



AGENDA

REGULAR MEETING OF THE BOARD OF COMMISSIONERS OF ST. LOUIS COUNTY, MINNESOTA

Tuesday, July 14, 2020, 9:30 A.M.

**County Board Room, Second Floor
St. Louis County Courthouse
100 N. 5th Avenue West
Duluth, Minnesota**

**FRANK JEWELL
First District**

**PATRICK BOYLE
Second District**

**BETH OLSON – VICE CHAIR
Third District**

**PAUL McDONALD
Fourth District**

**KEITH MUSOLF
Fifth District**

**KEITH NELSON
Sixth District**

**MIKE JUGOVICH – CHAIR
Seventh District**

County Auditor
Nancy Nilsen

County Administrator
Kevin Gray

County Attorney
Mark Rubin

Clerk of the Board
Phil Chapman

The St. Louis County Board of Commissioners welcomes you to this meeting. This agenda contains a brief description of each item to be considered. The Board encourages your participation. If you wish to speak on an item contained in the agenda, you will be allowed to address the Board when a motion is on the floor. If you wish to speak on a matter that does not appear on the agenda, you may do so during the public comment period at the beginning of the meeting. Except as otherwise provided by the Standing Rules of the County Board, no action shall be taken on any item not appearing in the agenda.

When addressing the Board, please sign in at the podium and state your name and address for the record. Please address the Board as a whole through the Chair. Comments to individual Commissioners or staff are not permitted. The St. Louis County Board promotes adherence to civility in conducting the business of the County. Civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issue before the Board. Tools of civility include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility [County Board Resolution No. 560, adopted on September 9, 2003]. Speakers will be limited to five (5) minutes.

****In compliance with the Americans with Disabilities Act, those requiring accommodation for this meeting should notify the Administration Department 72 hours prior to the meeting at (218)726-2450.****

All supporting documentation is available for public review in the County Auditor's Office, 100 North 5th Avenue West - Room No. 214, St. Louis County Courthouse, Duluth, MN, during regular business hours 8:00 A.M. - 4:30 P.M., Monday through Friday. Agenda is also available on our website at <http://www.stlouiscountymn.gov/GOVERNMENT/BoardofCommissioners.aspx>

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9:30 A.M. Moment of Silence
 Pledge of Allegiance
 Roll Call

AT THIS TIME CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD ON ITEMS NOT ON THE AGENDA. [Speakers will be limited to 5 minutes each.]

FOR ITEMS LISTED ON THE BOARD AGENDA OR COMMITTEE OF THE WHOLE AGENDA, CITIZENS WILL BE ALLOWED TO ADDRESS THE BOARD AT THE TIME A MOTION IS ON THE FLOOR.

CONSENT AGENDA

Approval of business submitted on the consent agenda.

REGULAR AGENDA

Health & Human Services Committee – Commissioner Boyle, Chair

1. Authorization to accept funds from the Department of Human Services for the Child Welfare Opiate Allocation. {20-240} **[Without recommendation.]**

Central Management & Intergovernmental Committee – Commissioner Jewell, Chair

2. Agreement with State of Minnesota Judicial Branch for Provision/Modification of Court Facilities during COVID-19 Pandemic. {20-259} **[Has not been to committee; requires consent of the Board to be considered.]**
3. The County Attorney has requested a closed session of the Committee of the Whole for litigation purposes. It is requested that the County Board convene a closed session immediately after the Board meeting adjourns.

ADJOURNED:

BOARD LETTER NO. 20 - 240

HEALTH & HUMAN SERVICES COMMITTEE CONSENT NO. 1

JULY 14, 2020 BOARD AGENDA NO. 1

DATE: July 7, 2020 **RE:** Authorization to Accept Funds from
DHS for Child Welfare Opiate
Allocation

FROM: Kevin Z. Gray
County Administrator

Linnea Mirsch, Director
Public Health & Human Services

RELATED DEPARTMENT GOAL:

Children will be born healthy, live a life free from abuse and neglect and will have a permanent living arrangement.

ACTION REQUESTED:

The St. Louis County Board is requested to authorize the Public Health and Human Services Department (PHHS) to accept funds from the Department of Human Services (DHS) for the Child Welfare Opiate Allocation.

BACKGROUND:

DHS Child Welfare Opiate Allocation funding is distributed for additional child protection services under the Opioid Epidemic Response account. These funds, as defined in Minnesota Statutes § 256.043, subd. 3, are granted as a result of an allocation formula based on out-of-home placement episodes where parental drug abuse is the primary reason for placement using data from the previous calendar year. The use of funds is to reduce out-of-home placements and length of time in placements.

PHHS was required to submit a Child Welfare Opiate Allocation Agency Plan on June 15, 2020. This plan outlines eleven services and programs aimed at reducing out-of-home placements and length of time in placements in the categories of: Conventional Services, Flexible Spending, and Training. The PHHS Child Welfare Opiate Allocation Agency Plan was approved and fully executed by DHS on June 15, 2020.

RECOMMENDATION:

It is recommended that the St. Louis County Board authorize PHHS to accept funds from DHS for the Child Welfare Opiate Allocation in the amount of \$443,583.00 for the period July 1, 2020, through December 31, 2020, to be deposited into Fund 230, Agency 232025, Object 530719, and expended from Fund 230, Agency 232025, Objects 629900 and 602000.

In addition, it is recommended that the St. Louis County Board authorize the PHHS to enter into contracts with community partners to fulfill the obligations outlined in the Child Welfare Opiate Allocation Plan.

Authorization to Accept Funds from DHS for Child Welfare Opiate Allocation

BY COMMISSIONER _____

WHEREAS, The Department of Human Services (DHS) Child Welfare Opiate Allocation funding is distributed for additional child protection services under the Opioid Epidemic Response account; and

WHEREAS, These funds, as defined in Minnesota Statutes § 256.043, subd. 3, are granted as a result of an allocation formula based on out-of-home placement episodes where parental drug abuse is the primary reason for placement using data from the previous calendar year; and

WHEREAS, The Public Health and Human Services Department (PHHS) has been allocated the amount of \$443,583.00 for the budget period July 1, 2020, through December 31, 2020; and

WHEREAS, The use of funds is to reduce out-of-home placements and length of time in placements for placements with a primary reason tied to parental drug abuse; and

WHEREAS, PHHS was required to submit a Child Welfare Opiate Allocation Agency Plan to fulfill the obligations of the funding on June 15, 2020; and

WHEREAS, The Child Welfare Opiate Allocation Agency plan outlines eleven services and programs aimed at reducing out-of-home placements and length of time in placements in the categories of Conventional Services, Flexible Spending, and Training; and

WHEREAS, PHHS Child Welfare Opiate Allocation Agency Plan was approved and fully executed by DHS on June 15, 2020.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes PHHS to accept funds from DHS for the Child Welfare Opiate Allocation in the amount of \$443,583.00 for the budget period July 1, 2020, through December 31, 2020. Beginning January 2021, funds will be allocated for a 12 month period, aligning with the calendar year.

RESOLVED FURTHER, That the St. Louis County Board authorizes PHHS to enter into contracts with community partners to fulfill the obligations outlined in the Child Welfare Opiate Allocation Agency Plan.

BUDGET REFERENCE: Fund 230, Agency 232025, Object 530719
Fund 230, Agency 232025, Object 602000
Fund 230, Agency 232025, Object 629900

BOARD LETTER NO. 20 – 259

CENTRAL MANAGEMENT & INTERGOVERNMENTAL COMMITTEE NO.

JULY 14, 2020 BOARD AGENDA NO. 2

DATE: July 14, 2020

RE: Agreement with State of
Minnesota Judicial Branch for
Modification/Provision of Court
Facilities during COVID-19
Pandemic

FROM: Kevin Z. Gray
County Administrator

RELATED DEPARTMENT GOAL:

To provide
suitable facilities to the Sixth Judicial District for court operations.

ACTION REQUESTED:

The St. Louis County Board is requested to consider a resolution authorizing the County Administrator to enter an agreement with the State of Minnesota Judicial Branch for the county's provision and/or modification of facilities to the Sixth Judicial District for court operations during the COVID-19 pandemic.

BACKGROUND:

Minn. Stat. § 484.77 requires county boards to provide suitable facilities to the Minnesota Judicial Branch for court operations and arrange for the payment of all costs of renting, maintaining, operating, remodeling, insuring, and renovating those facilities occupied by the courts. The statute further provides that the county board and the district court must mutually agree upon relocation, renovation, new construction, and remodeling decisions related to court facility needs.

In 2006, St. Louis County and the Minnesota Judicial Branch, through the Sixth Judicial District Court Administrator, executed a Memorandum of Understanding (MOU) setting forth the parties agreement regarding court facilities in St. Louis County. The MOU provides that "all activities, use, square foot space assignments, building quality, building operations, remodeling, security, and other items that impact facility operations" remain under county control. The MOU further provides that the parties will not remodel or otherwise alter the court premises without a prior written agreement.

In early summer 2020, after ceasing in-person court activities due to the COVID-19 pandemic, the Minnesota Judicial Branch began issuing orders regarding reopening of

the courts. These orders will require certain physical changes to court rooms and operational changes to court processes to minimize the risk of COVID-19 transmission among court staff, justice partners, parties to court proceedings, and other members of the public. Per the terms of Minn. Stat. § 484.77 and the MOU, the Minnesota Judicial Branch and the County must enter a written agreement before any alteration of court premises can occur. Additionally, to best accommodate court operations, the parties may consider holding certain court activities at offsite locations throughout the county.

RECOMMENDATION:

It is recommended that the St. Louis County Board approve the delegation of authority to the County Administrator to enter an agreement with the Minnesota Judicial Branch for alterations to court premises necessitated by COVID-19 and/or for the facilitation of certain court activities at offsite locations throughout the county.

**Agreement with State of Minnesota Judicial Branch for Modification/Provision of
Court Facilities during COVID-19 Pandemic**

BY COMMISSIONER _____

WHEREAS, In the spring of 2020, the Minnesota Judicial Branch ceased in-person court activities and services due to the COVID-19 pandemic; and

WHEREAS, In early summer 2020, the Minnesota Judicial Branch began issuing orders regarding the reopening of the courts which will require certain physical changes to court rooms and operational changes to court processes to minimize the risk of COVID-19 transmission among court staff, justice partners, parties to court proceedings, and other members of the public; and

WHEREAS, Pursuant to statute, the county must provide suitable facilities for court operations and pay all costs of renting, maintaining, operating, remodeling, insuring, and renovating those facilities occupied by the courts; and

WHEREAS, Pursuant to statute and a memorandum of understanding between the Minnesota Judicial Branch and the county, all remodeling or other alteration of court premises must be the subject of a prior written agreement; and

WHEREAS, To best accommodate court operations, the parties may consider holding certain court activities at offsite locations throughout the county; and

WHEREAS, To ensure the county can react quickly to changing conditions due to the COVID-19 pandemic, it is advisable for the County Board to delegate its authority to the County Administrator to enter an agreement with the Minnesota Judicial Branch for alterations of court premises necessitated by COVID-19 and/or for the facilitation of certain court activities at offsite locations throughout the county.

THEREFORE BE IT RESOLVED, That the St. Louis County Board hereby authorizes the County Administrator to negotiate and enter an agreement with the Minnesota Judicial Branch for alterations of court premises necessitated by COVID-19 and/or for the facilitation of certain court activities at offsite locations throughout the county and to execute any amendments thereto that are approved by the County Attorney.

**Resolution for Closed Session of the
Committee of the Whole for Litigation Purposes**

BY COMMISSIONER _____

WHEREAS, Pursuant to Minn. Stat. § 13D.05, subd. 3(b), the St. Louis County Board may close a meeting as permitted by the attorney/client privilege; and

WHEREAS, The County Attorney requires candid and open discussion to provide legal advice to the St. Louis County Board with respect to a proposed settlement and litigation strategy relating to *Berg v. County of St. Louis*, Case No. 69DU-CV-18-161, in a closed session of the Committee of the Whole; and

WHEREAS, a closed session would benefit the public because potential financial liability could result in the expenditure of public funds.

THEREFORE, BE IT RESOLVED, That the St. Louis County Board will convene in a closed meeting of the Committee of the Whole on July 14, 2020, for the purpose of discussing the proposed settlement and litigation strategy relating to *Berg v. County of St. Louis*, Case No. 69DU-CV-18-161, immediately following the St. Louis County Board meeting, in accord with Minn. Stat. § 13D.05, subd. 3(b).

RESOLVED FURTHER, That no other pending public business will be discussed at this closed session.