

The Ramsey County Board of Commissioners met in regular session with the following members present: Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, and Chair Bennett – 7. Absent: None. Also present were David Twa, County Manager, and Darwin Lookingbill, Director, Civil Division, County Attorney's Office.

PLEDGE OF ALLEGIANCE

All in attendance recited the Pledge of Allegiance.

AGENDA

Chair Bennett said there were several requested changes to the Agenda: items 10.23 and 10.24 are to be withdrawn; a revised resolution is presented for item 10.20; a non-agenda item is added, which would change the time of the Board's 2007 Annual Meeting; and at the end of the Agenda, Commissioner Ortega would like time for discussion of an issue.

Commissioner McDonough moved approval of the revised Agenda of the December 19, 2006, Board Meeting, seconded by Commissioner Carter. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, Bennett – 7. Nays – 0.

MINUTES

Commissioner Parker moved approval of the Minutes of the December 12, 2006 Board Meeting, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, Bennett – 7. Nays – 0.

BOARD OF RAMSEY COUNTY COMMISSIONERS – Commissioner Jim McDonough

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, Bennett – 7. Nays – 0. (2006-396)

WHEREAS, U.S. Code of Federal Regulations, Title 42, Part 435.1008, states that federal financial participation (FFP) is not available in expenditures for services provided to individuals who are inmates of public institutions; and

WHEREAS, States being unable to assume the federal share of providing medical services to FFP eligible persons being held in county jails and detention facilities tend to terminate or sometimes suspend eligibility; and

WHEREAS, This immediate cessation of benefits occurs prior to the issuance of formal charges or conviction; and

WHEREAS, Counties must provide medical services to all persons incarcerated in local jails and detention facilities; and

WHEREAS, As a result of the current regulation, which ceases FFP for medical benefits immediately upon incarceration, all costs of medical care have been borne solely by counties; Now, Therefore, Be It

(Continued)

RESOLVED, The Ramsey County Board of Commissioners requests and strongly urges Congress to amend U.S. Code of Federal Regulations, Title 42, Part 435.1008, to allow federal financial participation for medical benefits to incarcerated individuals until convicted and sentenced to secure detention.

PROPERTY RECORDS AND REVENUE – Renewal of Intoxicating Liquor License for D’Castellanos Restaurant in White Bear Township MN 55110

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, Bennett – 7. Nays – 0. (2006-397)

WHEREAS, Ramsey County is the issuing authority for On-Sale Intoxicating Liquor Licenses and On-Sale Sunday Intoxicating Licenses for towns and other unincorporated areas within Ramsey County pursuant to Minnesota Statute 340A.404, Subd.6; and

WHEREAS, D’Castellano’s Restaurant of has requested that Ramsey County issue an On-Sale Intoxicating Liquor License and On-Sale Sunday Intoxicating Liquor License for an D’Castellano’s Restaurant located in the Town of White Bear effective January 1, 2007 through and including December 31, 2007; and

WHEREAS, White Bear Township has approved the issuance of all three licenses, and has made findings as to the character and reputation of the applicant, and nature and location of the business; and

WHEREAS, Ramsey County Sheriff, and the Ramsey County Attorney have supplied a written recommendation to issue all three licenses; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby approves an On-Sale Intoxicating Liquor License and On-Sale Sunday Intoxicating Liquor License to Apple American Limited Partnership of Minnesota, Orchid Restaurant and D’Castellano’s Restaurant, located in the Town of White Bear effective, January 1, 2007 through and including December 31, 2007; and Be It Further

RESOLVED, The staff from the Department of Property Records & Revenue shall notify the State Liquor Control Division that Ramsey County has approved all three licenses, and Be It Further

RESOLVED, That if the State Liquor Control Division approves the On-Sale Intoxicating Liquor License and On-Sale Sunday Intoxicating Liquor License, Ramsey County Property Records & Revenue shall issue the On-Sale Intoxicating Liquor License and On-Sale Sunday Intoxicating Liquor License, effective January 1, 2007 through and including December 31, 2007.

PROPERTY RECORDS AND REVENUE – Application for Intoxicating Liquor License for Andre Thanh Nguyen, dba Orchid Restaurant in the Town of White Bear

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, Bennett – 7. Nays – 0. (2006-398)

(Continued)

WHEREAS, Ramsey County is the issuing authority for On-Sale Intoxicating Liquor Licenses and On-Sale Intoxicating Licenses for towns and other unincorporated areas within Ramsey County pursuant to Minnesota Statute 340A.404, Subd. 6; and

WHEREAS, Andre Nguyen has requested that Ramsey County issue an On-Sale Intoxicating Liquor License and On-Sale Sunday Intoxicating Liquor License, to Orchid Restaurant, 1190 County Road J, located in the Town of White Bear, effective January 1, 2007 through and including December 31, 2007; and

WHEREAS, White Bear Township has approved the issuance of all three licenses and has made findings as to the character and reputation of the applicant, and nature and location of the business; and

WHEREAS, Ramsey County Sheriff, and the Ramsey County Attorney have supplied a written recommendation to issue all three licenses; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby approves an On-Sale Intoxicating Liquor License and On-Sale Sunday Intoxicating Liquor License to Orchid Restaurant, 1190 County Road J Suite 100, White Bear Township, located in the Town of White Bear effective January 1, 2007 through and including December 31, 2007; and Be It Further

RESOLVED, The staff from the Department of Property Records & Revenue shall notify the State Liquor Control Division that Ramsey County has approved all three licenses; and Be It Further

RESOLVED, That if the State Liquor Control Division approves the On-Sale Intoxicating Liquor License and On-Sale Sunday Intoxicating Liquor License, Ramsey County Property Records & Revenue shall issue the On-Sale Intoxicating Liquor License and On-Sale Sunday Intoxicating Liquor License, effective January 1, 2007 through and including December 31, 2007.

PROPERTY RECORDS AND REVENUE – Renewal of Intoxicating Liquor License for Applebee's Neighborhood Grill and Bar in the Town of White Bear

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, Bennett – 7. Nays – 0. (2006-399)

WHEREAS, Ramsey County is the issuing authority for On-Sale Intoxicating Liquor Licenses and On-Sale Sunday Intoxicating Licenses for towns and other unincorporated areas within Ramsey County pursuant to Minnesota Statute 340A.404, Subd.6; and

WHEREAS, Apple American Limited Partnership of Minnesota has requested that Ramsey County issue an On-Sale Intoxicating Liquor License and On-Sale Sunday Intoxicating Liquor License for an Applebee's Neighborhood Grill and Bar located in the Town of White Bear effective January 1, 2007 through and including December 31, 2007; and

WHEREAS, White Bear Township has approved the issuance all three licenses, and has made findings as to the character and reputation of the applicant, and nature and location of the business; and

(Continued)

WHEREAS, Ramsey County Sheriff, and the Ramsey County Attorney have supplied a written recommendation to issue all three licenses; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby approves an On-Sale Intoxicating Liquor License and On-Sale Sunday Intoxicating Liquor License to Apple American Limited Partnership of Minnesota for an Applebee's Neighborhood Grill and Bar, located in the Town of White Bear effective, January 1, 2007 through and including December 31, 2007; and Be It Further

RESOLVED, The staff from the Department of Property Records & Revenue shall notify the State Liquor Control Division that Ramsey County has approved all three licenses, and Be It Further

RESOLVED, That if the State Liquor Control Division approves the On-Sale Intoxicating Liquor License and On-Sale Sunday Intoxicating Liquor License, Ramsey County Property Records & Revenue shall issue the On-Sale Intoxicating Liquor License and On-Sale Sunday Intoxicating Liquor License, effective January 1, 2007 through and including December 31, 2007.

COMMUNITY CORRECTIONS – Contract with Great Lakes Training, Inc.

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, Bennett – 7. Nays – 0. (2006-400)

WHEREAS, On March 14, 2006, the County Board approved Resolution # 2006-101 which authorized Community Corrections to use the reimbursed salary of an employee assigned to the National Institute of Corrections for two years to hire a contractor to perform the employee's duties during the term of the agreement; and

WHEREAS, The Department intends to use some of this reimbursed salary to contract with Great Lakes Training, Inc. to provide a Motivational Interviewing training series; and

WHEREAS, Motivational Interviewing is considered the "core" training for implementation of evidence-based practices. Community Corrections has selected a nationally known, highly experienced expert to train employees in the techniques and also to train a number of employees to be internal trainers so that the department can conduct on-going "quality assurance" and begin to develop an internal trainer; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby approves an Agreement with Great Lakes Training, Inc., 872 Eaton Drive, Mason, MI 48854-1346, in an amount not to exceed \$14,000 plus reimbursement of actual expenses in an amount not to exceed \$250, for the period January 1, 2007 through August 30, 2007, for a Motivational Interviewing training series; and Be It Further

RESOLVED, The Board authorizes the County Manager to execute the Agreement and any necessary amendments to the Agreement, in a form to be approved by the County Attorney; and Be It Further

(Continued)

RESOLVED, The Board authorizes the County Manager to make any necessary budget adjustments, provided the funds are within the Department's approved budget.

COMMUNITY CORRECTIONS – Contract with Second Judicial District for DWI Court Project

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, Bennett – 7. Nays – 0. (2006-401)

WHEREAS, The Minnesota Department of Public Safety has awarded a grant to the Second Judicial District for the DWI Court Project for the period of January 1, 2007 through December 31, 2007. The DWI Court Project is a collaboration between the Courts, Project Remand, prosecution, and the Community Corrections Department; and

WHEREAS, The Second Judicial District does not have the capacity to provide intensive supervision and case management services for the DWI Court Project and desires to contract with Community Corrections for these services; and

WHEREAS, Community Corrections will be reimbursed for actual costs incurred in an amount not to exceed eighty-seven thousand six hundred and forty dollars (\$87,640); and

WHEREAS, Community Corrections is requesting the addition of one FTE, which would be a starred position that is eliminated when the grant funds for the DWI Court end. No County match is required; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby approves an Agreement with the Second Judicial District, in an amount not to exceed \$87,640, for the period January 1, 2007 through December 31, 2007, for intensive supervision and case management services for the DWI Court; and Be It Further

RESOLVED, The Board authorizes the addition of 1.0 FTE to the staff complement of the Community Corrections Department, to be a starred position, which will be eliminated when the grant funds for the DWI Court end; and Be It Further

RESOLVED, The Board authorizes the County Manager to execute the Agreement and any necessary amendments to the Agreement, in a form to be approved by the County Attorney; and Be It Further

RESOLVED, The Board authorizes the County Manager to make any necessary budget adjustments.

INFORMATION SERVICES – Amendment to Agreement with The Macro Group, Inc. for Software Programming Services for the ViBES Project

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, Bennett – 7. Nays – 0. (2006-402)

(Continued)

WHEREAS, On January 1, 2002, Ramsey County implemented an electronic traffic violations system (“ViBES”) which had been developed with the assistance of The Macro Group, Inc.; and

WHEREAS, On May 26, 2006, the Ramsey County Board of Commissioners approved an Agreement with The Macro Group, Inc. for software programming services for the period through December 31, 2006, to write system interfaces and perform system migrations for ViBES (“Agreement”); and

WHEREAS, Additional programming services are needed for further development of ViBES to upgrade ViBES middle tier and application software and to make changes that will allow ViBES to be used as a front end for the Minnesota Court Information System (“MNCIS”), and for application support and enhancements if requested; and

WHEREAS, Ramsey County Information Services staff with the expertise in the languages used to develop ViBES are currently assigned to other projects; and

WHEREAS, A current member of The Macro Group’s staff played a key role in the initial development of the ViBES software, provided the programming services under the Agreement, and is available to provide the additional needed services; and

WHEREAS, It is in the best interests of the County to amend the Agreement with The Macro Group, Inc. to modify the scope of services, increase payments to the Contractor, and extend the term for an additional one year period from January 1, 2007, through December 31, 2007; Now Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners approves an amendment to the professional services agreement with The Macro Group, Inc., 100 Portland Avenue, Suite 250, Minneapolis, MN 55401 to provide additional software programming and other requested services for the County’s electronic traffic violations system (“ViBES”) for the period from January 1, 2007, through December 31, 2007, for an additional sum not to exceed \$125,000; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the Chair and Chief Clerk to sign the Agreement.

PUBLIC WORKS – Supplemental Agreement 3 to Contract CC001535 for Reconstruction of County Road J. S.A.P. 62-632-14, S.A.P. 62-601-11

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, Bennett – 7. Nays – 0. (2006-403)

WHEREAS, Ramsey County, in cooperation with Anoka County, the Cities of Blaine, Mounds View and Shoreview, and the Minnesota Department of Transportation (Mn/DOT), is currently reconstructing County Road J between Airport Road and Naples Street/Rice Creek Parkway; and

WHEREAS, After commencement of construction it was discovered that the Contract contains an error in the item quantity of 2105.522 Select Granular Borrow; and

(Continued)

WHEREAS, The material is not available within the project limits, so the Contractor was directed to find additional granular borrow material; and

WHEREAS, There was an additional charge for this work; and

WHEREAS, Appropriate additions or corrections are defined in Supplemental Agreement 3; and

WHEREAS, The total costs for this work, \$251,475.37, will be paid for by roadway funds, S.A.P. 62-601-11, S.A.P. 62-632-14, S.P. 6284-137 and all costs incurred by Ramsey County are reimbursable through a grant from the Minnesota Department of Employment and Economic Development (DEED); Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners approves Supplemental Agreement 3; and Be It Further

RESOLVED, The Ramsey County Board authorizes the Chair and Chief Clerk to execute the supplemental agreement on behalf of Ramsey County; and Be It Further

RESOLVED, The County Board authorizes a temporary cash loan of \$251,475.37 from 2006 Capital Improvement Program (CIP) until receipt of reimbursement from the State of Minnesota.

PUBLIC WORKS – All-Way Stop Installation at South Avenue and Seventh Avenue

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, Bennett – 7. Nays – 0. (2006-404)

WHEREAS, The City of North Saint Paul installed a temporary all-way stop at the intersection of South Avenue and Seventh Avenue as part of the City of North Saint Paul's sanitary sewer project on South Avenue; and

WHEREAS, The Public Works Department has received a request from the City of North Saint Paul to authorize the permanent installation of an all-way stop at this intersection; and

WHEREAS, The Public Works Department did investigate traffic conditions and finds that all-way stop controls are very nearly warranted based on traffic volumes in accordance with the requirements of the Minnesota Manual on Uniform Traffic Control Devices; and

WHEREAS, The existing temporary all-way stop is operating adequately; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners approves the installation of all-way stop controls at the intersection of South Avenue and Seventh Avenue in the City of North Saint Paul.

PROPERTY MANAGEMENT/RAMSEY COUNTY LIBRARY – Roseville Library Expansion and Remodeling Schematic Design

(Continued)

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, Bennett – 7. Nays – 0. (2006-405)

WHEREAS, Resolution No. 2004-114 directed Property Management to work with the Ramsey County Library to issue a Request for Proposals for Design Services for the Roseville Library Expansion and Renovation Project (Project C) and to return to the County Board for ratification of the design services contract; and

WHEREAS, Eleven architectural firms submitted proposals for professional services for the design services at the Roseville Library Expansion and Renovation Project; and

WHEREAS, A eight-member Proposal Evaluation Team evaluated the proposals in accordance with Ramsey County Policies and Procedures; and

WHEREAS, The Proposal Evaluation Team recommended Meyer, Scherer and Rockcastle, Ltd, (MS&R) architectural firm was best qualified to provide the design services required; and

WHEREAS, The Ramsey County Library Board reviewed the architectural proposals and approved the Proposal Evaluation Team's recommendation of MS&R as the design consultant for the Roseville Library Expansion and Renovation Project; and

WHEREAS, The Ramsey County Library Board now requests that the Ramsey County Board ratify the selection of MS&R as the design consultant for the Maplewood Library Expansion and Renovation Project; Now, Therefore, Be It;

RESOLVED, The Ramsey County Board of Commissioners hereby ratifies the Library Board's selection of Meyer, Scherer and Rockcastle, Ltd, 710 South 2nd Street, Minneapolis, MN 55401, to provide schematic design services for the expansion and renovation of the Roseville Library.

PROPERTY MANAGEMENT – Establishment of City Hall/Court House as an Internal Service Fund

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, Bennett – 7. Nays – 0. (2006-406)

WHEREAS, Ramsey County operates and manages the following buildings as internal service funds: Ramsey County Government Center East, Ramsey County Government Center West, Juvenile Family Justice Center, Law Enforcement Center, Public Works/Sheriff Patrol Station Facility, Library Facilities, and Suburban Courts Facility; and

WHEREAS, Internal Service Funds are used by many public entities to account for the financing of services provided by one department or agency to other departments or agencies of the governmental unit, or to other governmental units, on a cost reimbursement basis; and

(Continued)

WHEREAS, On March 15, 1988, the City of Saint Paul and Ramsey County, as owners of the City Hall/Court House (“CH/CH”), executed an agreement under which the County has the obligation to operate, manage, and maintain the CHCH, for a period of twenty-five years (“Agreement”); and

WHEREAS, Staff from the Property Management Departments for the City of St. Paul and Ramsey County, and Ramsey County Budgeting and Accounting, have recommended that the operation, management, and maintenance of the City Hall/Court House should be funded and accounted for through an internal service fund; and

WHEREAS, The creation of the City Hall/Court House into an Internal Service Fund will be consistent with how Ramsey County accounts for other managed properties; and

WHEREAS, The creation of the Internal Service Fund will allow for the accumulation of resources for replacing capital assets for the CH/CH and for the County to distribute operating, management, and maintenance costs to benefiting departments; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners authorizes the establishment of an Internal Service Fund for the operation, management, and maintenance of the CH/CH beginning January 1, 2007; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the County Manager to make all necessary budget adjustments in order to implement the Internal Service Fund; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners hereby authorizes the County Manager to execute the Amendment to the City Hall/Court House Operations and Management Agreement with the City of Saint Paul, subject to prior approval by the County Attorney’s Office, Budgeting and Accounting, and Property Management.

COUNTY MANAGER – Acceptance of Unspent Funds from Economic Dislocation Defense Conversion Revolving Loan Fund

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, Bennett – 7. Nays – 0. (2006-407)

WHEREAS, Hennepin and Ramsey Counties were jointly awarded a Defense Conversion Fund grant of \$1,365,000 by the Economic Development Administration of the U.S. Department of Commerce to establish and capitalize a Revolving Loan Fund to create new employment opportunities for dislocated defense industry workers; and

WHEREAS, \$505,000 in matching funds from the Minnesota Department of Trade and Economic Development, Hennepin and Ramsey counties were committed to establish and capitalize the Revolving Loan Fund; and

(Continued)

WHEREAS, Resolution 95-172 (4/18/95) authorized the County Manager to set aside up to \$125,000 from the County's 1995 General Contingent Account to provide for Ramsey County's share of the required local match which was subsequently reduced to \$80,000; and

WHEREAS, Resolution 96-446 (10/15/96) approved the transfer of \$80,000 from the County's contingent account for Ramsey County's share of the required local match; and

WHEREAS, Ramsey County provided funds for loans to be made to eligible borrowers; and

WHEREAS, The current value of the Ramsey County portion of the RLF has been determined to be \$53,228; and

WHEREAS, Funding from the Community Development Block Grant (CDBG) Program administered by the Ramsey County Housing and Redevelopment Authority (HRA) has been decreasing annually since FY 2001; and

WHEREAS, The HRA administrative budget has been correspondingly reduced while costs to administer the County's community and economic development programs continue to increase; and

WHEREAS, HRA staff from time to time are requested to undertake activities that may not be eligible administrative expenses under the CDBG program; and

WHEREAS, Two of the HRA administration complement of 4.0 FTE positions have not been filled, but may need to be filled in the future as the County assumes greater participation in community and economic development activities; and

WHEREAS, Ramsey County is requesting to be permitted to formally withdraw its participation in the program and that \$53,228 be returned to Ramsey County as its unexpended equity stake in the RLF project; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners authorizes the County Manager to accept and deposit the \$53,228 into the HRA fund, from Hennepin County representing the current value of Ramsey County's non-federal fund capitalization of the Economic Dislocation Defense Conversion Revolving Loan Fund; and Be It Further

RESOLVED, That should Hennepin County and EDA agree to the withdrawal of Ramsey County and the payment of \$53,228, that the County Manager is authorized to enter into an amendment to the EDA grant agreement for EDA Project No. 06-49-02821 and to execute all required documents to permit the withdrawal of Ramsey County from the grant agreement and the Revolving Loan Fund.

RESOURCE RECOVERY PROJECT – Extension of Deadline for Section 11.02 of the Service Agreement

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, Bennett – 7. Nays – 0. (2006-408)

(Continued)

WHEREAS, Ramsey and Washington Counties have committed to continue to protect and ensure the public health, safety, welfare and environment of each County's residents and businesses through sound management of solid and hazardous waste generated in the County, including the processing of waste; and

WHEREAS, The Counties have agreed to a new Joint Powers Agreement for the purpose of administering the Counties' rights and obligations under the Processing Agreement with RRT, and overseeing other joint solid waste activities; and

WHEREAS, The Counties have agreed to jointly enter into a Processing Agreement with Resource Recovery Technologies, Inc. (RRT) for the term of January 1, 2007 through December 31, 2012, for the purpose of supporting the continued processing of waste through resource recovery, and which terminates the existing Service Agreement; and

WHEREAS, The Processing Agreement goes into effect upon RRT showing evidence that it had contracted with waste haulers for a minimum tonnage by December 31, 2006; and

WHEREAS, Upon expiration of the Service Agreement on July 27, 2007, Section 11.02 of the Service Agreement provides the Counties with an option to purchase the Facility and Facility site, and the Counties have a deadline of December 31, 2006 to provide notice to RRT to exercise that option; and

WHEREAS, The Counties have requested, and RRT has agreed, to extend the notice date under Section 11.02 to January 31, 2007, in order to provide the Counties the opportunity to evaluate their options, should RRT fail to secure the minimum tonnage by December 31, 2007; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby approves an amendment to the Service Agreement that changes the notice deadline under Section 11.02 of the Service Agreement to January 31, 2007, and authorizes the County Manager to execute the amendment in a form to be approved by the County Attorney.

DISTRICT COURT – Approval of 2007 Professional Services Contract Agreement between Ramsey County District Court and Attorneys on the Civil Commitment Defense Panel

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, Bennett – 7. Nays – 0. (2006-409)

WHEREAS, Minnesota Stat. 253B.07 subd. 2c requires that defense counsel be provided to proposed patients in civil commitment proceedings; and

WHEREAS, Ramsey County District Court has retained counsel to provide these services on a contract basis; and

WHEREAS, The Ramsey County Board of Commissioners approved agreements for these services for 2005, as well as an amendment for 2006; and

(Continued)

WHEREAS, A 2007 contract amendment has been prepared; and

WHEREAS, Satisfactory proof of adequate malpractice insurance coverage is required before the amendment is executed by the County; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby approves the Professional Services Contract between Ramsey County District Court and the following attorneys, to provide civil commitment defense services for calendar year 2007, payable at the rate of \$2,357.39 per month for January and February and at a rate of \$2,404.54 for March through December:

Richard Cohen
Jon Duckstad
David Essling
Mary Huot
Steven Kufus
Lisbeth Nudell
Kathleen Rauenhorst
Gerald Rummel
Louis Torinus

and Be It Further

RESOLVED, The Board authorizes the Board Chair and Chief Clerk to execute the Amendments upon satisfactory proof of adequate malpractice insurance coverage.

COUNTY MANAGER/BUDGETING AND ACCOUNTING – Monthly report of contracts and final payments and grant submissions that were approved during the month of November 2006

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner Reinhardt. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, Bennett – 7. Nays – 0. (2006-410)

WHEREAS, Administrative Code 3.40.37 authorizes the County Manager to approve contracts, within certain limits; and

WHEREAS, Administrative Code 4.30.50a requires a monthly report on all contracts and final payments approved by the County Manager; and

WHEREAS, Administrative Code 4.30.39d requires the County Manager to report grant submissions, amendments, renewals, and acceptances along with the monthly contract report; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby accepts the Report of Contracts and Final Payments and Grants for the month of November 2006.

COUNTY MANAGER – Second Amendment to Agreement with Lockridge Grindal Nauen P.L.L.P. for Federal Legislative Representation and Consulting Services for 2007

(Continued)

Commissioner McDonough introduced the following resolution and moved its adoption, seconded by Commissioner Parker. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Bennett – 6. Nays – Rettman – 1. (2006-411)

WHEREAS, Ramsey County desires to have federal legislative representation for 2007; and

WHEREAS, In 2004, a Request for Proposals (RFP) was distributed in accordance with County Board direction; and

WHEREAS, The firm of Lockridge Grindal Nauen P.L.L.P., 100 Washington Avenue South, Suite 2200, Minneapolis, Minnesota 55401, was one of the firms that responded to Ramsey County's RFP for such federal legislative representation; and

WHEREAS, The firm of Lockridge Grindal Nauen P.L.L.P. exhibited the most desirable combination of knowledge, expertise, past performance, and competitive pricing of the firms that bid on the contract; and

WHEREAS, As a result of the Ramsey County Board of Commissioners' review of the responses to the RFP, the Board selected the firm of Lockridge Grindal Nauen P.L.L.P. to provide federal legislative representation for Ramsey County for three years, beginning January 1, 2005, with the ability to continue into 2007, based on satisfactory performance in previous years; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby approves a second amendment for federal legislative representation with Lockridge Grindal Nauen P.L.L.P., 100 Washington Avenue South, Suite 2200, Minneapolis, Minnesota 55401, for the term January 1, 2007, through December 31, 2007, in the amount of \$39,339; and Be It Further

RESOLVED, The County Manager is authorized to execute the second amendment to the 2005-2007 Agreement with Lockridge Grindal Nauen P.L.L.P. for federal legislative representation and consulting services for 2007.

PUBLIC HEALTH – Request from four cities for a loan from the Recycling Markets Support Fund for Equipment to Optically Sort Glass

Commissioner Reinhardt introduced the following resolution and moved its adoption, seconded by Commissioner McDonough.

Commissioner Rettman said this is a priority of the City of St. Paul Mayor's Office. She hoped this would lead to Eureka working with others on this issue. She asked when repayments would begin.

Zack Hansen, Environmental Health Division Director, said the payments would start upon acceptance by Eureka of the equipment, as installed. It is anticipated they would make monthly payments for 60 months.

Commissioner Rettman requested clarification that the first \$150,000 would be assigned to the municipalities that are not part of this request.

Mr. Hansen responded affirmatively. The funds would replenish the Recycling Market Support Fund and the first funding that comes in covers those cities that are not currently under contract to Eureka.

(Continued)

Commissioner Rettman said the County is providing the largest portion of the money besides \$100,000 from the Pollution Control Agency. Other recyclers, collectors, haulers providing services in Ramsey County, would potentially be able use this glass sorting equipment. She asked who makes the determination that if other users use the equipment, they might be charged for the use. Who makes that decision, and how do we make sure this does not go for other municipalities not requesting this loan?

Mr. Hansen said the loan agreement would provide the optical sorting equipment is available to residential recycled glass from anywhere in Ramsey County, and that gets priority. If someone is processing glass from somewhere else and Ramsey County glass comes in, the other glass would be bumped. The contract provides that Eureka can charge a reasonable charge, much as do other markets, to recover some of the costs they internally bear when they process their own glass, but the cost must be set reasonably. They cannot price it to try to beat that glass out. Because this is a loan from Recycling Market Support Fund throughout the County, it is available for glass from any community to meet their specification from Ramsey County.

Commissioner Rettman asked about municipalities in Hennepin County.

Mr. Hansen said it would be possible for Eureka to accept glass from outside Ramsey County. In fact, as a County, we would like to see that happen because that would be a better use of equipment. If Ramsey County glass came in, it would displace glass from Hennepin County because Ramsey County glass would receive priority.

Commissioner Rettman asked if that would be the case in five years.

Mr. Hansen said the loan would have been paid off.

Commissioner Rettman said we would not have that preferential treatment.

Mr. Hansen responded affirmatively.

Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Rettman, Bennett – 7.
Nays – 0. (2006-412)

WHEREAS, State, regional and County policies, as expressed in the *Regional/Ramsey County Solid Waste Master Plan*, support recycling and its environmental benefits; and

WHEREAS, In 2000, the Ramsey County Board of Commissioners created the Ramsey County Recycling Markets Support Fund (Support Fund), as a safety net for helping to ensure the stability of residential recycling programs during periods of recycling market failure; and

WHEREAS, While the commingled recycling programs that are now dominant make it easier to participate in recycling, they result in breakage and mixing together of glass containers by color; and

WHEREAS, To obtain significant environmental benefits, due to energy savings, glass containers need to be separated by color to be able to be used as a feedstock to create new glass containers; and

WHEREAS, Optical sorting and related equipment is needed to separate glass by color in an efficient manner, and Eureka Recycling is proposing to install and operate such equipment at its recycling facility in Minneapolis; and

(Continued)

WHEREAS, The cities of Lauderdale, Maplewood, Roseville and Saint Paul, all of which contract with Eureka Recycling for residential recycling collection, have requested \$500,000 from the Support Fund for a loan to Eureka Recycling to help finance optical sorting and related equipment; and

WHEREAS, The proposed loan is consistent with the intent of the Support Fund; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby authorizes the County Manager, subject to approval as to form by the County Attorney's Office, to approve a loan from the Recycling Markets Support Fund of up to \$500,000 to Eureka Recycling, for five years, at zero percent interest, for final engineering, equipment purchase, and installation of optical glass sorting and related equipment; and Be It Further

RESOLVED, The Board hereby authorizes the County Manager to make necessary budget adjustments and to enter into a loan agreement with Eureka Recycling; and Be It Further

RESOLVED, The Board hereby amends the Recycling Market Support Fund Guidelines to allow for this loan, while retaining the underlying current guidelines in place to guide future use of the Support Fund as the loan is repaid.

COMMUNITY CORRECTIONS – Contract with Face Valu Evaluation Consulting, Inc.

Commissioner Parker introduced the following resolution and moved its adoption, seconded by Commissioner Reinhardt.

Commissioner Rettman said the narrative in the documentation cites Phase 3. Action is requested on Phase 1 and 2. Is there a plan for Phase 3?

Carol Roberts, Director, Community Corrections, said it is the Department's plan to do Phase 3, but that would not come up until the 2008-2009 budget cycle.

Commissioner Rettman said this contract starts in 2007-2008. She asked where the dollars are coming from for this contract.

Ms. Roberts said for the first two phases, the dollars are coming from the Corrections Department budget, as well as the Human Resources Department.

Commissioner Rettman said in the future, she would like to see what is either being cut or how the money is being shepherded over to this contract. This was not originally in the Community Corrections budget, but in addition.

Ms. Roberts said these dollars are in the Department budget for 2007.

Commissioner Rettman said they are not in the budget for 2008. On what line number are the dollars cited?

Ms. Roberts said she did not understand the question.

Commissioner Reinhardt said the question is whether this is a contingency line item because if it hadn't been anticipated, what would the Department have used it for, what is not being done.

Ms. Roberts said the Department has been doing some work on cultural assessments in the agency and readiness for change as it moves ahead with evidence-based practices; it is one of the very first things that would be done. The Department did an assessment, but it is not planning on going ahead with any other work with that contractor in that area, because this one supercedes it in importance.

(Continued)

Commissioner Rettman asked how much money was left over from that dollar amount to be able to do this?

Ms. Roberts said she would provide that amount to the Commissioners.

Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Bennett – 6. Nays – Rettman – 1. (2006-413)

WHEREAS, Ramsey County Community Corrections has asked for assistance developing a more comprehensive strategy to assess organizational climate for cultural and gender equity and developing a plan to support organizational and environmental change; and

WHEREAS, Face Valu Evaluation Consulting, Inc., led by Vanessa McKendall Stephens, will partner with a team of consultants (Nora Hall and Karen Gray of GrayHall, Inc. and Theartice (T) Williams, evaluation and planning consultant) who bring extensive experience in areas they believe are essential for this work and include: evaluation, organizational assessment and development, addressing racial and gender equity, and community improvement in various cultural contexts; and

WHEREAS, The County will pay the contractor \$16,250 for Phase 1 and \$39,750 for Phase 2; and

WHEREAS, The Ramsey County Department of Human Resources has indicated its support of this effort and intends to provide some financial support for it; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby approves an Agreement with Face Valu Evaluation Consulting, Inc., 3507 Emerson Avenue North, Minneapolis, MN 55412, in an amount not to exceed \$56,000, for developing a more comprehensive strategy to assess organizational climate for cultural and gender equity, and developing a plan to change organizational practice and environment to support equitable experiences and outcomes for all employees; and Be It Further

RESOLVED, The Board authorizes the County Manager to execute the Agreement and any necessary amendments to the Agreement, in a form to be approved by the County Attorney; and Be It Further

RESOLVED, The Board authorizes the County Manager to make any necessary budget adjustments, provided funds are within the approved budget.

HUMAN RESOURCES – Designation of two Assistant Division Director – Community Corrections positions as unclassified

Commissioner Reinhardt introduced the following resolution and moved its adoption, seconded by Commissioner Carter.

Commissioner Rettman said as important as these positions are, she believes in classified service, and that they can be done as well as unclassified positions. She would not support this request; there are already too many unclassified employees.

Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Rettman, Bennett – 6. Nays – Rettman – 1. (2006-414)

(Continued)

WHEREAS, The Ramsey County Community Corrections Department has requested that two of its Assistant Division Director-Community Corrections positions, (one in the Juvenile Services Division and one in the Adult Services Division), be designated as unclassified; and

WHEREAS, The Ramsey County Director of Human Resources certifies that designating the two Assistant Division Director-Community Corrections positions to be in the unclassified service is consistent with the standards and criteria of Minnesota Statutes 383A.286, Subd. 3; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby designates the two Assistant Division Director-Community Corrections positions to be in the unclassified service.

BOARD OF RAMSEY COUNTY COMMISSIONERS – Appointments to Ramsey County Personnel Review Board

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner Parker.

Commissioner Parker said she met Stephen Schemenauer, one of the appointees, and said he is an outstanding individual. He served two terms of duty in the military, is now in law school, and has a tremendous future. Ramsey County is very fortunate to have him as a volunteer.

Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhart, Rettman, Bennett – 7. Nays – 0. (2006-415)

WHEREAS, In accordance with the County’s Open Appointment Process, a number of press releases were distributed seeking applicants for four positions on the Ramsey County Personnel Review Board; and

WHEREAS, A total of five applications have been received; and

WHEREAS, County Board policy calls for two terms or a total of eight years on the Personnel Review Board; none of the incumbents are eligible to reapply; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby ratifies appointment of four individuals to the Ramsey County Personnel Review Board, for terms beginning with the date of appointment and ending August 1, 2009 and August 1, 2010:

<u>APPOINTEE</u>	<u>TERM EXPIRATION</u>
Richard Dolan 1335 Maryland Avenue E. St. Paul, MN 55106	August 1, 2010
David W. Peaslee 866 Monterey Drive Shoreview, MN 55126	August 1, 2009
Stephen E. Schemenauer 2181 Hamline Avenue N. Roseville, MN 55113	August 1, 2010

(Continued)

Laurence G. Walsh
2008 Hyacinth Avenue E.
St. Paul, MN 55119

August 1, 2010

SHERIFF – Sheriff's 2006 Vacancy Factor and Request to Appropriate Excess Revenues

Commissioner Reinhardt introduced the following resolution and moved its adoption, seconded by Commissioner Ortega.

Commissioner Rettman said she did not support any compromise that was made and believes that all departments should live within their budget. If the revenue doesn't come in, then it doesn't come in, and corresponding reductions should be made on their expenditures. This continues to ebb-away at the dollar amount. It is, however, better than last year.

Commissioner Parker said she was pleased to see that this was not as much as last year. The Sheriff seems to be using some discretion in looking for other revenues, which is very positive.

Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhart, Bennett – 6. Nays – Rettman – 1. (2006-416)

WHEREAS, Every year since 1999, all County Departments have budgeted a 1.5% vacancy factor reduction; and

WHEREAS, Per a Settlement Agreement with the County Board dated February 18, 1999, the Sheriff's Department is to continue operations as usual despite the vacancy factor reduction; and

WHEREAS, Also per the Settlement Agreement, the County Manager was given authority to use savings in other departments' budgets or general contingency account funds to cover the Sheriff's vacancy factor; and

WHEREAS, In 2006, in anticipation of there not being sufficient savings in other departments' budgets to cover the Sheriff's vacancy factor, the County Board-"earmarked" funds of \$338,362 in the Contingent Account; and

WHEREAS, The Sheriff's Department requests that the vacancy factor be restored to fully fund salaries for 2006; and

WHEREAS, For 2006, the Sheriff's Department projects that actual revenues will exceed budgeted revenue estimates by approximately \$305,065, due mainly to prisoner boarding revenue in the Law Enforcement Center; and

WHEREAS, For 2006, the Sheriff's Department projects that salary accounts will be insufficient by \$146,792 due mainly to temporary and overtime salaries for the jail; and

WHEREAS, For 2006, the Sheriff's Department also projects that non-salary budgeted line items will be insufficient to meet anticipated charges by approximately \$131,892 due to several factors including additional required food and medical service for the higher number of inmates, and the high cost of automotive repairs; and

(Continued)

WHEREAS, The Sheriff's Department requests approval of a budget adjustment appropriating \$278,684 of the excess revenues to cover the projected salary and line item shortages; and

WHEREAS, The Sheriff's Department anticipates that approximately \$26,381 of additional revenue will be available to return to the County at the end of 2006; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby approves a budget transfer of \$338,362 from the 2006 Contingent Account into the Sheriff's 2006 operating budget to restore the vacancy factor and cover year-end salaries; and Be It Further

RESOLVED, The Board approves a budget adjustment increasing estimated revenues and appropriations in the amount of \$278,684 to cover projected salary and non-salary shortages in the Sheriff's Department 2006 operating budget.

SHERIFF – 2007 Salary for the Ramsey County Sheriff

Commissioner Reinhardt introduced the following resolution and moved its adoption, seconded by Commissioner Ortega.

Bob Fletcher, Ramsey County Sheriff, said the raise is based on the salaries of other executives in the Sheriff's Office, which continue to increase. The chief deputy has earned more than the Sheriff for the last year or two. They are trying to establish a differential. This has also occurred in the County Attorney's Office. He pointed out that with this raise, the Sheriff would still earn \$15,000 less than the County Attorney.

Chair Bennett asked how the Sheriff's salary compares with others in the metro area.

Sheriff Fletcher said this raise makes his salary slightly less than Dakota County, and about the same as Hennepin County. Typically, when a new sheriff takes office, the salary is reduced slightly.

Commissioner Parker said she'd seen Sheriff Fletcher and County Attorney Susan Gaertner on *Almanac*. They both did an excellent job representing Ramsey County.

Sheriff Fletcher thanked Commissioner Parker for her comments. He and County Attorney Gaertner both love their jobs, and that includes working with the County Board.

Chair Bennett asked if this action helps the salary problems in the future with regard to the deputy salaries and that of the Sheriff.

Sheriff Fletcher said he would establish periodic increases. In the past the chief deputy has been eligible for bonuses. He is no longer eligible for those, so the future gap should remain about the same.

Commissioner Rettman said she would not support the next three items. Anyone seeking an appointed or elected position is aware of the salary. She does not see many people she represents receiving a 4-5% increase; some have taken reductions, some less than 1%, some have lost their jobs. All these salaries are already well paid, and the best holiday greeting that could be given to taxpayers would be to vote no on this request.

Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhart, Bennett – 6. Nays – Rettman – 1. (2006-417)

(Continued)

WHEREAS, The Ramsey County Board of Commissioners is required by law to set the salary of the elected Ramsey County Sheriff in accordance with Minnesota Statutes, 383A.281 and 383A.282; and

WHEREAS, The established practice of the Ramsey County Board of Commissioners for setting the annual salaries of the elected Ramsey County Sheriff is to: (a) invite the elected official to make written salary requests to the Board of Commissioners; and (b) set the annual salary of the elected official near the end of the year preceding the year in which the salary rates are to take effect; and

WHEREAS, The Ramsey County Sheriff has submitted a written salary request to the Board of Commissioners in accordance with the County's established practice; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners sets the annual salary for the elected Ramsey County Sheriff at \$122,328, effective January 1, 2007; and Be It Further

RESOLVED, The Board authorizes the Sheriff's annual salary to be adjusted by the cost of living adjustment approved by the County Board for unclassified employees in 2007; and Be It Further

RESOLVED, The Board authorizes an annual uniform allowance for the Ramsey County Sheriff in the amount equal to that approved for Ramsey County Deputy Sheriffs in their contract for 2007, of \$750; and Be It Further

RESOLVED, The Board authorizes a matching contribution to deferred compensation for the Ramsey County Sheriff equal to that approved for Ramsey County Deputy Sheriffs in their contract for 2007.

COUNTY ATTORNEY – 2007 Salary Rate for the Ramsey County Attorney

Commissioner Reinhardt introduced the following resolution and moved its adoption, seconded by Commissioner Parker.

Susan Gaertner, County Attorney, said that even with this adjustment, she makes less than the County Attorney in Anoka and Dakota Counties, even though her staff is more three times larger than their departments. They do not do this work for the money.

Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhart, Bennett – 6. Nays – Rettman – 1. (2006-418)

WHEREAS, The Ramsey County Board of Commissioners is required by law to set the salary of the elected Ramsey County Attorney in accordance with Minnesota Statutes 383A.281; and

WHEREAS, The practice of the Ramsey County Board of Commissioners for setting the annual salary of the elected Ramsey County Attorney is to: (a) invite the elected official to make a written salary request to the Board and (b) set the annual salary of the elected official in December of the year prior to which the salary rates are to take effect; and

(Continued)

WHEREAS, The Ramsey County Attorney has submitted a written communication requesting a salary of \$138,057, in accordance with the County's practice; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners sets the annual salary for the elected Ramsey County Attorney at \$138,057, effective January 1, 2007; and Be It Further

RESOLVED, The Board authorizes the continuation of the matching contribution to deferred compensation in line with the Agreement between Ramsey County and the Local #8 – County Attorneys of Council 14 of the American Federation of State, County and Municipal Employees (AFSCME).

BOARD OF RAMSEY COUNTY COMMISSIONERS – Summary of conclusions regarding the 2006 performance evaluation of the County Manager

Commissioner Ortega introduced the following resolution and moved its adoption, seconded by Commissioner Carter.

Commissioner Rettman said that for the record, it should be stated this is a 4.8% increase.

Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhart, Bennett – 6. Nays – Rettman – 1. (2006-419)

WHEREAS, The Open Meeting Law, Minnesota Statutes 471.705, Subd. 1D(d), permits a public body to close a meeting to evaluate the performance of an individual subject to its authority; and

WHEREAS, A closed meeting was held on December 19, 2006, to evaluate the performance of the County Manager; and

WHEREAS, The Open Meeting Law requires a public body to summarize its conclusions regarding the evaluation at its next open meeting; Now, Therefore, Be It

RESOLVED, The evaluation of the County Manager resulted in a performance rating that exceeds expectations; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners hereby approves a base annual salary rate of \$146,000 for the County Manager, effective October 1, 2006; and Be It Further

RESOLVED, That the Board authorizes the annual salary of the County Manager to be adjusted by the same cost of living adjustment that is approved by the County Board for the unclassified employees in 2007; and Be It Further

RESOLVED, That the County Manager shall be allowed to accumulate vacation to a maximum of three times the County Manager's annual vacation earning rate.

(Continued)

Commissioner Reinhardt said that with the base adjustments just made for the Sheriff, County Attorney, and the County Manager, she is reminded of the requirement under the Home Rule Charter regarding the County Commissioner salary process. Under the Charter, the County

Board is required to set its own salary, and each year, the County Board receives criticism because the Board is unable to use the County's Human Resources staff to help deal with that process. In the past, the Board has talked about outside professional assistance. She believes it is time to direct the County Manager to hire a consultant to provide that guidance to the Board. A study should return to the County Board sometime before beginning the process for the 2008 salary.

Commissioner Rettman said she thinks that is wrong. If the study were to come back showing that the Commissioners deserved less money, would the Commissioners accept that – she thought not. This is catapulted because other county commissioner positions may be seen receiving more money. Every year that the Commissioner salary rate comes in, it is always compared to other county commissioners. This would be no different. The Commissioners knew the salary coming in. Until we can address the issues facing the taxpayers, for the Commissioners to continue to “up” their salaries, she believes it is not right.

Commissioner Parker said she would second a motion.

Chair Bennett said he did not believe a motion is needed for direction.

Commissioner Reinhardt said her assumption/demand, would be that the contract be under \$10,000, if there is a motion.

Chair Bennett said he would be fine if the Commissioners wanted a motion.

Commissioner Parker said she would support the motion. The County Board has anguished over this for many years in figuring what criteria would be used for establishing the Commissioners' salaries. It is important for anyone looking at this, to not only look at other counties, but at Ramsey County's internal pay equity. It is not appropriate for the County Commissioners to use a different standard from that used for other County employees. If the recommendation came in that the pay for Commissioners should be lower than what is currently received, she would be very willing to accept that amount. We are looking for some objective analysis of what the fair compensation should be for the County Commissioners.

Commissioner McDonough said he, too, would support whatever comes back. He said a study should include how salaries have been set for all elected officials, whether Commissioner, Sheriff or County Attorney. For the most part, he felt it would have been based more on political motivation and not what the responsibilities are or what the job actually requires. He didn't believe that any of the Commissioners ran for office for the pay. There should be a process for setting the compensation, less based on politics or other issues, and more on the realities of what the job requires for anybody sitting in these chairs or for anybody running for office. If the study comes back that says the Commissioners warrant less pay, he would accept that, but at least it would be based on an objective, outside look. There had been many years when the County Board did not take a raise at all – those zeros were based more on the political perception of how to give yourself a raise, and how to manage that. This is a good step in having an outside look at compensation of the Board.

Chair Bennett asked if the County Manager understood the charge.

David Twa, County Manager, said he has authorization to spend up to \$10,000 for a consultant to look at a study within that price range.

Commissioner Reinhardt moved, seconded by Commissioner Parker to direct the County Manager to spend up to \$10,000 for a consultant to study the compensation of the Commissioners and that the study come back to the County Board prior to the 2008 Salary Ordinance process.

(Continued)

Ayes – Carter, McDonough, Ortega, Parker, Reinhardt, Bennett – 6. Nays – Rettman – 1.

COMMUNITY HUMAN SERVICES – Adult Mental Health Initiative

Commissioner Reinhardt introduced the following resolution and moved its adoption, seconded by Commissioner Ortega.

Commissioner Parker said this is to replace 30.65 positions for the Adult Mental Health Initiative. The State is giving the funding to the County, and the County is to decide whether to hire County employees or to contract out. Why is the change being made at this time? How many employees will that money translate into?

Monty Martin, Director, Community Human Services, said the Department does not know why the State has decided to do this. They have decided to get out of directly providing services themselves and instead give the same amount of money to counties to deliver the same service. He suspects it is because Ramsey County has employees doing the exact same thing the State employees were doing, with State employees doing county-based service all across the State, and they have decided that that kind of direct service from the State doesn't make as much sense as having the counties do it. The State hasn't told them why they are doing this.

Commissioner Parker asked if the State has given any indication that they would continue the funding.

Mr. Martin said they have been told that it is in the State base, so just like they have continued other mental health funding in the past, they have told the County they would continue this. The Department considers this like other State revenues it gets – if the funds are cut in the future, the Department would have to reduce its budget, spending, staff and contracts.

Commissioner Parker asked how many employees this money translates into.

Kirk Fowler, Manager, Adult Mental Health, said is about 30.65 FTEs.

Commissioner Parker said the exact same number of employees.

Mr. Fowler responded affirmatively. In negotiations with the State in the past few months, they looked at the salaries of those State employees, and that is what the County is guaranteed. When the County goes out to hire either County employees or agency-contracted employees, a scorecard will have to be kept on what the dollar amounts are to make sure that it equals the amount of money the County has received. It should be about 30-32 FTEs in total.

Commissioner Parker asked if the State would be increasing the amount to the County each year to cover the cost of living increases, etc.

Mr. Fowler said a cost of living increase is expected, but all the details are not yet known. In 1998, when the Mental Health Initiative started, the County's position at that time was that we would rather receive the money than the FTEs, primarily because we have dual supervision going on with a State supervisor and a County supervisor. Sometimes they have different work hours, different holidays, and then there are times when there is on-call work, and with 24-hour services on a crisis team, you have to play with a lot of different work rules. This is a good step for the County and will provide better client service in the long run.

Commissioner Parker said there had been 7.65 employees assigned to Human Services, and now it is 6.7.

Mr. Martin responded affirmatively. That is a reflection of making sure that the County stays under the budget for the number of positions. If the County can't hire as many positions as were on the State payroll, we won't, in order to stay under the budget amount.

Commissioner Parker for clarification, said the Human Services part of 7.65 is now 6.7.

Mr. Martin responded affirmatively.

(Continued)

Mr. Fowler said the Department came before the County Board previously anticipating there would be vacancies and they have already had some, and wanted prior approval to fill those vacancies as they came open.

Commissioner Parker said that doesn't have anything to do with the whole pot of money.

Mr. Fowler said it is still the whole pot of money but the Department came to the County Board for prior approval for 6.7 FTEs. They have a total of 6.7 FTEs assigned to the County who were State employees.

Commissioner McDonough said there is no requirement, and he doesn't know how the pay matches up, which may have been one of the difficulties, and this is a good move, the County doesn't have to pay the same as the State was paying for these employees. Do the County employees make more or less than the State employees?

Mr. Fowler said it depends on positions. In some cases, County social workers earn more than State employees, and in some cases State nurses earn more than County nurses.

Commissioner McDonough asked what happens to all the employees from the State who worked on these jobs. Is this being phased-out through attrition as State employees retire or move on to other jobs, or an expectation that the County would hire some of the State employees currently working in those jobs making them County employees? If that were done, would they fall under the County's pay scales and work rules?

Mr. Fowler said these State employees have been told that as those positions become open, there would be a competitive process, as with any position. The benefits would probably be very similar. We have very good State employees who have been with the County six to eight years, and there is the intention to keep them, if possible. Some of them have said they would use seniority. This is a fairly young work force, and some would have seniority to go back to work within the State operating services, some have talked about working at St. Peter, some would apply for the County positions.

Mr. Martin said if they get a job with the County, they would become County employees under County work rules.

Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhart, Rettman, Bennett – 7. Nays – 0. (2006-420)

WHEREAS, Since 1997, the State of Minnesota has provided State employees to work with County and private agency staff in the provision of community based adult mental health services; and

WHEREAS, This arrangement developed as the role of state hospitals diminished due to service delivery evolving from institutional settings to the community; and

WHEREAS, The State is moving to replace the directly provided staff employee resource with direct funding to counties; and

WHEREAS, The State attributes a value of \$2,721,489 to the positions in Ramsey County; and

WHEREAS, There are 30.65 full time equivalent State employees currently working in Ramsey County:

* 11FTE assigned to South Metro Human Services,

* 11 FTE assigned to Mental Health Resources,

(Continued)

- * 1 FTE assigned to Guild, and
- * 7.65 assigned to Community Human Services; and

WHEREAS, The Community Human Services Department proposes that each host agency be provided the value of its assigned State employees, so that relative distribution of services remains the same; and

WHEREAS, State and County staff will have the opportunity to apply for openings with the community agencies and the county; and

WHEREAS, Under previous actions on August 22, 2006 and November 7, 2006, the Board has approved 6.7 FTEs to replace the state staff at Community Human Services; and

WHEREAS, The addition of State staff has enabled an additional 725 individuals to be served through case management; and

WHEREAS, The number of Ramsey County residents utilizing state hospital beds has steadily decreased the past few years; and

WHEREAS, The State staff resources – now dollar resources – have contributed to this successful effort; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners accepts \$2,721,489 from the Minnesota Department of Human Services as the annual cash equivalent of 30.65 positions for the Adult Mental Health Initiative; and Be It Further

RESOLVED, The Board approves the proposed plan that each host agency be provided the value of its assigned State employees from the funding for the Adult Mental Health Initiative; and Be It Further

RESOLVED, The Board authorizes the County Manager to make the necessary budget adjustments and approve any purchase of service agreements required to implement the plan.

BOARD OF RAMSEY COUNTY COMMISSIONERS – Change time of 2007 Annual Organizational Board Meeting

Commissioner McDonough introduced the following resolution and moved its adoption, seconded by Commissioner Parker. Roll Call: Ayes – Carter, McDonough, Ortega, Parker, Reinhart, Rettman, Bennett – 7. Nays – 0. (2006-421)

WHEREAS, Six re-elected officials will be administered the Oath of Office at the County Board's Annual Organizational Meeting; and

WHEREAS, To commemorate this event, the County Manager will host a reception beginning at 8:30 a.m. on January 2nd; Now, Therefore, Be It

(Continued)

RESOLVED, The Ramsey County Board of Commissioners hereby establishes the date and time of the 2007 Annual Organizational Board Meeting on Tuesday, January 2, 2007 beginning at 9:30 a.m.

COUNTY MANAGER – Approval of the 2007 Amended Operating Budget, the 2007 Tax Levy and the 2007 Amended Capital Improvement Program Budget

Commissioner Reinhardt introduced the following resolution and moved its adoption, seconded by Commissioner Ortega.

Commissioner Reinhardt highlighted key items in the 2007 Budget. There are three major impacts on the budget. One is the emergency communications consolidation. Consolidation of the 911 service has been discussed and worked on for years. This is saving the cities in Ramsey County \$4.8 million annually in operating costs, and \$8.4 million in capital costs, and will result in an efficient, consistent and better 911 services.

The second major impact on the budget is in the area of transportation, the Central Corridor and the Union Depot, which translates into economic development, jobs and increased tax base. This Board believes that is very important for the backbone for future transportation in the metro area.

The third major impact is the retiree health insurance liability where the County has already set aside \$23 million. More information will be provided on that in the coming year. This is an issue for large public and private sector industries and businesses and comes down to commitments made in the 1960s, 1970s and 1980s, and unprecedented increases in health insurance that is not sustainable in the long run.

The County Board gauged things on spending, and the County's spending increase for this year is about 2%, all in the area of public safety with 1.7% of that being in the emergency communications alone. The average increase in spending over the past five years has been 1.23%. When looking at the spending increases and the levy, this is about the cost shifting that has happened. One example given at the Truth in Taxation (TNT) Hearing was regarding the Level 3 sex offenders that used to be a State responsibility, as many other things were in the past, but that one shift to the County is costing Ramsey County \$1.1-1.3 million dollars a year. There were many other examples given, and the suggestion at the TNT Hearing was made to get that information to the citizens. The County Manager, the Budget Director, and others, are working on getting that information on the County's Website, pointing out where these costs shifts are taking place. The elected officials appealed to the citizens at the TNT Hearing to speak to the their elected officials at all levels, especially at the State and Federal levels, about these cost shifts, because the County cannot continue to sustain that.

Commissioner Reinhardt thanked Commissioner Rettman, Vice-Chair of the Budget Committee for the consistency she brought to this two-year budget process, where performance and outcomes are looked at. Input from each of the Commissioners has been critical to moving this forward to having a more outcome-based budget. She thanked the County Manager, Budgeting and Accounting staff and all the Departments in working together to bring together a comprehensive well-thought out budget.

Chair Bennett thanked Commissioner Reinhardt on behalf of the entire Board on an excellent job done.

Commissioner McDonough said he would not support this budget, which is the first one he has not supported since being a Commissioner. He was uncomfortable with the County Manager's proposal in utilizing some of the one-time dollars from the sale of the Public Works site to back-fill

(Continued)

some of the potential cuts in Human Services from the Federal budget reduction act in case management dollars. While he did not like that approach and understands that one-time money is not a good use in operating funds, he did support that proposal because we don't know what those cuts are – the estimate is anywhere from \$4-12 million. It could be more, it could be less, so that was a good common sense approach to use those one-time dollars until we found what those true cuts were and then to make appropriate decisions about whether we would use levy dollars to back-fill them or restructure how we would provide services to meet those needs. What he doesn't like about the approach we are taking now is we built it into our budget now by actually using levy dollars, and if those cuts are less, we are going to have levy dollars already built-in, making the levy higher than it would need to be.

Commissioner Ortega shared similar concerns in previous votes, voting against the levy increase, so he echoes the concerns raised by Commissioner McDonough. But, for him, the overriding concern is that the County went into a two-year budget for the first time, and the integrity of the budget was crucial. When we set a two-year budget, we need to stick to it. By raising the levy in the second year, we compromise some of that integrity. However, the County needs to have a budget. He would vote in support of the budget because a majority is going to support an operating budget and we need to move forward.

Roll Call: Ayes – Carter, Ortega, Parker, Reinhart, Bennett – 5. Nays – McDonough, Rettman – 2. (2006-422)

WHEREAS, The Home Rule Charter for Ramsey County, Chapter 3, Section 3.02.F states that the County Manager shall prepare and submit the annual budget proposal and capital improvements plan proposal to the Ramsey County Board of Commissioners; and

WHEREAS, County Board Resolution 2005-068, dated February 15, 2005, authorized the County Manager to develop and implement two year budgets beginning with 2006 and 2007; and

WHEREAS, County Board Resolution 2005-481, dated December 20, 2005, approved the 2007 Budget of \$527,326,767; and

WHEREAS, The County Manager, on July 25, 2006, submitted the 2007 Outcomes and Performance Measures and Supplemental Budget, which included changes to the 2007 Budget previously approved by the County Board through June 19, 2006 in the amount of \$1,338,601 and Budget Addenda in the amount of \$428,862 to the Ramsey County Board of Commissioners; and

WHEREAS, The Truth in Taxation Law requires the County to certify a proposed tax levy each year to the County Auditor on or before September 15; and

WHEREAS, The Ramsey County Board of Commissioners certified a Proposed tax levy for 2007 of \$230,921,903, an increase of 6.19% over the 2006 tax levy of \$217,455,420 on September 12, 2006; and

WHEREAS, The Ramsey County Board of Commissioners met with County departments to discuss their Outcomes and Performance Measures on July 31, August 1 and 2, and September 6, and September 7 to discuss the 2007 Supplemental Budget; and

(Continued)

WHEREAS, The Ramsey County Board of Commissioners held a public hearing on September 8, 2006 to receive public input on the 2007 Budget and held a budget hearing on November 14, 2006 to review the 2007 Supplemental Budget; and

WHEREAS, The Ramsey County Board Budget Committee of the Whole on November 14, 2006, approved budget addenda in the amount of \$1,002,542; and

WHEREAS, Additional changes to the 2007 Budget in the amount of \$7,842,447 were approved by the County Board subsequent to June 19, 2006 as noted in the Detail of Adjustments on file with the Chief Clerk to the County Board; and

WHEREAS, The 2007 budget continues the 1.5% vacancy factor that was implemented effective January 1, 1999 to preserve the savings from vacant positions and use these savings to help finance the 2007 budget; and

WHEREAS, The 2007 budget includes \$1,899,750 for debt service on a new Public Safety Radio System; and

WHEREAS, Minnesota Statutes, Section 373.27, Subd. 2, authorizes counties to report the tax attributable to any levy to pay principal and interest on bonds or notes issued to finance public safety radio communications system infrastructure and equipment as a separate line on the property tax statement; and

WHEREAS, Minnesota Statutes, Sections 134.07 and 134.34 authorize the Ramsey County Board of Commissioners to levy a tax to establish and maintain a public library, which levy is to be made upon taxable property in Ramsey County, outside of any city or village wherein a free public library is located, or which is not already taxed for the support of any free public library; and

WHEREAS, The County Manager proposed to continue the allowance for uncollectible taxes at 2.0% for non-debt service funds; and

WHEREAS, The Ramsey County Board of Commissioners participated in a Joint Property Tax Hearing with the City of Saint Paul and Independent School District #625 on December 12, 2006 at 6:00 p.m. at the Arlington High School Great Room to discuss and receive public comment on its proposed final budget and property tax levy; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby approves the Amended 2007 Budget of \$537,510,677; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners hereby approves the 2007 total tax levy of \$230,921,903, an increase of \$13,466,483 or 6.19% over the 2006 tax levy of \$217,455,420; and Be It Further

RESOLVED, By the Ramsey County Board of Commissioners that there be and hereby is levied in the year 2006 to be collected in the year 2007, a countywide levy on all taxable properties of \$222,718,780 and a suburban only levy for Libraries of \$8,203,123 on all taxable property in Ramsey County outside of the city of Saint Paul, as set forth in the following statement:

(Continued)

TAX LEVY STATEMENT

	<u>Countywide Levy</u>						
	Community			Public Safety		Lake	
	County	Human	Debt	Radio System	Workforce	Nursing	Owasso
	Revenue	Services	Service	Debt Service	Solutions	Home	Residence
2007 Approved Budget	234,146,023	173,752,476	17,773,341	1,899,250	21,191,523	12,895,792	8,124,420
<u>Financing</u>							
Estimated Revenue	93,478,991	97,684,971	1,130,649	0	20,612,494	12,537,886	7,925,250
Other Taxes	2,290,025	437,271	87,704	0	0	0	0
Fund Balance	318,136	0	2,186,886	0	0	0	0
Subtotal	96,087,152	98,122,242	3,405,239	0	20,612,494	12,537,886	7,925,250
Property Tax Levy	138,058,871	75,630,234	14,368,102	1,899,250	579,029	357,906	199,170
Plus: Allowance for							
Uncollectible Taxes	2,472,525	1,476,300	718,405	94,963	11,581	7,158	3,983
Total Property Tax Levy	140,531,396	77,106,534	15,086,507	1,994,213	590,610	365,064	203,153
Less: County Program Aid	14,432,619	1,815,226	0	0	0	0	0
Total Tax Levy After							
County Program Aid	126,098,777	75,291,308	15,086,507	1,994,213	590,610	365,064	203,153

	<u>Countywide Levy</u>			<u>Suburban Only Levy</u>			<u>Total</u>	
	Public Health		Total	Library	Library	Library	Library	Countywide &
	Special	Non Tax						
	Revenues	Funds	Countywide	Operations	Debt Service	Technology	Funds	Suburban Only
2007 Approved Budget	8,979,551	49,460,297	528,222,673	8,435,142	752,862	100,000	9,288,004	537,510,677
<u>Financing</u>								
Estimated Revenue	5,950,975	45,371,247	284,692,463	928,002	0	0	928,002	285,620,465
Other Taxes	0	0	2,815,000	0	0	0	0	2,815,000
Fund Balance	0	4,089,050	6,594,072	0	133,800	0	133,800	6,727,872
Subtotal	5,950,975	49,460,297	294,101,535	928,002	133,800	0	1,061,802	295,163,337
Property Tax Levy	3,028,576	0	234,121,138	7,507,140	619,062	100,000	8,226,202	242,347,340
Plus: Allowance for								
Uncollectible Taxes	60,572	0	4,845,487	146,421	30,175	2,000	178,596	5,024,083
Total Property Tax Levy	3,089,148	0	238,966,625	7,653,561	649,237	102,000	8,404,798	247,371,423
Less: County Program Aid	0	0	16,247,845	186,109	15,566	0	201,675	16,449,520
Total Tax Levy After								
County Program Aid	3,089,148	0	222,718,780	7,467,452	633,671	102,000	8,203,123	230,921,903

and Be It Further

RESOLVED, The Ramsey County Board of Commissioners approves the continuation of a 1.5% vacancy factor reduction in department budgets for 2007; and Be It Further

(Continued)

RESOLVED, The Ramsey County Board of Commissioners authorizes the County Manager to monitor the savings that accrue due to the vacancy factor and to transfer vacancy factor savings if needed from departments that have excess savings to departments that need additional funds and to increase estimated revenues if needed to finance salary related costs due to the vacancy factor; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the 2007 tax levy of \$1,994,213 for the new Public Safety Radio System Debt Service to be shown as a separate line on the property tax statement; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the 2007 tax levy of \$8,203,123 on suburban properties for Libraries as a separate line on the property tax statement.

(2006-423)

WHEREAS, The Ramsey County Home Rule Charter, Chapter 10, Section 10.01 (a) (2), and Section 10.05, requires Ramsey County to prepare a five-year capital improvement plan and capital improvement budget for the ensuing fiscal year; and

WHEREAS, County Board Resolution 2005-068, dated February 15, 2005, authorized the County Manager to develop and implement two year budgets beginning with 2006 and 2007; and

WHEREAS, County Board Resolution 2005-482, dated December 20, 2005, approved the 2006 - 2007 Capital Improvement Program Budget; and

WHEREAS, The County Manager, on July 25, 2006, submitted the 2007 Outcomes and Performance Measures and Supplemental Budget, which included the Recommended Amended 2007 Capital Improvement Program Budget allocation; and

WHEREAS, The Ramsey County Board of Commissioners met as the Budget Committee of Whole on November 14, 2006, to review the Amended Capital Improvement Budget as recommended by the County Manager and the Capital Improvement Program Citizens Advisory Committee; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby approves the 2007 Amended Capital Improvement Program Budget, and 2007 Capital Improvement Program Financing, as follows:

(Continued)

2007 Amended Capital Improvement Program Budget

<u>Projects</u>	<u>2007</u>
<u>Community Corrections</u>	
Vehicle Storage Facility	174,000
Correctional Facility	10,700,000
 <u>Parks & Recreation</u>	
Admin/Maint Building Rehabilitation	23,200
Public Arenas Building Rehabilitation	305,000
Arenas Bituminous Rehabilitation	165,930
 <u>Property Management-Courthouse</u>	
CH/CH Tuckpoint/Recaulk Windows & Façade	347,382
CH/CH Building Card Access System Upgrade	66,000
 <u>Property Management - Building Improvements</u>	
Juvenile Family Justice Center	37,242
Law Enforcement Center	137,250
Public Works/Patrol Station	96,168
RCGC - East Building	118,759
RCGC - West Building	248,471
 <u>Public Works</u>	
Major Road Maintenance	1,100,000
Mill & Overlay Roads with Bituminous Paving	447,775
Extraordinary Bridge Repairs	60,000
County State Aid Highway Road Construction	3,814,000
Road Construction (Financed with other revenue)	1,250,000
New Equipment	80,000
 <u>Ramsey Nursing Home</u>	
Resident Room & Facility Remodeling	138,913
Resurfacing of Resident Walkways	30,000
 <u>Landmark Center</u>	
Office HVAC Replacement	125,000
 <u>Other</u>	
Bond Issuance Costs	90,000
 <u>Equipment Replacement Program</u>	
Corrections	76,845
Parks & Recreation	242,470
Public Works	750,748
Sheriff	132,837

Total Capital Improvement Program Budget	20,757,990
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Financing

Bonds

10 Year Bonds (Regular Projects & Issuance Costs)	2,500,000
20 Year Bonds (Major Projects)	10,750,000
Total Bond Financing	13,250,000

Capital Improvement & Equipment Replacement Levy

Equipment Replacement Schedule	1,202,900
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Other Funding Sources

Municipal Funds	1,250,000
Federal Funds	589,000
State Funds	3,828,200
Other County Funds (Juvenile Family Justice Center, RCGC-East, RCGC-West, Law Enforcement Center, and Public Works Facility/Patrol Station)	637,890
Total Other Funding Sources	6,305,090

Total 2007 Capital Improvement Program Financing	20,757,990
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NON-AGENDA DISCUSSION – Immigrant Detainees

Commissioner Ortega apologized to the County Board. In over a decade working with this Board, when bringing an issue forward, he has worked hard to talk with the Commissioners first. There have been two or three occasions when he has given very little warning on some issues, and those have been to his very core, usually about philosophical or moral issues in which he finds a sense of urgency. He cited last week’s immigration incident that took place last week in Worthington, Minnesota, and several incidents over the past year at the Ramsey County Jail (Law Enforcement Center).

Commissioner Ortega said there are about 60 individuals now in the Jail from Immigration. Some of his concern is that some of these folks have been there 100-300 days. On the practical side, this is not a long-term facility. On the moral side, what are we doing? Are we part of the federal system? Is this a penitentiary? Why are these folks staying 100-300 days in our Jail? We don’t have the capacity to take care of their cultural, social and health issues. We have a failed national policy. As a County, we should be taking a stand, especially with our own Representatives. Starting with our Representatives, we need to begin addressing this issue. This is not going to get any better, only worse. We are going to Presidential elections, we are politicians, this is not going to be addressed -- this is going to be a political football. We need to take a conscious look at what we are doing in terms of our policies.

This is a lot of money, and that is why this is going to be a tough decision. That is why it becomes even more meaningful when we act in the right way. The Jail is almost at capacity. He would like the County Board to tell the Sheriff not to accept any more individuals from Immigration,

(Continued)

until a time yet to be determined by the County Manager and Sheriff, to provide a fiscal impact of what the exact revenues are coming in, how can we substitute other contracts for that source of revenue, what are some of the gaps, who are the folks in our Jail, where are they coming from, are they from Minnesota, are they from Ramsey County or from other States.

While these folks have been in our Jail for 100-300 days, they are separated from their families. There are small children who are American citizens whose parents are undocumented – that is part of what happened in Worthington. The impact is always going to be to the local officials and to our cities and towns – negative impacts. We need to start addressing this issue because it is not going to go away.

Commissioner Ortega said he knows this makes folks nervous. This is about a lot of money that comes to the County from the Feds, but we need to start examining how we move away and send a clear message. Part and parcel is when meeting with our Congressional Delegation asking for money for transit, for human services, we also need to start telling them “fix our immigration policy”. These people are here because we need them, they are part of our economic system and it is an issue of social justice. In this State, we need to tell our Representatives that we want them to tackle this issue, that the Ramsey County Board of Commissioners is looking at this and wants to address it.

Commissioner Ortega said he’d spoken with Chair Bennett about this who’d said he needed to talk to the Sheriff. He and Sheriff Fletcher have been talking about this over the last year. He asked that Sheriff Fletcher speak to the County Board.

Sheriff Bob Fletcher said whether we agree or disagree on the national, state, or local policies, he hoped everyone could agree that this is an important policy. He has flexibility and some authority to implement a policy on a smaller scale at the Sheriff’s Office, but he is increasingly uncomfortable exercising that independent of this County Board. The County Board is charged with the bigger picture of how we feel about matters like this. He is glad this has come before the Board. He and Commissioner Ortega have been meeting for six months to talk about ways to mitigate some of the issues. Commissioner Ortega correctly pointed out, and he concurs, that the County’s facility is not designed as a long-term facility. The average stay of Ramsey County inmates is four days. It is rare and unusual if someone is there 2-4 months – they are usually the worst of the worse – they can’t bail out because they are there for murder, rape, robbery, etc. The average stay for Immigration detainees is 100 days, and there are a half-dozen who have been there longer than 300 days, one who has been there longer than 400 days.

There are a variety of cultural and specific needs the Sheriff’s Office is not prepared to address. There are 12 different languages from persons from over 30 different countries, which is problematic. There is no outdoor area. Typically for longer term housing, detainees would have access to some kind of recreational yard. That increases the tension and angst inside the facility. Often, detainees are co-mingling with the more serious offenders, the whole classification issue. Steps have been taken to mitigate that with attempts to put detainees in a separate area, but that isn’t always a solution with the different cultural and ethnic groups that may or may not be able to work together.

Sheriff Fletcher said the Jail is at capacity; it is not always at capacity. The past four months, the average daily population has been 492; there are only 494 beds in the facility. They are up about 35 beds over last year in terms of their daily average population for the year, and expect to be up in the future. There are many pragmatic reasons to look at this.

For the 2008 budget they will have to plan accordingly for how many beds they will be able to board-out. They earn \$71 a day from Dakota County and have approximately 20 boarders. They

(Continued)

have 25-30 Department of Corrections inmates at about \$55 a day, and the Immigration detainees bring in about \$80 a day.

On the policy side, if you look strictly at the financing, you could say the Federal prisoners bring in more revenue, but the issue is larger than that. While this is not a debate on national policy, it is fair to say that local law enforcement believes there really is no national policy on Immigration. Lacking a national policy on Immigration, the local agencies are thrust into individual decision-making that may or may not be consistent with the best interest of this country.

They are hopeful that this issue would be resolved on a national level, but don't expect that it would be. A classic example would be that there has been a failed Immigration policy for 15 years, because many of these people have been in this country for 10+ years. Whether there is agreement on whether or not they have the right to remain here in any status as a guest or worker, there should be agreement that there are children who are U.S. citizens, who share the same rights and privileges that all of us entail, and it doesn't make a lot of sense to be removing the safety net of those children. Sheriff Fletcher spent many years in the juvenile justice system making sure that kids succeeded – clearly there are a couple keys to a child's success – their parents' success and parenting attributes are chief among them.

Whether or not we are comfortable at a policy level, removing parents from children who are American citizens is something that is squarely before this country. It may not be before this County Board, but the question is, does the Board want the Sheriff's Office to continue to take boarders from Immigration that may come out of these touchy situations. He is increasingly uncomfortable about it for the pragmatic reasons, and now since the Worthington raid, for the philosophical, ethical, and moral reasons. When Commissioner Ortega contacted him, he'd said this is an appropriate time before setting the budget for them to weigh-in. It would be easy for most elected officials to say "it's up to you Sheriff, it's a lot of money, let's see if someone does it on a federal or state level", but this may be the type of issue that local governments may need to take leadership on.

Sheriff Fletcher said he is as aggressive as anyone when it comes to counter-terrorism and Immigration issues. He built the Weapons and Mass Destruction Unit that monitors intelligence on persons coming into this country with ill-intent. This is not that type of question. This is not about terrorism. This is about a policy of continuing to house prisoners from the Federal system when they have yet to determine what the Federal policy is going to be. It may be that the Feds have an obligatory responsibility to build their own prison complete with all the necessary amenities for long-term housing.

Chair Bennett asked how many prisoners were averaged per day last year?

Sheriff Fletcher asked if that was for boarded prisoners?

Chair Bennett said from Immigration.

Sheriff Fletcher said they were budgeted at 80.5; they exceeded that for the purposes of covering some revenue shortfalls.

Commissioner Rettman asked what the 80.5 represented.

Sheriff Fletcher said the number represents boarders. Immigration was budgeted at 59.

Chair Bennett asked what the revenue was generated off that for last year?

Sheriff Fletcher said the budgeted revenue last year was about \$1.7 million; the actual may have been slightly higher than that.

Chair Bennett asked if the Sheriff did not board these prisoners, where would they go?

Sheriff Fletcher said he did not know. The Federal government would search for other facilities in the five-state area that would probably accept them. They would not be released.

(Continued)

Chair Bennett asked if the boarders tend to be from this area with families close by? Sheriff Fletcher said they do not know.

Commissioner Carter said if this were coming to the Board by way of a motion, she would want to second that the County move forward in resolving this concern. It is a great concern for our community. Many of the Commissioners have been to the LEC and observed a number of people there on Immigration charges with the concern for how long they must remain, and no clear understanding of the due process for those who are detained and the concern for the families. The Worthington incident highlights what has happened simply by virtue of the large number of immigrants detained in that circumstance, to their families and the total disarray with children and spouses left to attend to their lives without the income they had become accustomed to, small or large.

Commissioner Carter said currently, there are Federal Immigration detainees. She asked for a snapshot for what the process might look like in refusing to accept these detainees and some resolution as to the status for those currently there.

Sheriff Fletcher said conceptually, the Jail's busiest time begins July 1, with July, August and September being the busiest months in terms of overcrowding. Using the overall population, if a plan were crafted with the County Manager and the County Board, he would recommend that Ramsey County look toward a phasing out of the Immigration detainees between now and July 1.

It would be easy to approximate the reduction in revenue, which would be roughly half the \$1.7 million; food costs and other things would be slightly reduced. Practically, it would be a phasing-out over a period of time between now and July 1. He would try to increase the number of detainees from other counties or the Department of Corrections, keeping in mind that the Department of Corrections is only paying \$55 a day. Dakota County might be interested in sending over more detainees at \$71 a day. He would not want to increase that number too significantly before July 1, but from October 1 the population could be increased with some signed contracts carrying into 2008.

Even with that practice, the Sheriff's Office would probably need to come to the Board to ask for about \$700,000-\$800,000 additional revenue, mid-year 2007. This day was coming in either case because as the Jail increases its population, the contracts would have to be given up. They are planning to budget for 50 boarders for 2008. The question is if those boarders would be at \$55, \$71 or \$80. The added population from Ramsey County inmates is going up \$30-35 each year, so the \$71 budgeted for next year would have to be reduced by \$20-30. The decision was going to come at some point; the question becomes which inmates to cycle out of the facility first. If it were strictly a financial situation, they would tell the Department of Corrections they would prefer not to house their inmates. This is more than a financial decision and is a reason for this discussion.

Commissioner Carter said that process was exactly what she was looking for. The County Board would make a recommendation based on what has been discovered.

Sheriff Fletcher said the important policy question before the County Board, raised by Commissioner Ortega, is that during the study period, what would the County Board like the policy of the County to be? Two days after the Worthington plant raid, the Sheriff's Office was asked to take 25 additional inmates. The response at that time was that they were full and could not accept any more people. That request will be reiterated in January so the question is, should we, as a County, put a moratorium on additional Immigration detainees?

Chair Bennett asked if the Sheriff's Office has a contract with Immigration.

Sheriff Fletcher responded negatively.

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Commissioner McDonough said the first time this was brought to his attention was by reading the newspaper this morning, so he has not had a lot of time to reflect on this issue. His first response is, what happens if we say “no”? The newspaper article cited that some detainees ended up going to North Dakota or to privately-run prisons. Are we doing more harm to these people who are already in a very tough situation, that wherever they may end up being housed there is no moral conscience, where there is no moral sympathy about their plight, and perhaps are separated farther from their families and support system throughout that time. Would taking a position, and making a statement to the Federal government create a worse situation created for the people in the system now? Because Ramsey County might say “no”, it doesn’t mean they are going to be on the street. Is it better for these people to be in a system where people care about them and there is some compassion and accommodations might be made for them for visiting families, communication, access to representation to help them through the process. Or, do we say “no” to the Federal government that we have a dysfunctional immigration policy and we won’t accept these people, and they end up in a facility where there is no compassion or interest in their well-being or that of their families.

Commissioner McDonough said he is also struggling with at what point do we draw the line in saying that Ramsey County has a moral issue with the law and won’t accept people arrested for this crime. There will be a National Republican Convention coming to Minnesota in a few years, and there will be a lot of people who have a moral issue about reasons why people won’t be arrested or detained during that convention. Every day, people are arrested or detained because of a moral disdain for the law or policy. At what point do we as local elected officials say we are going to make the statement that we are not going to detain those people, we are not going to house those people, even though there is a law. What is our role? His initial reaction was that Ramsey County’s role is to provide the most respectful environment for people who come into the system with the appropriate support system, giving them access to family members, access to a support network to help them through that system. He questions whether we would be creating a tougher situation for them.

Commissioner Parker agreed with Commissioner McDonough. She just heard about this discussion this morning, and hasn’t had much time to think about it. More discussion is needed. When she took the oath of office, she promised to abide by the law. We have to work within the system to change a bad law. While we haven’t gotten involved in Federal Immigration Policy, it is not to say that we shouldn’t – we should. Recent events have pointed out that attention should be drawn to that bad policy. Sheriff Fletcher mentioned that the LEC was not intended for long-term stays, and that is troubling to her. We have a responsibility to take action on that, not just for certain clients or crimes. Consistently, Ramsey County has a short-term pre-trial holding facility, and it is within the County’s right and responsibility to say how much time our facility can hold people before they have to go to an appropriate facility for long-term stays. She asked how many detainees, other than immigrants, are held over 100 days?

Sheriff Fletcher said very few detainees are held longer than 100 days, only murderers, serious offenders, serious drug dealers, people who are unable to make bail or not afforded bail in the justice system remain in the facility until their trial.

Commissioner Parker said there should be a maximum length of stay or different facilities available for people. There is a humanitarian issue of not having any outdoor space, and the Jail was not intended for long-term stays. That is an issue very appropriate for the County Board to address.

Sheriff Fletcher said he hoped there would be agreement that murderers, rapists, and career stick-up individuals are not afforded the same access to outdoors as everybody else.

(Continued)

Commissioner Parker said that would be a decision based on the punishment.

Sheriff Fletcher said it is a decision based on security needs. From the Sheriff's Office perspective, the reason they would insist that those individuals not be afforded access to the outdoors is because it increases the likelihood they will try to escape. Persons who have a lot of crime hanging over their heads pending trial, are much greater security risks. They would not want to open the door on that particular issue.

Commissioner Parker said that is a judgment call for the Sheriff's Office based on the appropriate level of security for the detainees. She asked if a limit could be set for detainees at the Jail who are not high security risk, that they be taken only for a certain period of time?

Sheriff Fletcher said INS might prefer to put them someplace else that would allow them to stay for a longer period of time. A policy could be established to say detainees would only be kept for a limited amount of time.

Commissioner Parker said this issue should come back to the County Board. She is not ready to say today what has to be done. It would be prudent to take time to think this through.

Chair Bennett said he agrees with that concept. From his previous work as US Marshal, one of his responsibilities was to house prisoners on a Federal level, and Ramsey County was used, but those were criminals. This is a complicated issue. If Sheriff Fletcher does not take these prisoners, they will go someplace else. The Federal government does not have a detention facility in this area; the closest may be Kansas City. When he was Marshal, housing was always found, but it sometimes cost the taxpayers more money. He understands what Commissioner Ortega is attempting to do with this issue. Congress needs to "get off the dime" and come up with an immigration policy that everybody can live with. More time is needed for discussion on this issue.

Commissioner Rettman said there is a policy issue in terms of taking a legislative stance, which might be discussed further at a Legislative Committee. Nationwide, this is one of the items legislators are talking about. Taking the stance to encourage and have a dialogue with our legislators as they deal with the issue, is one issue. Another issue is the concern raised by Commissioner McDonough as to what might happen.

Commissioner Rettman said another concern is with the numbers in how the budget was put together even before the LEC was built, based on some revenues coming in from boarding. The County Board did not specify how many boarders and from where they would come from. The Sheriff had that latitude, and he was very forthcoming in the budget presentations over the year, to say there would be some INS inmates. Now, the County Board is asked to make the decision on how long to keep the prisoners. That has been the Sheriff's responsibility on negotiating those contracts. She asked if the contracts could be renegotiated -- \$80 from the Department of Corrections instead of \$55?

It would be imprudent for the County Board to take a stance today without some of these details. Part of what the Sheriff's Office has done with the Budgeting and Accounting Office, is to mix and match what the boarders would be with the revenue coming in. If there were no time policy of 4, 30, or 80 days, etc., the Sheriff would have that ability right now. If there is going to be a hole in the revenue, there should be a corresponding reduction in the expenditures. If the Sheriff is accurate that the numbers are increasing, that Ramsey County folks need to be incarcerated, and this will be dealt with in the 2008-2009 budget, that is a different matter. Thoughtful individual and collective time needs to be spent on how the County Board best gives direction -- legislatively to the Congressional representatives and on the budget. A majority of the Board just adopted a budget that had this revenue included. There are potential human services cuts. Any additional dollars in the fund balance for the general fund would need to be "tapped" if the County Board is going to try

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to mitigate the budget reconciliation act. If that happens, deeper cuts will have to be made somewhere else to arrive at an extra \$700,000-\$800,000 to address this.

Commissioner Rettman said she would like to look at the items the 2007 budget was predicated on, whether or not the Sheriff already has the ability to do some of these policy things, and something from Budgeting and Accounting for a budget with or without some boarders. These three separate things could be tied together, but time is needed to look at this, not with a blue ribbon panel or a consultant.

Commissioner Rettman said she appreciated Commissioner Ortega's comments that he does not normally bring in items in this fashion.

Sheriff Fletcher, responding to some of Commissioner Rettman's comments, said it is correct that it would be imprudent to take a stand now. He does not have a problem getting more information for the County Board. He did not believe Commissioner Ortega was suggesting that a decision be made today. But, it is misleading to suggest that the County Board did not know that the budget was not based on housing Immigration prisoners. He is not afraid to make the decision, but it is prudent to take a stand at the County Board at some point when all the information has been provided. He felt that is what Commissioner Ortega is asking. There is a shorter-term issue, which is 'does the County Board want the Sheriff's Office to continue to accept boarders in the interim while the issue is being studied?'

Commissioner Reinhardt said Sheriff Fletcher has stated we don't have the capacity. The County Board doesn't meet again until January 2, 2007. She did not know how much more information there would be by then, but the reality is, the short-term decision would be based on the fact that there is no room, and, the Sheriff has already said "no". She agreed with the philosophical position here, the fact that the Federal government doesn't have an immigration policy, and that a message has to be sent in some way to let the Federal government know that they need to do their job and that we support some of the things that have been discussed on a Federal level – they just haven't been enacted. There are some things that individually, and probably as a Board, are opposed vehemently. Whether at a Board level or as individuals, the message needs to get out that something needs to be done.

Commissioner Reinhardt said she is glad that extra time is being spent. Sending a message is incredibly important, but in the end, this is about individual people's lives, and in wanting to make sure that we are doing the best that we can for those individuals. With the information coming back, she would like to know more about the children and what happens to them. When the children are US citizens, do they stay here, what happens? Do they end up falling to local government, specifically county government in Minnesota, to invest dollars in foster care – what happens to those kids? In the end, that is what Ramsey County is about – making sure people are treated in the best possible way. She is not questioning the compassion of any of the Commissioners, but she wants to make sure that the most appropriate message is sent so that we don't inadvertently hurt the people we are trying to help. She did not know what that balance is, but that needs to be kept at the forefront.

Chair Bennett said that would be his question – are these boarders being held close to their children – if Ramsey County doesn't take them, where would they go?

Commissioner Reinhardt said a concern in setting a timeframe is if the boarders are accepted and the families are coming here, and that is disrupted in sending them somewhere else, is that necessarily the best way. When Commissioner Parker brought that up, it was a question – what are some of the options and issues? We are trying to do the right thing.

Commissioner Ortega apologized again for bringing this up so suddenly – this is a very tough

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issue and a very loaded issue on many fronts. Ramsey County is not the only local government discussing this issue. Across the country, there are local and state governmental units facing this issue. In the State of Washington the legislature is providing health care services for undocumented folks out of state funds because it is a fair policy; there are plenty of examples. He appreciates that this discussion is taking place. There are people listening to this discussion, and the County Board is showing leadership on this issue. He thanked the Commissioners for taking on this discussion.

Commissioner Ortega said he has grappled with the issue about the families – are they better off in our jails than in some dungeon in some other state? He understands the fiscal issues, but he cautioned that we need to be careful. Historically, in this country, we had policies – separate but equal – all these policies that have discriminated against folks that are all couched in “it’s good for them”, “they are better off than the alternative”. He cautioned that the same rationale is not used here. He is concerned about what happens to these folks. The overriding issue is what is the human right, what is the basic social justice. Any policy could be rationalized like “separate but equal”, like benign neglect. That doesn’t mean it is right or good, even for the children in those families.

Commissioner Carter said this discussion has led to the County Board moving forward in addressing the issue of detaining Federal immigrants within our Jail, that there should be a process for discussing this, and for an understanding of the impact on the County, the immigrant families and children, and what policy implications there are locally and to the Federal government. She assumed the direction would be to the County Manager, not simply to the Sheriff, because of the countywide implications to prepare that sort of assessment and to return in the form of a Workshop.

Chair Bennett said he would discuss with the County Manager the best time to hold a meeting, possible late January 2007, and the Sheriff would work with the County Manager based on the questions and details from the Commissioners at the meeting today.

ADJOURNMENT

There being no further business, Chair Bennett declared the meeting adjourned.

Bonnie C. Jackelen, Chief Clerk – County Board