PMAP clients in lieu of the requirement to send full information packets.

NATURAL RESOURCES & LAND USE

<i>Zoning/60-Day Rule</i>	Modify the requirement for counties to process applications within 60 days as required by MS15.99.
<i>Construction and development fee report</i>	Repeal requirement to report fee information to Administration Dept.
<i>Waste Management</i>	Suspend solid waste plan requirement.
<i>Recycling</i>	Suspend requirement to provide an opportunity to recycle.
<i>SCORE</i>	Suspend reporting requirement.
<i>Waste Management</i>	Eliminate quarterly landfill reporting, consolidate into annual report, extend reporting deadline beyond January 31.

<i>Consolidated Reporting</i>	Consolidate county reporting requirements under the following programs: Feedlots, Individual Sewage Treatment System, Wetland Conservation Act, Water Planning, Shoreland Management and Flood Plains. This new reporting should include requirements for project grants.
<i>Land Use Planning</i>	Exempt counties from the requirement to submit a land use plan to the Met Council if the county does not exercise any planning functions for the local governments within its jurisdiction. Hennepin and Ramsey county are already exempt.
<i>DNR Grants</i>	Allow snowmobile clubs to receive grants directly from the DNR without the county acting as their fiscal agent.
<i>Timber Sales</i>	Increase the dollar limit for over-the-counter timber sales or change the limit to acreage.

TAX & FINANCE

<i>Minimum Tax</i>	Property owners may pay property taxes in two installments if the tax is more than \$50. Increase minimum tax allowed to be paid in two payments.
<i>Repeal Library MOE</i>	Eliminate the library MOE. Current law provides libraries with automatic \$8 million increase in funding in 2009.
<i>Truth-in-Taxation</i>	Redesign the current TnT process, consider elimination of parcel specific notices in favor of an online information system.

TRANSPORTATION

<i>CSAH</i>	Counties can only spend up to 40% of their CSAH distribution on maintenance of CSAH roads. Repeal this provision.
<i>Prevailing Wage</i>	Amend prevailing wage computation and use simple average.
<i>Ditch Grass Seeding</i>	Counties are required to use more expensive prairie grass mix to seed ditches by rule. Allow counties to seed ditches with pasture grass mix rather than prairie grass mix.
<i>Road Striping</i>	Counties are required to do some level of road striping at the end of each work day by rule. Eliminate this requirement for road striping each day if the county posts that the road is not striped.
<i>Wetland Conservation</i>	AMC proposes to adopt Federal Standards for wetland conservation for county road projects.

Please contact AMC staff with any questions or for more information:

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