St. Louis County, Minnesota

# POLICY MANUAL

June 30, 2015

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**MISSION STATEMENT**

"The mission of St. Louis County is to provide its people those services mandated and/or expected by its citizens so as to provide a good quality of life."

Resolution No. 620

July 25, 1989

# CHAPTER 1
# RULES AND BYLAWS OF THE BOARD OF COMMISSIONERS

## STANDING RULES AND BYLAWS ST. LOUIS COUNTY BOARD OF COMMISSIONERS

Amended by: Res #607 of 9/28/87; Res #777 of 12/14/87; Res #32 of 1/12/88; Res #762 of 10/4/88; Res #1 of 1/8/91; Res #99 of 1/21/97 Res #809 of 10/21/97; Res #980 of 12/23/97

ARTICLE I. INTRODUCTION

Section 1. Purpose

The St. Louis County Board of Commissioners desires to conduct its business and perform all of its responsibilities and duties in an orderly, efficient, uniform, fair and lawful manner. These Rules and Bylaws are established for that purpose. The County Board also desires that the general public have available to it the Rules and Bylaws that will be in force at County Board meetings and hearings.

Section 2. Application of Rules and Bylaws

Unless otherwise specifically indicated, these Rules and Bylaws shall apply to the transaction and administration of all County Board meetings and hearings.

Section 3. Compliance with Applicable Law

It is the specific intent of the St. Louis County Board of Commissioners to perform its duties and conduct its hearings and meetings in accordance with all applicable law, and these Rules and Bylaws and all actions of the Board of Commissioners shall be in accordance with all relevant law. These Rules are specifically designed to be in accordance with Minn. Stat. ch. 13, et seq. (The Government Data Practices Act), Minn. Stat. § 375.51 (The County Ordinance Enactment and Publication Law), and Minn. Stat. § 471.705 (The Open Meeting Law). The following statutes were also consulted, and it is the specific intent of the County Board to comply with all of the hearing and notice provisions of these statutes: § 94.344 (Class B Land Exchanges), § 163.11 (County Highway Establishment, Alteration, Vacation and Revocation Hearings), § 163.13 (Petitions for Highways or Portages), § 163.16 (Impassable Road Complaints and Hearings), § 164.08, subd. 2, with reference to § 164.07 (Cartway Petitions), § 282.241 (Repurchase After Forfeiture for Taxes), ch. 340A (Liquor Act), ch. 378 (Naming Bodies of Water), ch. 379 (Organization, Formation, and Partition of Towns, and Alteration of Their Boundaries), ch. 381 (Township or Section Survey Petitions), § 394.26 (Public

Hearings for Zoning Matters), and any equivalent provisions of subsequent law. These Rules are also specifically designed to be in accordance with all hearing and notice provisions of St. Louis County Ordinances.

Section 4. Non-Exclusivity of Rules and Bylaws

These Rules and Bylaws are not and cannot be the totality of all regulations of St. Louis County Board activity. Federal law, state law and relevant County ordinances may also be applicable to County Board matters.

Section 5. Adoption, Amendments

These Rules and Bylaws may be amended by a five-sevenths (5/7) vote of the members of the County Board at a public meeting. All proposed Rules and Bylaws and amendments thereto shall be presented in writing to all Commissioners. All Commissioners shall have a minimum of five (5) days to review the proposed Rules and Bylaws and amendments thereto. These Rules shall become effective immediately after a public meeting and approval by the Board.

Section 6. Available to the Public

Copies of these Rules and Bylaws shall be available for public review at the Commissioners' offices in Duluth, Hibbing, Virginia, and Ely.

ARTICLE II. MEETING RULES AND BYLAWS

Section 1. Time and Place of Meetings

The St. Louis County Board shall meet as required by Minn. Stat. § 375.07 on the first Tuesday after the first Monday in January, at 9:30 a.m., and if a special board of equalization is not appointed, during the month of June as required by Minn. Stat. § 274.14, at the County Board Room, Courthouse, Duluth, Minnesota. Regularly scheduled board meetings will be held on the first, second, third and fourth Tuesday~~s~~ of the month in any facility located in the County so long as the facility is open to the public, pursuant to Minn. Stat. § 471.705. Additional meetings may be scheduled upon approval of the Board.

All County Board meetings, including Committee of the Whole meetings, shall be held upon notice given in accordance with Minn. Stat. § 471.705 (Open Meeting Law).

## Section 2. Agenda

### 2.01. General

Every resolution or matter considered by the County Board shall be in writing with an accompanying explanation of its purpose from the County Administrator. All resolutions will be read in their entirety at the Board meeting, except that any resolution transmitted to the Board with the formal agenda need only be read by title. No matter or resolution shall be placed upon the agenda of business for routine consideration at any regularly-held meeting of the Board unless the same has been considered by the Committee of the Whole at their regular meetings. Resolutions and other agenda items may be referred by the Committee of the Whole to the Board meeting with or without recommendation for passage.

Any agenda resolution or matter not considered by the Committee of the Whole may be considered by the Board if it is included in the agenda transmitted to the Board no later than the previous Thursday, and upon consent of five-sevenths (5/7) of the Board members present and voting. The resolution or matter shall be in writing with an accompanying explanation of its purpose from the County Administrator.

Any agenda resolution or matter not included on the agenda may be considered by the Board if it is presented in writing and upon consent of five-sevenths (5/7) of the Board members present and voting.

The Committee of the Whole agenda will be prepared by the County Administrator and transmitted to the Board on the Thursday prior to the Board meeting. The agenda items will be presented in order under the appropriate committee. After consideration by the committee, it will be recommended for approval by the Board, or it may be transmitted to the Board with no recommendations. Items which do not receive a favorable consideration by the committee will not be transmitted to the Board. If the entire committee supports a resolution, then it shall be sponsored by the chair of the committee. If a resolution is approved by a majority of a committee, but the chair of the committee does not approve it, then the majority of the committee shall select a sponsor for the resolution.

2.02. Consent Agenda

A consent agenda shall be prepared by the Clerk in consultation with the County Administrator and consist of routine noncontroversial actions that can be grouped together and handled in one motion by the Board. Any consent agenda items considered by the Committee of the Whole do not require an accompanying explanation of purpose. The agenda will then be scheduled as one item of business at the next regular Board meeting. The consent agenda items shall be considered as one item of business. In the minutes of the meeting, the actions passed in the consent agenda motion shall be recorded individually and in full. Consent agenda items shall not be discussed separately. If, at the Board meeting, any Commissioner so requests, an item shall be removed from the consent agenda and considered separately.

Section 3. Officers

3.01 Election of Officers

The Board shall elect a Chair and a vice Chair each year at the meeting on the first Tuesday after the first Monday in January.

Section 4. Presiding Officer

The Chair shall preside at meetings of the Board, and in case of nonattendance, the Vice Chair shall preside. If both are absent, the Board shall appoint a chair from the Commissioners present.

Section 5. Quorum

At all meetings of the Board, four Commissioners shall constitute a quorum.

Section 6. Roll Call

At the hour appointed for any meeting, the presiding officer shall call the meeting to order, and the Clerk shall proceed to call the roll, note the absentees, and announce if a quorum is present. The Clerk shall note in the minutes the time and point in the proceedings when any Commissioner absent for roll call takes a seat in the Board Room, or when any Commissioner leaves prior to adjournment.

Section 7. The Clerk shall furnish the Board members with all petitions and communications received since the last Board meeting.

Section 8. Order of Business

Upon the appearance of a quorum, the Board shall then proceed to the business before it in the following order:

1. Roll Call
2. Approval of minutes of previous meeting by motion
3. Opportunity for citizens to be heard
4. Consent Agenda
5. Reports of Boards and Standing Committees
6. Reports of officers, special committees and others

Any citizen desiring to be heard on an appropriate Board matter may be given a reasonable amount of time for such purpose to present the official position of a group or organization or a personal opinion. Hearings and other issues may be set at specific times by the Board. Citizen testimony will be allowed on an agenda item and may be included on the agenda for a specific time, or by a motion carried to suspend the rules to allow citizen participation.

Section 9. Duties and Privileges of the Chair

The Chair shall preserve order and decorum, and shall decide questions of order, subject, however, to an appeal to the Board.

Section 10. Restriction on Private Discussion

When a Commissioner is speaking, no other Commissioner shall engage in private discussions.

Section 11. Calls to Order

A Commissioner called to order shall immediately suspend remarks unless permitted to explain. If no appeal is made, the decision of the Chair shall be deemed conclusive; but if the Commissioner chooses to appeal from the decision of the Chair, the Board shall decide the point without debate.

Section 12. Precedence of Motions

The motions upon the subject under consideration shall have precedence in the following order:

1. To lay on the table

2. To postpone
3. To commit, that is, to refer to committee
4. To amend
5. To adopt or reject

12.01. Adjournment

A motion to adjourn shall be entertained only after the completion of the formal agenda and shall be decided without debate.

Section 13. Appropriations by Resolution

Every resolution appropriating any amount of money must also contain a statement indicating the amount of the appropriation from the proper fund and item for the payment of the resulting obligation, pursuant to Minn. Stat. § 383C.013. Such resolutions shall be verified and approved by the County Auditor as to sufficiency of funds. All such resolutions and all resolutions as to contracts by St. Louis County shall also bear the approval of the County Attorney.

Section 14. Reconsideration

Any Commissioner who voted with the prevailing side may move a reconsideration of any action of the Board, provided that the motion be made no later than the next regular meeting after such action was taken, and no property rights that have vested will be jeopardized. A motion to reconsider shall be in order at any time except when a motion on some other question is pending. A motion to reconsider being laid upon the table may be taken up and acted upon at any time when the Board is engaged in the transaction of miscellaneous business. No motion to reconsider shall be made more than once on any matter or subject, and the same number of votes shall be required to reconsider any action as is required to pass or adopt the same.

Section 15. Voting

The manner in which each Commissioner votes upon all propositions shall be entered in the journal of the proceedings of the Board, but it shall not be necessary to call for the yeas and nays on every proposition unless a Commissioner shall then and there demand such roll call. If no such roll call is demanded, the Chair or other presiding officer of the Board shall direct the Clerk of the Board to enter in the journal of the proceedings that the vote on any such proposition was taken. A Commissioner may be excused from voting on a question by a majority of the Board in case of a demonstrated possible conflict of interest, any such request being made before the vote is taken. No further discussion shall be permitted during the taking of a vote on any question.

Section 16. Committees

The Standing Committees of the County Board of Commissioners shall be as follows:

1. Central Management and Inter-Governmental Committee. The Committee shall consider methods of centralizing county administration, deal with labor relations and litigation, and provide for communication and cooperation between the Board, the County Administrator, and departments in line with the organizational structure resolution adopted by the County Board. Further, this Committee shall consider all matters relating to state and federal legislation, administrative rules, and government operations and any impact these may have on the County and its administration.
2. Finance and Budget Committee. The Committee shall consider budget and finances, taxes, abatement applications, levies, assessments, licenses, and the purchase and sale of all property, buildings, supplies and equipment.
3. Environment and Natural Resources Committee. The Committee shall consider all matters relating to environmental services, solid waste, land, zoning, land-use planning, plats, tax-forfeited lands, forestry, and agriculture.
4. Public Works and Transportation Committee. The Committee shall consider all matters relating to fairs, construction, repair and maintenance of highways, and all buildings, vehicles, transportation, supplies, and equipment.
5. Public Health and Human Service Committee. The Committee shall consider all matters relating to public health, income maintenance programs, social service programs, jobs and employment training efforts, nursing home and laundry issues.
6. Public Safety and Corrections Committee. The Committee shall consider the increasing demands on the County to provide correction services and the need to guarantee adequate public safety within the existing resources. The County has a unique relationship to other counties in the region in the area of corrections and this committee shall provide a structure for working with the ARC Board and setting policy by the St. Louis County Board.

All Standing Committees of the Board shall consist of all seven Commissioners. Each Commissioner shall be limited to the Chair of one standing committee. The County Board Chair will not serve as the Chair of any standing committee. The committee chairs, shall serve as the liaison between the Board and Departments, shall be appointed by the Chair of the County Board of Commissioners, and shall report to the Committee of the Whole. The committee chairs shall sponsor resolutions of their committee, and if they refuse to do so, the Chair shall designate

another member to sponsor that particular resolution. A Committee Chair who refuses to sponsor a resolution shall so notify the Board Chair at the Committee of the Whole prior to the regular Board meeting.

16.01. Committee of the Whole Meetings

The County Board shall schedule regular times for Committee of the Whole meetings. The Chair of the Board shall preside over Committee of the Whole meetings, or designate individual chairs of standing committees to chair their respective committee. The schedule of Committee of the Whole meetings shall be adopted by resolution of the County Board. The Standing Committees of the County Board will meet at the Committee of the Whole meeting.

Section 17. Special Committees

Special Committees may be created by the Board Chair for a term of one year; the Chair and members shall be appointed by the Chair of the Board or by majority vote of the Board. Special committees shall in all cases report to the County Board at a Committee of the Whole meeting. All reports by committees shall be presented in writing at a Committee of the Whole meeting. Matters referred to special committees shall be acted upon without undue delay.

Section 18. Division of Question

If a question in debate contains several distinct propositions, any Commissioner may have the same divided.

Section 19. Roberts Rules of Order to Govern

In the absence of any rule upon any matters of business, the Board shall be governed by Roberts Rules of Order.

Section 20. Suspension of Rules

These rules may be suspended by a five-sevenths (5/7) vote of the members of the Board, present and voting, except to those matters that are provided for by law.

Section 21. Use of Speaker Phones

It is necessary for individual members of the St. Louis County Board of Commissioners to be physically present at its statutory meetings at the county seat on the first Tuesday after the first Monday in January in order for their attendance to be counted for quorum purposes and in order for them to participate and vote at these statutory meetings.

Individual Commissioners may attend other regular meetings of the Board and Committee of the Whole meetings by means of a speaker phone system. In the event a Commissioner chooses to attend by such means, the Commissioner will for all purposes be considered a part of the assembled Commissioners and be allowed to participate and vote in all matters before the Board of Commissioners. The use of speaker phones by Commissioners at these meetings is subject to the following conditions and limitations:

a. A quorum of the Board must be present at the scheduled meeting location.

b. The Chair of the meeting at which a speaker phone is to be utilized by any Commissioner shall at the commencement of the meeting announce the use of the speaker phone, by whom it is being used and the location of the Commissioner using the speaker phone system, together with a statement that any member of the public is welcome to observe the Commissioner using the speaker phone system.

c. The Commissioner using the speaker phone system away from the situs of the meeting must be available to public observation during the course of the County Board meeting in which he or she is using the speaker phone to attend the meeting.

d. The speaker phone system being used by the Commissioner away from the situs of the meeting must be located at a facility open to the public.

e. The speaker phone system must be of satisfactory operating condition in order to make audible to the general public all the participation by the Commissioner using the speaker phone system.

Section 22. Interactive Television

22.01. A County Board meeting may be conducted by interactive television so long as:

a. All members of the Board participating in the meeting, wherever their physical location, can hear and see one another, and can hear and see all discussion and testimony presented at any location at which at least one member is present.

b. Members of the public present at the regular meeting location of the Board can hear and see all discussion and testimony and all votes of members of the Board.

c. At least one member of the Board is physically present at the regular meeting location.

22.02. Each member of the Board participating in a meeting by interactive television is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

22.03. If interactive television is used to conduct a meeting to the extent practical, the Board shall allow a person to monitor the meeting electronically from a remote location. The Board may require the person making such a connection to pay for documented marginal costs that the Board incurs as a result of the additional connection.

22.04. If interactive television is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location and notice of any site where a member of the public body will be participating in the meeting by interactive television. The timing and method of providing notice must be as described in Minn. Stat. § 471.705, subd. 1c.

## ARTICLE III. HEARING RULES AND BYLAWS

### Section 1. Notice

Notice of all hearings of the County Board shall be made in a manner in accordance with all statutory and ordinance notification requirements by the Clerk of the Board. If the County Attorney determines that additional notice is necessary to comply with constitutional procedural due process requirements, the Clerk will provide whatever additional notice is recommended.

### Section 2. Hearing Records

2.01. Open Hearings

All hearings of the St. Louis County Board shall be open to the public. The votes of the members of the Board on any matter shall be recorded and shall be available to the public.

2.02. Exhibits

All exhibits submitted to St. Louis County for hearing purposes become the property of St. Louis County.

2.03. Record Maintenance

The Clerk shall be required to maintain all records created at public hearings. The Clerk shall preserve or dispose of the records in accordance with state law.

2.04. Hearing Records

A verbatim record of all public hearings will be made by means of tape recording or electronic means, or if deemed appropriate by the Chair, by means of a court reporter. The public is specifically

allowed to preserve and record the proceedings of the County Board at any of its hearings by using voice recording instruments, court reporters, stenographers, or other reasonable means of record preservation. An individual may receive a transcript of County Board hearings from the Commissioner's Office by making arrangements with the Clerk of County Commissioners. The Clerk is authorized and directed to require parties requesting transcripts to pay the reasonable costs associated with the preparation of the transcript in advance.

Section 3. Hearing Continuances and Postponements

3.01. Postponements

Postponements after personal or published notice will not be permitted.

3.02. Continuances

The County Board may continue a hearing if it determines a need exists for additional information or if fairness dictates the need for additional time.

Section 4. Conduct of Hearing

4.01. General

The Chair of the Board shall commence and direct the hearing. All parties shall have the right to present evidence, rebuttal testimony, and argument with respect to the issues, and to cross-examine witnesses.

4.02. Quorum Needed for Hearing

There shall be no fewer than five Commissioners in attendance to hold any public hearing.

4.03. Order of Hearing

The following procedure shall govern the order of persons appearing before the Board:

1. The County department staff report, if any, shall be given and include, but not be limited to, a description of the request or issue, analysis of the facts, communications received, conclusions, and recommendations. All appropriate County departments may present information relevant to the matter at this time.
2. The party to be affected or a representative.
3. Representatives of other governmental units or agencies that may be appropriate, such as the local town or state agency.

4. Others in favor of the proposal.
5. Others opposed to the proposal.
6. Other comments or evidence from the public.

4.04. Evidence

a. Admissibility

The County Board may admit and consider all evidence which possesses probative value and may exclude incompetent, irrelevant, immaterial and repetitious evidence.

b. Record

All information which is offered and accepted into evidence by any party to the hearing shall be made a part of the hearing record. No factual information or evidence shall be considered in the determination of any matter unless it is part of the record.

c. Documentary Evidence

Any witness offering written materials such as letters, records, reports, plans, studies or any other documents must provide a sufficient number of copies for each Commissioner, the Clerk and other parties. Where copies of evidence are not practically available, the Chair of the Board, in its discretion, may accept one copy and make it available for inspection or allow a witness to read a document into the record.

d. Official Notice

The Board may take notice of general facts within its knowledge by a unanimous vote but any party shall have the right to contest the facts so noticed. The Commissioners may utilize their experience and knowledge in the evaluation of the evidence in the hearing record.

4.05. Examination of Witnesses

a. Commissioners may question any witness at the termination of that witness's testimony or at the end of all testimony.

b. Any individual may make a request to cross-examine a witness. If possible, this should be accomplished by directing suggested examination questions to the Chair. If specifically requested, the Chair may allow individuals to personally cross-examine witnesses. The Chair may act to prevent repetitive, argumentative or irrelevant questions and to expedite the cross-examination to the extent consistent with disclosure of all relevant testimony and information.

Section 5. Deliberations

5.01. General

Deliberations shall be made in public. However, no additional testimony may be offered after the close of the public hearing. County Board members may ask specific questions, provided that the question is intended to clarify information that is already in evidence. The Chair shall not allow any new information or arguments to be offered at this time. The County Attorney, acting as legal advisor and parliamentarian, shall be permitted to ask questions to clarify motions or information that is in the record.

5.02. Timing

Unless the hearing is continued or reopened, deliberations on a matter shall take place after the close of all of that meeting's scheduled public hearings.

5.03. Continued Deliberations

If the County Board desires to continue deliberations, it may do so. However, no additional testimony or information may be provided to the County Board unless the public hearing is reopened. County Board members may inspect any relevant geographical site or evidence without reopening the hearing.

5.04. Voting

Only those Commissioners attending the hearing may deliberate and vote.

5.05. Conflict of Interest

No member of the County Board is permitted to act on any matter in which he has, either directly or indirectly, any personal or financial interest. A member who has a conflict of interest may not testify relative to the matter, nor discuss, deliberate, or communicate with the voting Commissioners.

Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a Commissioner from voting thereon shall be decided by majority vote of all Commissioners except the Commissioner who is being challenged.

Section 6. Findings of Fact

Findings of fact shall be approved and made a part of the County Board file in all cases when deemed necessary by the County Attorney.

Section 7. Notice Guidelines

The following guidelines are to be used by the Clerk of the County Board in providing notice of hearing unless different notice requirements are provided by the County Attorney.

| TYPE OF HEARING | STATUTE | PUBLICATION | POSTING | SERVICE |
|---|---|---|---|---|
| **Townships** | | | | |
| **Change of Boundaries** | **379.02, et seq** | | **30 days** | **Clerk of each town** |
| **Change of Name** | **379.08** | **3 weeks at least, 30 days prior to hearing** | | |
| **Cartways** | **164.08<br>164.07** | | **10 days** | **Personal service to each occupant of land to be crossed. Written notification within 7 days of filing award of damages to each owner and occupant** |
| **County Highways** | | | | |
| **Vacation** | **163.11, subd. 4** | | **10 days** | **Personal service on occupants** |
| **Revocation/Reversion** | **163.11, subd. 5a** | | | **30 days' notice served on members of Town Board** |
| **Acquisition of land** | **163.21** | | **10 days** | **10 days prior service on occupants. Written notice of award to owners and occupants within 7 days of filing award.** |
| **Petition for highway or portage** | **163.13** | | **Reasonable** | |
| **Complaint of impassable town road** | **163.16** | | | **Mail notice to town clerk and persons signing complaint** |
| **Zoning** | | | | |
| **Plan adopted by ordinance and amendments** | **375.51<br>394.26** | **10 days before hearing; once after enactment** | | |

| | | | | |
|---|---|---|---|---|
| **Official controls adopted by ord. and amendments** | **375.51<br>394.26** | **10 days before hearing; once after enactment** | | **Written notice sent to governing bodies of towns & municipalities in the County** |
| **Conditional use permit** | | **10 days before hearing in official paper and a local paper** | | **Incorporated area- Mail notice to all property owners of record within 500 feet of affected property**<br><br>**Unincorporated area - Mail notice to owners of record within 1/4 mile of affected property or the 10 properties nearest to the affected property, whichever would provide notice to the greatest number of owners** |
| **Variances** | | **10 days before in official paper and a local paper** | | **Mail notice to all property owners of record within 500 feet of affected property** |
| **All other official controls, including subdivision and zoning regulations** | | | | **Incorporated area- Mail notice to all owners of record within 500 feet of affected property**<br><br>**Unincorporated area - Mail notice to all property owners 1/2 mile of affected property** |
| **Board of Equalization** | **274.13** | | | **Notice to taxpayers whose property may have value raise** |
| **Land Exchange** | | | | |
| **Class B Land** | **94.344** | **Once, two weeks before hearing** | **Two weeks** | |

**ADA COMPLIANT MEETING FACILITIES**
RESOLUTION NO. 215
April 13, 2004

RESOLVED, that all meetings of St. Louis County boards, committees, and commissions shall be held in ADA compliant facilities, with consideration given to distance from parking, elevators, and accessibility ramps.

# CHAPTER 2
# ADMINISTRATION

## LEGISLATION RECOMMENDATION PROCEDURE

RESOLUTION NO. 029
January 14, 1974

RESOLVED, that all County officials and department heads, prior to submitting their requests for the adoption of legislation affecting the County of St. Louis to the St. Louis County Delegation, shall first submit same to the Chairman of this Board's legislative Committee.

## ST. LOUIS COUNTY OFFICIALS ORGANIZATION

RESOLUTION NO. 576
September 9, 1985

WHEREAS, the St. Louis County Department Heads informally met to establish an organization to discuss County policy and to assist the County Board in matters important to the County and its employees; and

WHEREAS, this organization has taken the name St. Louis County Officials Organization; and

WHEREAS, the St. Louis County Board has requested assistance and information from this organization; and

WHEREAS, it is important that all Department Heads participate in this organization so that their views can be known;

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board recognizes the St. Louis County Officials Organization as the source for information and assistance needed of the collective departments of St. Louis County.

BE IT FURTHER RESOLVED, that the St. Louis County Board encourages all Department Heads to participate in this organization.

## ST. LOUIS COUNTY ADMINISTRATIVE PROCEDURE

RESOLUTION NO. 324
BOARD FILE NO. 52948
May 26, 1987

WHEREAS, it is in the best interest of the organization that the Administrative Procedure for carrying out the provisions of the Chain of Command be formally adopted, as on file in County Board File No. 52948, and made a part hereof;

NOW, THEREFORE, BE IT RESOLVED, that the Administrative Procedure for the purposes of carrying out the intent of the Chain of Command is hereby approved by the Board of County Commissioners; and

BE IT FURTHER RESOLVED, that the Clerk certify a copy of this resolution to the County Administrator and all department heads of St. Louis County.

**ST. LOUIS COUNTY ADMINISTRATIVE PROCEDURE**

The St. Louis County Board of Commissioners has adopted the County Administrator form for administration of the County as authorized by Minnesota Statutes 375A.06. The adoption of this form affects all department heads under the Board of County Commissioners. Therefore, it is important that the Board members and staff members be cognizant of certain procedures necessary for successful implementation of this administrative system. The County Board is desirous of a clearly defined administrative procedure for the following reasons:

a) to promote effective administrative services throughout St. Louis County
b) to clarify the delegation of duties authorized by Minnesota Statutes 375A.06
c) to allow greater accountability in the office of County Administrator while simultaneously permitting the Board of County Commissioners of St. Louis County to concentrate greater efforts on policy decisions
d) to notify all staff members of the role and function of the County Administrator

The following is a review and explanation of the major points of the responsibilities of the County Administrator:

1. The County Administrator shall be the administrative head of the County and shall be responsible for the proper administration of the affairs of the county placed in the Administrator's charge. The Administrator shall exercise general supervision over all County institutions and agencies and, with the approval of the County Board, coordinate the various activities of the County and unify the management of its affairs.

   For purposes of this provision, the Board of County Commissioners has adopted the organization chart by Resolution No. 324 dated May 26, 1987. It is the commission's desire that supervision and direction flow in accordance with the organization chart as updated from time to time. This means there is no differentiation between departments under the Board of County Commissioners as far as chain of command supervision procedures.

   All matters go through the County Administrator to and from the Board of County Commissioners. The only exception to this procedure would be the express purpose of furnishing requested information to the Board of County Commissioners. No information is to be withheld from the Board of County Commissioners. Department Heads are to keep the Board informed at all times through periodic reports and periodic briefings, working through the County Administrator. However, if a Commissioner's request generates extra staff time and effort, the department head will coordinate such with the County Administrator, and, if necessary, the County Administrator with the Board of County Commissioners.
2. Appoint, suspend, and remove with the approval of the County Board, all County personnel whose appointment, suspension or removal is a function of the County

Board under general law and make such appointments with the approval of the County Board to additional offices, boards, committees and commissions both advisory and otherwise as the County Board may direct.

As the appointing authority, the Board of County Commissioners has final determination in all personnel matters. However, it is the intent of the County Commissioners, that the County Administrator will structure the process for appointment, suspension, removal, performance appraisal and other personnel actions relating to personnel reporting to the County Board. A more detailed process for the appointment, discipline and performance evaluation of personnel will be adopted by the Board. The Board will consider personnel actions after receiving recommendations from the County Administrator.

3. Prepare and submit to the County Board a proposed annual budget and long-range capital expenditure program for such period as the County Board may direct, each of which shall include detailed estimates of revenue and expenditures and enforce the provisions of the budget when adopted by the County Board.

   The statutes clearly place appropriating authority with the Board of County Commissioners and budget preparation with the County Administrator. The preparation and recommendation of an annual budget and appropriation resolution will be done in concert with the various departments of the County. The County Administrator will recommend a budget procedure to be considered by the Board. The promulgated budget procedures will be adhered to by all departments. The County Administrator will recommend a balanced budget to the Board and will provide alternative analysis of budget proposals as the Board directs.

4. Provide for the execution of all ordinances, resolutions and orders of the Board and all laws of the State required to be enforced through the County Board, by the Administrator or by officers who are under the Administrator's direction and supervision.

   In addition to the inherent duties of judiciously managing a department under the jurisdiction of the Board of County Commissioners, department heads may expect to receive additional assignments and duties as the need dictates, consistent with departmental goals and objectives; said assignments and duties to be carried out in an orderly and timely fashion. It is expected that the department heads will work with the County Administrator to further County Board directives and policies.

5. Provide for County purchases including purchases of service as directed by the County Board and pursuant to purchasing regulations established by the Purchasing Agent pursuant to 383C.33. The County Administrator will ensure that purchasing policies are recommended for County Board consideration and adoption.

6. Attend all meetings of the County Board and recommend measures for adoption as the Administrator deems advisable or expedient.

   The County Administrator will be in attendance at all County Board meetings within the limits of practicality and advise the Board on administrative matters being addressed by the Board. The County Administrator will provide background information on issues before the Board, examine alternatives for adoption and make recommendations on issues. The County Administrator will examine policies of the Board and recommend updates on a periodic basis. The County Administrator will serve as an information resource center for activities of the County.

7. Hire qualified staff to assist the Administrator in the performance of duties as approved by the Board.

   The County Administrator may directly hire staff for his office for positions authorized in the budget by the Board.

8. Examine the books and papers of officers and departments of the County as directed by the County Board and report the findings to the County Board, keep the County Board fully advised as to the financial condition and needs of the County and make such other reports from time to time as required by the Board or the Administrator deems advisable.

   The County Administrator will examine the structure and operation of the County organization and recommend consolidation or combination of offices, positions, divisions, departments or other units under the direction of the County Board.

   The County Administrator will establish goals and objectives, work statements and priorities for each department, subject to approval of the Board of County Commissioners.

   The County Administrator will report to the Board on a monthly basis as to the financial condition of the County.

   The County Administrator will make periodic reports to the Board on issues relating to the County.

**DEPARTMENT HEAD ACCOUNTABLE TO COUNTY ADMINISTRATOR**
RESOLUTION NO. 213
April 13, 1987

RESOLVED, that all Department Heads with the exception of elected officials will be accountable to the County Administrator

**ADMINISTRATOR TO APPROVE TELEPHONIC EQUIPMENT CHANGE/ REQUEST**
RESOLUTION NO. 293
May 11, 1987

RESOLVED, that authority is hereby given to the County Administrator for approval of telephone equipment and/or change requests.

**DEPARTMENT HEAD APPOINTMENT IF ADMINISTRATOR POSITION VACANT**
RESOLUTION NO. 289
April 16, 1996

RESOLVED, that the Administrative Procedure adopted by the County Board on May 26, 1987, by County Board Resolution No. 324, which incorporates the duties of the County Administrator, is hereby amended as follows:

> If the position of County Administrator is vacant, the confirmation of department head appointments will be considered by the County Board upon receiving a written recommendation from the designated Chair of the Interview and Screening Committee

**AUDITOR TO SIGN REZONING PETITIONS**
RESOLUTION NO. 828
October 15, 1996

RESOLVED, that the County Auditor is hereby authorized, on behalf of St. Louis County as the property owner of record, to sign rezoning petitions which may affect County fee lands in order to allow a public hearing on such requests for municipal rezoning.

**ADMINISTRATOR TO REPRESENT COUNTY FOR WELL AND SEPTIC SYSTEM LOANS**
RESOLUTION NO. 860
November 17, 1998

WHEREAS, the Minnesota Department of Agriculture has made low interest loan funds available to counties, Soil and Water Conservation Districts, and Joint Powers Organizations through the Agricultural Best Management Loan Program and the Countywide Individual Sewage Treatment System and Well Loan Program; and

WHEREAS, St. Louis County has agreed to act as the local lender, administer the lending agreements with individual borrowers, and guarantee repayment to the state; and

WHEREAS, St. Louis County has identified a need for low interest loan funds to encourage repair of individual sewage treatment systems and sealing of abandoned wells that prevent or mitigate nonpoint source pollution; and

WHEREAS, many agricultural best management practices, repair of individual sewage treatment systems and sealing of abandoned wells are identified in the Comprehensive Local Water Plan as priorities;

NOW, THEREFORE, BE IT RESOLVED, that St. Louis County approves the application, authorizes its submittal, and designates the County Administrator to be the authorized representative, and hereby grants County Administration the authority to sign the application, loan agreement and all other correspondence or documentation necessary to implement the loan program on behalf of St. Louis County; and

BE IT FURTHER RESOLVED, that the County Administrator is the authorized representative for all prior Agricultural Best Management Practices and Countywide ISTS Loan Agreements and is granted the authority to sign all correspondence and documents to carry out all prior loan programs on behalf of St. Louis County; and

BE IT FURTHER RESOLVED, that all prior designations of the authorized representative by St. Louis County for the Agricultural Best Management Practices Loan Program is hereby rescinded.

# CHAPTER 3
# APPOINTMENT POLICY

## APPOINTMENT POLICY - UNCLASSIFIED DEPARTMENT HEADS

RESOLUTION NO. 551
BOARD FILE NO. 53283
July 12, 1988

RESOLVED, that the St. Louis County Board of Commissioners hereby adopts a policy for Appointment of Unclassified Appointed Department Heads as on file in County Board File No. 53283.

RESOLVED FURTHER, that all previous resolutions are hereby rescinded.

## APPOINTMENT POLICY - UNCLASSIFIED APPOINTED DEPARTMENT HEADS

This policy is in accordance with Minnesota Statutes 375A.06, Subdivision 4, which states in part as follows:

Subd 4. Administrator, powers and duties. The county administrator shall be the administrative head of the county and shall be responsible for the proper administration of the affairs of the county placed in the administrator's charge. The administrator shall exercise general supervision over all county institutions and agencies and, with the approval of the county board, coordinate the various activities of the county and unify the management of its affairs. If required by the county board, the administrator may act as head of any department, the appointment of which is made by the county board, provided the administrator has the qualifications required by law. Responsibilities shall include, but are not limited to, the following duties:

a. Hire qualified staff to assist the administrator in the performance of duties as approved by the board;
b. Provide for the execution of all ordinances, resolutions and orders of the board and all laws of the state required to be enforced through the county board, by the administrator or by officers who are under the administrator's direction and supervision;
c. Appoint, suspend and remove with the approval of the county board all county personnel whose appointment, suspension or removal is a function of the county board under general law and make such appointments with the approval of the county board to additional offices, boards, committees and commissions both advisory and otherwise as the county board may direct.

POLICY: IT IS THE POLICY OF THE ST. LOUIS COUNTY BOARD TO ADHERE TO THIS APPOINTMENT POLICY FOR ALL UNCLASSIFIED, APPOINTED DEPARTMENT HEADS.

The positions included in this policy as of July 1, 1988, are as follows:

| | | |
|---|---|---|
| Health Officer | Land Commissioner | Communications Director |
| Social Services Director | Highway Engineer | County Assessor |

PROCEDURE:

1. Preliminary work: - For each vacancy or impending vacancy, the Civil Service/Personnel Department shall prepare the following for the County Administrator:

   develop or update the position description to include a description of duties and responsibilities, requirements of the position, minimum qualifications, and reporting requirements

   prepare a summary of the functions of the department including the organizational structure, number of employees, geographical locations, size of budget, etc.

   assemble information regarding important issues the person selected will need to address, both short term and long term

   prepare a description of desirable characteristics of the person needed

2. Position Announcement/Recruitment: - A position announcement shall be prepared by the Civil Service/Personnel Department to include the following:

   Title
   Salary Range (as per management compensation plan)
   Distinguishing features of position
   Minimum qualifications
   Desirable characteristics
   Screening, evaluation, interviewing, and appointment criteria
   Closing deadline for application filing
   Projected employment date
   Summary of department

   An active recruitment process may include placement of position announcements in appropriate local, state, regional, and national publications. Typically, these would include local newspapers and publications, state municipal journals, major metropolitan newspapers, and the journals and newsletters of various professional associations. The recruitment process will be utilized to the extent necessary to reach the anticipated source of qualified candidates for any given position.

The County Administrator may recommend to the County Board the services of a search and selection consulting firm if it is in the best interests in obtaining the most qualified candidates.

3. Screening and Evaluation of Resumes: - The screening and evaluation of resumes will be recommended by the Civil Service/Personnel Department in consultation with the County Administrator. The screening process will determine which applicants meet the qualifications described in the position description. The evaluation process will identify a top number of candidates (designated on the announcement) based on the qualifications described on the resumes. These candidates will be designated for further evaluation in the interview process.

4. Interview of Top Candidates: - The purpose of the interview structure set up by the Civil Service/Personnel Department and the County Administrator will be to narrow the field of candidates from a selected number to one candidate for recommendation by the County Administrator to the County Board. The format of this initial interview may include two or more assessment panels; one, a technical program panel representing experts in the field, and a second assessment panel to evaluate managerial, interpersonal, and personal qualities of the candidates. The Affirmative Action Policy of the county will be considered in selection of the interview panels. County Board members may participate on these interviewing panels at their discretion.

5. Background Investigation and Reference Checking: - A thorough background investigation/reference check will be completed, by the Civil Service/Personnel Department, of the top candidates as designated by the County Administrator. In addition, a management assessment of the candidates may be undertaken by an independent firm at the discretion of the County Administrator.

6. Selection: - The recommendation for selection will be made by the County Administrator after consultation and evaluation with the County Board members. Final approval for the appointment will be made by the County Board.

   The County Administrator will be responsible for presenting the job offer to the selected candidate. He/she will also be responsible for settling the compensation and benefits package in accordance with the management compensation plan and for communicating the plan to the appointee.

   All inquiries regarding the appointment procedure will be handled by the Civil Service/Personnel Department.

   This process represents the minimum of what may be included as part of the

selection process. The County Administrator reserves the right to add and/or revise the selection procedure such as on site reference checks, the use of an assessment center, interviews by other professionals, psychological interviews, and individual interviews by the County Administrator.

STATUTORY REQUIREMENTS:

It is recognized that certain positions are subject to minimum statutory qualifications. The County Administrator, with the approval of the County Board, reserves the right to establish additional qualifications as are deemed appropriate. Positions with the statutory requirements:

| | |
|---|---|
| Health Officer - | must be medical doctor |
| Highway Engineer - | must be registered highway or civil engineer, registered under the laws of the State of Minnesota |
| County Assessor - | must have accreditation as an assessor in the State of Minnesota |

These requirements must be met at the time of the closing date for filing an application.

**APPOINTMENT PROCESS POLICY**
RESOLUTION NO. 586
August 5, 1997

RESOLVED, that the Appointment Process Policy, as contained in Board File No. 57046, is hereby approved.

**APPOINTMENT PROCESS POLICY (as amended)**

**PURPOSE**
St. Louis County contains a vast reservoir of talent and energy in its citizens. The purpose of this policy is to tap this reservoir to benefit County Government. Further, by promoting broad-based participation of citizens in the committees, boards and commissions which advise County Commissioners and help set public policy, County Government provides citizens an opportunity to influence County policy. Broad-based participation also creates ambassadors for county programs and insures the diversity of County residents is reflected in County decision-making. These residents provide role models from various social, economic and cultural segments of the community.
This Appointment Policy is designed to be an objective process characterized by increased access, fairness and equal opportunity, while preserving the qualitative and discretionary elements necessary to appoint the best qualified candidates.

**PROCEDURES**
Appointments covered by this Appointment Policy are those which are made by the St. Louis County Board as a whole, which have a fixed term (which has an end date and may require a reappointment or new appointment), and are to a committee or task force of a

least one year. This policy does not apply to ex-officio appointments or appointments designated to be filled by County Commissioners.

**Committees and Boards**

For all boards and committees, the Deputy County Administrator will work with the Clerk of the Board to:

1. Develop and maintain a file of all boards and committees including information on origin, duration, purpose, board composition, number of members, terms of members, current membership roster and term expirations.

2. Prepare for year-end term expirations. The Clerk of the Board, with the assistance from the department or division director, will prepare a list of appointments for committee positions which are vacant. (This would include year-end vacancies caused by term expirations, resignations and the creation of new committees.) County Board members will be informed of these year-end vacancies and will be invited to submit names for consideration. The Clerk of the Board will advertise as appropriate for vacancies on given board or committees.

   Should a vacancy occur midyear, the Clerk of the Board shall review any previous applications and will contact these individuals to determine their interest. If no previous applicants are interested, the vacancy will be advertised for appointment. County Board members will be informed of these mid-year vacancies when they occur and will be invited to submit names for consideration.

3. Distribute standardized applications to individuals wishing to apply and to individuals being nominated by a Board member. Applicants may attach a resume to the official application form if they desire.

4. Provide the County Board with a copy of the applications and any attached resumes at least 3 weeks prior to placing the appointments on the Committee of the Whole agenda so that appointments are made in a timely fashion, and according to the Appointment Policy.

**Eligible Applicants:**

The application form will ask applicants whether they are County employees, have a contract with the County, or work for a County vendor. In some instances, the Board may wish to appoint persons with less direct connection to the County. Where this is a qualification either way, the solicitation for applicants for the particular appointment will so state.

Since Commissioner districts are the basis for democratic representation on the St. Louis County Board, whenever practical, all boards, committees and commissions will include persons who reside in each of the Commissioner districts.

Preference in appointments will be given to residents of St. Louis County, but exceptions may be made by the Board to include persons with exceptional qualifications.

NOTE: Some appointments are regulated by state or federal law or administrative rule. When there is a difference between this Appointment Policy and rule or statute with regard to an appointment, the rule or statute will prevail.

**Effective Date:**
This appointment policy is effective December 15, 2000 and supersedes any previous policies or resolutions pertaining to appointments to committees, boards and commissions.

**APPOINTMENT PROCESS POLICY AMENDMENT**
RESOLUTION NO.171
March 14, 2000

RESOLVED, that the St. Louis Board Appointment Process policy, adopted August 5, 1997, by County Board Resolution No. 586, is hereby affirmed and amended to remove the Community Development Block Grant (CDGB) Advisory Committee from the list of committees requiring Commissioner interviews of candidates prior to appointment.

**APPOINTMENT PROCESS POLICY AMENDMENT**
RESOLUTION NO.849
December 19, 2000

WHEREAS, the St. Louis County Board of Commissioners adopted the Appointment Process Policy by Resolution No. 586, dated August 5, 1997, and contained in Board File No. 57046.

NOW, THEREFORE, BE IT RESOLVED, the Board hereby amends the Appointment Process Policy, as contained in Board File No. 57669.

# CHAPTER 4
# CONTRACTS

**LANGUAGE UNIFORMITY**
RESOLUTION NO. 281
May 11, 1987

RESOLVED, that it shall be the policy of the St. Louis County Board to keep uniformity in the language of all contracts with a like nature.

**COUNTY ATTORNEY CONTRACT RESPONSIBILITIES**
RESOLUTION NO. 355
May 17, 1988

RESOLVED, that the St. Louis County Board hereby sets the following policy:

> All contracts will be subject to review and execution as to form and content by the County Attorney.

**HIGHWAY ENGINEER TO APPROVE CONTRACT CHANGE ORDERS**
RESOLUTION NO. 867
November 5, 1991

RESOLVED, that the Highway Engineer/Public Works Director is hereby authorized to approve contract change orders for public works road construction projects, and the Purchasing Agent for all other projects, as follows:

1. Change orders for a project total of $12,500 for construction projects of less than $50,000
2. Change orders for 25 percent of project cost not to exceed $50,000 total for all other construction projects

RESOLVED FURTHER, that any contract change orders over this authorized amount may be approved by the Highway Engineer/Public Works Director or Purchasing Agent, as designated, if required to complete the project, but shall be reported with detailed explanation to the County Board within five working days after approval.

RESOLVED FURTHER, that this resolution is subject to any authority granted by subsequent contract of the County Board.

**DELEGATION OF CONTRACTUAL AUTHORITY**
RESOLUTION NO. 610
November 18, 2008
WHEREAS, there is a need to incorporate all purchasing related resolutions, State Statutes, and purchasing procedures into a single County Policy; and

WHEREAS, the Purchasing Department has worked with County Administration, the County Attorney, and Auditor's Office to revise the Purchasing Rules and regulations; and

WHEREAS, the County Board has reviewed these revisions at the October 21, 2008, Board Workshop.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners adopts the revised Purchasing Rules and Regulations, effective December 1, 2008, and rescinds Resolution No. 721, adopted November 18, 2003.

1. Except for Architectural and Engineering Services, contracts not greater that $25,000.00 shall be approved and executed by the Department Head. Contracts over $25,000.00 shall be approved by the County Board and executed by the Chair and the Auditor. For Architectural and Engineering Services, the purchasing director shall obtain a minimum of two quotes or proposals and approve the contract in addition to the Department Head. The QBS (Qualified Based Selection) method will be the preferred method in selecting architectural and engineering services.

2. Agreements under $5000.00 may be attached to a payment voucher and sent directly to the County Auditor's Department for payment without a purchase order, when the agreement form has been drafted and approved by the County Attorney and signed by the Department Head or the designated representative of the contracting department.

3. Professional Services involving the expenditure of funds over $5000.00 must bear the approval signature of the Department Head of the contracting department or its designee. The Director of Purchasing shall execute a purchase order indicating the specific fund and item number for payment, which will serve as an encumbrance against the respective department's budget for each service contract.

**PROJECT LABOR AGREEMENTS**
RESOLUTION NO. 255
May 4, 2004

WHEREAS, the St. Louis County Board of Commissioners is desirous of efficient and timely completion of construction projects undertaken by St. Louis County; and

WHEREAS, the courts have upheld the implementation of project labor agreements for public projects; and

WHEREAS, project labor agreements facilitate the timely completion of projects by: making available a ready and adequate supply of skilled craft workers; providing a negotiated commitment which is a legally enforceable means of assuring labor stability

and labor peace over the life of a project; avoiding work stoppage following expiration of a collective bargaining agreement between the union and an employer performing work on the project and facilitating equal employment opportunities on a project.

NOW, THEREFORE, BE IT RESOLVED, that project labor agreements be utilized by the County for all future construction projects, in excess of $150,000, unless otherwise prohibited by law.

RESOLVED FURTHER, that the St. Louis County Board of Commissioners hereby directs the St. Louis County Purchasing Director to utilize the Project Labor Agreement, identified as County Board File No. 58235, or a variation of the Agreement approved by the St. Louis County Attorney, for all future construction projects in excess of $150,000.

RESOLVED FURTHER, that the Purchasing Director shall implement the Project Labor Agreement by requiring adherence to the Agreement in the bid specifications and all relevant bid documents.

# CHAPTER 5
# DATA PRACTICES

**EMPLOYEE NONDISCLOSURE POLICY**
RESOLUTION NO. 440
May 23, 1989

## ST. LOUIS COUNTY EMPLOYEE NONDISCLOSURE POLICY

In your employment with St. Louis County, your duties may require that you work with records containing private or confidential data/information or be given special access to work areas, computer files, or proprietary material. This data, access, or ownership is protected by law, policy or agreement regarding disclosure both at work and outside of the office. The following sections are intended to acquaint you with the nature of these restrictions.

DATA PRIVACY AND CONFIDENTIAL RESPONSIBILITIES
In the course of employment for the County, you may be working with and acquire information about other persons which is private and/or confidential data. Under Minnesota law, data which is private may only be shared or disclosed as provided by law. All inquiries about private data must be referred to your supervisor unless there is clear written authority to provide such information to any one other than employees of the County who need such information to administer programs.

Minnesota Statutes, section 13.08 and 13.09 provide for employee disciplinary action and criminal penalties for unlawful disclosure or sharing of private data. Disclosing data includes using information obtained in connection with your employment in any manner different from the scope of your specific duties.

You may not remove private and/or confidential data from the premises except as is necessary to administer the program with which you are working, and then only with your supervisor's permission.

PHYSICAL - ACCESS
If you have possession of keys, cards, or any other security device used by St. Louis County, you are authorized to use the key, card, or other device only in the course of your employment. Any keys, cards, or other security devices issued to you are for your use only, and you may not allow anyone else to use or duplicate them.

You must surrender any keys, cards, or other security devices issued to you immediately upon separation from employment in the Department which issued such security devices.

A password required to access computer files is a security device.

You must protect and not disclose any passwords to anyone.

You must notify your supervisor when you lose any security device (including passwords) or have reason to believe that any security device or method has been improperly used or compromised.

PURCHASED SOFTWARE

Some of the software acquired by the County is proprietary and is subject to a licensing agreement or other restrictions. Therefore, any County employee or contractor who has access to, or occasion to use such software, is subject to said licenses and restrictions.

Such restrictions include prohibitions on:

1. Copying the software for other than use on the specific computer(s) for which it was licensed
2. Reproducing either the software or documentation and making it:
   a. Available to any third party, or
   b. Available for use on any non-County owned or operated computer
3. Altering the software in any way without authorization from supplier
4. Use of privately licensed software on County-owned computers

COMPUTER CRIME

Minnesota Statutes section 609.87-.89 define two types of computer crime. One is to intentionally and without authorization physically damage or alter computer hardware, computer software, stored data or a computer network. A second type of computer theft is the unauthorized access to a computer or computer network, as well as unauthorized possession of computer hardware, software, or data from a computer. Penalties, for both types of crime, range up to ten years imprisonment and/or $50,000 in fines.

STATEMENT OF UNDERSTANDING

I hereby acknowledge that I have read and understand the conditions stated above. I further understand that violation of the conditions may make me subject to disciplinary action by my employer as well as prosecution under the provisions of Minnesota Law.

**DATA PRACTICES MANAGEMENT POLICY**

RESOLUTION NO. 743

September 22, 1998

WHEREAS, the Minnesota Data Practices Act, Minnesota Statutes Chapter 13, governs data practices operations in county government; and

WHEREAS, Minnesota Statutes, Section 13.02, Subdivision 16, requires the County to designate an individual as the Responsible Authority for management of data practices; and

WHEREAS, the St. Louis County department heads are responsible for the operation of data management within their respective departments.

NOW, THEREFORE, BE IT RESOLVED, that the following policies shall be established:

> That the St. Louis County Administrator is designated as the Responsible Authority for management of data practices within St. Louis County.
>
> That the St. Louis County department heads may be designated as the individuals responsible for data practices procedures within their respective departments pursuant to the direction of the Responsible Authority.
>
> That the St. Louis County Attorney's Office shall act as the legal advisor regarding data practices procedures.
>
> That County Board Resolutions No. 671, adopted September 10, 1979, and No. 406, adopted June 9, 1980, governing data practice procedures are hereby repealed.

# CHAPTER 6
# DRUG AND ALCOHOL

## DRUG AND ALCOHOL-FREE POLICY

RESOLUTION NO. 484
October 27, 2009

WHEREAS, the County Board directed a review of each policy identified in the St. Louis County Code of Conduct when it was adopted on December 18, 2007; and

WHEREAS, St. Louis County has a responsibility to its citizens and employees to provide a safe, productive work environment; and

WHEREAS, it is in the best interest of the citizens and employees of St. Louis County to ensure that county work is performed as safely and responsibly as possible; and,

WHEREAS, St. Louis County desires to require employees and independent contractors to submit to drug and alcohol testing under certain conditions in accord with the Minnesota Drug and Alcohol Testing in the Workplace Act (Minn. Stat. §§181.950-181.957).

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board adopts the revised Drug and Alcohol-Free Workplace Policy to replace the original version on file in the County Board File No. 53523. dated June 13, 1989.

RESOLVED FURTHER, the policy is effective immediately except for the provisions related to testing which will be effective January 4, 2010.

RESOLVED FURTHER, the County Administrator and the Employee Relations Director are authorized to establish operating procedures to implement this policy.

## ST. LOUIS COUNTY DRUG & ALCOHOL-FREE WORKPLACE POLICY

INTRODUCTION - St. Louis County has a responsibility to its citizens to provide a safe, productive work environment. In order to achieve these objectives, St. Louis County employees must be able to work in an alcohol and drug-free environment, and must themselves be free from the effects of alcohol and drugs while at work. This policy will describe the County's rules regarding drug and alcohol use and possession in the workplace and its intent to implement reasonable suspicion testing within the parameters of Minn. Stat. §§181.950 – 181.957, the Minnesota Drug and Alcohol Testing in the Workplace Act. This policy also ensures the County's compliance with the federal Drug-Free Workplace Act of 1988 which applies to recipients of federal contracts and grants.

OVERALL POLICY

The following statements apply to all St. Louis County employees, elected officials, volunteers, independent contractors and any other person who represents the County in any capacity. The word "individual" as used in this section is intended to include all of the persons described in the preceding sentence unless otherwise noted.

1. No individual shall report to work under the influence of alcohol, marijuana, controlled substances, or other drugs which affect his/her alertness, coordination, reactions, responses, judgment, decision-making or safety.
2. No individual shall operate, use or drive any County equipment, machinery or vehicle while under the influence of alcohol, marijuana, controlled substances, or other drugs which may impair his/her ability to work in a safe manner.
3. No individual shall unlawfully manufacture, distribute, dispense, possess, transfer, or use a controlled substance in the workplace or wherever the County's work is being performed.
4. During work hours or paid breaks, or while on the County's premises, no individual shall consume, use, sell, possess, or transfer alcohol or controlled substances.
5. Pursuant to the federal Drug-Free Workplace Act of 1988, an employee must notify his/her supervisor (or another supervisor in his/her department) within five calendar days if s/he is convicted of a criminal drug violation in the workplace. The County will notify the contracting/granting agency within ten (10) days of receipt of an employee conviction notice.
6. Before reporting to work or beginning to perform work on behalf of the County, an employee shall notify his/her supervisor (or another supervisor in his/her department) if s/he has consumed alcohol, ingested controlled substances or taken prescription drugs which may impair performance of duties. It will be the responsibility of the employee's supervisor to ask pertinent questions to determine the employee's ability to perform in a safe, fully functioning capacity. It will be the responsibility of the supervisor to document the authorization to come to work.

<u>Exceptions</u>

The policy statements above do not apply to the following situations:

1. Activities which are part of a work assignment such as may occur in the Sheriff's Department.
2. Possession of alcohol in an employee's personal vehicle on the County's premises as long as the situation is in compliance with applicable laws.
3. Consumption of alcohol by elected officials as part of business or social events which occur outside of the normal business day provided that the elected official does not drive a County vehicle after having consumed alcohol.

<u>Violations</u>

Violations of these policy statements will be handled as follows:

1. Employees who violate on or more of the policy statements will be subject to disciplinary action up to and including discharge.
2. Volunteers who violate one or more of the policy statements will have their County volunteer work ended.
3. Independent contractors who violate one or more of the policy statements while working for the County on County property or at a County event will be subject to cancellation of their contracts and ineligibility for future contracts for a period of one year.

4. Elected officials who violate one or more of the policy statements will be subject to the St. Louis County Code of Conduct for elected officials (Board Resolution No. 09-57)

**Testing**

St. Louis County already has two separate policies for pre-employment drug testing for all new employees and for random testing of employees required to have Commercial Driver's Licenses. As part of this policy, the County is implementing a third form of testing: reasonable suspicion testing for employees, and for independent contractors while working for the County on County property or at a County event, as described below:

1. Employees and independent contractors may be asked to undergo drug or alcohol testing when there is reasonable suspicion to believe the employee or contractor may be under the influence of drugs or alcohol as defined in Minn. Stat. §181.951, Subd. 5.
2. Current employees and independent contractors will be informed of this policy and the operating procedures upon implementation. New employees and independent contractors will be informed of the policy and operating procedures upon beginning service for the County. A copy of this policy and the operating procedures developed to implement this policy will be posted on the Employee Relations Department's intranet website.
3. Employees and independent contractors may refuse to undergo testing, but there are consequences for such refusal:
    a. For contractors, the refusal will result in immediate termination of the person's contract with the County and ineligibility for another contract for one year.
    b. For employees, refusal means the employee is insubordinate and may be disciplined up to and including discharge.
4. Employees and independent contractors have the right to explain a positive test result on a confirmatory test, and to request and pay for a confirmatory retest.
5. If an independent contactor has a confirmed positive test, the person will be subject to cancellation of their contract and ineligibility for future contracts for a period of one year.
6. If an employee who is exclusively represented has a confirmed positive test, the employee will be subject to disciplinary action up to and including discharge. The employee may grieve the disciplinary action as provided in the applicable collective bargaining agreement.
7. If an employee who is not exclusively represented has a confirmed positive test, the employee will be subject to disciplinary action up to an including discharge. The employee may appeal the action to the County Administrator or designee.

**Employee Assistance and Education**

St. Louis County will continue to offer drug-free awareness information for employees and encourages employees to take advantage of the County's health insurance program and/or employee assistance program. Information about both can be found on the Employee Relations Department's intranet web site.

**Implementation**
The County Administrator and Employee Relations Director are responsible for developing and administering procedures to implement this policy. Questions should be directed to the Employee Relations Director.

**Related Resources**
St. Louis County Applicant Drug Testing Policy
St. Louis County Federal Drug and Alcohol Testing Procedures
Minnesota Drug and Alcohol Testing in the Workplace Act (Minn. Stat. §§181.950 – 181.957)
Federal Drug-Free Workplace Act of 1988

**APPLICANT DRUG TESTING POLICY**
RESOLUTION NO. 659
BOARD FILE NO. 57053
September 2, 1997

RESOLVED, that the Board authorizes pre-employment drug testing for all new hires in accordance with the St. Louis County Applicant Drug Testing Policy, a copy of which is retained in County Board File No. 57053. The policy is effective October 1, 1997.

**ST. LOUIS COUNTY APPLICANT DRUG TESTING POLICY**
I. INTRODUCTION
St. Louis County has a responsibility to its citizens and employees to provide a safe, productive work environment and to assure that its employees are providing services in a physically and psychologically fit manner. In order to achieve these objectives, St. Louis County employees must be able to work in a drug-free working environment, and must themselves be free from the effects of drugs while at work.

The purpose of this Policy is to set forth the County's rules regarding applicant drug testing.

This Policy is enacted pursuant to the Minnesota Drug and Alcohol Testing in the Workplace Act (MS 181.950-181.957), and the federal Omnibus Transportation Employee Testing Act of 1991 and the rules promulgated there under, and shall utilize the statutory definitions of terms found within the laws. Testing procedures required under federal law shall supersede state law procedures when mandated. This Policy will be applied and enforced without discrimination.

II. POLICY APPLICATION
The St. Louis County Applicant Drug Testing Policy is applicable to all job applicants not currently employed by St. Louis County. The Civil Service/Personnel Director shall be the administrator of this Policy and shall be the authorized representative to arrange for drug testing services; shall receive testing results; and shall provide notices, as required, to individuals. It is the authority of the Civil Service/Personnel Director to

make determinations regarding the application and interpretation of the provisions of this Policy.

## III. PERSONS SUBJECT TO TESTING

All applicants conditionally offered employment shall be subject to testing for the following drugs: marijuana, cocaine, amphetamines, opiates, phencyclidine (PCP) and any other drug tests authorized by law.

No person will be tested for drugs without the person's consent; however, refusal to be tested shall result in the consequences indicated in Section V. "Refusal to Undergo Testing and Adulterated Tests".

## IV. CIRCUMSTANCES FOR REQUESTING APPLICANTS TO UNDERGO TESTING

Any applicant not currently employed by St. Louis County who is selected for employment with the County will be offered employment conditioned upon the completion of a drug test having negative results.

## V. REFUSAL TO UNDERGO TESTING AND ADULTERATED TESTS

Right to Refuse Test

All applicants have the right to refuse to undergo drug testing. If an individual refuses to undergo requested drug testing, no such test shall be given. Adulteration of a test, attempts to delay the taking of the test, or failure to take the test at the appointed time and place may be considered a refusal to test.

Consequences of Refusal to Take Test

An applicant for a position in the classified civil service who refuses to take a drug test shall be disqualified from further consideration for the conditionally offered position, and the applicant's name shall be removed from ALL eligible lists and may be disqualified by the Civil Service/Personnel Director from applying for positions in the classified service with St. Louis County for a period of two (2) years.

An applicant for a position in the unclassified service who refuses to take a drug test shall be disqualified from further consideration for the conditionally offered position.

## VI. TESTING PROCEDURES: APPLICANT RIGHT TO EXPLAIN TEST RESULTS AND REQUEST A RETEST

A. Certified Laboratory

The County shall use a certified testing laboratory, licensed pursuant to MS 181.953 and USDOT regulations, to test drug samples. Collection of samples, handling, labeling, identification, and record keeping shall be done pursuant to a uniform chain of custody procedure established by the County.

The County shall use the split specimen method for drug testing. Applicants must provide at least 45 ml of urine; 30 ml for the primary specimen and 15 ml for the secondary, or split specimen. The applicant shall complete the appropriate

sections of the Chain-of-Custody (COC) forms, initial and date the labels used to cover the specimen bottles, and personally observe the labeling, handling and packaging of the specimens by the medical staff person. Individuals will be allowed to provide specimens in private, unless there is the threat of adulteration to the specimen. The split specimen shall then be sent by overnight courier to the laboratory.

The testing laboratory shall prepare a written report indicating the drugs or their metabolites tested for in a sample, and whether the test produced negative or positive test results. The laboratory shall send its report to the

Civil Service/Personnel Director within three working days following a positive confirmatory test or a negative result on the initial screening test. The laboratory shall retain properly stored test samples for at least six months after a confirmatory positive test result.

B. Applicant Provided Information

An applicant who is requested to take a drug test shall be given the opportunity to review this Policy and shall be provided with a copy of a form upon which the individual will acknowledge that they have seen the St. Louis County Applicant Drug Testing Policy.

C. Notice of Test Results

Within three working days following receipt of the Medical Review Officer's written report of the test results from the testing laboratory, the Civil Service/Personnel Department shall inform the applicant in writing of the following:

1. A negative test result on an initial screening or a positive test result that has been verified by a confirmatory test;
2. The right to request and receive a copy of the test results report;
3. The right to request in writing, within three days after a notice of a positive test result, a second confirmatory test of the original sample at the applicant's expense at the original testing laboratory or another licensed testing laboratory, which retest shall be arranged for by the County. The County shall inform the laboratory of the request for a retest within three days of notice;
4. The right to submit further information that indicates any over-the-counter or prescription medication that the individual is currently taking or has recently taken and any other information relevant to the reliability of, or explanation for, a positive test result to the Medical Review Officer within three working days after notice of a positive test result to explain that result;

The Civil Service/Personnel Department will immediately inform the appointing authority in writing of a negative test result on an initial screening, or will inform the

appointing authority of a positive test result after the applicant's information and retest rights have been exhausted.

## VII. PERSONNEL ACTIONS RESULTING FROM POSITIVE TEST RESULT

If an applicant's positive test result is verified in a confirmatory test or in any confirmatory retest requested by the applicant, the following action will occur, unless the applicant has furnished a valid medical reason to the Medical Review Officer for the positive test result.

CLASSIFIED POSITION:
The conditional offer of employment will be withdrawn, the applicant's name will be removed from ALL eligible lists, and the applicant may be disqualified by the Civil Service/Personnel Director from applying for positions in the classified service with St. Louis County for a period of two (2) years.

UNCLASSIFIED POSITION:
The conditional offer of employment will be withdrawn.

## VIII. APPEALS PROCEDURES

Any applicant for a position in the classified civil service whose name is removed from an Eligible Register may appeal to the Civil Service Commission. Under Civil Service Rule 6.4, all appeals must be made in writing within ten (10) days of receipt of notice of such removal.

## IX. DATA PRIVACY

The purpose of collecting a body component sample of blood, breath or urine is to test that sample for the presence of drugs. The name, initials and social security number of the person providing the sample are necessary for the sample to be identified accurately but confidentially. Information about medications and other information relevant to the reliability of, or explanation for, a positive test result is requested to ensure that the test is reliable and to determine whether there is a valid medical reason for any drug in the sample. All data collected under this policy is intended for use in determining the suitability of the applicant for employment and is classified as private data.

The employer will not disclose drug test reports and other information acquired in the drug testing process to another employer or to a third party individual, governmental agency or private organization without the written consent of the person tested, unless permitted or required by law, court order, or judicial proceeding.

# CHAPTER 7
# EMERGENCY CONDITIONS

## EMERGENCY CONDITIONS POLICY

RESOLUTION NO. 907
BOARD FILE NO. 57090
December 9, 1997

RESOLUTION NO. 386
BOARD FILE NO. 58429
August 2, 2005

RESOLUTION NO. 701
BOARD FILE NO. 58772
December 18, 2007

RESOLUTION NO. 13-701
BOARD FILE NO. 59752
November 12, 2013

RESOLVED, that the Emergency Closings Policy is hereby amended to the Emergency Conditions Policy, copy of which is on file in County Board File No. 57090, effective December 9, 1997.

RESOLVED FURTHER, that the Emergency Conditions Policy, copy of which is on file in County Board File No. 58429, is hereby amended effective August 2, 2005.

RESOLVED FURTHER, that the Emergency Conditions Policy, copy of which is on file in County Board File No. 58772, is hereby amended effective December 18, 2007.

RESOLVED, That the St. Louis County Emergency Conditions Policy, a copy of which is on file in County Board File No. 59752, is amended effective December 2, 2013.

### EMERGENCY CONDITIONS DEFINED

This Policy may be implemented for emergency conditions within St. Louis County. Procedures for responding to emergency conditions at County owned and/or operated buildings are defined in facility specific Emergency Response and Evacuation Plans. These plans include general instructions for employees in the facility and information concerning the lines of authority during impending emergency and dangerous situations that may require immediate evacuation or response by on-site personnel. Department specific alternate worksites shall be identified by each department head in advance of an Emergency Conditions Declaration.

Emergency conditions covered by this Policy shall include:

1. **Severe Weather:** Conditions which threaten the health/safety of employees at

their work locations or create conditions hazardous to the safety of the public in travel. Examples include, but are not limited to, tornadoes or excessive winds; severe blizzard conditions creating visibility near zero; road impasses caused by severe icing or excessive accumulation of snow; or any other hazardous weather conditions which may cause the cancellation of public transportation.

2. **Power Failure:** Any major failure of a mechanical system, such as power, water, or heating within a County building or a building containing County employee work sites, when the failure is expected to last more than three (3) hours and/or employee health or safety may be jeopardized by the inability to maintain a functioning work environment.

3. **Hazardous Circumstances:** Conditions occurring in or near a County building or place of employment which could endanger the safety of employees. Examples include but are not limited to, bomb threats, terrorist threats, fire, explosion or imminent explosion, toxic substance spills or leakage, accidental and severe damage to a building, and other similar circumstances.

4. **Other Situations:** Other unforeseen and sudden circumstances of an emergency nature similar to those listed above that significantly affect the health or safety of employees.

Separate procedures found in the "Emergency Response and Evacuation Plan" exist for certain County owned and/or operated facilities. These plans provide greater detail regarding evacuation of a building, or such other action as may be necessary, in the event of an impending emergency or other situation presenting imminent danger.

**RESPONSIBILITY FOR DECLARING AN EMERGENCY CONDITION**

Declaring an emergency condition shall be the joint responsibility of the Chair or Vice-Chair of the County Board, and the County Administrator, or their designees. Determination of the emergency condition will be made in consultation with the Commissioner(s) representing the district(s) in which the emergency condition exists, if this is practical.

**NOTIFICATION OF EMERGENCY CONDITION**

Upon determination that an emergency condition exists, the County Administrator or his/her designee shall convey notice of the condition to County employees as follows:

If an emergency condition is declared prior to the start of the normal business day, notification shall be made by 6:30 a.m. or as soon thereafter as possible via St. Louis County's **Amerilert** notification system. Employees should also access the county's web page for public announcements specific to conditions (www.stlouiscountymn.gov). Notification shall also be made to the department heads or supervisors impacted by the decision.

It is each individual employee's responsibility to sign into the **Amerilert** notification

system and to keep their contact information in the system current. During times of severe weather, the **Amerilert** notification system will be used to notify employees if an emergency condition is declared prior to the start of a workday. Additionally, local media will be notified should an emergency condition be declared. With regard to other emergency conditions, department heads or supervisors shall notify the employees in their departments of the emergency condition as soon as reasonably possible.

If an emergency condition is declared after the start, but prior to the end of a normal business day, notice shall be conveyed to the media, to the department heads or supervisors impacted by the decision, and/or to impacted employees through the **Amerilert** notification system. Department heads or supervisors shall notify the employees in their departments of the emergency condition as soon as reasonably possible.

**NON-EMERGENCY EMPLOYEES**

For the purpose of this Policy, the term "non-emergency employees" shall include all County employees except those employees defined herein as "emergency employees".

**EMERGENCY EMPLOYEES**

Department heads shall determine the number of employees designated as emergency employees for their respective departments. Emergency employees must appear at designated work sites during an emergency condition. For purposes of this Policy, the term "emergency employees" shall include those employees working in certain job classes, as set forth in the attachment to this Policy, in the following departments:

A. Sheriff's Office including 9-1-1 Communications, Law Enforcement, Emergency Management and Jail Division
B. Property Management Department
C. Public Works Department

**EMPLOYMENT STATUS WHEN EMERGENCY CONDITION IS DECLARED**

Except in rare circumstances, as determined jointly by the Chair or Vice-Chair of the County Board, and the County Administrator, or their designees, County offices and work sites will remain open when an emergency condition has been declared.

If an emergency condition is declared prior to the start of the normal business day, all St. Louis County offices will open. However, non-emergency employees may choose to: (1) report for work at their regularly scheduled time, or (2) remain at home and use accrued vacation, personal leave, or compensatory time for the day.

If an emergency condition is declared after the start of the normal business day, all St. Louis County offices will remain open, except in rare circumstances. However, non-emergency employees may choose to (1) remain at work, or (2) go home early and use accrued vacation, personal leave, or compensatory time for the remainder of the day.

Emergency employees are required to appear at their designated work sites at their

normally scheduled times during emergency conditions. Emergency employees must also report to work if they are called out to work during emergency conditions. Any emergency employee who fails to report for work without good cause may be subject to discipline.

In the rare instance when emergency conditions require the closing of a County office or work site, emergency employees will be notified of the location of an alternative work site to which they must report. Alternative work sites shall be identified by department heads and shall be located as near to the employees' designated work site as is reasonably possible.

**EMPLOYEE COMPENSATION**

If an emergency condition is declared prior to the start of a business day, non-emergency employees who do not report to their work sites will not be paid for their normal work hours during that day, except by using accrued vacation, personal leave, or accrued compensatory time. Non-emergency employees who report for work will receive their regular wages.

If an emergency condition is declared during regular work hours, all employees will be notified of that determination as soon as reasonably possible. Non-emergency employees will then have the option of (1) remaining at work or (2) leaving the work site and using accrued vacation, personal leave, or compensatory time. Non-emergency employees who remain at work will receive their regular wages.

If the emergency condition is such that the decision is made to "close" St. Louis County offices and/or other work sites **prior to the start of a business day,** non-emergency employees will not be paid for their normal work hours during that day except by using accrued vacation, personal leave, or accrued compensatory time. Employees who have no accrued paid leave hours available their payroll record will be authorized advance credit of vacation hours to be used for the emergency closure event, and these credited hours shall be repaid in full from the employee's vacation earnings in the immediately following pay periods.

If the emergency condition is such that the decision is made to "close" St. Louis County offices and/or other work sites **during regular working hours,** all non-emergency employees will be released and paid their regular wages for the entire work day. Emergency employees shall report to their normal work sites, or to a designated alternative work site, for their scheduled shifts. Any emergency employee not reporting for work as scheduled or as otherwise required, shall not receive compensation for the day. However, a department head may authorize the use of vacation pay, personal leave, or accrued compensatory time by an emergency employee unable to report to work during an emergency situation, for good cause shown by the employee, on a case-by-case basis, after review by the County Administrator.

Employees on sick leave status on the work day prior to the emergency condition may use sick leave benefits on the day of the emergency condition, if the employee can show

that absence from work would have been required, regardless of the emergency condition, because of continuing need for sick leave use. If, because of severe weather, any emergency or non-emergency employees choose to remain at County offices or other work site after a decision to close the offices, they shall not receive overtime compensation or compensatory time off unless their department head ordered them to remain on site specifically to work during the emergency condition.

**EMERGENCY EMPLOYEES (revised 2013)**

**Sheriff's Office 9-1-1 Communications**
Assistant Communications Center Supervisor
Lead Emergency Communications Specialist
Emergency Communications Specialist
Communications Technical Supervisor
Lead Electronic Systems Technician
Electronic Systems Technician

**Sheriff's Office Law Enforcement**
Deputy Sheriffs serving on patrol in outlying areas
Deputy Sheriff-Investigator
Deputy Sheriff-Sergeant
Deputy Sheriff Lieutenant
Supervising Deputy Sheriff

**Sheriff's Office Emergency Management**
Emergency Services Manager
Civil Defense Coordinator

**Sheriff's Office Jail Division**
Deputy Sheriff-Corrections Officer
Deputy Sheriff Sergeant-Corrections
Assistant Administrator-Operations
Assistant Administrator-Security
Jail Administrator
Cook-Jail
Cook Supervisor-Jail
Jail Program Operations Coordinator

**Property Management**
Head Janitor
Designated Property Management Staff

**Public Works**
Highway Engineer/Public Works Director
Deputy Public Works Director
Assistant County Highway Engineer
Highway Division Superintendent
Highway Maintenance Supervisor
Road and Bridge Shop Supervisor
Sign Supervisor
Principal Engineer (Bridge Division)
Bridge Supervisor
Bridge Superintendent
Bridge Worker Junior
Bridge Worker Senior
Equipment Operator Junior
Equipment Operator Senior
Heavy Equipment Mechanic
Principal Engineer (Traffic Division)
Sign Technician
Principal Engineer (Maintenance Division)
Fleet/Property Manager

WHEREAS, St. Louis County is required to have an Emergency Operations Plan; and,

WHEREAS, the Emergency Operations Plan is updated every four years.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board approved the 2008 Emergency Operations Plan.

The Emergency Operations Plan is located in the St. Louis County Sheriff's Office.

# CHAPTER 8
# EMPLOYEE ASSISTANCE

## VOLUNTARY PAYROLL DEDUCTION TO ASSIST CO-WORKER IN NEED OF ORGAN TRANSPLANT

RESOLUTION NO. 174
March 13, 1990

RESOLVED, that St. Louis County employees are hereby authorized to designate a voluntary payroll deduction for the purpose of assisting a named St. Louis County Employee/Retiree in need of an organ transplant.

## EMPLOYEE TUITION REIMBURSEMENT POLICY & PROCEDURE

RESOLUTION NO. 521
BOARD FILE NO. 55575
June 28, 1994

BE IT RESOLVED, that St. Louis County approves an Employee Tuition Reimbursement Program for 1994 and that such program be administered by Employee Development staff pursuant to a June 15, 1994, dated policy and procedure document, a copy on file in County Board File No. 55575

BE IT FURTHER RESOLVED, that the 1994 funding for the Employee Tuition Reimbursement Program not exceed $20,000 and be allocated from the Employee Development Budget

## ST. LOUIS COUNTY TUITION REIMBURSEMENT POLICY & PROCEDURE

1. Purpose: St. Louis County has a major interest in developing a well-trained, highly-skilled workforce. The County's objective is to assure that county services are provided in a cost effective manner and that the county maintains a competent employee workforce. To aid in this, the county offers a tuition reimbursement program for employees. Education shall consist of all courses for credit, associate degree programs, vocational training and other certified and approved courses. The goal of the Employee Development Program shall be to improve the quality of personnel services rendered to the county and to provide further development of occupational skills and knowledge to meet current and future county needs.
2. Eligibility: Permanent full time and permanent part time employees are eligible for this program. (Employees who work less than full time will be reimbursed on a pro-rated basis in terms of hours worked in an average pay period.) The course of study must be job-related or must benefit the employee or the county in a future work assignment. Courses must be approved prior to registration.
3. Conditions: Tuition aid will apply only to courses which are judged to be in the best interest of the county, or pertain directly to the employee's present or likely future work goals or assignments. Applications will be accepted up to six weeks prior to the beginning of the course. Attendance and other study requirements

must be on the employee's own time. Employees are encouraged to use vacation time, compensatory time, personal leave or flex time to attend courses. If department approval is not granted to an employee making application, the employee is eligible to appeal to the employee development advisory committee. Current training or training received prior to the enactment of this policy is not reimbursable under this program. Participation in the program in no way guarantees promotion, transfer or continued employment with the County. However, departments will be encouraged by administration to utilize any new skill, training or degree obtained by employees.

4. Procedure: Prior to course registration, an employee must complete an Application for Tuition Reimbursement; secure approval signature from the department head or designee; and route the application to the office of Employee Development. Upon approval of Employee Development, employees will be notified and a tuition reimbursement form will be sent to the employee. Upon successful completion of the course, an employee must submit an employee reimbursement voucher with receipts for payment of tuition, and a copy of the grade received for this course. Employees will then be reimbursed for 80% of the total cost of the course.
5. Fee and Reimbursement Policy: With prior approval by the department head or designee and final approval by the Employee Development Program, and upon receipt of successful completion of the course (minimum of "C" or "Pass" for undergraduate courses and "B" for graduate courses), 80% of tuition or course fees will be reimbursed. Books, other fees and personal expenses are not reimbursable items. Employees are eligible for a maximum of $1,000 per year.

**EMPLOYEE ASSISTANCE PROGRAM POLICY**
RESOLUTION NO. 200
March 19, 1996

RESOLVED, that the Chair of the Board, County Auditor, Civil Service Director, and County Attorney are authorized to execute a contract in the amount of $20,304.00 payable from Fund 01, Department 63 with Lutheran Social Services Lifeworks Employee Assistance Program, a copy of which is on file in Contract File No. 96-147.

RESOLVED FURTHER, that the Employee Assistance Program Policy as on file in County Board File No. 56786 is hereby adopted.

**ST. LOUIS COUNTY EMPLOYEE ASSISTANCE PROGRAM POLICY**

St. Louis County and its employees' unions recognize that a wide range of problems not directly associated with one's job function can have an effect on an employee's job performance. In most instances, the employee will overcome such personal problems independently. In other instances, employees may need help in resolving these problems. The County and Unions believe it is in the best interest of the employee and the employee's family to provide a service which deals with such persistent problems. Therefore, under the auspices of St. Louis County and in agreement with the unions, the

Civil Service/Personnel Department will be responsible for providing Employee Assistance Program services for County employees and immediate family members by contracting with an Employee Assistance Program provider. The County and the Unions recognize that unresolved problems affecting the employee's job performance reduce productivity, resulting in an increase of expenses to the County and a decrease in services to the public.

1. The County and the Unions recognize that any human problem may be successfully treated provided it is identified in its early stages and referral is made to an appropriate caregiver.
2. When an employee's job performance or attendance is unsatisfactory and the employee is unable or unwilling to correct the situation, it is an indication there may be some cause outside of the realm of his/her job responsibilities which is the basis of his/her problem. Employees will receive careful consideration and an offer of assistance to help resolve such problems in an effective and Confidential manner. Their job, future and reputation will not be jeopardized by utilizing this employee service.
3. Employee's problems causing unsatisfactory job performance will be handled within the employer's established health and personnel administrative procedures and all records will be kept in confidence. Confidentiality will apply for all records of any community caregiver involved.
4. In instances where it is necessary, upon certification of the attending physician or caregiver the employee may use sick leave for treatment or rehabilitation. When an employee has no accumulated sick leave, he may use comp time, vacation, personal leave, or leave without pay in accordance with the Civil Service Rules and Regulations, Merit System Rules and Regulations, and unions' collective bargaining agreements.
5. Employees who have a problem which they feel may affect work performance are encouraged to voluntarily seek counseling and information on a confidential basis by contacting a designated resource. Employees shall be informed by their supervisors of this service.
6. It will be the responsibility of the employee whether or not to comply with the referrals for diagnosis of his/her problem and to cooperate and follow the recommendations of the diagnostician or counseling agent.
7. Since employee work performance can be affected by the problem of the employee's spouse or other dependent's, the program is available to the families of our employees as well.
8. When an employee's job performance or attendance continues to be unsatisfactory and the employee is unable or unwilling to correct the situation, disposition of the matter will proceed in accordance with the Civil Service Rules and Regulations, Merit System Rules and Regulations and the Union collective bargaining agreements.

PROCEDURE

Essentially, the program consists of four phases as follows:

A. Identification of a problem by the employee or supervisor that could potentially effect or is effecting job performance.
B. Referral of the employee to the Employee Assistance Program provider.
C. Define the problem and provide the employee with several possible treatment sources (a minimum of three if possible).
D. Employee chooses and contacts a treatment source.
E. Counseling, treatment and follow-up as needed to resolve the problem.

The success of this program will result in an increase in productivity and services to the County and the public, but most of all, it will have allowed the employees the opportunity to improve their work relationships, their job satisfaction and their overall quality of life.

# CHAPTER 9
# EMPLOYMENT PRACTICES

**DEPARTMENT HEAD MAY ASSIGN WORK IN HIGHER CLASSIFICATION**
RESOLUTION NO. 1010
December 11, 1978

RESOLVED, that any Department Head may assign an employee to do work in a higher classification, but cannot require them to do so.

RESOLVED FURTHER, that Resolution No. 958, adopted November 13, 1978, is hereby rescinded.

**SERVICE RATINGS FOR EMPLOYEES RESPONSIBLE TO BOARD OF COMMISSIONERS**
RESOLUTION NO. 116
February 12, 1979

RESOLVED, that service ratings for those employees directly responsible to the Board of Commissioners be referred to each board member for completion, whereupon receiving completed questionnaires, an average be then taken to determine service rating.

**PUBLISHING OF EMPLOYEE SALARIES**
RESOLUTION NO. 257
April 26, 1982

RESOLVED, that pursuant to Minnesota Statutes 375.17, Sections 1 and 2, St. Louis County will not publish the names and amounts of salaries and expenses paid to employees, but shall publish the totals of disbursements for salaries and expenses.

RESOLVED FURTHER, that the county commissioners and the department heads' salaries shall be published by name, title, and total amount of compensation received for the year.

**NON-DISCRIMINATION ON THE BASIS OF HANDICAP OR DISABILITY**
RESOLUTION NO. 657
October 9, 1984

RESOLVED, that the St. Louis County Board of Commissioners, consistent with its resolve to assure equal opportunity in providing public services and employment, does hereby affirm its policy of non-discrimination on the basis of handicap or disability status in the access and admission to and participation in County programs, services and benefits.

**COUNTY BOARD NOT REQUIRED TO REVIEW ENTRY LEVEL POSITIONS**
RESOLUTION NO. 418
June 24, 1985

RESOLVED, that the St. Louis County Board, upon the recommendation of the St. Louis County Officials Organization, rescinds Resolution 782, dated November 14, 1983, that required that all entry level positions be reviewed by the County Board. This Resolution is effective for all

positions that become vacant subsequent to June 24, 1985. All positions that became vacant prior to that date must still have County Board approval prior to being filled.

**SEXUAL HARASSMENT POLICY**
RESOLUTION NO. 103
BOARD FILE NO. 52731
February 23, 1987

WHEREAS, the St. Louis County Board of Commissioners did adopt, on December 8, 1980, by Resolution No. 830, a policy relating to sexual harassment in the work place;

WHEREAS, the County Board desires to revise the sexual harassment policy;

NOW, THEREFORE, BE IT RESOLVED, that the County Board does adopt a revised sexual harassment policy, as contained in County Board File No. 52731, on file in the office of the County Auditor; effective immediately.

RESOLVED FURTHER, that the Civil Service Director shall notify all employees of the revised sexual harassment policy.

**SEXUAL HARASSMENT POLICY STATEMENT**

Discrimination on the basis of race, color, religion, sex or national origin is a violation of Section 703 of Title VII of the Civil Rights Act and Minnesota Statutes 363. Sexual harassment is a form of sex discrimination.

Sexual harassment has been defined by the Equal Employment Opportunity Commission as "Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or (3) such conduct has the purpose of effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment." Employee conduct which results in the sexual harassment of employees will not be tolerated. Employees engaging in such conduct may be subject to disciplinary action. It is the responsibility of every department head and supervisor to effectively implement compliance with this policy. Any employee whose conditions or status of employment is being affected by the unwelcome sexual advances of individuals in the workplace should communicate that such behavior is offensive to him/her. The employee should then bring the matter to the attention of a higher authority within the department or contact the Civil Service Director. All complaints of sexual harassment will be investigated and resolved in accordance with the provisions of the Employment Discrimination Complaint and Investigation Procedures as established by the St. Louis County Civil Service Department.

**EQUAL EMPLOYMENT OPPORTUNITY POLICY**
RESOLUTION NO. 104
BOARD FILE NO. 52732
February 23, 1987

RESOLVED, that the St. Louis County Board of Commissioners, consistent with its resolve to provide fair and equitable treatment in all conditions of employment for employees and job applicants, does hereby adopt a policy relating to equal employment opportunities, as contained in County Board File No. 52732, on file in the office of the County Auditor, effective immediately.
RESOLVED FURTHER, that the Civil Service Department shall establish a procedure relating to the filing of and investigation of employment discrimination complaints.

**CODE OF CONDUCT POLICIES**
RESOLUTION NO. 57 (Replaces RESOLUTION NO. 104, February 20, 2007)
BOARD FILE NO. 58903 (Replaces Board File 58666)
FEBRUARY 3, 2009

RESOLVED, the revised St. Louis County Code of Conduct, a copy of which is on file in County Board File No. 58903, is adopted effective February 3, 2009.

RESOLVED FURTHER, that the St. Louis County Board will review the Code of Conduct in two years and each biennium thereafter.

**ST. LOUIS COUNTY CODE OF CONDUCT POLICY, FEBRUARY 3, 2009**

**STATEMENT OF PURPOSE**
It is the responsibility of elected officials to execute their duties in a professional, respectful, and lawful manner. St. Louis County elected officials desire to assume personal responsibility for ensuring that their actions are appropriate. This Code of Conduct establishes standards for elected officials in St. Louis County.

All interactions between elected officials and employees, constituents, customers, contractors, visitors, and colleagues should be respectful in nature. For the purpose of this Code of Conduct, the term “respectful” means to show regard or consideration for another person; give deference to a person, right, privilege, or other personal quality or ability; or to show acceptance, courtesy and acknowledgement to another person.

1. Conflict of Interest

Preserving the integrity of County government is a key concern of all elected officials. St. Louis County elected officials will avoid any business, financial or other relationships where personal interests conflict or appear to conflict with the interest of the County. Elected officials will comply with County policy and State law pertaining to conflicts of interest. (County Board Resolution #104, February 20, 2007)

2. Political Participation

St. Louis County elected officials will not use St. Louis County funds, equipment, supplies, employees, or facilities in support of their own campaigns for reelection, other candidates for public office, or political organizations.

3. Drug and Alcohol-Free Workplace
Preserving the safety of employees and setting a good example for the public is an important goal for St. Louis County elected officials. Elected officials will strive to achieve this goal by complying with and enforcing all federal and state laws and County policies related to drugs and alcohol. (County Board Resolution #512, June 13, 1989)

4. Discrimination, Harassment, Retaliation, and Workplace Violence
St. Louis County elected officials have a responsibility to set an example that contributes to a safe, accepting and supportive workplace environment for employees, customers, contractors, and visitors. Discrimination, harassment, retaliation, and violence, in any form, will not be tolerated. Unacceptable behavior can be physical, psychological or behavioral. St. Louis County elected officials will abide by and enforce State and Federal law, and County discrimination, harassment, retaliation, and workplace violence policies for employees. (County Board Resolution #494, October 4, 2005)

5. Educational Programs
As part of its commitment to maintaining these standards of conduct, St. Louis County has identified training programs appropriate for elected officials and employees related to employment conduct. Each elected official is encouraged to attend at least one relevant internal or external training program per year.

6. Reporting Suspected Violations
Any complaint against an elected official should be submitted in writing to the County Board Chair and the County Administrator. A written complaint shall contain sufficient information to believe a violation may have occurred, and to ensure that the issue is clearly understood by those who will make a determination regarding its allegations. Upon receipt of an appropriate written complaint, the Chair of the County Board shall convene a meeting with the County Administrator and the County Employee Relations Director to review the complaint at their earliest convenience. At that meeting, a course of action in response to the complaint will be determined. If it is determined that an investigation is warranted, the elected official alleged to have violated the Code will be notified. The investigation may be completed by an authorized neutral third party. If the complaint contains an allegation that may be criminal in nature, the complaint will be sent to the appropriate law enforcement agency to determine if there is evidence of a criminal act. An acceptance of the investigation by a law enforcement agency will remove the matter from consideration under this Code of Conduct. The action of the law enforcement agency shall be final.

All complaints filed against an elected official under the St. Louis County Code of Conduct shall be documented in a log kept by the County Administrator's Office. All decisions pertinent to the specific allegations will be summarized and kept in the same document file.

7. Determination of a Violation of the Code of Conduct
If the Committee concludes that an elected official has violated the Code of Conduct, the Committee shall recommend appropriate and immediate action to the St. Louis County Board.
Minnesota Statute Citations:

6.48; 348.03; 351.02, .07,.14, .15; 375.09; 375.182; 382.18; 383C.055; 384.03; 387.06,.07,.13; 388.08; 469.009; 471.87; 609B.176, .184, .185

**CONFLICT OF INTEREST**
RESOLUTION NO. 104
BOARD FILE NO. 58666
February 20, 2007

**ST. LOUIS COUNTY CONFLICT OF INTEREST POLICY**
It is the intent of St. Louis County, through the establishment of a mission statement and principles of conduct, to preserve the public's trust and confidence. A consideration vital to such trust and confidence is the issue of conflict of interest. The goal of the St. Louis County conflict
of interest policy is to recognize and eliminate those situations of conflict, potential conflict or the appearance of conflict of interest. The following identifies the major areas where conflict of interest may arise:

Outside Employment. Any outside employment may not conflict with an employee's/official's job duties. A conflict occurs when the employee/official has the opportunity to affect the outcome of County decisions which may directly or indirectly benefit them through their outside employment.

Government Data Use. The appropriate and proper use of government data to assure the security and the personal privacy of all citizens is of utmost importance. St. Louis County officials/employees are prohibited from using privileged government data obtained through their position to further their own private interests.

Financial Interests. An official/employee shall not use his or her position to influence the purchase of services or products, when immediate family members defined as spouse, child, sibling, parent or grandparent, have a financial interest, direct or indirect, in the supplier, contractor or provider.

Service on Boards and Commissions. Appointed County employees are encouraged to serve their communities through advising roles on boards or commissions. However, they may serve only in an ex-officio capacity on the governing boards of agencies or companies which provide services or products to the County, when their position in the County allows them to influence the contracts with the agency or company.

Acceptance of Gifts or Favors. County officials/employees shall not accept nor solicit gifts, gratuities or other favors, as referenced in MN Statutes 471.895 and 10A.071 (limited to $5 or less trinket or memento), from persons, agencies, businesses, contractors or organizations which contract for supplies, services or products to the County.

Use of County Time, Property and Information. Officials/employees of the County shall

not use County time, supplies, property or equipment for anything other than official County business, except as provided by County resolution.

Administration of Conflict of Interest Policy. It is the responsibility of each official/employee to identify the potential for conflict of interest and to avoid such situations. Employees should be specifically aware of situations addressed in Minnesota Statutes 382.18, 471.87, 282.016, and 15.054. The official/employee shall bring the issue of a potential conflict of interest to the attention of the County Administrator, County Attorney, or the employee's immediate supervisor upon identification of the conflict.

Should the matter not be resolved between the employee and immediate supervisor the issue shall be brought to the department head for resolution in consultation with the County Administrator and the County Attorney. The record keeping duties for administration of the conflict of interest policy shall be the responsibility of the personnel department.

Departmental Codes. Individual departments may establish more restrictive policies, provided they are consistent with the intent of this general policy.

Internal Audit Function. The employee of the Auditor's Office appointed to fill the internal auditor position shall report any issue of a potential conflict of interest to the County Auditor unless the issue involves a conflict with the County Auditor, in which case the matter shall be brought to the attention of the County Administrator and the Personnel Director.

Violation of These Provisions. The violation of any of the provisions of the conflict of interest policy shall be grounds for disciplinary action. Officials/employees may still be subject to civil or criminal penalties in accordance with law.

**ST. LOUIS COUNTY WORK ENVIRONMENT – FAMILY NEEDS/ISSUES**
RESOLUTION NO. 722
October 2, 1990

RESOLVED, that the St. Louis County Board of Commissioners hereby adopts the following policy statement:

> "St. Louis County, as a progressive employer, supports its employees, their families, and the work they accomplish by providing an atmosphere conducive to meeting family needs. Consistent application of progressive policies demonstrates a caring attitude and provides employees with emotional and educational support for addressing family issues."

RESOLVED FURTHER, that this policy will be evaluated for its effectiveness at the end of six months and at the end of one year following adoption.

**CIVIL SERVICE DIRECTOR MAY AUTHORIZE EMPLOYMENT AT ANY STEP**
RESOLUTION NO. 362
May 5, 1992

RESOLVED, that the Civil Service Director may authorize the employment of a candidate for employment at any step in the grade level, and subsequently report such action to the County Board.

**OUT OF CLASS WORK ASSIGNMENT POLICY**
RESOLUTION NO. 762
BOARD FILE NO. 55088
October 12, 1993

RESOLVED, that the County Board adopts the Out-of-Class Work Assignment Policy as on file in County Board File No. 55088.

**OUT OF CLASS WORK ASSIGNMENT POLICY**

Policy: In order to accomplish the duties and responsibilities assigned in a position which is unoccupied due to the temporary, short-term absence of an incumbent, an employee in a position allocated to a lower salary grade may be assigned to perform all or part of the duties of the vacant position. If the employee having newly assigned job duties is required to perform a majority of the duties and responsibilities that serve as the basis for the higher grade allocation of the vacant position for more than five days, the employee shall be considered to be working "out-of-class" and shall receive an Emergency Appointment to the higher classified position. (Reference CS Rule 7.6)

Procedure:

1. When a position is vacant due to a temporary, short-term absence of the incumbent, the supervisor must determine if the duties and responsibilities of the vacant position, or a portion of the duties, must be performed during the incumbent's absence

2. If all of the duties and responsibilities of the vacant position must be performed,

   and an employee in a lower classified position is assigned to do the duties of the vacant position, an out-of-class work assignment occurs
3. In considering an out-of-class assignment for a lower classified employee, the supervisor must determine if the employee is qualified to perform the duties and responsibilities of the vacant position. If not, the duties cannot be assigned this employee
4. If only a portion of the duties and responsibilities of the vacant position must be performed during the incumbent's absence, the supervisor must determine if the lower classified employee assigned to do some of the duties of the vacant position is working out-of-class. To determine if an employee is working out-of-class a supervisor should use the following guidelines:

a. Compare the job description of the vacant position with the job description for the lower classified employee. If the newly assigned duties and responsibilities are within the scope of the lower classified position, no out-of-class work assignments occurred. In making this determination, contact the Civil Service/Personnel Department for assistance.

b. If, upon reviewing the duties and responsibilities assigned from the vacant position to the lower classified position, it is determined that the newly assigned duties actually serve as the basis for the higher grade allocation of the vacant position, such assignment is considered an out-of-class work assignment

5. If it is determined that an out-of-class assignment is required, the employee assigned to work out-of-class must be given an Emergency Appointment to the vacant position. The supervisor must prepare a brief memo documenting the circumstances and start date of the out-of-class work assignment, and submit same attached to CS Form 63-B (Appointment) to the Civil Service/Personnel Director.
6. Employees may not assume the responsibilities of a vacant position without supervisory approval. If the distinct and significant job activities assigned in the vacant position must be performed, the appointing authority shall initiate reassignment of the duties and responsibilities of the vacant position
7. When it is necessary to replace a supervisor on a short-term basis, out-of-class pay is justified if the assigned employee is required to perform the supervisory functions of the vacant position. In most cases, the supervisory duties of a vacant position would be assigned to another supervisor in a similar or higher job class
8. Dual-class appointments are processed under the regular appointment procedure and are not covered by this Policy

**NON-DISCRIMINATION POLICY**
RESOLUTION NO. 920
BOARD FILE NO. 55187
December 21, 1993

RESOLVED, the County Board adopts the Non-Discrimination Policy, as on file in County Board File No. 55187

**NON-DISCRIMINATION POLICY**
It is the intent of the St. Louis County Board of Commissioners to assure that every individual have access to St. Louis County facilities, programs and employment opportunities without regard to race, creed, color, religion, age, sex, disability, marital status, public assistance status, sexual orientation or national origin. St. Louis County further desires to comply with the Americans With Disabilities Act, Title VII of the Civil Rights Act of 1964, the Minnesota Human Rights Act, St. Louis County Civil Service Law and all other applicable federal and state laws prohibiting discrimination in employment or in the provision of services.

**EMPLOYEE RECOGNITION POLICY**
RESOLUTION NO. 124
February 15, 1994

WHEREAS, the St. Louis County Board of Commissioners states that it is important to recognize and reward employees for outstanding performance, achievements, and continued service; and

WHEREAS, St. Louis County, through its Service Leadership Program, established an Employee Recognition Committee and subsequent Employee Recognition Program to acknowledge individual and group excellence, cost savings, and community contributions; and

WHEREAS, the County Board desires to have a comprehensive and formal recognition policy which, in addition to acknowledging the achievements of the current Employee Recognition Program, will also provide guidance to recognizing employees and outside agencies for other significant achievements such as years of continued service to the County, participation in wellness/health improvement activities, and other activities deemed appropriate and worthy of recognition.

NOW, THEREFORE, BE IT RESOLVED, that the County Board does hereby establish the following as its Recognition Policy:

1. The recognition must have a public purpose, that is, the County is the primary beneficiary of the works and achievements of the employee, and/or outside agencies
2. Recognition which attempts to reward employees and/or outside agencies as a means to rectify salary inequities or provide an incentive for retaining an employee is prohibited
3. The County Board authorizes recognition by awarding nominal gifts. The nominal gifts may include, but are not limited to, such items as follows: Certificates, plaques, pins, coffee mugs, t-shirts, gift certificates, and savings bonds. As in current County practices, the County Board will pay the tax implication associated with any awards on behalf of the County employee
4. As a means of providing a check on the recognition the County Board requires the County Administrator to annually report to the County Board the following: 1) a list of all County employees and agencies which have been recognized during the current year; 2) The category/description of recognition; and 3) The recognition award, if applicable.

**RECOGNITION UPON DEATH OF EMPLOYEE**
RESOLUTION NO. 567
July 12, 1994

RESOLVED, the County Board hereby amends Resolution No. 124 adopted February 15, 1994, establishing an Employee Recognition Policy, by adding a provision dealing with a

death of an employee. The addition to the Employee Recognition Policy is as follows:

Upon the death of a current employee the Administrator on behalf of the County Board shall cause a letter of condolence to the family to be written, signed by the Chair of the County Board, and mailed to the family of the deceased employee. Further, the Administrator is authorized to order on behalf of the County flowers or another suitable memorial of nominal value for presentation at the funeral, wake, or other service, or to the family of the deceased. The condolence letter and memorial shall be the exclusive official recognition upon the part of the County; and no other expenditure of funds will be authorized.

**POSITIONS ADDED DUE TO GRANT/TEMPORARY DOLLARS**
RESOLUTION NO. 783
October 4, 1994

RESOLVED, that it shall be the official policy of the St. Louis County Board of Commissioners that any personnel positions added due to grant funding or temporary increases in allocated dollars, shall be discontinued at the same time the grant funding discontinues or temporary increases in allocated dollars return to normal levels, unless the program/positions have been reviewed and approved for continued funding by the County Board prior to the cessation of the grant.

**EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

It is the policy of St. Louis County to provide equality of opportunity in employment to all employees and applicants for employment in accordance with equal employment/ affirmative action laws, directives and regulations. It is the intent of the Board of Commissioners of St. Louis County to assure that every individual making application for employment or presently in the employ of the County be considered on the basis of individual merit, without discrimination or favor due to race, color, creed, religion, national origin, sex, disability, age, marital status, or status with regard to public assistance.

In furtherance of this policy, St. Louis County will take affirmative action to provide employment practices free of discrimination. Such employment practices include, but are not limited to, recruitment, selection, promotion, job assignment, demotion, transfer, layoff, recall, termination, training, rates of pay or other compensation. It is the responsibility of every department head and supervisor to cooperate in the implementation of this policy.

**EMPLOYMENT VACANCIES : MOVING EXPENSE LIMITS**
RESOLUTION NO. 884
November 28, 1995

RESOLVED, that for vacant positions that the St. Louis County Board is responsible for approval of the position announcement, the job specification, and the appointment of an employee; and consideration of payment of moving expenses is included in the approved position announcement, payment of reasonable moving expenses is hereby authorized not to exceed $6,000.
RESOLVED FURTHER, that said moving expenses will be a charge on the budget of the Department into which the employee is hired.

**PERSONAL USE OF COUNTY TELEPHONIC EQUIPMENT**
RESOLUTION NO. 413
May 27, 1997

WHEREAS, on July 25, 1989, through Resolution No. 620, the St. Louis County Board established a Conflict of Interest and Code of Conduct Policies, which provided in part: "Officials/employees of the County shall not use County time, supplies, property or equipment for anything other than official County Business, except as provided by County Resolution", and

WHEREAS, by law all expenditures of County funds require a public purpose; and

WHEREAS, technological and administrative changes have occurred at the County and its business environment;
NOW, THEREFORE, BE IT RESOLVED, that the Board adopts the following policy statement with regard to personal use of County telephonic equipment and reimbursements to employees for business use of their private equipment:

**POLICY**

The Board recognizes that telephonic and financial resources of the County are limited and that employees/officers, hereinafter referred to as employees, may on occasion have a need to make personal calls using County equipment or time. However, such calls shall be limited in number and time in accordance with county/departmental policies and common sense, and shall be conducted in such a manner as to limit the interruption of County business.

In no case may an employee utilize County telephone equipment to conduct a private business.

There are two basic types of calls: 1) Unmetered calls - for example local calls from stationary instruments; and 2) Metered calls which include cellular and all long distance calls. Employees are to limit unmetered calls in accordance with County/departmental policies and common sense. Metered calls of personal nature that will be charged to the County by the service provider shall only be incurred in very exceptional circumstances, the itemized direct costs of which shall be reimbursed to the County in a prompt manner whenever the total costs exceed $1.00 in a calendar month.

Each department shall establish a procedure whereby employees promptly notify designated staff of the fact that a metered personal call was made by the employee. The notification shall include at least the following: 1) Date; 2) Time; 3) Approximate duration of the call; 4) Telephone number called; and 5) Telephone number called from.

Employees in situations where the demands of work prevent them from completing their shift at a normal time are allowed one brief call on County equipment to

notify their families of the situation without the need for reimbursement. The County will not reimburse employees utilizing personal equipment for such purposes.

The County will reimburse employees for necessary business use of their personal telephone(s) based upon a direct itemized charge for each call and in conformance with county/departmental policies.

**COUNTY TELECOMMUTING POLICY**
RESOLUTION NO. 214
March 28, 2000

A committee is in place and is working on a telecommuting policy to recommend to the County Board.

**DISCRIMINATION**
RESOLUTION NO. 102
January 22, 2002

WHEREAS, St. Louis County is committed to providing equal employment opportunity and seeks to comply with all applicable laws which prohibit discrimination in the workplace;

WHEREAS, the County prohibits discrimination based on gender, race, color, creed, religion, national origin, marital status, age, sexual orientation, status with regard to public assistance, or disability in all terms, conditions, and privileges of employment.

WHEREAS, given changes in the law regarding discrimination and harassment, the County's existing policies and complaint procedure require updating;

WHEREAS, a new "Policy Prohibiting Discrimination, Harassment, and Retaliation," which includes an updated complaint procedure has been proposed;

RESOLVED, the St. Louis County "Policy Prohibiting Discrimination, Harassment, and Retaliation, Including Complaint Procedure" is hereby approved and adopted.

**CIVIL SERVICE AFFIRMATIVE ACTION PLAN**
RESOLUTION NO. 551
September 9, 2003

RESOLVED, that pursuant to the recommendation of the Civil Service/Personnel Department, the revised St. Louis County Affirmative Action Plan be approved. (See Board File No. 58133)

**DIRECT DEPARTMENT HEADS TO PROVIDE OPPORTUNITIES FOR EMPLOYEES SCHEDULED FOR LAYOFF OR STAFF REDUCTION**
RESOLUTION NO. 592
September 23, 2003

WHEREAS, St. Louis County has a long history of high quality and productive employees; and

WHEREAS, the County Board strongly supports all of its county employees; and

WHEREAS, the County Board remains committed to seeing that all county employees affected by the budget reductions who wish to continue as employees of St. Louis County are given the opportunity.

NOW, THEREFORE, BE IT RESOLVED, the County Board directs the County Administrator to take all steps necessary to insure that every county employee whose position is identified for reduction be given an opportunity to continue employment with St. Louis County. The County Administrator is directed to work with Civil Service/Personnel, in accordance with the appropriate Collective Bargaining Agreements and Civil Service Rules, to provide, to the extent possible, for the orderly transfer and placement of available county employees to other County Departments.

RESOLVED FURTHER, by the St. Louis County Board as follows: The County Board hereby directs the departments in St. Louis County to make every effort possible to provide alternative employment opportunities for the individual employees whose positions are identified for reduction in order to continue their employment with St. Louis County. The County Board is highly desirous of retaining the services of these employees recognizing their past commitment and dedication to St. Louis County. The Civil Service/Personnel Director is requested and the Department Heads are hereby directed to work with the County Administrator to ensure that all opportunities are taken advantage of within the civil service law/rules and appropriate Collective Bargaining Agreements relevant to this matter.

RESOLVED FURTHER, the County Board requests that elected officials make every effort possible to provide alternative employment opportunities for the individual employees whose positions are identified for reduction in order to continue their employment with St. Louis County. The elected officials are hereby requested to work with the County Administrator to ensure that all opportunities are taken advantage of within the civil service law/rules and appropriate Collective Bargaining Agreements relevant to this matter.

**AFFIRMATIVE ACTION PLAN**
RESOLUTION NO. 493
October 4, 2005

RESOLVED, that pursuant to the recommendation of the Civil Service/Personnel Department, the revised St. Louis County Affirmative Action Plan, as contained in Board File No. 58454, is hereby approved.

*See: Affirmative Action, Resolution No. 1001, Board File No. 52732, Dated December 27, 1994.*

*See Also: Affirmative Action, Resolution No. 266, Board File No. 57368, Dated April 26, 1999.*

*See Also: Affirmative Action: Resolution No. 526, Board File No. 57797, Dated August 14, 2001.*

*See Also: Affirmative Action: Resolution No. 13-139 Board File No. 51630, Dated March 12, 2013.*

**POLICY PROHIBITING DISCRIMINATION, HARASSMENT, RETALIATION, INCLUDING COMPLAINT PROCEDURE**
RESOLUTION NO. 494
October 4, 2005

WHEREAS, St. Louis County entered into an Americans' with Disabilities Act (ADA) compliance agreement with the United States Department of Justice, which requires revisions to the "Policy Prohibiting Discrimination, Harassment, and Retaliation, Including Complaint Procedure";

BE IT RESOLVED, that the St. Louis County board hereby approves the revised "Policy Prohibiting Discrimination, Harassment, and Retaliation, Including Complaint Procedure", as contained in County Board File No. 58455, on file in the office of the County Auditor.

**REVISED POLICY – DISCRIMINATION, HARASSMENT AND RETALIATION**
RESOLUTION NO. 13-644
October 22, 2013

RESOLVED, That the St. Louis County Board adopts the revised Discrimination, Harassment and Retaliation Policy as contained in Board File No. 59745;

RESOLVED FURTHER, That the previous discrimination, harassment and retaliation Board resolutions and policies (Resolutions No. 87-103, 02-102, and 05-494) are hereby rescinded;

RESOLVED FURTHER, That the County Board directs the Human Resources Department to continue presenting employee training on the discrimination, harassment and retaliation policy to employees of St. Louis County.

ST. LOUIS COUNTY
DISCRIMINATION, HARASSMENT AND RETALIATION POLICY

**Policy**
It is the policy of St. Louis County to provide equal employment opportunities including access to County facilities, programs and services. The County prohibits discrimination, harassment and retaliation in compliance with all applicable laws based on an individual's protected class.

**Scope**
This policy applies to all county employees, consultants, contractors, vendors, customers and visitors on all county property and any location which may be reasonably regarded as an extension of the work place.

**Definitions**

*Protected Class:* Protected class is a term which describes characteristics or factors which cannot be targeted for discrimination and harassment, which include: race, color, creed, religion, national origin, sex, marital status, age, sexual orientation, status with regard to public assistance, disability, genetic information, veteran status or activity in a local Human Rights Commission or any other characteristic protected by law in all terms, conditions, and privileges of employment.

*Discrimination:* Discrimination is different treatment based on a person's protected class. Examples: I was not hired because of my gender. I was not promoted because of my race. I was not allowed to go to training because of my age.

*Harassment:* Harassment is a form of discrimination. Harassment is unwelcome or unwanted conduct by an employee, customer or supplier, based on a protected class, which directly or indirectly threatens or adversely affects an employee's safety, wages and benefits, working conditions and other privileges of employment. Harassment can be communicated in person, in writing, by telephone, by electronic mail, text messages, social networking sites, voicemail, etc.

*Sexual Harassment:* Sexual harassment is unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature including offensive remarks related to one's sex when submission to such conduct is made either explicitly or implicitly a term or condition of employment. Conduct is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when submission to or rejection of such conduct is used as the basis for employment decisions ("Quid pro quo harassment"). Quid pro quo harassment may include but is not limited to offering employment benefits in exchange for sexual favors or withholding benefits if an employee resists providing sexual favors. Such benefits may include: promotions, favorable performance evaluations, favorable assigned duties or shifts or other benefits such as recommendations or reclassifications. Sexual harassment may include non-sexual conduct that is discriminatory on the basis of the person's sex.

Examples of sexual harassment include, but are not limited to:

| | |
|---|---|
| Verbal: | unwanted sexual innuendos, comments or jokes of a sexual nature; comments about an individual's body or appearance; or sexually degrading words to describe an individual |
| Written: | unwanted or obscene sexual e-mails, letters, texts, notes, invitations or social networking site postings |
| Visual: | unwanted sexual gestures, leering, inappropriate display of sexually explicit objects, pictures, cartoons or posters, including computer accessing, downloading, or viewing of sexually suggestive files |

Physical: unwanted sexually suggestive touching or body contact, impeding or blocking movement or assault

*Retaliation:* Retaliation is adverse treatment because a person filed a charge of discrimination, or cooperated in an investigation. Example: Refusing to grant time off to an employee who was a witness to a complaint would be retaliation.

**Responsibilities**

All individuals covered by this policy are expected to become familiar with it and report violations in accordance with the complaint procedure. Where appropriate, an individual may confront the inappropriate behavior.

**Complaint Procedure**

A. All complaints must be filed within 30 days after the initial occurrence of the alleged violation, unless the alleged violation is of an ongoing nature at the time of the filing of the complaint. A complaint can be filed with a supervisor, department head, the Affirmative Action Officer or any Human Resources Department staff member. Supervisors must report all complaints of discrimination, harassment or retaliation to Human Resources staff. Supervisors who knowingly allow or tolerate discrimination or harassment are in violation of this policy and are subject to discipline.

B. All individuals covered under this policy must fully cooperate and provide honest and complete information. False accusations or abuse of this policy will not be tolerated. Complaints which are made in good faith, even if they are unsubstantiated, are not a violation of this policy. Disciplinary action may be taken as necessary, up to and including termination of employment. St. Louis County will not tolerate retaliation or intimidation directed toward anyone who reports suspected violations of this policy or participates in an investigation of a complaint.

C. Upon receipt of a complaint, if criminal conduct is suspected or formal charges have been filed, the matter will be turned over to law enforcement officials and the County Attorney's Office for further handling.

D. If no criminal conduct is suspected, information will be gathered to determine whether the allegations fall within the parameters of illegal activity as defined by state or federal laws and/or violate any County policies. Complaints will be investigated by the Affirmative Action Officer in conjunction with the Human Resources Advisor and/or other staff as deemed appropriate.

E. The information gathered will depend on the specifics of each complaint and may include receiving statements from individuals who may have witnessed the alleged behavior, reviewing relevant documentation and researching available records. Before conducting any interview, the Human Resources Advisor and/or Affirmative Action Officer will provide the interviewee the appropriate Tennessen Warning. Human Resources Department staff will advise any employee who may have

allegedly engaged in inappropriate activity that they have a right to union representation when they meet with Human Resources Department staff for an investigatory interview that may result in disciplinary action.

F. Upon completion of an investigation, the Human Resources Department staff member will submit a summary investigation report to the Human Resources Director or designee which will include recommendations for resolution. The Human Resources Director shall communicate with the Department Head of the department where the complaint was made, the results and recommendations. Within 10 days, the Department Head shall proceed with the recommendations and notify the Human Resources Department of the action taken; or, if the Department Head disagrees, notify Human Resources the reason for the disagreement. Such notification will be forwarded to the County Administrator for review and resolution. The Human Resources Director will periodically inform the County Administrator of the status of all complaints, investigations and resulting corrective action taken. Human Resources Department staff will notify all individuals participating in an investigation that they are protected by state and federal law and County policy against retaliation.

G. All information gathered during an investigation will be kept confidential, to the extent allowed by law, and made available for review only by those with a legitimate need to know, unless required to be divulged as part of the investigation or pursuant to law. Any individual desiring information about an investigation must submit a Data Practice Request to Administration.

H. Employees also have the right to seek assistance from the U.S. Equal Employment Opportunity Commission and/or Minnesota Department of Human Rights. These agencies are responsible for enforcing various laws prohibiting discrimination in employment.

**RETIREE HEALTH INSURANCE OPTION**
RESOLUTION NO. 637
December 20, 2005

NOW, THEREFORE, BE IT RESOLVED, that the County Attorney is authorized to execute the necessary documents for the implementation of an alternative health insurance option in the St. Louis County group health plan for those retirees and their dependents enrolled in Medicare Parts A and B, which includes the BCBSM fully-insured Group Senior Gold medical benefit with either the MedicareBlue Rx Option 1A or Option 2B prescription drug benefit.

RESOLVED FURTHER, that an initial enrollment period from January 1 to May 15, 2006, to enroll in these alternative plans is approved.

RESOLVED FURTHER, that the alternative plan being offered is a part of the St. Louis County group plan, therefore, individuals who select the alternative plan can return to the existing self-insured group health plan during an open enrollment period.

RESOLVED FURTHER, that subsequent open enrollment periods will follow the usual and regular health coverage open enrollment periods for the St. Louis County Plan.

RESOLVED FURTHER, that where an employee opting for this alternative plan has a member spouse not eligible for Medicare Parts A and B, who was not an employee, then the spouse would be allowed to continue in the existing County health care group plan at the single rate.

**MANAGEMENT COMPENSATION PLAN**
RESOLUTION NO. 59
January 24, 2006

RESOLVED, that the Management Compensation Plan, a copy of which is on file in County Board File No. 58505, is hereby adopted as amended, effective January 24, 2006.

**MANAGEMENT COMPENSATION PLAN AND 2012-2014 SALARY RANGE ADJUSTMENTS**
RESOLUTION NO. 13-397
July 2, 2013

WHEREAS, The Management Compensation Plan has been updated to reflect changes to sick leave accrual rates and caps, expanded sick leave use allowances in accord with Minnesota statutes, and changes to Long-Term Disability Benefits; and

WHEREAS, No salary range cost of living adjustments have been established for employees covered under the Management Compensation Plan since 2009;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves and adopts the updated Management Compensation Plan contained in County Board File No. 59681 to cover the compensation and benefits of elected department heads and the compensation, terms and conditions of employment of appointed department heads and unrepresented managers, effective July 1, 2013;

RESOLVED FURTHER, That the previous Management Compensation Plan, dated December 17, 2011, is rescinded;

RESOLVED FURTHER, That the County Board approves and adopts a 70% county premium contribution toward Long Term Disability benefits for individuals covered under the Management Compensation Plan and other elected officials, effective August 1, 2013;

RESOLVED FURTHER, That the following job title change and pay plan reassignment is effective July 1, 2013:

| **Old Class:** | **New Class:** | **From:** | **To:** |
|---|---|---|---|
| Executive Secretary Supervisor | Administrative Secretary Supervisor | Plan Q4-Gr. QAQ | Plan A1-Gr. A16* |

*Administrative Secretary Supervisor salary reassignment applies to new appointments on or after 7/1/2013.

RESOLVED FURTHER, That for individuals covered under the Management Compensation Plan, the following payroll year cost of living salary increases are approved: 2012 – 1.0%; 2013 – 1.5%; 2014 – 2.0%, and a one-time lump sum payment of $480, not added to the salary base, is approved for individuals covered by the plan as of July 1, 2013.

**LEGISLATIVE PROTOCOL POLICY**
RESOLUTION NO. 99
February 20, 2007

WHEREAS, the St. Louis County Board values working with elected officials to accomplish a common vision for St. Louis County; and

HEREAS, this extends from County elected officials working in tandem with a strong, professionally managed work force to efforts by County elected officials and professional staff in work with state and federal legislators to achieve the objectives of our County; and

WHEREAS, by understanding the roles of elected officials, approaching them in a consistent fashion, and seeking to find solutions to common concerns, we will improve governance;

NOW THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby adopts the following legislative protocols intended to assist professional staff in implementing County Board recommendations and guide the participation of St. Louis County employees in the legislative process at the state and the federal level.

**ELECTED OFFICIALS' SOCIAL SECURITY COVERAGE**
RESOLUTION NO. 695
December 18, 2007

WHEREAS, legislative changes made in 2006 to Minnesota Statutes Section 355 establish procedures that allow a governmental subdivision to extend Social Security coverage to certain local elected officials who are members of, or are eligible for membership in, the Defined Contribution Plan administered by the Public Employees Retirement Association; and

WHEREAS, St. Louis County desires to offer Social Security coverage to its eligible elected officials.

NOW, THEREFORE, BE IT RESOLVED, that it is hereby declared to be the policy of St. Louis County to extend the provisions of Minnesota Statutes Section 355, as amended by Chapter 271 of 2006, providing Social Security coverage to eligible elected officials of the County.

FURTHER RESOLVED, in pursuance of said policy, the County hereby requests and authorizes the execution of a divided vote referendum under Section 218(d)(6) of the Social Security Act for the purpose of allowing current eligible elected officials the option of paying the Social Security tax. The coverage of current local elected officials shall be effective as of January 1, 2008, for those eligible officials who vote "Yes" in the divided vote Social Security referendum. The referendum will be conducted pursuant to applicable state and federal laws and regulations by a designee of this County under the supervision of a representative of the Public Employees Retirement Association acting as the designated State Social Security Administrator.

FURTHER RESOLVED, that the Public Employees Retirement Association is hereby directed to execute a modification to the Section 218 Agreement between the

State of Minnesota and the Secretary of Health and Human Services to secure Social Security coverage of the eligible elected officials who vote "Yes" in the referendum and all local newly-elected officials of this governmental subdivision.

FURTHER RESOLVED, that withholdings from the salaries of elected officials for the purposes provided in this resolution are hereby authorized to be made in the amounts and at such times as may be required by applicable federal and state laws and regulations.

FURTHER RESOLVED, that employer contributions shall be paid from amounts appropriated for such purposes and payment of employee and employer contributions shall be paid to the Internal Revenue Service in such amounts and at such times as are designated in Internal Revenue Code.

FURTHER RESOLVED, the County shall maintain such records and submit such reports as may be required by the Public Employees Retirement Association or the Social Security Administration.

**BACKGROUND CHECK AND NOTICE OF ALLEGED CRIMINAL CONDUCT**
RESOLUTION NO. 13-641
October 22, 2013

WHEREAS, St. Louis County desires to ensure compliance with all federal and state laws with respect to inquiring into and considering the criminal record or criminal history of an applicant for public employment;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board approves the adoption of the Background Check & Notice of Alleged Criminal Conduct Policy as contained in Board File No. 59742;

RESOLVED FURTHER, That the County Board directs the Human Resources Department to develop and administer procedures necessary to conduct pre-employment background checks consistent with the provisions of the 2013 Criminal Offenders/Rehabilitation Act.

ST. LOUIS COUNTY BACKGROUND CHECK & NOTICE
OF ALLEGED CRIMINAL CONDUCT POLICY

**Policy**
It is the policy of St. Louis County to conduct pre-employment background checks in an effort to promote a safe and secure work environment for clients and employees and to ensure protection of St. Louis County property, finances and information.

**Scope**
This policy applies to all prospective new hires. Background checks on promotional, transfer, temporary, volunteer and contract positions will be conducted as deemed necessary.

**Definitions**
*Background Check:* A background check is the process of authenticating information supplied by an applicant in their application, interview and resume. It is intended to

ensure that the candidate has the background and experience they claim and does not have a criminal conviction which would preclude them from employment in accord with state and federal law. The background check may include, but is not limited to tools to verify criminal history, academic credentials, employment history, credit standing, driving record or other verification tools appropriate to the responsibilities of the position.

**Responsibilities**

**Employer**

St. Louis County will ensure that background checks are held in compliance with all federal and state statutes such as the 1974 Criminal Offenders Rehabilitation Act Minn. Stat. 364, Minnesota's "Ban the Box" Minn. Stat. §364.021, Human Services Background Studies Minn. Stat. 245C.03, Minn. POST Board Administrative Rules Minn. Stat. 6700.0700, Fair Credit Reporting Act, the Americans With Disabilities Act, Title VII of the Civil Rights Act of 1964, and any other related statutes.

**Employee Responsibility to Report**

1. Employees must notify their supervisor or Human Resources immediately if they are subject to a misdemeanor, gross misdemeanor, or felony arrest, charge, and/or conviction or is incarcerated for any reason.

2. Notification must be a direct telephone call or written communication and must include the offense for which one is arrested or charged, date, time, jurisdiction of the alleged occurrence, and any other relevant information.

3. The Department, if applicable, must notify the Human Resources Director in the event that one of their employees is the subject of a misdemeanor, gross misdemeanor, or felony charge, arrest, and/or conviction or is incarcerated for any reason.

    b. In the event it is necessary to withdraw a conditional job offer as a result of the pre-employment screening, the Human Resources Department will provide the applicant with a Post-Adverse Action Notice.

**Records**

All documents pertaining to this process will be maintained by Human Resources in accord with Minn. Stat. §13.43, the Minnesota Government Data Practices Act.

**RESPECTFUL WORKPLACE, BULLYING AND WORKPLACE VIOLENCE**

RESOLUTION NO. 13-642

October 22, 2013

RESOLVED, That the St. Louis County Board adopts the new Respectful Workplace, Bullying and Workplace Violence Policy as contained in Board File No. 59743;

RESOLVED FURTHER, That the County Board directs the Human Resources Department to develop and administer employee training on respectful workplace, bullying and workplace violence to employees of St. Louis County.

# ST. LOUIS COUNTY RESPECTFUL WORKPLACE, BULLYING AND WORKPLACE VIOLENCE POLICY

**Policy**

It is the policy of St. Louis County to provide a respectful work environment where bullying behavior and workplace violence are not tolerated. All individuals covered by this policy are prohibited from engaging in any conduct that constitutes bullying or workplace violence.

**Scope**

This policy applies to all County employees, volunteers, consultants, contractors, vendors, customers and visitors to any county facility and all locations where county business is being conducted.

**Definitions**

*Respectful Workplace:* A respectful workplace is one that is healthy, safe and supportive and values diversity and dignity. It is a place where people are treated with respect, employees are valued and communication is polite and courteous. If there is conflict or inappropriate behavior, it is addressed in a positive and respectful manner.

*Bullying:* Repeated mistreatment of one or more employees with a malicious mix of humiliation, intimidation and sabotage of performance. Bullying is often characterized by insulting, hurtful, hostile, vindictive, cruel or malicious behaviors which undermine, disrupt or negatively impact another's ability to do his or her job and results in a harmful work environment for the employee(s). Examples include:

Verbal: calling names, insulting, teasing, yelling or profane language
Physical: hiding or damaging someone's personal possessions
Social: gossiping, isolation, spreading rumors, cyber bullying or disregarding a person
Psychological: stalking, scaring or intimidating someone
Work specific: always giving someone "the undesirable jobs", continuously having unreasonable expectations, withholding the necessary tools to do the job properly and then chastising the employee for not performing

*Workplace Violence:* Workplace violence is an act of aggression, physical assault or threatening behavior that occurs in a work setting and causes physical or emotional harm

to another person. Examples include: unwanted touching, pushing or hitting.

*Retaliation:* Retaliation is adverse treatment because a person filed a charge or cooperated in an investigation. Example: Refusing to grant time off to an employee who was a witness to a complaint would be retaliation.

**Responsibilities**

All individuals covered by this policy are expected to become familiar with it, comply with it and report violations in accordance with the complaint procedure. Where appropriate, an individual may confront the inappropriate behavior.

**Complaint Procedure**

A. All complaints must be filed within 30 days after the initial occurrence of the alleged violation, unless the alleged violation is of an ongoing nature at the time of the filing of the complaint. A complaint can be filed with a supervisor, department head, or an appropriate Human Resources Department staff member.

B. All individuals covered under this policy must fully cooperate and provide honest and complete information. False accusations or abuse of this policy will not be tolerated. Complaints which are made in good faith, even if they are unsubstantiated, are not a violation of this policy. Disciplinary action may be taken as necessary, up to and including termination of employment. St. Louis County will not tolerate retaliation or intimidation directed toward anyone who reports suspected violations of this policy or participates in an investigation of a complaint.

C. Upon receipt of a complaint, if criminal conduct is suspected or formal charges have been filed, the matter will be turned over to law enforcement officials and the County Attorney's Office for further handling.

D. If no criminal conduct is suspected, information will be gathered to determine whether the allegations violate any County policies.

E. The information gathered will depend on the specifics of each complaint and may include receiving statements from individuals who may have witnessed the alleged behavior, reviewing relevant documentation and researching available records. Before conducting any interview, the interviewer will provide the interviewee the appropriate Tennessen Warning. Human Resources Department staff will advise any employee who may have allegedly engaged in inappropriate activity that they have a right to union representation when they meet with Human Resources Department staff for an investigatory interview that may result in disciplinary action.

F. Upon completion of an investigation, the Human Resources Department staff member will submit a summary investigation report to the Human Resources Director which will include recommendations for resolution. The Human Resources Director or designee shall communicate with the Department Head of the department where the complaint was made, the results and recommendations. Within 10 days, the

Department Head shall proceed with the recommendations and notify the Human Resources Department of the action taken; or, if the Department Head disagrees, notify Human Resources the reason for the disagreement. Such notification will be forwarded to the County Administrator for review and resolution. The Human Resources Director will periodically inform the County Administrator of the status of all complaints, investigations and resulting corrective action taken. Human Resources Department staff will notify all individuals participating in an investigation that they are protected by state and federal law and County policy against retaliation.

G. All information gathered during an investigation will be kept confidential, to the extent allowed by law, and made available for review only by those with a legitimate need to know, unless required to be divulged as part of the investigation or pursuant to law. Any individual desiring information about an investigation must submit a Data Practice Request to Administration.

# CHAPTER 10
# FISCAL

**SECTION 125 PROGRAM FLEXIBLE SPENDING ACCOUNT**
RESOLUTION NO. 590
September 14, 1987

RESOLVED, that the St. Louis County Board hereby establishes a Section 125 Program Flexible Spending Account;

RESOLVED FURTHER, that the pertinent documentation will be adopted at a future meeting.

**FLEXIBLE SPENDING ACCOUNTS MASTER PLAN**
RESOLUTION NO. 812
December 28, 1987

RESOLVED, that the County Board hereby adopts the Flexible Spending Accounts Master Plan, as contained in County Board File No. 53117, for participation by County employees.

*See Also: Resolution No. 568, Dated November 8, 2005*

**APPOINTMENT OF PLAN ADMINISTRATOR**
RESOLUTION NO. 813
December 28, 1987

RESOLVED, that Anthony J. Bruno, Jr. Civil Service Director, is hereby appointed as Administrator of the St. Louis County Flexible Spending Accounts Plan.

**IMPLEMENTATION AND ADMINISTRATION OF THE FLEXIBLE SPENDING ACCOUNTS PLAN**
RESOLUTION NO. 814
December 28, 1987

RESOLVED, that the St. Louis County Board hereby accepts the contract negotiated with Traveler's Plan Administrators of Minnesota, Inc. for implementation and administration of the Flexible Spending Accounts Plan, as contained in County Board File No. 53119, on file in the office of the County Auditor.

RESOLVED FURTHER, that the Chair of the County Board is authorized to sign said document on behalf of St. Louis County.

**MISCELLANEOUS EXPENDITURES POLICY**
RESOLUTION NO. 98
February 9, 1988

RESOLVED, that the following Policy is hereby adopted by the St. Louis County Board in relation to Miscellaneous Expenditures:

1. It is the policy of St. Louis County that there are expenditures which are beneficial to the County and meet the public purpose criteria of Minnesota Statutes which can be expended from the budgets approved by the County Board. These expenditures include such items as: training seminar expenses for employees, expenditures for coffee, cookies and doughnuts relating to appropriate public purpose issues and other similar criteria. Any expenditure for purposes of this sort must either include individuals external to the County Staff and/or have a clear public purpose which can be documented and certified by the appropriate officials. These expenditures can be individually paid and reimbursed to employees or jointly vouchered for the purpose of simplicity of payment.

2. When any questions relating to expenditures for these miscellaneous items are determined to be present, the appropriate department head will contact the civil division of the County Attorney's Office for interpretation of the public purpose. It is the intent of this policy to be conservative in the application of utilization of a public purpose for miscellaneous expenditures. The County Administrative staff is instructed to err on the side of conservatism in interpretation of this policy.

**PETTY CASH FUNDS**
RESOLUTION NO. 312
April 26, 1988

RESOLVED, that Petty Cash Funds are hereby established as follows:

$100 for the Abstract Division of the County Recorder
$100 for the Torrens Division of the County Recorder
$25 for the Probate/Family Division of St. Louis County District Court

RESOLVED FURTHER, that all future Petty Cash Funds will be established upon approval of the County Administrator.

**WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS RECEIVABLE PROCEDURE**
RESOLUTION NO. 850
BOARD FILE NO. 53335
November 15, 1988

RESOLVED, the St. Louis County Board of Commissioners hereby approves the Policy and Procedure for Write-off of Uncollectible Account Receivables, as on file in County Board File No. 53335.

**POLICY & PROCEDURE FOR WRITE-OFF OF UNCOLLECTIBLE ACCOUNTS RECEIVABLE**

I. GENERAL - Whenever services are provided for a fee, situations occur where the client or other responsible party does not or cannot pay the fee charged. Every reasonable effort will be made to collect these fees; however, when all reasonable efforts to collect are exhausted, the account will be written off (i.e. the balance due is credited with an offsetting debit to expense) in accordance with the following procedures. This policy does not affect the County's ability to pursue legal action.

II. ESTABLISHMENT OF ACCOUNTS RECEIVABLE -

A. Accounts receivable are established based on approved fees for services. These fees are established by the St. Louis County Board or state rule or statutes.

B. Once service is provided, an account is charged in accordance with the approved fee schedule and this account balance can only be reduced or eliminated by the following actions:

1. Payment is made on account;
2. The account was charged, therefore original entry is corrected
3. Approval to write-off account in accordance with procedure in Paragraph III below.

III. LEVELS OF AUTHORITY FOR WRITE-OFF OF ACCOUNTS RECEIVABLE -

A. No account will be written off while service is still being provided

B. When service is no longer being received, the following approval will be required to write-off accounts of a specified age and amount:

1. Account is over 90 days old and balance is $10 or less - Account Clerk, with approval of Supervisor (Assistant Nursing Home Administrator if account is for Medical Care Facilities).
2. Account is over 120 days old and balance is over $10 but less than $100 - Account Clerk and Division Supervisor (Assistant Nursing Home Administrator and the Nursing Home Administrator if account is for Medical Care Facilities).



3. Account is over 150 days old and balance is at least $100 but less than $1,000 - Department Head and Business Management Administrator or County Auditor
4. Account is over 180 days old and balance is at least $1,000 but less than $10,000 - County Administrator and County Auditor
5. Account is over 180 days old and balance is over $10,000 - County Board (majority vote)

C. Each level of administration will refer to the approving authority a list of accounts to be written off with explanations of what efforts have been made to collect and reasons why the write-off is recommended.

D. Any write-off in excess of $500 per account will be communicated in writing to the County Board 30 days in advance of the administrative decision to finalize the write-off. The County Board members may request that individual account write-offs appear on the next committee agenda. The administrative action will be effective in the absence of any Board action within 30 days.

E. If at any time within the applicable statute of limitations information becomes available that warrants legal action for collection, the matter will be referred to the County Attorney. Generally, the statute of limitations on contract actions is six years. Claims of general creditors in probate proceedings are barred after three years.

**AUDITOR AUTHORIZED TO MAKE TEMPORARY TRANSFERS OF CASH**
RESOLUTION NO. 908
December 6, 1988

RESOLVED, that as Board Policy, the County Auditor be and is hereby authorized to make such temporary transfers of cash between funds, provided that it shall first be determined that the amount of such transfer may be returned to the fund from which borrowed before there is need for same in such fund, and in any event, within six months; and any money so transferred shall be returned to the fund from which drawn as soon as money shall come into the credit of such fund to which it has been loaned.

**AUDITOR TO ACCEPT MONIES CONTRIBUTED FOR UNRESTRICTED GOVERNMENT OPERATIONS**
RESOLUTION NO. 52
January 16, 1990

RESOLVED, that the St. Louis County Board does hereby authorize the St. Louis County Auditor to accept monies contributed to St. Louis County when said funds are contributed for the purpose of unrestricted County government operations.

**DEBT POLICY**
RESOLUTION NO. 361
BOARD FILE NO. 56266
May 2, 1995

RESOLVED, that the St. Louis County Board hereby adopts the Debt Policy, as contained in Board File No. 56266

# ST. LOUIS COUNTY, MINNESOTA DEBT POLICY

It is essential to good government and financial management for every organization to have a debt management policy to provide guidance to the governing board and administration in the methods of acquisition, uses, and limiting parameters of and for debt.

## 1 DEFINITIONS

### 1.1 Bonds and Notes

1.1.1 Capital Notes - Issues, usually a short term variety (5 years or less), used in Minnesota to finance the acquisition of certain statutorily-defined equipment and machinery.

1.1.2 General Obligation Bonds - Issues secured by the full faith and credit of the governmental unit. General obligation revenue bonds, although they may be paid with revenues other than taxes, carry the full faith and credit of the governmental unit.

1.1.3 Industrial Revenue Bonds - See special obligation revenue bonds, below.

1.1.4 Refunding Bond - A debt issue which is sold for the purpose of paying off a previous debt issue. Such issues are sold to decrease interest costs, to extend payment periods or to remove restrictive covenants from a previous issue.

1.1.5 Revenue Anticipation Notes, Bond Anticipation Notes and Tax Anticipation Notes - Debt issued for a short time period, often as a bridge device until permanent financing is forthcoming.

1.1.6 Revenue Bonds - Issues supported directly and solely by fees or other income and not supported by property tax levies.

1.1.7 Special Obligation Revenue Bonds - A type of revenue bond for which the governmental unit has granted its tax-exempt status, but for which no financial or moral obligation is assumed by the governmental unit. An Industrial Revenue Bond is an example.

1.1.8 Tax Increment Bonds - Debt supported in part or entirely by property tax increments created by the investment for which the bond proceeds are used.

### 1.2 Leases

1.2.1 Capital Leases - Essentially an installment purchase, rather than a rental, of property; ownership transfers to the county at the end of the lease term. If 75% or more of the useful life of an asset is expected to be utilized during the term of a lease, the county shall treat such a lease as a capital lease, despite the fact that a transfer to the county is not explicitly included within the term of the lease. Such leases are usually non-cancelable, notwithstanding any failure to fund issues.

1.2.2 Operating Leases - Leases which are rental of assets and do not satisfy the requirements for a capital lease. Such leases are not

legally considered debt, but are commitments on the part of the county.

1.3 **Financing Terms**

1.3.1 Assessed Valuation - For all purposes assessed valuation shall be equivalent to the tax capacity of the county exposed to general ad valorem taxation. Computed as the total tax capacity less captured increment and similar valuation reserved from normal taxation.

1.3.2 Arbitrage - In the case of public debt, the difference between the interest rate paid on the debt and a greater interest rate earned on investing the proceeds of the debt issue.

1.3.3 Bond Counsel - An attorney specializing in the legal aspects of bond issues and guides the client through the issuing process. Bond counsel draws up necessary leases, resolutions and other documents which must be approved by the county board. Bond counsel will also advise if a referendum or any other special procedure is needed for issuance of the specific bonds under discussion.

1.3.4 Bond Insurance - An insurance policy purchased by an issuer or an underwriter for either an entire issue or specific maturities, and which guarantee the payment of principal and interest. This security provides a higher credit rating and thus a lower borrowing cost for an issuer.

1.3.5 Debt ratios - Standard measures of relative debt burden expressed as a ratio of some debt parameter (levy, taxable market value, tax capacity, etc.) to some other financial or statistical parameter (levy, taxable market value, tax capacity, etc.). Debt ratios provide a meaningful comparison of the burden of the governmental unit relative to other jurisdictions. Many of the ratios can be further refined to analyze only component parts of the debt (e.g., analyzing only general obligation debt as opposed to all debt).

1.3.5.1 Legal debt margin - The total amount of outstanding debt which is subject to the debt limit, statutorily defined for Minnesota Counties as 2% of market value of all real and personal property in the county.

1.3.5.2 Debt per capita - The total amount of outstanding debt of a governmental unit divided by the population of the jurisdiction.

1.3.5.3 General obligation debt per capita - The total amount of general obligation debt of a governmental unit divided by the population of the jurisdictions.

1.3.5.4 Debt to Market Value - The total amount of outstanding debt as a percent of taxable market value.

1.3.5.5 Debt to Tax Capacity - The total amount of outstanding debt as a percent of the taxable tax capacity of the county (or area to which it applies). This ratio is only useful for comparison to other counties within Minnesota.

1.3.5.6 Indirect Net Tax Debt - This is a measure of the tax burden which is imposed on the taxpayers of the county by jurisdictions other than the county. This is an important consideration by bond rating agencies when evaluating the county's taxpayers' ability to incur further debt.

1.3.6 Failure to fund - A clause in leases that allows the governmental unit to relieve itself of a long term obligation if it for whatever reason quits providing the goods and services that the capital asset supported.

1.3.7 Financial Advisor - A firm which facilitates the sale of debt for the governmental unit.

1.3.8 Legal Debt Limit - A statutory limit on the amount of debt for which a governmental unit may obligate itself. For counties in Minnesota, it is currently 3% of the market value of the real and personal property in the county. (MN Statutes 475.53)

1.3.9 Legal Debt Margin - The amount of debt authority remaining after deducting the statutorily includable items from the legal debt limit.

1.3.10 Market Value - For all debt purposes market value shall be the sum of the Assessor's estimate of fair market value of all property exposed to property taxation for the most current certified tax year.

1.3.11 Outstanding Debt - Unpaid obligations of the governmental unit. It includes amounts due currently and amounts due in the future and includes capital leases and all other obligations for which the governmental unit is responsible.

1.3.12 Property Tax Base Supported Debt - Debt supported or backed by a flow of funds from property tax base levies or related to property tax levies. It includes all general obligation debt whether or not other flows of funds are expected to fund the debt service. This includes all property tax supported debt (see 1.3.13) and would include debt supported by special assessment or special fee levies.

1.3.13 Property Tax Supported Debt - Debt supported directly by ad valorem property tax levies or backed by a potential property tax levy. It includes all issues where a property tax levy supports any part of the debt service.

1.3.14 Rating Agencies - Firms such as Moody's Investors Services or Standard and Poor's, which examine the credit worthiness of a bond issue and assign it a rating. The rating assigned effects the

interest rate the governmental agency must pay for the borrowing. The rating applies only to the particular issue to which it is assigned.

## 2 GOALS AND GENERAL PROVISIONS

2.1 The county shall maintain its ability to support current debt and incur additional debt at minimal interest rates and in the amounts required for infrastructure and other capital assets without endangering the ability of the county to finance essential services.

2.2 Debt shall be used sparingly and only after other means of financing are fully investigated.

2.3 No debt which becomes an obligation of the county or any of its agencies shall be issued for a term longer than the reasonably expected useful life of the asset being funded, but in no event for longer than 30 years for real property or 5 years for equipment.

2.4 The proceeds of all debt issues shall be expended in compliance with all applicable state and federal laws and rules and in conformity with all covenants of the issue. Such laws, rules, and covenants shall be strictly construed.

2.5 No debt shall be issued to fund normal operations of the county or any of its agencies. This does not exclude the possibility of issuing Tax Anticipation Notes as a financial and investment strategy.

2.6 Debt shall not be issued in excess of any statutory limit. The county shall strive to keep the total debt burden of the county when measured as a percent of taxable market value from exceeding the median of similarly sized counties in the nation based upon figures available at the time of authorizing the issuance.

2.7 Property tax supported debt including capital notes will not be issued beyond the point where annual debt service levy demands exceed 10% of the property tax levy (including HACA and disparity aid).

2.8 The county shall avoid, where possible, the issuance of general obligation debt by utilizing available funds, reserves, and revenue or other types of issues.

2.9 The county shall maintain good communications with bond rating agencies and provide full disclosure about its financial and management condition in all financial statements and reports and bond prospectus. Further, the county shall from time to time upon the advice of its Financial Advisor seek to have the county's bond rating reviewed and reevaluated.

2.10 The county shall only acquire bond insurance when the present value of the estimated debt service savings from insurance equals or exceeds the present value of the insurance premium or when otherwise required.

2.11 The county shall normally utilize the competitive sale method of issuing debt instruments unless circumstances such as very large issue size, complex financing structure, or comparatively lesser credit rating exist. In those cases the Board will consider the negotiated sale method of issuance.

2.12 Before a bond issue is structured and sold, an Internal Financing Team (consisting of: the County Administrator, County Attorney, the County Auditor, Chair of the Finance committee, and Chair of the Board) and appropriate department heads shall meet to determine how the external financing team (bond counsel, financial advisor, underwriter if a negotiated sale is contemplated) will be selected.

The internal team shall consider the amount and structure of an issue, the costs of sale, the timing of the sale, as well as the content and manner of any presentations to be made to the bond rating agencies. The internal team shall then make recommendations to the county board.

## 3 CAPITAL NOTES

3.1 Capital Notes shall not be issued for a term longer than 5 years

3.2 Items purchased utilizing capital note financing must have an anticipated useful life no less than the term of the notes.

3.3 Capital notes shall not be issued for arbitrage purposes.

3.4 Capital notes shall be issued in amounts not to exceed that necessary to fund the acquisition of specific items capital equipment and furnishings. Departments submitting requests for capital note funding of acquisitions must have received prior board approval to acquire each specific item to be acquired.

## 4 CAPITAL LEASES / OPERATING LEASES

4.1 Capital leases of real estate shall generally not be entered into for a term longer than 20 years. On occasion, when it is found by the board to be financially sound, capital leases of up to 30 years may be approved. Real estate capital lease agreements must address the following issues:

4.1.1 Early termination by the county, including: length of notice, penalties, and other conditions attaching.

4.1.2 Early termination by the lessor, including length of notice, penalties, recovery of all or a portion of county capital improvements, and other conditions.

4.1.3 That if the property is subject to property taxes, and the county as part of its lease payment is providing funds to pay the property tax, and if by operation of law the property becomes eligible in whole or part for exemption from the property tax because of county occupancy, lease payments must be reduced proportionately.

4.1.4 If the lease provides for a purchase option by the county, the terms shall allow for the unilateral exercise of such option by the county at any time during the term of the lease without penalty of any kind.

4.1.5 Maintenance, servicing, insuring, and preservation responsibilities of and for the capital asset by both parties.

4.2 Other capital or operating leases shall not have a term longer than 5 years and shall contain terms that limit the sellers' remedies for non-payment to recovery of the property leased.

4.3 Capital leases shall only be entered into for such property as specifically allowed by statute.

## 5 GENERAL OBLIGATION DEBT

5.1 General obligation debt including any debt financed directly by property tax levies in whole or part shall be utilized only to finance capital improvements and long term assets which the board has determined are required to provide essential governmental services.

5.2 All other means of financing shall be investigated prior to issuing general obligation debt, including but not limited to: use of existing fund balances, excess balances in capital project funds, revenue-supported debt, special revenue-supported debt, special obligation revenue bonds, and non-general obligation capital leases and notes.

## 6 REVENUE-SUPPORTED DEBT (including Special Revenue Supported Debt)

6.1 Revenue-supported debt shall be used to provide for public improvements where the flow of funds from the operation supported by the asset will be sufficient to service the debt.

6.2 The expected flow of dedicated revenues to service the debt service shall exceed the annual debt service requirement by 10%.

6.3 Before issuing such debt, adequate feasibility studies must be completed to provide assurances that the project will be self-liquidating or other dedicated funds shall be sufficient to service the debt without jeopardizing normal county operations.

6.4 If revenue-supported debt is issued that primarily benefits private parties rather than the public as whole, feasibility and due-diligence studies must be completed to reasonably ensure that the private parties will be able to manage the funding necessary to cover their agreed portion(s) of the debt service obligation.

6.5 Special revenue debt issued to support projects in and for a particular geographic area of the county must be primarily, if not totally, funded by specific project- related taxes, charges and/or fees on the users and/or beneficiaries of the services supported by the project(s) and not on the general county-wide sources of revenues.

6.6 The county must provide in any funding agreement in support of private entities that capital equipment funded in whole or part with county funds shall not be removed from the county without the express agreement by the county board.

## 7 SPECIAL OBLIGATION REVENUE BONDS

7.1 Special Obligation Revenue Bonds should be issued only if the supported project(s) can be shown to be financially feasible and will significantly contribute to the general welfare and economic development of the county.

7.2 Adequate feasibility studies by an independent and qualified concern must demonstrate the financial viability of the project(s).

7.3 Adequate assurances must be obtained that the users of the project(s) are financially viable. At a minimum this would include credit checks on the project participants.

7.4 Adequate assurances must be made that the project and property funded will be used for the specified purpose for an extended length of time.

7.5 Significant private financing and/or capitalization must be part of any project(s) supported.

## 8 TAX ANTICIPATION NOTES

8.1 It is expected that the financial management of county funds and cash flow will preclude the need for issuing tax anticipation notes.

8.2 Tax anticipation notes shall not be issued for more than 20% of the expected tax collections for and in the current tax year that remain outstanding.

## 9 OTHER ANTICIPATION NOTES

9.1 Other anticipation notes shall not be issued without the certain knowledge that the permanent or replacement revenue will be forthcoming before the due date of the notes.

9.2 Other anticipation notes shall not be issued unless the board determines that such issuance is critical to the needs of the county.

## 10 TAX INCREMENT BONDS

10.1 Tax increment financing whether via bonding, development agreements, or other financing arrangements shall be considered a special revenue supported debt.

10.2 Tax increment bonds shall be issued only to support projects that meet requirements outlined under sections 6 and 7 (REVENUE SUPPORTED DEBT and SPECIAL OBLIGATION REVENUE DEBT), above.

10.3 When computing the expected flow of funds from increments the incremental value shall not be adjusted for an expected general increase in property values nor shall expected tax rates be projected higher than the current applicable tax rate or the average applicable tax rate for the prior 5 years, whichever is lower.

10.4 The area from which the incremental value and tax flows are expected should be as compact as possible and be reasonably congruent with the project area.

10.5 The county shall, whenever possible, negotiate a "Minimum Assessment Agreement" with each developer supported in whole or part by the projects that taken together shall generate enough increment tax to fund any debt

service obligations and/or satisfy all claims or liquidate any development or other financial agreements within the schedules specified or contemplated in the bonding or other agreements.

10.6 Whenever a tax on the personal property of a developer or other participant in an increment area project is contemplated to be part of the increment tax, the county shall negotiate agreements with the participants that require prior county board approval for the removal of such property from the increment district.

## 11 LIMITATION OF THIS POLICY

11.1 This policy shall not operate to limit or impede commitments or legal obligations incurred prior to its enactment.

11.2 This policy does not relieve the county of any statutory obligation it may have to issue or contract for debt already contemplated by general or special statutes or the rules promulgated therefrom.

## 12 BOND ISSUANCE PROCEDURES

This section of the policy describes in general the recommended procedure to follow when issuing bond instruments where the county or one of its component units is the obligee. The description is a guideline and not prescriptive.

12.1 The Internal Financing Team shall review capital funding needs with county department heads analyzing the county's current and projected financial resources to determine the need for issuance of debt, as well as the need for and feasibility of the projects under consideration. The team shall advise the county board on particulars regarding each issue including but not limited to their opinion as to the: 1) hiring of bond counsel, 2) hiring of a financial advisor, 3) issue structures, 4) method of sale, and 5) as to need and feasibility of the projects.

12.2 The county board then decides whether to offer the issue as a negotiated sale or a competitive sale.

12.3 The main underwriter or the financial advisor in conjunction with county officials then develops up a timetable.

12.4 Bond counsel and the county then prepare the required documents and the resolutions, and set the sale and settlement dates. If the issue is to be rated, the financial condition of the county and the economics of the area are formally presented to the rating agency, which notifies the county of its rating and outlines the reasons for such rating.

12.5 The county then awards bonds to the underwriting firm(s) on the sale date. The bond offering provisions may require a deposit at this time as evidence of the underwriter's good faith.

12.6 The underwriter wires the remainder of the bond proceeds, together with accrued interest, to the county on the settlement date.

12.7 The county establishes a separate checking account for each bond issue and pays project expenses and issuance expenses from this account.

NOTES:

1 A **negotiated sale** occurs when the issuer selects the underwriting firm (or firms) which will take the lead role in marketing the bonds. The underwriter in a negotiated sale frequently performs many of the duties that a financial advisor does for a competitive sale. Sometimes, services of a financial advisor are used also.

**Advantages** of a negotiated sale include more flexibility in the structuring and timing of the issue, as well as the opportunity to insure that bonds are available to certain investor groups, such as local firms. Another advantage is the opportunity to determine investor interest in the issue, as well as the demand for certain structures or maturities.

**Disadvantages** of a negotiated sale include the possible appearance of favoritism in the selection of the lead underwriter. Also, there may be less assurance that the bonds are priced at the most favorable rate.

2 A **competitive sale** occurs when the issuer (or its financial advisor) solicits bids from underwriting firms to purchase its bonds, and sells bonds at the highest bid price (the lowest interest rate). With the help of a financial advisor and bond counsel, necessary documents are prepared and a Notice of Sale (Official Statement) is published that describes the offering, the bidding requirements and date and time of sale. Underwriters submit bids, which are usually evaluated by comparing the net interest cost (average interest rates) of each.

**Advantages** of a competitive sale are that it provides some assurance that bonds have been sold at the lowest interest rates given market conditions. The amount of compensation paid to the underwriter (discount) is historically lower for competitive sales. Also, competitive sales promote the appearance of an open, fair process.

**Disadvantages** of a competitive sale are that they have less flexibility in their structure because the Notice of Sale must be posted well before the sale date. Underwriters may build in a risk premium because of the uncertainty of market conditions. Also, issuers with complex financing or weak credit may have difficulty attracting bidders is also difficult to assure that local investors have access to the bonds.

Rev date: April 17, 1995
printed: June 30, 2015

**ELECTRONIC FUNDS TRANSFER POLICY**
RESOLUTION NO. 540
BOARD FILE 57621
August 1, 2000

WHEREAS, Minnesota Statutes 385.071 requires that if the County is to avail itself of the electronic funds' transfer capabilities of the financial institutions with which the County does business, the County should have an Electronic Funds' Transfer Policy which is in written form and which is approved by the County Board:

NOW, THEREFORE, BE IT RESOLVED, that the Electronic Funds Transfer Policy, as contained in Board File No. 57621, is hereby approved.

**ELECTRONIC FUNDS' TRANSFER POLICY**
**ST. LOUIS COUNTY, MINNESOTA**

The State of Minnesota and management best practices require that if the County is to transfer funds electronically, it must have a policy for such action.

**1 Definitions**

1.01 Electronic Fund's Transfer - This term refers to moving of funds electronically between banks.

1.02 Automated Clearing House Transactions (ACH) - These transactions are processed one day after they are initiated by the transferring party. This one-day delay makes the transaction less expensive than wire transfers. The original intent of ACH transactions was to limit them to $100,000 or less; however, in actual practice, these limits are disregarded.

1.03 ACH Debit Transaction - This transaction takes money from a bank account and sends it to a third party. The transaction is initiated by the third party's bank, with pre-authorization from the payer. It can be used for preauthorized payments to vendors for reoccurring items. Appropriate invoice information can be sent with the ACH in a standard format, thus eliminating the paper check and stub. The County uses this type of transaction to make the deposit of payroll withholding taxes.

This type of transaction is also used by the County to deposit money to the State of Minnesota bank accounts through automated telephone transfer setups. Examples are the remittance of the County's deed tax and mortgage tax receipts, as well as the County's sales tax collections an use tax liability. It is also used to transfer funds to the County's medical insurance administrator.

1.04 ACH Credit Transaction - This transaction can be used to transfer money from one St. Louis County bank account to another St. Louis County bank account. It can also be used to make payments to third parties; the transaction is initiated by the

County, rather than being pre-authorized and initiated by the third party, such as in ACH debits.

1.05 Federal Electronic Data Interchange (FEDI) - This is the standard format for providing information to accompany an ACH transaction.

1.06 Wire Transfers (otherwise known as Fedwire) - This second type of electronic funds' transfer procedure is owned and operated by the Federal Reserve and connects the dozen Federal Reserve Banks with more than 10,000 depository institutions across the nation. Users of Fedwire are mostly banks which transfer funds on behalf of themselves and their business and government customers. It is an online, real-time, same-day funds transfer system. It is for large-dollar transactions to:

- Transfer money from one bank to another bank ( such as transferring funds from the County's general checking account to the County's direct deposit payroll account)
- Pay for goods or services by sending funds to a vendor's bank
- Purchase U. S. government securities in book-entry form from the Treasury, and
- Pay for a securities trade at a brokerage house, investment bank, or mutual fund.

## 2 Purpose and Scope

2.01 The purpose of this document is to provide guidance, direction, and rules to the individuals responsible for the County's Automated Clearing House (ACH) and for the initiation of wire transfer transactions, as well as to comply with M. S.385.071.

2.02 The goal of this Policy is to ensure that electronic funds' transfers are made only by authorized individuals to authorized parties, and to ensure that incoming and outgoing electronic funds' transfers are properly recognized in the financial records of the County.

2.03 This policy applies to all electronic funds transfers, including, but not limited to, transfers between banks and other financial institutions for investment purposes; payment of payroll taxes; payment of debt service obligations; direct deposit of payroll checks; and remittance of various payments to and from the Federal Government and the State of Minnesota.

2.04 The policy applies to transfers using any type of medium, including telephone, computer, letter or other written document, and fax.

## 3 Objectives

3.01 To manage the ACH and Fedwire transfers in as secure a manner as possible. The County Auditor shall authorize in writing to the respective financial institution, the County personnel who are allowed to initiate such transfers. The transfers shall be tracked on the bank reconciliation by a staff person other than those authorized to make transfers. The investment accountant the County Auditor's Accounting

Department shall maintain an up-to-date log of the transactions, including the reference numbers assigned by the transferring financial institution.

3.02 To minimize any penalty or interest costs which could occur because of EFT transfers being initiated after the required deadlines.

3.03 To maintain a readily available and up-to-date record of EFT transactions.

3.04 To properly record the ACH and Fedwire incoming and outgoing transactions in the County's financial records.

3.05 To maintain a readily available record of personnel authorized to initiate the various types of ACH and Fedwire transactions.

**4. General Provisions - Transfers Out**

4.01 General Checking and Payroll Checking Account - The County's financial institution will honor transfers, including investment transfers, only to another County account or a third party account that has been pre-authorized by the County Auditor. Except for 4.02 and 4.03 below, which are controlled by passwords or PINS and can only be transferred to specified accounts, only persons pre-authorized by the County Auditor to the financial institution can initiate transfers.

4.02 Certain Payments to State of Minnesota - Sales and use tax, as well as mortgage and deed tax collections, are electronically transferred to the State of Minnesota through ACH debits. These procedures are set up by the State of Minnesota with the County and require only touch-tone telephone entry. The funds can be transferred only to the State of Minnesota account and are controlled by passwords or identification numbers assigned to the user by the State. Other electronic transfers to the State of Minnesota, for instance, driver's license and motor vehicle collections, are made through Fedwire transactions.

4.03 Deposit of Payroll Taxes - These procedures are set up by each of the taxing authorities and may be done through ACH debit or credit transactions, depending on whether the County initiates the transfer (credit) or the taxing authorities initiate it through pre-authorization by the County (debit). The debit transaction can transfer funds only to the account of the taxing authority initiating it. (The credit transaction can be transferred following the rules of 4.03 above).

**5 General Provisions - Transfers In**

5.01 Transfers Initiated by the Payer - The payer must contact the County Auditor in order to obtain the proper bank routing information before transfers in can be accomplished.

The Federal Government and the State of Minnesota frequently use electronic fund's transfers to remit payments to the County. The County's financial institution notifies the County's cash manager ( investment accountant) of these transfers, including any FEDI which accompanies the transfer to identify the source and purpose of the payment.

5.02 Transfers Initiated by the County - The County is pre-authorized to order cash through computer modem for various Federal grants (HUD grants, for instance). The pre-authorization set up includes designation by the County Auditor as to which staff members may order the cash and the Auditor also designates which County

account is to receive the cash. The staff members authorized by the Auditor are assigned PINs by the remitting agency.

Interest and principal payments on investments are frequently transferred to the County by various financial institutions and brokers. The routing information for these transfers is provided by the County Auditor through safekeeping and broker agreements, with which an independent verification of the transaction by the staff person reconciling the County's bank account.

**6 General Provisions - Transfers In and Transfers Out**

6.01 Transaction Log - The investment account in the County Auditor's Accounting Department shall maintain an up-to-date log of the transactions, including the reference numbers assigned by the transferring financial institution.

6.02 Transaction Recording - Each transfer shall be properly recorded in the County's accounting system through a journal voucher, payment voucher, or cash receipt transaction with documentation attached or on file. The FEDI is to be used for informational purposes.

**BUSINESS SUBSIDY CRITERIA**

RESOLUTION NO. 233

April 10, 2001

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby adopts the St. Louis County Business Subsidy Criteria, contained in Board File No. 57731, pursuant to Minnesota Statutes, Section 116J.993 - 116J.995.

**ST. LOUIS COUNTY**
**BUSINESS SUBSIDY CRITERIA**

The following business subsidy criteria are intended to satisfy the requirements of Minnesota Statutes §116J.993 through 116J.995 (the "Act"). The term "project" means the property with respect to which the business subsidy is provided. The term "recipient" means any for-profit or nonprofit business entity that receives a business subsidy. Only nonprofit entities with at least 100 full-time equivalent positions and with a ratio of highest to lowest paid employee, that exceeds ten to one, determined on the basis of full-time equivalent positions, are included in this definition.

A. **PROJECT REVIEW AND EVALUATION POLICY**

1. The St. Louis County Board of Commissioners recognizes that the creation of good paying jobs is a desirable goal which benefits both the County and its citizens. Nevertheless, not all projects assisted with subsidies derive their public purpose and importance solely by virtue of job creation. In addition, the imposition of high job creation requirements and high wage level requirements may be unrealistic and counter-productive in the face of larger economic forces affecting an individual business or the financial and competitive circumstances of that business. In determining the requirements for a project under consideration for a business subsidy, St. Louis County will be guided by the following:

a. The evaluation of a project will take into consideration the project's importance in and benefit to the community from all perspectives, including created or retained jobs.

b. If a particular project does not involve the creation of jobs, but is nonetheless found to be worthy of support and subsidy, assistance may be approved without any specific job or wage goals if permitted by applicable law.

c. In cases where the objective is the retention of existing jobs, the recipient of the subsidy will be required to provide evidence demonstrating the potential loss of specific jobs.

d. The setting of wage and job goals will be guided by current information on (I) prevailing wage rates for like or similar jobs within the area, (ii) local economic conditions, (iii) external economic forces over which neither St. Louis County nor the recipient of the subsidy has control, (iv) the financial resources of the recipient and (v) the competitive environment in which the recipient's business exists.

2. Because it is not possible to anticipate all the needs and requirements of every type of project and the ever-changing needs of the community and in order to retain the flexibility necessary to respond to all proposed projects, St. Louis County retains the right to approve projects and business subsidies which may vary from the principles and criteria set forth herein. The reason for any deviation will be documented in writing and will be submitted to the Minnesota Department of Trade and Economic Development in accordance with the Act.

3. St. Louis County will take into consideration the following information when applying evaluation criteria to a specific project:

a. St. Louis County may consider the requirements of any other business subsidy received, or to be received, from another project funding source other than the County.

b. If the business subsidy is a guaranty, the amount of the business subsidy may be valued at the principal amount of the guaranteed payment obligation.

c. If the business subsidy is real or personal property, the amount of the subsidy will be the fair market value of the property as determined by St. Louis County.

d. If the business subsidy is received over time, St. Louis County may value the subsidy at its present value using a discount rate equal to an interest rate which the County determines is fair and reasonable under the circumstances.

As used herein "benefit date" means the date the business subsidy is received. If the business subsidy involves the purchase, lease, or donation of physical equipment, then the benefit date occurs when the recipient puts the equipment into service. If the business subsidy is for improvements to

property, then the benefit date refers to the earliest date of either: (a) when the improvements are completed for the entire project; or (b) when a business occupies the property.

**B. PROJECT REVIEW AND EVALUATION**

St. Louis County will require that the proposed project meet one or more of the following criteria in order to receive financial or other assistance as a business subsidy:

1. **Job and Wages**
   a. New Jobs: The minimum net number of direct full time equivalent jobs to be created or retained by the proposed project for a period of at least two years from the estimated benefit date.
   b. Payroll: The minimum annual net payroll (including employer contributions for health benefits) to be generated at the end of the third anniversary date of the estimated benefit date.
2. **Increase in Tax Base*:*** The net increase in property taxes estimated to be generated by the project in the first full year of operation
3. **Land Use**
   a. **Compliance with Comprehensive or Other Plans:** We will consider whether the project provides the optimum or best use of the property (including those permitted uses under the current Comprehensive or Other Plan) in addition to any needed services to the community described in Paragraph B.6).
   b. **Marginal Property:** We will examine whether the project is located on property which needs, but is not likely, to be developed or redeveloped because of blight or other adverse conditions of the property.
   c. **Design and/or Other Amenities:** We will also consider whether the project will include design and/or amenity features that are not otherwise required by law as a result of the business subsidy.
4. **Impact on Existing and Future Public Investment**.
   a. **Utilization of Existing Infrastructure Investment:** Consideration will be given as to whether and to what extent (a) the project will utilize existing public infrastructure capacity or if (b) the project will require additional publicly funded infrastructure investments.
   b. **Direct Monetary Return on Public Investment:** Review will consider whether arrangements have been made or will be made for St. Louis County to receive a direct monetary return on its investment in the project.
5. **Economic Development**: Review will consider the economic impact of:
   a. **Leveraged Funds:** For every dollar of business subsidy to be provided for the project, the minimum amount of private funds which will be applied towards the capital cost of the project.

b. **Spin Off Development:** The dollar amount of non-subsidized development the project is expected to generate in the surrounding area and the need for and likelihood of such spin off development.

c. **Growth Potential:** Based on recipient's market studies and plans for expansion, whether and to what extent the project is expected within five years of its completion, be expanded to produce a net increase of full time equivalent jobs and of payroll, over and above the minimum net increase in jobs and payroll described in Paragraph C.1 above.

6. **Quality of Life - Community Services:** Consideration as to whether the project will provide services in the community and the need for such services.

**7.** **Other Factors:** Depending on the nature of the project, such other factors as St. Louis County may deem relevant in evaluating the project and the business subsidy proposed for it.

**C. CRITERIA REQUIRED FOR ALL PROJECTS**

St. Louis County will require that the project complies with all of the following criteria:

1. **Wage Policy:** If the project results in the creation or retention of any jobs, the wage for each part-time and full-time job created must be (within two years of the date of assistance is received as defined in the Act) at least equal to the prevailing wage for like or similar jobs within the area or such greater amount as St. Louis County may require for a specific project.
2. **Compliance with Planning and Zoning:** The project must comply with local plans and zoning ordinances.
3. **Compliance with Act:** The business subsidy from St. Louis County must satisfy all requirements of the Act and any amendments thereto.

**CREDIT CARD ACCEPTANCE POLICY**
RESOLUTION NO. 672
October 23, 2001

WHEREAS, the acceptance of credit cards in payment of County obligations may result in convenience to the customer, as well as streamline some operations for the County itself; and

WHEREAS, Minnesota Statutes 471.38 provides that a county may accept payment of claims and obligations through the use of credit cards; and

WHEREAS, in order to accept such payment, the County under M.S. 271.38 must establish a policy and procedure regarding such payments;

NOW, THEREFORE, BE IT RESOLVED, that the Credit Card Policy and Procedure is hereby approved and the County Auditor is authorized to enter into appropriate agreements on behalf of the County and its Departments.

**TAX ABATEMENT FINANCING POLICY**
RESOLUTION NO. 187
March 12, 2002

WHEREAS, Minnesota Statute §§469.1812 - 469.1815, tax abatement, allows St. Louis County to grant an abatement of taxes imposed by the county on a parcel of property, or defer the payments of the taxes and abate the interest and penalty that would otherwise occur; and

WHEREAS, in order to grant an abatement, the county must represent that:

A. It expects the benefit of the proposed abatement to at least equal the costs of the proposed agreement or intends the abatement to phase in a property tax increase; and

B. Granting the agreement is in the public interest because it will meet one of the following criteria:

1. Increase or preserve tax base
2. Provide employment opportunities
3. Provide or help acquire or construct public facilities
4. Help redevelop or renew blighted properties
5. Help provide access to services for residents
6. Finance or provide public infrastructure, or
7. Phase in a property tax increase on the parcel resulting from an increase of 50 percent or more in one year on the estimated market value of the parcel, other than an increase attributable to improvement of the parcel.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby adopts the St. Louis County Tax Abatement Policy contained in County Board File No. 57883, pursuant to Minnesota Statute §§469.1812 - 469.1815.

## ST. LOUIS COUNTY TAX ABATEMENT FINANCING POLICY

### I SCOPE

This policy establishes the parameters of St. Louis County's participation in Tax Abatement Financing (TAF) as authorized under Minnesota Statutes §§469.1812 through 469.1815 (2000) and any amendments thereto. TAF may be considered a form of business subsidy which will require compliance with the Business Subsidy Act, Minnesota Statutes §§116J.993 through 116J.995, and any amendments thereto. This policy establishes the criteria and procedures to be utilized in administering TAF.

### II PURPOSE

The purpose of St. Louis County TAF is to provide a tool for the county to accomplish its goals in the areas of housing and economic development. These

goals include facilitating projects that result in the creation of quality jobs and the attraction, retention, and expansion of business and housing options within the county. TAF is to be used for development or redevelopment that would not otherwise occur without the assistance of TAF.

## III STATUTORY CRITERIA

The public benefits of a project must be expected to exceed the costs to the county and the project must meet one or more of the following criteria:

A. Increase or preserve the county tax base,
B. Provide permanent employment opportunities within the county,
C. Provide or help acquire or construct public facilities,
D. Help redevelop or renew blighted areas within the county,
E. Help provide access to services for county residents,
F. Finance or provide public infrastructure, or
G. Phase in property tax increase on the parcel resulting from an increase of 50 percent or more in one year on the estimated market value of the parcel, other than an increase attributable to improvement of the parcel.

## IV TYPES OF FINANCING

Of the TAF options available by state statute, the county will only enter into agreements for the following types of financing:

A. Rebate to a property owner (or taxpayer) all or part of paid county property taxes.
B. Defer county property taxes and provide a corresponding abatement of penalties and interest that would have otherwise accrued.
C. Phase in property tax increase resulting from an 50 percent or greater increase in estimated market value in one year from factors other than property improvement.

## V ADDITIONAL CRITERIA

The following additional criteria will apply to TAF projects:

A. The county will provide TAF to a project in conjunction with the municipality provided the municipality has some form of financial participation in the project.
B. Full-time equivalent jobs will be considered in determining either an increase or retention of jobs. Minimum wages for the jobs will be set at prevailing wage rates, for like or similar jobs within the area.
C. The county will not enter into agreements for speculative projects or developments which lack specific tenant agreements.
D. Non-housing projects must be at least 51 percent funded from non-public sources.

E. Housing projects must provide a minimum of 12 affordable rental units and remain affordable for 15 years pursuant to a declaration of covenants and deed restriction. Affordable rents will be no greater than fair market rents as determined by the U.S. Department of Housing and Urban Development.

F. All agreements entered into under this policy may be subject to the County Debt Policy.

G. All agreements entered into under this policy may be subject to the requirements of the County Business Subsidy Criteria and Minnesota Business Subsidy Act.

H. Projects will not place extraordinary demands on public services or generate significant environmental problems in the opinion of local, state, or federal governments.

I. Priority will be given to projects that clean up existing contaminated sites.

J. Projects must conform with all applicable state, local and federal requirements.

## VI LIMITATIONS

The following limitations are set forth for all TAF projects:

A. The total annual commitment for all agreements under this program will not exceed one percent of the existing county levy.

B. No agreement under this policy will have a term exceeding ten full property tax years.

C. The overall total county contribution for any project regardless of the number of property tax parcels involved will not exceed $300,000 over the term of the agreement or $30,000 in any given year.

D. The county will not abate, retain, or defer in any one year more than the county's share of taxes net of all credits or abatements as determined by the county auditor for that year.

E. The maximum abatement for each qualified job under this program will be $1,000 per year.

F. The maximum abatement for each affordable housing unit will be $1,000 per year.

G. No carry over of any "unused" abatement is allowed.

H. Property within a tax increment financing district does not qualify.

I. Personal property taxes and special assessments levied by any subdivision do not qualify for abatements. This is consistent with the opinion of the Minnesota Department of Revenue; personal property taxes on government owned property do not qualify for abatement.

J. Deferred taxes will be due and payable in the first property tax payable year after the end of the agreement.

K. The county board may extend the time for recipients' performance of specific items under the TAF agreement. However, the county board may not extend the time for payment of annual property taxes.

L. No abatement installment will be paid to a recipient if property taxes are not timely paid (i.e., within 15 days of statutory due date).

## VII APPLICATION PROCESS

The following process is established for all TAF applications:

A. Applications must be completed on forms provided by the county together with all documentation, reports, and studies, financing packages, and other relevant data. County may accept municipal or another funder's application provided adequate information and documentation is provided.

B. Applicants must submit a non-refundable fee payment of $1,000 with the initial application.

C. The Planning Department will review the application to determine if the project appears to meet county policy guidelines and to determine the need for additional information. If the Planning Department determines the project meets policy guidelines, the applicant may submit a final application.

D. Applicant will submit a final application with additional documentation and a non-refundable application fee of $2,000. County will evaluate costs after one year and make recommendations on fees.

E. The Planning Department will then provide a detailed review of the project including a full due diligence study that will encompass at a minimum the financial and marketing package. When possible, this study will be completed in conjunction with the municipality and other project funders.

F. If the project qualifies for TAF, the county will proceed to approval process.

## VIII APPROVAL PROCESS

Following is the process the county will use in considering TAF applications:

A. The County Administrator will develop a project review report for the county board. The report will include at a minimum the information described in APPLICATION REVIEW section of this policy.

B. The county board will schedule a public hearing. After hearing testimony at the public hearing, the board will determine if the county will enter into a proposed TAF agreement. When possible, the county will conduct a joint public hearing with the municipality for tax abatement or other required business subsidy public hearings.

## IX APPLICATION REVIEW

The Planning Department will review and report on at a minimum the following items for each TAF application forwarded to the county board for action:

A. The extent to which the public interest is served based on the nature and type of development.

B. The extent to which the new permanent employment opportunities provide benefits and prevailing wages for employees.

C. The extent to which the project provides permanent rental housing opportunities for low and moderate income families as defined by the federal and state government.

D. The extent to which there are additional public costs associated with the project such as pollution control, soil corrections, and public infrastructure.

E. The extent to which the project increases county costs for road construction, traffic control, law enforcement, human services and other budgetary considerations.

F. The extent to which the local municipality supports the project, including (but not limited to) tax abatement for the subject property.

G. The results of a due diligence study completed by staff or an independent consultant.

## X AGREEMENTS

Every TAF subsidy agreement will contain at a minimum sections covering:

A. A list of all the parties to the agreement, their relationship, and address.

B. Description of the project in detail and the type and amount of subsidy granted.

C. Describe the total financing of the project and the sources of all funding.

D. Findings of the County Board as provided for in M.S. §469.1813.

E. Findings that the project meets all criteria established in this policy and that all the limitations and other requirements of this policy are being met.

F. Description of any agreement between the applicant and the municipality or authority under this or any other program that provides any form of public financing.

G. The public purpose of the subsidy and why the subsidy is needed.

H. Description of the need for the subsidy and a summary of the supporting documentation.

I. Specific measurable goals and time frame for meeting established goals. This section must also state how and when required measurements will be completed. It will also include base line values for the measurable goals.

J. Length of continued operations and minimum level of such operation after the agreement expires.

K. Remedies for breach of terms in the agreement, definition of default and

recipients' obligation if they do not fulfill the terms of the agreement.

L. Reporting requirements detailing the time and format of all submissions.

M. Description of any other terms of the agreement.

## XI POST APPROVAL/ABATEMENT PROCESS

\ After approval of a TAF application, the county will adhere to the following process:

A. The county administrator will annually determine the necessary property tax levy (at 110 percent of the expected obligation) required to support the existing tax abatement agreements that will be in force for the subsequent tax year. The levy must be reflected in the administrators proposed budget for the next fiscal year.

B. County Planning will report to the Administrator by August 1 on each of the agreements as to their progress toward and/or maintenance of project goals and other agreement compliance issues.

C. For agreements not in compliance, the administrator will make a report to the county board together with a recommendation to extend or not extend performance deadlines.

D. The county board will then make a determination to extend, terminate, adjust or otherwise modify the agreement within statutory limits.

E. Semi-annually on or before June 1 and December 1 County Planning will submit a parcel detailed request to the Auditor who will then determine for each parcel whether property taxes were timely paid. The Auditor will promptly make such determinations and report back whether such payments were made and the amount of the county share of those taxes.

F. The Planning Department will on or before January 15 and July 15 prepare and submit to the Auditor payment vouchers to pay the owner or taxpayer as determined by the agreement the tax abatements due under the agreement. The payment vouchers must contain a certification that all conditions under the agreements necessary for payment of the tax abatements have been met.

G. The Auditor will issue and mail abatement checks by February 1 and August 1.

## XII TIME FRAME

TAF applications will be accepted on an ongoing basis. The specific time frame for TAF applications is as follows:

A. April 1: Applicants must file for TAF consideration no later than April 1 of the year prior to the year the tax abatement is to be effective.

B. August 1: All the required steps in the application process must be completed no later than August 1 to provide the administrator time to incorporate the appropriate property tax levy and budget appropriations into the proposed budget for the following year.

C. December 1: The county and all the parties to the agreement will execute the agreement prior to December 1 of the year preceding the year in which the tax abatement is to be effective. Failure to fully execute the agreement by this date will at a minimum postpone the proposed tax abatements by at least one year.

## XIII MEASUREMENTS

TAF recipients must provide adequate documentation for the following project performance measurements by the deadlines established in the subsidy agreement:

A. Baseline measurements for performance criteria will use information for the six full months immediately preceding the application date.

B. Annual performance measurements will at a minimum use median information for six full months prior to the required reporting date.

C. Employment performance measurements will use the median monthly wages for full time employment.

The county reserves the right to approve or reject projects on a case-by-case basis. Meeting minimum policy criteria does not guarantee the award of TAF to the project. Approval or denial of one project is not intended to set precedent for approval or denial of another project. The county, at its discretion, reserves the right to deviate from its policy to impose more severe penalties and restrictions.

**SEPTIC LOAN PROGRAM POLICY**
RESOLUTION NO. 365
June 10, 2003

RESOLVED, the St. Louis County Board of Commissioners hereby adopts the Septic Loan Program Policy, as contained in Board File No. 58085, effective July 1, 2003.

**PROCEEDS FROM SALES OF COUNTY ASSETS**
RESOLUTION NO. 371
July 26, 2005

WHEREAS, the St. Louis County Board desires a consistent policy accounting for the proceeds from sales of County assets and fee land.

NOW THEREFORE, BE IT RESOLVED, that proceeds from Sales of County assets, with the exception of those referenced in County Board Resolution No. 811 (Proceeds from the Sale by Bid of Equipment and Proceeds from Insurance Fund), less

expenses directly attributable to the sale, be reimbursed to the fund from which the investment in the asset was made. If more than one fund was utilized in purchase of the asset, sales proceeds will reimburse each fund on a pro rata basis of its investment in the asset.

RESOLVED FURTHER, that proceeds from fee land sales, less unbudgeted expenses directly attributable to the sale, be deposited in the County's general fund. Unbudgeted expenses attributable to the fee land sale will be reimbursed to the fund that incurred the sale related expenses.

**AUDITOR TO DETERMINE ADEQUACY OF CONTROLS AND PROCEDURES**
RESOLUTION NO. 942
Budget and Levy Resolution
1997 for Fiscal Year 1998
December 16,1997

RESOLVED FURTHER, that the County Board authorizes the Auditor to determine the adequacy of controls and procedures relating to financial/accounting issues and order changes or corrective actions in any department or agency of the County.

RESOLVED FURTHER, that it is the County Board's continuing intent to establish and retain a $2,000,000 annual cash balance in Fund 16, Dept. F11.

**CASH FLOW**
RESOLUTION NO. 968
Budget and Levy Resolution
1995 for Fiscal Year 1996
December 19, 1995

RESOLVED FURTHER, that the County Board authorizes the County Auditor to designate portions of fund balances for cash flow purposes with the objective that full cash flow designation be accomplished within four budget years.

**CASH FLOW**
RESOLUTION NO. 1037
Budget and Levy Resolution
1996 for Fiscal Year 1997
December 17, 1996

RESOLVED FURTHER, that the County Board authorizes the County Auditor to designate portions of fund balances for cash flow purposes with the objective that full cash flow designation be accomplished within three budget years.

**CASH FLOW**
RESOLUTION NO. 942
Budget and Levy Resolution
1997 for Fiscal Year 1998
December 16, 1997

RESOLVED FURTHER, that the County Board authorizes the County Auditor to continue to designate portions of fund balances for cash flow purposes with the objective that full cash flow designation be accomplished by the end of 1998.

**CASH FLOW**
RESOLUTION NO. 973
Budget and Levy Resolution
1998 for Fiscal Year 1999
December 22, 1998

RESOLVED FURTHER, that the County Board authorizes the County Auditor to continue to designate portions of fund balances for cash flow purposes with the objective that full cash flow designation be accomplished by the end of 1999.

**CASH FLOW**
RESOLUTION NO. 834
Budget and Levy Resolution
1999 for Fiscal Year 2000
December 14, 1999

RESOLVED FURTHER, that the County Board authorizes the County Auditor to continue to designate portions of fund balances for cash flow purposes as previously established by the County Board.

**CASH FLOW**
RESOLUTION NO. 811
Budget and Levy Resolution
2000 for Fiscal Year 2001
December 12, 2000

RESOLVED FURTHER, that the County Board authorizes the County Auditor to continue from this day forward to reserve portions of fund balances for cash flow purposes in an amount equal to 5/12 of the current levy.

**CASH FLOW**
RESOLUTION NO. 772
Budget and Levy Resolution
2001 for Fiscal Year 2002
December 11, 2001

RESOLVED FURTHER, that the County Board authorizes the County Auditor to continue from this day forward to reserve portions of fund balances for cash flow purposes in an amount equal to 5/12 of the current levy plus HACA.

**CASH FLOW**
RESOLUTION NO. 812
Budget and Levy Resolution
2002 for Fiscal Year 2003
December 17, 2002

RESOLVED FURTHER, that the County Board authorizes the County Auditor to continue from this day forward to reserve portions of fund balances for cash flow purposes in an amount equal to 5/12 of the 2003 levy plus the 2003 HACA and other property tax aids.

**CASH FLOW**
RESOLUTION NO. 754
Budget and Levy Resolution
2003 for Fiscal Year 2004
December 16, 2003

RESOLVED FURTHER, that the County Board authorizes the County Auditor to continue to reserve portions of fund balances for cash flow purposes in an amount equal to 5/12 of the 2004 levy plus the 2004 HACA and other property tax aids.

**CASH FLOW**
RESOLUTION NO. 619
Budget and Levy Resolution
2004 for Fiscal Year 2005
December 14, 2004

RESOLVED FURTHER, that the County Board authorizes the County Auditor to continue to reserve portions of fund balances for cash flow purposes in an amount equal to 5/12 of the 2005 levy plus the 2005 HACA and other property tax aids.

**COUNTY ATTORNEY STAFF SALARIES**
RESOLUTION NUMBER 772
Budget and Levy Resolution
2001 for Fiscal Year 2002
December 17, 2002

RESOLVED FURTHER, that the St. Louis County Attorney shall have the authority to annually adjust the salaries of the unclassified employees in the St. Louis County Attorney's Office within the total funds allocated for salaries by the County Board.

*Also Cited in the 1996-2002 Budget Resolutions.*

**COUNTY ATTORNEY STAFF SALARIES**
RESOLUTION NUMBER 754
Budget and Levy Resolution
2003 for Fiscal Year 2004
December 16, 2003

RESOLVED FURTHER, that the St. Louis County Attorney shall have the authority to annually adjust the salaries of the unclassified employees in the St. Louis County Attorney's Office within the total funds allocated for salaries by the County Board .

**COUNTY ATTORNEY STAFF SALARIES**
RESOLUTION NUMBER 619
Budget and Levy Resolution
2004 for Fiscal Year 2005
December 14, 2004

RESOLVED FURTHER, that the St. Louis County Attorney shall have the authority to annually adjust the salaries of the unclassified employees in the St. Louis County Attorney's Office within the total funds allocated for salaries by the County Board .

**FEDERAL COST ALLOCATION RECEIPTS**
RESOLUTION NO. 973
Budget and Levy Resolution
1998 for Fiscal Year 1999
December 22, 1998

RESOLVED FURTHER, whereas the County receives federal program revenues as a reimbursement of indirect costs incurred by the General Fund, and whereas those revenues on future remittances may not always be separately identified from specific County Department revenues at the time of payment, that when federal program revenues are earned jointly by the General Government and the Social Services Fund, and earnings are not separately identified at the time of payment, revenues shall be allocated between the General Fund and the Social Services Fund in the same proportion as federal program costs. Such allocation shall be made at the time that quarterly settlement payments are received.

**FEDERAL COST ALLOCATION RECEIPTS**
RESOLUTION NO. 834
Budget and Levy Resolution
1999 for Fiscal Year 2000
December 14, 1999

RESOLVED FURTHER, whereas the County receives federal program revenues as a reimbursement of indirect costs incurred by the General Fund, and whereas those revenues on future remittances may not always be separately identified from specific County Department revenues at the time of payment, that when federal program revenues are earned jointly by the General Government and a specific Department, and earnings are not separately identified at the time of payment, revenues shall be allocated between the General Fund and the specific department in the same proportion as federal program costs. Such allocation shall be made at the time that quarterly settlement payments are received.

**FEDERAL COST ALLOCATION RECEIPTS**
RESOLUTION NUMBER 811
Budget and Levy Resolution
2000 for Fiscal Year 2001
December 12, 2000

RESOLVED FURTHER, whereas the County receives federal program revenues as a reimbursement of indirect costs incurred by the General Fund, and whereas those revenues on future remittances may not always be separately identified from specific

County Department revenues at the time of payment, that when federal program revenues are earned jointly by the General Government and a specific Department, and earnings are not separately identified at the time of payment, revenues shall be allocated between the General Fund and the specific department in the same proportion as federal program costs. Such allocation shall be made at the time that quarterly settlement payments are received.

**FEDERAL COST ALLOCATION RECEIPTS**
RESOLUTION NUMBER 772
Budget and Levy Resolution
2001 for Fiscal Year 2002
December 11, 2001

RESOLVED FURTHER, whereas the County receives federal program revenues as a reimbursement of indirect costs incurred by the General Fund, and whereas those revenues on future remittances may not always be separately identified from specific County Department revenues at the time of payment, that when federal program revenues are earned jointly by the General Government and a specific Department, and earnings are not separately identified at the time of payment, revenues shall be allocated between the General Fund and the specific department in the same proportion as federal program costs. Such allocation shall be made at the time that quarterly settlement payments are received.

**FEDERAL COST ALLOCATION RECEIPTS**
RESOLUTION NUMBER 812
Budget and Levy Resolution
2002 for Fiscal Year 2003
December 17, 2002

RESOLVED FURTHER, whereas the County receives federal program revenues as a reimbursement of indirect costs incurred by the General Fund, and whereas those revenues on future remittances may not always be separately identified from specific County Department revenues at the time of payment, that when federal program revenues are earned jointly by the General Government and a specific Department, and earnings are not separately identified at the time of payment, revenues shall be allocated between the General Fund and the specific department in the same proportion as federal program costs. Such allocation shall be made at the time that quarterly settlement payments are received.

**FEDERAL COST ALLOCATION RECEIPTS**
RESOLUTION NUMBER 754
Budget and Levy Resolution
2003 for Fiscal Year 2004
December 16, 2003

RESOLVED FURTHER, whereas the County receives federal program revenues as a reimbursement of indirect costs incurred by the General Fund, and whereas those revenues on future remittances may not always be separately identified from specific

County Department revenues at the time of payment, that when federal program revenues are earned jointly by the General Government and a specific Department, and earnings are not separately identified at the time of payment, revenues shall be allocated between the General Fund and the specific department in the same proportion as federal program costs. Such allocation shall be made at the time that quarterly settlement payments are received.

**FEDERAL COST ALLOCATION RECEIPTS**
RESOLUTION NUMBER 619
Budget and Levy Resolution
2004 for Fiscal Year 2005
December 14, 2004

RESOLVED FURTHER, whereas the County receives federal program revenues as a reimbursement of indirect costs incurred by the General Fund, and whereas those revenues on future remittances may not always be separately identified from specific
County Department revenues at the time of payment, that when federal program revenues are earned jointly by the General Government and a specific Department, and earnings are not separately identified at the time of payment, revenues shall be allocated between the General Fund and the specific department in the same proportion as federal program costs. Such allocation shall be made at the time that quarterly settlement payments are received.

**HERITAGE AND ARTS CENTER PAYMENT PROCESSING**
RESOLUTION NO. 811
Budget and Levy Resolution
December 12, 2000

RESOLVED FURTHER, that St. Louis County will no longer process payments for operating expenses of the Heritage and Arts Center. In place of these payments, the County will budget a set sum for the Heritage and Arts Center and the Center will be responsible for paying its vendors.

**PROCEEDS FROM INSURANCE FUND**
RESOLUTION NO. 811
Budget and Levy Resolution
2000 for Fiscal Year 2001
December 12, 2000

RESOLVED FURTHER, that proceeds from the insurance fund for losses of covered property or proceeds from the sale by bid of damaged assets will be reimbursed into the capital outlay budget of the department involved.

**PROCEEDS FROM INSURANCE FUND**
RESOLUTION NO. 754
Budget and Levy Resolution
2003 for Fiscal Year 2004
December 16, 2003

RESOLVED FURTHER, that proceeds from the insurance fund for losses of covered property or proceeds from the sale by bid of damaged assets will be reimbursed into the capital outlay budget of the department involved.

**PROCEEDS FROM INSURANCE FUND**
RESOLUTION NO. 619
Budget and Levy Resolution
2004 for Fiscal Year 2005
December 14, 2004

RESOLVED FURTHER, that proceeds from the insurance fund for losses of covered property or proceeds from the sale by bid of damaged assets will be reimbursed into the capital outlay budget of the department involved.

**PROCEEDS FROM THE SALE BY BID OF EQUIPMENT**
RESOLUTION NO. 811
Budget and Levy Resolution
2000 for Fiscal Year 2001
December 12, 2000

RESOLVED FURTHER, that proceeds from the sale by bid of equipment that would otherwise be used in trade against the purchase price of new equipment be added to the budget by increasing both the capital outlay and the revenue budgets by the amount of the sale.

**PROCEEDS FROM THE SALE BY BID OF EQUIPMENT**
RESOLUTION NO. 754
Budget and Levy Resolution
2003 for Fiscal Year 2004
December 16, 2003

RESOLVED FURTHER, that proceeds from the sale by bid of equipment that would otherwise be used in trade against the purchase price of new equipment be added to the budget by increasing both the capital outlay and the revenue budgets of the owning department by the amount of the sale.

**PROCEEDS FROM THE SALE BY BID OF EQUIPMENT**
RESOLUTION NO. 619
Budget and Levy Resolution
2004 for Fiscal Year 2005
December 14, 2004

RESOLVED FURTHER, that proceeds from the sale by bid of equipment that would otherwise be used in trade against the purchase price of new equipment be added to the budget by increasing both the capital outlay and the revenue budgets of the owning department by the amount of the sale.

**VESTING SICK LEAVE**
RESOLUTION NUMBER 772
Budget and Levy Resolution
2001 for Fiscal Year 2002
December 11, 2001

RESOLVED FURTHER, that the County Board authorizes the County Auditor to designate monies as available for vesting sick leave until such vesting is fully funded, with full designation being realized no later than 2009.

*See Also:*

*A.* ***CHAPTER 13 LEAVE TIME,*** *Vacation Pay-Off/Sick Leave Balance Funding, Resolution No. 200, Adopted March 14, 1995*

**FLEXIBLE SPENDING PLAN**
RESOLUTION NO. 568
November 8, 2005

WHEREAS, Section 125 of the Internal Revenue Code of 1986, as amended, authorizes that a Flexible Spending Plan may, at the employer's option, be amended to provide for up to a 2 1/2 month grace period immediately following the end of each plan year.

WHEREAS, implementation of the 2 1/2 month grace period should result in increased employee participation and/or plan contributions in this plan and additional tax savings to both the plan participants and the employer.

NOW, THEREFORE BE IT RESOLVED, that the revised plan document, including Amendment Number 1, and Summary Plan Description for the County of St. Louis Flexible Compensation Program are hereby approved effective December 1, 2005 and that the County Board Chair is hereby authorized to execute and deliver the Plan Amendment to the third party plan administrator, Superior USA Corporation.

FURTHER RESOLVED, that the Civil Service/Personnel Director shall notify participants in the plan of the adoption of this plan amendment by delivering to each employee a copy of the summary description of the changes to

the plan in the form of the Summary Plan Description - Material Modification, which form is hereby approved.

**SEPARATE INVESTMENT OF ARC FUNDS**
RESOLUTION NO. 77
February 7, 2006

WHEREAS, Arrowhead Regional Corrections has requested St. Louis County invest the Designated Fund for Compensated Absences balance in order to earn interest; and

WHEREAS, by agreement, the County currently retains interest earned on ARC funds; and

WHEREAS, as required by prudent fiscal management, ARC has set forth upon a program to fully fund its compensated absences, resulting in a significant Designated Fund for Compensated Absences balance. This fund is currently pooled with other reserved St. Louis County monies and invested. The balance of this account, $1,000,903 as of December 31, 2004, is now substantial enough to be split and invested separately from the pooled funds;

NOW, THEREFORE, BE IT RESOLVED, effective January 1, 2006, the Auditor will invest the ARC Designated Fund for Compensated Absences in an investment portfolio separate from other pooled funds.

BE IT FURTHER RESOLVED, earnings will remain in the Compensated Absences Fund (Fund 925, Object 311033) thereby offsetting any required future contributions.

BE IT FURTHER RESOLVED, any future ARC cash flow shortages, which result in St. Louis County providing monies to ARC, incur interest charges at that period's current St. Louis County investment portfolio interest earnings rate until the cash shortage is alleviated.

**REVISED INVESTMENT POLICY**
RESOLUTION NO. 481
OCTOBER 5, 2010

WHEREAS, it has been more than four years since the St. Louis County Investment Committee has reviewed the County Investment Policy; and

WHEREAS, changes in the economic environment have resulted in a need to modify short-term and long-term portfolio composition limits to allow for prudent and judicious investments which maximize return; and

WHEREAS, the State Auditor recently has added a requirement that local government investment policies address custodial credit risk; and

WHEREAS, the policy has been updated with more concise and easier to read definitions and statutory references; and

WHEREAS, diversification guidelines have been adjusted to provide for greater flexibility in managing investment and maturity mix.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board adopts the revised Investment Policy effective October 15, 2010 to modify short-term and long-term

portfolio composition limits, to update and clarify definitions and statutory references, to change the maturity and diversification mix allowed, and to address custodial credit risk.

1. **Purpose and Scope**

The purpose of this document is to provide guidance, direction, and rules to the individuals responsible for the investment and deposit of any monies under the control of the County in conformance with M.S. 118A and other statutes governing investments of public funds whether current or subsequent.

This policy applies to all financial assets for which the County is accountable, including but not limited to assets of the General Fund, all Special Revenue Funds, all Internal Service Funds, all Enterprise Funds, all Trust and Agency Funds, and all monies of other governmental agencies that are on deposit with the County and which are the legal or contractual responsibility of the County Auditor.

It is the goal of this policy to ensure the integrity, legality, and wisdom of investment decisions and to provide for the financial stability of the County.

**2. Objectives**

The primary objectives, in priority order, of investment activities shall be safety, liquidity, and yield.

A. **Safety of Principal** – is the foremost objective of the investment program. Investments will be made in conformance with Chapter 118A of Minnesota Statutes governing the investment of public funds. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to minimize credit risk and interest rate risk.

B. **Liquidity** - the investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands.

C. **Yield** – the investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance to the safety and liquidity objectives described above. The core of investments are limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall generally be held until maturity except when liquidity needs of the portfolio require that the security be sold.

3. **Delegation of Authority**

According to Minnesota Statutes 385.07 and 383C.136 the responsibility for making investments lies with the Auditor. M.S. 118A.02 provides that the governing body is responsible for designating depositories. The body may designate the treasurer or chief financial officer the authority to do such designations and make investments. The Board hereby authorizes the Auditor to do

such designations and investments. No other person may engage in investment transactions unless specifically delegated that authority by the Auditor and who is an employee of the Auditor. This section does not limit the ability of the Auditor to invest funds with a professional fund manager or organization.

4. **Ethics**

A. The Auditor and agents of the Auditor have a fiduciary responsibility to the County and its citizens and shall prudently manage the County's investment portfolios. The standard of prudence to be applied to those making investment decisions shall be the "prudent investor" rule, which states: "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of the capital as well as the probable income to be derived." The prudent investor rule shall be applied in the context of managing in aggregate all of the portfolios.

B. The County will not purchase an investment intending early liquidation. This does not mean that all investments must be held to maturity.

C. No person performing investing activities on behalf of the County shall accept any gift, favor, money or anything of personal value from any person or organization with which the County invests funds.

D. No person with whom the County invests funds shall provide any gift, favor, money or anything of personal value to anyone employed by the County who is in a position to influence County investment activities. Firms or persons violating this provision of this policy shall be barred from participating in County investment activity for 180 days or more as determined by the County Auditor.

E. All persons or organizations with which the County invests funds shall be provided a copy of this policy annually and whenever a change is made in the policy.

F. Firms or persons violating any part of this policy may be barred from participating in County investment activities for periods of 90 days or more as determined by the Auditor.

5. **Reporting and Disclosure**

A. The Auditor shall report the results of investment activity to the County Board quarterly. The Auditor shall at the same time report any changes to the list of authorized depositories.

B. The report shall consist of the following items: end of period description of the portfolio contents, interest earned, realized gains and losses, interest earnings and yield by portfolio, portfolio maturity distribution by year, portfolio yield by type of investment, average yield on securities by investment type per quarter and any other information requested by the Board. The report shall also contain quarterly and year to date interest summary information for the General Investment Pool, Environmental Services and Regional Landfill Trust Fund portfolios combined, the Insurance Fund

portfolios combined, and the Taconite Fund portfolios combined. It will also contain the quarterly balances of these combined portfolios.

C. The County shall obtain information required for disclosure by applicable Governmental Accounting Standards Board (GASB) statements.

D. The County shall use the segmented time distribution method to disclose the interest rate risk required by GASB statements.

6. **Controls**

A. The Investment Officer who actually purchases or liquidates investments cannot also record the transactions in the daily receipts and disbursements control ledger. The Investment Officer may not also be the person who reconciles the control ledger to the financial accounting system. Nor may such Investment Officer also be the person who reconciles the monthly bank statement to the financial accounting system.

B. An accountant in the Auditor's Department, other than the Investment Officer, shall review various reports for projected interest earnings compared to actual interest earnings. Any discrepancies shall be reported to the Director of Accounting.

C. The Investment Officer shall meticulously ascertain that all necessary receipts for collateral and investment funds transfers have been received and are locked in the Auditor's vault.

D. The Investment Officer shall invest only in instruments listed in this document and recommended by the Investment Committee.

E The Investment Officer must keep the investment records accurate and up-to-date so that correct information is quickly and readily available.

7. **Indemnification of Local Officials**

The Auditor and his/her agents, when acting in accordance with Minnesota Statutes and this policy shall not be held personally responsible for any loss sustained from the deposit or investment of funds.

8. **Investment Committee**

A. There is created an Investment Committee consisting of the Auditor, Administrator, the Chair of the County Board, and the Chair of the Budget & Finance Committee.

B. The Committee shall advise and make recommendations to the Auditor. The Committee shall consider and review investment strategy, diversification and maturity issues and structure, risks, depositories, economic outlook, investment procedures, control issues, and other matters directly affecting the investment process.

C. The Committee shall meet at least quarterly or as otherwise decided by its members.

D. The Investment Committee shall establish its own rules, but any disputed recommendation or resolution must be ratified by an oral vote, a record of which will be kept. Minutes of the Investment Committee actions will be kept by the Clerk of the Board.

E. The Investment Committee upon the recommendation of the Auditor shall by majority vote have the authority to modify the Diversification Guidelines.

9. **Relationships with Banks and Dealers**

A. The Auditor will evaluate the credit worthiness of prospective financial institutions, brokers, and dealers. The Auditor will also evaluate the credit worthiness of such other institutions that may hold collateral securing deposits. The evaluation should include a review of audited financial statements and/or regulatory reports filed by the institutions.

B. The Auditor will provide a copy of this Investment Policy to prospective financial institutions and broker-dealers. Prior to completing an initial transaction and annually thereafter, the broker must acknowledge receipt of the copy of the St. Louis County Investment Policy in writing and agree to handle the County's account in accordance with the policy.

C. All pledged collateral must consist of securities that the County is authorized to accept under Minnesota law and must be accompanied by a written assignment to the County from the financial institution

D. Security lending agreements, including custody agreements may be entered into with a financial institution that is qualified as a “depository” of the public funds of the County or is a member of the Federal Reserve System and whose combined capital and surplus equals or exceed $10,000,000 and has a bank office located in Minnesota.

E. The County shall require collateral when deposits exceed the federally insured maximum in any designated financial institution in accordance with Minnesota Statute 118A.03.

F. The County will minimize deposit Custodial Credit Risk, which is the risk of loss due to failure of a financial institution, by obtaining collateral or bond for all uninsured amounts on deposit, and by obtaining necessary documentation to show compliance with state law to a perfected security interest under federal law.

10. **Safekeeping and Custody**

All investment securities purchased by the County shall be held in a third-party safekeeping arrangement, consistent with Sections 118A.06 of Minnesota Statutes. The third-party shall issue a safekeeping receipt to the County listing the specific instrument, rate, maturity, and other pertinent information. All investment securities will be insured, collateralized, or covered by a surety bond.

11. **Diversification Guidelines**

A. Each portfolio shall be well diversified to minimize the risk of large losses. All individual portfolio holdings must comply with Chapter 118A of the Minnesota Statutes for investment of public funds.

B. For each portfolio, the investment terms should match as closely as possible the expected cash outflow for the smooth operation of County finances without the need for early liquidation.

C. The desired weighted average maturity (WAM) of the total portfolio shall be less than three years (WAM is computed using days to maturity).

D. In no case will investments in any one financial institution exceed 50% of the County's total portfolio.

E. Maturity will be laddered to provide for interest rate fluctuation and to minimize investment interest rate risk.

12. **Authorized Investment Instruments**

Only the following investments will be permitted by this policy, Minnesota Statute. 118A.

| Instrument Type | Maximum Percent |
|---|---|
| U.S. Treasury Obligations | 100 |
| U.S. Government Agency Securities | 90 |
| Mutual Funds | 50 |
| Municipal Obligations | 10 |
| Bankers Acceptance | 50 |
| Repurchase Agreements | 60 |
| Commercial Paper | 40 |
| Certificates of Deposit (CD's) | 80 |
| Certificates of Deposit (Brokered CD's) | 80 |
| Guaranteed Investment Contracts | 25 |
| Deposit Accounts (fully insured by FDIC or collateralized) | 100 |

13. **Investment Portfolios**

A. The General Investment Pool portfolio includes all County funds not specifically required to be invested separately.

B. The Missing Heirs (Fund 161) portfolio includes investments held by the County pending discovery of the rightful heirs. After 21 years, the investments revert to County ownership. This is included with the General Fund for financial statement presentation purposes.

C. The Enhanced 911 (Fund 179) portfolio includes investments held by the County for expanding the emergency communications network. This is included with the General Fund for financial statement presentation purposes.

D. The Capital Projects (Fund 400) portfolio includes investments held by the County for proceeds of bonded debt to be used for capital improvements.

E. The Shoreline Sales (Fund 500) portfolio includes investments held by the County for proceeds from the sale of land under Minn. Laws 1999. Ch. 180, subd. 4 - the County Environmental Trust Fund.

F. The Environmental Services (Fund 600) portfolio includes investments held by the County for solid waste operations.

G. The Regional Landfill Trust (Fund 610) portfolio includes investments held by the County for the future closure and post-closure care costs associated with the regional landfill. This is included with the Environmental Services Enterprise Fund for financial statement presentation purposes.

H. The Property, Casualty, Liability Insurance (Fund 720) portfolio includes investments held by the County to finance claims and judgments against the County.

I. The Workers' Compensation Insurance (Fund 730) portfolio includes investments held by the County to finance workers' compensation claims incurred by County employees.

J. The Medical/Dental Insurance (Fund 740) portfolio includes investments held by the County to finance medical and dental expenses incurred by County employees, dependents, and retirees.

K. The Taconite Relief (Fund 825) portfolio includes investments held by the County for the tax imposed by Minn. Stat. 298.015.

L. The Taconite Production (Fund 826) portfolio includes investment held by the County for the tax imposed by Minn. Stat. 298.24.

14. **Transition**

Investments held and investment mixes existing at the time of the adoption of this policy are hereby ratified. The adoption of this policy does not require the County to liquidate any investment to bring its portfolios into compliance with this policy.

**15. Idle Cash Must be Invested Promptly**

A. All monies deposited with the Auditor shall within two (2) working days, be deposited in interest-bearing accounts until securities are purchased. It is sufficient that the earnings on such an account shall be limited to offset bank charges in whole or part to be considered interest-bearing accounts.

B. Fee offices shall deposit with the Auditor all monies received at least weekly or whenever the total exceeds $500.00, whichever is sooner. Monies deposited in County bank accounts within the times specified above shall be considered as deposited with the Auditor. In such cases they shall forward the equivalent monies by check to the Auditor no later than ten (10) calendar days after the end of each month. The Auditor may restrict or modify this provision.

C. Checks or money orders received by fee offices must immediately be restrictively endorsed in favor of the County.

D. Where the Auditor and the Board approve, fee offices may establish one-way bank accounts to deposit their receipts. Wire transfers will be used to clear the accounts at regular intervals.

E. The Auditor may promulgate rules and regulations dictating the depository and receipting activities of fee offices to ensure security and safety of assets and to maximize the amount of funds available for investment.

16. **Definitions**

A Cash Flow - A measurement of cash availability and cash demands over a period of time.

B. Collateral securities - Instruments pledged by the financial institution to secure deposits not covered by the Federal Deposit Insurance Corporation

(FDIC). Acceptable collateral must consist only of securities that the County is authorized to purchase.

C. Custodial Risk – is the risk of loss by failure of a financial institution.
D. Early Liquidation - The selling of an instrument before its maturity.
E. Fee Office - Any agency or office of the County that receives money directly from the public.
F. Gains and Losses - The difference between the purchase price and selling price of an investment.
G. Interest rate risk - The risk that changes in interest rates will adversely affect the fair value of an investment.
H. Investment Officer - The Auditor or an employee of the Auditor delegated the authority by the Auditor to purchase and sell investments.
I. Investments - As defined by Minnesota Statutes sections 118A.04 and 118A.05.
J. Long-term investments - Those investments which have a term of more than one year when purchased.
K. Portfolio - For purposes of this policy a portfolio is a group of investments managed as a unit and funded from a particular source.
L. Return On Investment - The earnings from an investment. This is usually stated as a percent per annum of the purchase price.
M. Short-term investments - Those investments which have a term of one year or less when purchased.
N. Weighted Average Maturity (WAM) – The weighted average of time and value for all investment instruments to maturity.

Policy updated per Res. 481 – 10/05/2010
Policy updated per Investment Committee – 02/17/2015

**POST-ISSUANCE DEBT COMPLIANCE POLICY**
RESOLUTION NO. 535
November 9, 2010

WHEREAS, the Internal Revenue Service ("IRS") is responsible for enforcing compliance with the Internal Revenue Code and most other regulations governing certain obligations (as example: tax-exempt obligations, Build America Bonds, Recovery Zone Development Bonds and various "Tax Credit" Bonds) (collectively, the "Obligations"); and

WHEREAS, the IRS expects issuers and beneficiaries of the Obligations to adopt and implement a post-issuance debt compliance policy and procedures to safeguard against post-issuance violations; and

WHEREAS, the Board of Commissioners of St. Louis County has chosen, by policy, to take steps to help ensure that all Obligations will be in compliance with all applicable state and federal regulations. This policy may be amended, as necessary, in the future.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of St. Louis County, Minnesota (the "County"), as follows:

**Post-Issuance Debt Compliance Policy**

1. **Post-Issuance Debt Compliance Policy Objective.** The County desires to monitor the Obligations to ensure compliance with the IRS Code and all other regulations governing such obligations. To help ensure compliance, the County has developed a "Policy." The following Policy shall apply to the Obligations, including bonds, notes, loans, lease purchase contracts, or any other form of debt that is subject to compliance.

2. **Post-Issuance Debt Compliance Policy**. The County Auditor of the County is designated as the County's agent who is responsible for post-issuance compliance of the Obligations.

The County Auditor shall assemble all relevant documentation, records and activities required to ensure post-issuance debt compliance as further detailed in the "Post-Issuance Debt Compliance Procedures" as presented to the Board and on file as County Board Document File No. 59148. At a minimum, the Post-Issuance Debt Compliance Procedures for each qualifying Obligation will address the following:

a. General Post-Issuance Compliance;
b. Proper and timely use of bond proceeds and use of bond-financed property;
c. Arbitrage yield restriction and rebate;
d. Timely filings and other general requirements;
e. Additional undertakings or activities that support points 1 through 4 above;
f. Other requirements that become necessary in the future.

The County Auditor shall apply the Post-Issuance Debt Compliance Procedures to each qualifying Obligation and maintain a record of the results. Further, the County Auditor will ensure that the Post-Issuance Debt Compliance Policy and Procedures are updated on a regular and as needed basis.

The County Auditor, or any other individuals responsible for assisting the County Auditor in maintaining records needed to ensure post-issuance compliance, is authorized to expend funds as needed to attend training or secure use of other educational resources for ensuring compliance such as consulting, publications, and compliance assistance.

The County may in the future issue qualifying obligations for beneficiaries such as Section 501(c)(3) non-profit organizations or Industrial Revenue Bonds. This Policy applies to all such applicable obligations. In order to ensure future compliance with this Policy, the County shall consider issuing qualifying obligations for beneficiaries only when the beneficiary has retained a Trustee and an independent arbitrage consultant for the term of the obligation and this Policy has been incorporated into the Trust Indenture. The Trustee and the independent arbitrage consultant must be retained prior to issuance of such obligation.

Adopted November 9, 2010.

# POST-ISSUANCE DEBT COMPLIANCE PROCEDURES

The Board of Commissioners of St. Louis County, Minnesota (the "Board") has adopted the following Post-Issuance Debt Compliance Policy dated November 9, 2010. The Post-Issuance Debt Compliance Policy applies to all tax-exempt debt obligations, Build America Bonds, Recovery Zone Development Bonds and various "Tax Credit" Bonds (the "Obligations") issued by the St. Louis County. **As directed by the adoption of this Policy, the County Auditor will perform the following Post-Issuance Debt Compliance Procedures for such Obligations**.

1. General Post-Issuance Compliance

a. Ensure written procedures and/or guidelines have been put in place for individuals to follow when more than one person is responsible for ensuring compliance with Post-Issuance Procedures.

b. Ensure training and/or educational resources for post-issuance compliance have been approved and obtained.

c. The County Auditor of St. Louis County understands that there are options for voluntarily correcting failures to comply with post-issuance compliance requirements (i.e. Treasury Regulations 1.141-12 remedial actions, Tax-Exempt Bonds Voluntary Closing Agreement Program and the ability to enter into a closing agreement under the Tax-Exempt Bonds Voluntary Closing Agreement Program described in Notice 2001-60).

2. General Recordkeeping

a. Retain record and documents for the Obligations for a period of at least three years following the final payment of the Obligations or the final payment of any refunding debt obligation unless otherwise directed by Bond Counsel.

b. Retain both paper and electronic versions of records and documents for the Obligations.

c. General Records and Documentation to be Assembled and Retained

i. Description of the purpose of the Obligations (referred to as the project) and the state statute authorizing the project.

ii. Record of tax-exempt status or revocation of tax-exempt status.

iii. Any correspondence between the County and the IRS.

iv. Audited financial statements.

v. Bond transcripts, official statements and other offering documents of the Obligations.

vi. Minutes and resolutions authorizing the issuance of the Obligations.

vii. Certifications of the issue price of the Obligations.

viii. Any formal elections for the Obligations (i.e. election to employ an accounting methodology other than the specific tracing method).

ix. Appraisals, demand surveys, or feasibility studies for property financed by the Obligations.

x. Documents related to governmental grants, associated with construction, renovation or purchase of property financed with the proceeds of the Obligations.

xi. Reports of any prior IRS examinations of the County or the County's Obligations.

3. Arbitrage Yield Restriction and Rebate Recordkeeping

a. Investment and Arbitrage Documentation to be Assembled and Retained

i. An accounting of all deposits, expenditures, interest income and asset balances associated with each fund established in connection with each Obligation. This includes an accounting of all monies deposited to the Debt Service Account to make debt service payments on the Obligations, regardless of the source derived.

ii. Statements prepared by Trustee or Investment provider.

iii. Documentation of at least quarterly allocations of investments and investment earnings to each Obligation (i.e. uncommingling analysis).

iv. Documentation for investments made with proceeds of the Obligations such as:

1. Investment contracts (i.e. guaranteed investment contracts).

2. Credit enhancement transactions (i.e. bond insurance contracts).

3. Financial derivatives (swaps, caps, etc.).

4. Bidding of financial products.

(a) Investments acquired with proceeds are purchased at fair market value (i.e. three bids for open market securities needed in advance refunding escrows).

b. Computations of the arbitrage yield.

c. Computations of yield restriction and rebate amounts including but not limited to:

i. Compliance in meeting the "Temporary Period from Yield Restriction Exception" and limiting the investment of funds after the temporary period expires.

ii. Compliance in meeting the "Rebate Exception."

1. Qualifying for the "Small Issuer Exception."

2. Qualifying for a "Spending Exception."

- 6 month Spending Exception
- 18 Month Spending Exception
- 24 Month Spending Exception

3. Qualifying for the "Bona Fide Debt Service Fund Exception."

4. Qualifying arbitrage on all funds established in connection with the Obligation in lieu of satisfying arbitrage exceptions (including Reserve Funds and Debt Service Funds).

d. Computations of yield restriction and rebate payments.

e. Timely Tax Form 8038-T filing, if applicable.

i. Remit any arbitrage liability associated with the Obligations to the IRS at each five year anniversary date of the Obligations, and the date in which the Obligations are no longer outstanding (redemption or maturity date), whichever comes sooner, within 60 days of said date.

f. Timely Tax Form 8038-R filing, if applicable.

g. Procedures or guidelines for monitoring instances where compliance with applicable yield restriction requirements depends on subsequent reinvestment of tax-exempt proceeds in lower yielding investments (i.e. reinvestment in zero coupon SLGS).

4. <u>Expenditure and Asset Documentation to be Assembled and Retained</u>

a. Documentation of allocations of proceeds of the Obligations to expenditures (i.e. allocation of proceeds to expenditures for the construction, renovation or purchase or facilities owned and used in the performance of exempt purposes).

b. Documentation of allocations of proceeds of the Obligations to issuance costs.

c. Copies of requisitions, draw schedules, draw requests, invoices, bills and cancelled checks related to proceed expenditures during the construction period.

d. Copies of all contracts entered into for the construction, renovation or purchase of facilities financed with proceeds.

e. Records of expenditure reimbursements incurred prior to issuing Obligations for facilities financed with proceeds (Declaration of Official Intent/Reimbursement Resolutions including all modifications).

f. List of all facilities and equipment financed with proceeds.

g. Depreciation schedules for depreciable property financed with proceeds.

h. Documentation that tracks the purchase and sale of assets financed with proceeds.

i. Documentation of timely payment of principal and interest

payments on the Obligations.

j. Tracking of all issue proceeds and the transfer of proceeds into the debt service fund as appropriate.

k. Documentation that excess earnings from a Reserve Fund is transferred to the Debt Service Fund on an annual basis. Excess earnings are balances in a Reserve Fund that exceed the Reserve Fund requirement.

5. Miscellaneous Documentation to be Assembled and Retained

a. Procedures to ensure that the project, while the Obligation is outstanding, will avoid IRS private business concerns.

b. Changes in the project that impact the terms or commitments of the tax-exempt debt obligation are properly documented and necessary certificates or opinions are on file.

6. Additional Undertakings and Activities that Support Sections 1 through 4 above

a. The County Auditor will notify the County's Financial Advisor and Arbitrage Provider of any survey or inquiry by the IRS immediately upon receipt. (Usually responses to IRS inquiries are due within 21 days of receipt. Such IRS responses require the review of the above-mentioned data and must be in writing. As much time as possible is helpful in preparing the response.)

b. The County Auditor will consult with the County's Bond Counsel, Financial Advisor and Arbitrage Provider before engaging in post-issuance credit enhancement transactions (i.e. bond insurance, letter of credit, or hedging transactions (i.e. interest rate swap, cap)).

c. The County Auditor will monitor all "qualified tax-exempt debt obligations" within the first calendar year to determine if the limit is exceeded, and if exceeded, will address accordingly.

d. Comply with Continuing Disclosure Requirements

1. If applicable, the timely filing of annual information agreed to in the Continuing Disclosure Certificate.

2. Give notice of any Material Event.

e. Identify any post-issuance change to terms of bonds which could be treated as a current refunding of "old" bonds by "new" bonds, often referred to as a "reissuance."

f. Confirm whether any "remedial action" in connection with a "change of use" must be treated as a "reissuance."

7. Compliance with Future Requirements

a. Take measures to comply with any future requirements issued beyond the date of these Post-Issuance Debt Compliance Procedures which are essential to preserving the tax-exempt status of tax exempt debt obligations or

Build America Bond status of Build America Bonds.

# CHAPTER 11
# GRANT MANAGEMENT

**GRANT MANAGEMENT**
RESOLUTION NO. 454
BOARD FILE NO. 58585
August 15, 2006

RESOLVED, that the Grant Management Policy, as on file in County Board File No. 56803, adopted on April 16, 1996, is hereby revised August 15, 2006, to be effective August 15, 2006.

## GRANT MANAGEMENT POLICY (REVISED 2006)

**1 PURPOSE:**

The purpose of this policy is to provide sufficient information to the County Board, financial and other managers to determine the desirability of a grant application. This policy requires specific financial and cost information be provided to the Board prior to applying for and/or accepting a grant. This policy applies only to grants for which the county must make specific application and does not apply to program aids provided to the county as a matter of law.

**1.01 DEFINITIONS:**

1.01.01 Administrative cost - that part of grant funding that can be utilized to fund the management, reporting, and other overhead costs associated with the grant program.

1.01.02 Grant - a sum of money provided to the County, upon application, by a federal, state, or private agency in order to enable the County to provide specific goods and/or services. Not included in this definition of grants are statutory programs that automatically provide the County with funds without any application upon the part of the County.

1.01.03 Grantee - for purposes of this policy the agency which is the recipient of a grant even though the County itself is named as the grantee.

1.01.04 Grantor - the entity which is providing a grant. It may be a governmental or private body.

1.01.05 Grant requirements - parameters of the grant program that specify the term of funding, beginning and final dates, allowable purposes for use of funds, reporting and accounting conditions, etc.

1.01.06 Grant with "Tails" - type of grant that is either reduced in size over a period of time or is a one-time start up grant that assumes the County will continue the program and supply the "replacement" funds necessary to operate. Can also be a grant that imposes on-going audit, tracking, reporting or legal requirements for fiscal years subsequent to the year for which the grant is provided.

1.01.07 Matching funds or services - funds or in-kind services that the County must provide from sources other than the grant. Matching funds must be used for substantially the same purpose as the allowed use of grant funds.

1.01.08 Marginal cost - for purposes of this policy marginal cost is considered to be all additional direct costs incurred by the County in performing its obligations under the terms of a grant (including, but not limited to, all direct labor on the part of the grantee and supporting agencies).

1.01.09 One-time grant - funding that is provided for a strict time period and/or limited to one specific project or activity. There is a specific end to the grant.

1.01.10 Program aids - sums of money provided to Counties as a matter of law.

1.01.11 Recurring grant - a variation of the one-time grant where funding is available on an annual basis, but application must be made to the grantor agency for each period. Each grant period is accounted for separately.

**2 POLICY:**

2.01 Grants can be an important source of funding various county operations and/or projects. Grants, however, have conditions associated with their use and those conditions and any associated costs need to be thoroughly evaluated prior to the application process. For grants of $25,000 or less, this evaluation process will be done by the department head responsible for the grant, along with review approval by the Administrator, Auditor and Attorney. For grants greater than $25,000, the County Board, after having been provided complete information on the proposed grant, will make an informed decision as to the desirability of applying for and accepting said grant.

2.02 Applications for grants that require a separate Board resolution must be reviewed by the County Administrator and appropriate financial managers prior to submission to the County Board.

2.03 County Board approval is required for both the authority to apply for a grant and for the authority to accept a grant. This Board approval will be by resolution for each grant. In the case of grants $25,000 or less that do not need to be addressed separately by the Board, the approval is established under one resolution, to be passed in December of the preceding year, which gives acceptance to all grants meeting the appropriate criteria in the new year.

2.03A A new grant of more than $25,000, (one that has not been received by the County in past years), requires two board resolutions. In the first resolution, the Board will authorize the agency to apply for the grant. After the application is approved by the grantor, a second resolution must be submitted to the Board for authority to accept the grant. This gives the Board two chances to review the grant and its purpose, to determine what, if anything, the grant requires of County resources, and to understand how the grant helps the County in its delivery of services.

2.03B A recurring grant of more than $25,000, (one that is a repeat of a grant which has been received by the County in past years), requires only one Board resolution. That resolution will give the agency the authority to both apply for and to accept the grant.

2.03C A recurring grant of more than $25,000 that, upon renewal, contains changes in the grant's requirements which may affect either County resources or the scope of the grant, will be treated as a new grant and require separate resolutions as outlined in 2.03A.

2.03D A grant may be applied for and/or accepted by a department without separate County Board resolution, if the department head determines that (a) the grant is not greater than $25,000, (b) the grant fits within the department's functions, and (c) the County match is included in the department's budget. All grant documentation will be sent to the County Administrator, the County Auditor and the County Attorney for prior review approval and subsequently to the Auditor's accounting office for budgetary purposes.

2.03E All grant requests which require a budget increase will be included with the budget request and will require separate resolutions to both apply for the grant and to accept the grant. This gives the Board two chances to review the grant and its purpose. Budget

increases for grants falling into this category for which application is authorized, but for which the Board subsequently denies acceptance, will be reversed (decreased).

2.04 It is appropriate for agencies to seek to maximize state, federal, and private dollars to support County services and functions.

2.05 Whenever possible, grant funding should provide sufficient funds to pay all grantee and support agency marginal costs for the administration activities necessary to manage the grant. Applying agencies shall develop estimates of such costs prior to acceptance of grants.

2.06 Agencies should strongly consider the use of public or private vendors to provide the services and/or goods specified in the grant. This is especially true for one time grants.

2.07 Positions created through a grant program are grant-dependent. It is the policy of the County Board that positions funded by grants shall be discontinued (or reduced) upon the discontinuance (or reduction) of the funding grant(s).

2.08 Match money must be available in an agency's existing budget, except under unusual circumstances. In unusual cases, grant requests will comply with policies for change(s) in budget and section 2.03E of this policy.

3. **PROCEDURE:**

(The following steps will help ensure that grant policy rules are met.)

3.01 The “GRANT APPLICATION APPROVAL FORM” identifies the procedure to follow in applying for and/or accepting the grant.

3.02 The information will be reviewed for contract language, financial impact, operational suitability, compatibility with Board objectives and other effects as well as any benefits that are likely to be associated with accepting the grant.

3.03 The Administrator must agree that the grant meets County Board objectives or, if it is a grant that requires separate Board resolution, will present the request to the County Board with his/her recommendation for approval or denial.

3.04 The County Board reviews the information and delivers its decision.

3.05 If the Grant Agreement must be separately approved by County Board resolution, the Board letter and resolution must clearly state the following:

3.05.01 The revenue and expenditures for this grant of $_____ are already budgeted **or** a budget will be added in Fund _____ Agency _____ Year _____

**OR**

3.06.01 If there is a local match requirement, the resolution should state the following:

3.06.01.01 A local match of _____ (percent or dollar amount) is required. This match is included in the expense budget of Fund _____ Agency _____. The grantee agency will advise the County Auditor's Accounting Division in order to determine the way in which these expenditures can be identified as grant match.

**OR**

3.06.01.02 A local match of _____ is required. The following appropriation of $_____ is made herewith to: Fund _____ Agency _____ from: Fund _____ Account _____.

**OR**

3.06.01.03 A local match of in-kind services valued at $_____ is required and shall consist of already budgeted items. This match is already included in the expense budget of Fund _____ Agency _____. The grantee agency will advise the County Auditor's Accounting Division in order to determine the way in which these expenditures can be identified as grant match.

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3.07 Grant reporting MUST come from information that ties to the County's accounting system. If the grantee agency is unfamiliar with how this process works, the County Auditor's Accounting Department should be contacted for instructions.

3.07A The County Auditor will provide the Board with a quarterly grant summary report.

3.08 All grant contracts must be approved by the County Attorney as to form and content.

3.09 Any grant funds received shall be PROMPTLY deposited in accordance with County policy and provisions of the grant.

3.10 No expenditure of grant proceeds shall be made until such time that the County Board approves acceptance of the grant.

# GRANT APPROVAL FORM

GRANT NAME: _____ GRANT AMOUNT: _____

GRANTOR: _____ MATCH AMOUNT: _____

FUND: _____ AGENCY: _____ GRANT: _____ GRANT YEAR: _____

AGENCY NAME: _____

CONTACT PERSON: _____PHONE: _____

GRANT PERIOD: BEGIN DATE: _____END DATE: _____

STATE GRANT AWARD NUMBER OR FEDERAL CFDA # _____

FILL IN THE ABOVE INFORMATION ON THIS FORM AND IDENTIFY THE CATEGORY OF THE GRANT FROM THE CHOICES BELOW. ATTACH THIS FORM TO THE GRANT APPLICATION AND ANY OTHER PERTINENT OTHER DOCUMENTATION AND ROUTE THE PACKET TO THE INDIVIDUALS LISTED FOR THE TYPE OF GRANT.

**IT IS ESSENTIAL THAT DEPARTMENTS SUBMIT THE COMPLETED APPROVAL FORM ON THOSE GRANTS THAT DO NOT REQUIRE BOARD RESOLUTION TO THE AUDITOR'S OFFICE ACCOUNTING DEPARTMENT FOR BUDGETING PURPOSES. NO GRANT ACTIVITY WILL BE RECORDED WITHOUT AN ESTABLISHED BUDGET.**

## GRANTS OF $25,000 OR LESS

A grant of $25,000 or less may be applied for and/or accepted by the department without a separate County Board Resolution if it meets the following:

1. The grant fits within the department's functions, and

2. If the grant requires a County match (not to exceed in money or value an amount equal to the actual grant), and if that match is "in kind, that "in-kind" match is part of the ongoing operations, **or** if the match is monetary, that the department can find the necessary amount within its existing budget.

**DOES THIS GRANT QUALIFY UNDER "GRANTS OF $25,000 OR LESS"?**
**YES ___ NO ___**

If so, this type of grant requires the following review approval:

County Auditor _____ Date: _____
County Administrator _____ Date: _____
County Attorney _____ Date: _____

**The Grant Budget must be entered into the accounting system. Send a copy of the grant, this signed approval form and any other pertinent information to the Auditor's Office-Accounting, so the budget can be entered into the system. Without a budget, no expenditures or revenues will be recorded.**

## NEW GRANTS GREATER THAN $25,000

All new grants that exceed $25,000 and all recurring grants that exceed $25,000 that contain changes in the grant's requirements which may affect either County resources or the scope of the grant need two (2) board resolutions. One board resolution is required to apply for the grant and a second resolution is required to accept the grant.

**DOES THIS GRANT QUALIFY UNDER "GRANTS GREATER THAN $25,000"?**
**YES ___ NO ___**

If this is a new grant greater than $25,000, it requires the following review approval:

County Auditor _____ Date: _____
County Administrator _____ Date: _____

**The Grant Budget must be entered into the accounting system. Send a copy of the grant, this completed approval form and the Board Resolution to the Auditor's Office-Accounting, so a budget can be entered into the system. Without a budget, no expenditures or revenues will be recorded.**

## RECURRING GRANTS GREATER THAN $25,000

A recurring grant greater than $25,000 that is a repeat of a grant which has been received by the County in past year(s) and that has no changes in the use of County resources or in the scope of the grant, requires one Board Resolution to both apply for and/or accept the grant.

**DOES THIS GRANT QUALIFY AS "RECURRING GRANTS GREATER THAN $25,000"?**
**YES ___ NO ___**

If yes, this recurring grant greater than $25,000 requires the following review approval:

County Auditor _____ Date: _____
County Administrator _____ Date: _____

**The Grant Budget must be entered into the accounting system. Send a copy of the grant, this completed approval form and the Board Resolution to the Auditor's Office-Accounting, so a budget can be entered into the system. Without a budget, no expenditures or revenues will be recorded.**

# CHAPTER 12
# LAND

## LAND USE MORATORIUM POLICY

RESOLUTION NO. 103
February 11, 1985

WHEREAS, it is in the public interest to establish uniform land use planning moratorium policies;

WHEREAS, the St. Louis County Planning Commission at its November 8 meeting held a public hearing on the moratorium policy development by the Planning and Zoning Department and County Attorney;

WHEREAS, the Planning Commission on a 7-0 vote recommended that the following policies be adopted by the County;

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby establishes the following policies relating to moratoriums on official land use planning controls:

a. All moratoriums shall be initiated by the County Board and referred to the Planning Commission for public hearing. The Planning Commission shall report its findings to the Board.
b. All moratoriums shall be approved as a specific ordinance and shall under no circumstances be retroactive.
c. All moratoriums shall only be of length necessary to complete a planning study and at no time shall a moratorium be for more than one year.
d. The County Attorney and Planning and Zoning Director shall develop administrative policies as needed to address moratorium issues. Those policies shall be on file in the County Attorney and Planning and Zoning offices.

## RIGHT OF FIRST REFUSAL

RESOLUTION NO. 78
January 29, 1986

WHEREAS, the St. Louis County Board has approved Chapter 138, Section 5, of the Laws of Minnesota for 1985, special legislation pertaining to the right of first refusal by the Reservation on the sale of tax forfeited land situated on the Reservation; and

WHEREAS, the St. Louis County Board is also concerned with the rights of all citizens of St. Louis County.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby directs the Land Commissioner and the Land Department to make inquiries of all adjacent property owners situated on any lands affected by Chapter 138, Section 5, Laws of Minnesota for 1985, to determine if they have any objections to the sale of said property.

BE IT FURTHER RESOLVED, that if the Land Commissioner determines that there are such objections, he not offer such tax forfeited properties for sale.

**ENVIRONMENTAL REVIEW PROCESS**
RESOLUTION NO. 352
June 9, 1986

WHEREAS, St. Louis County will, from time to time, be designated as the "Responsible Governmental Unit" (RGU) for actions proposed by one of its departments in accordance with the Minnesota Environmental Quality Board, Agency Rules Chapter 4410; and

WHEREAS, the St. Louis County Board, or its designated representative as the RGU, is responsible for deciding upon the need for and the preparation of Environmental Assessment Worksheets (EAW) and Environmental Impact Statements (EIS); and

WHEREAS, these decisions and documents must be prepared within a rigid time frame defined in the Minnesota Environmental Quality Board (MEQB) Rules; and

WHEREAS, it is the intention of the St. Louis County Board of Commissioners to establish a method to effectively and expeditiously comply with the MEQB Rules;

NOW, THEREFORE, BE IT RESOLVED, for county actions not under the jurisdiction of the Planning Commission, the following Environmental Review process shall be followed:

1. For all County projects of a non-controversial nature, the head of the department proposing the project shall be the Designated Representative of St. Louis County and shall fulfill all requirements of the RGU in accordance with MEQB Rules;
2. A three member "Environmental Review Committee" shall be established as the Designated Representative of St. Louis County in controversial actions or projects, and this committee shall fulfill all requirements of the RGU in accordance with MEQB Rules;
3. The Environmental Review Committee shall be composed of one member from the County Departments of Land and Timber, Highways and Planning and Zoning
4. Controversial actions or projects shall be considered as those deemed controversial by the department head proposing the project, or if a valid citizens petition filed with the MEQB is presented to St. Louis County as the RGU;
5. A recommendation by the Environmental Review Committee or a department head which directs St. Louis County to prepare an Environmental Impact Statement, shall be presented to the full County Board of Commissioners for a final decision.

**URBAN LAND MANAGEMENT POLICY**
RESOLUTION NO. 263
BOARD FILE NO. 53219
April 12, 1988

RESOLVED, that the policy for Management of Urban Tax Forfeited Lands, as put forth on page five of Board Letter Number 88-248, copy of which is on file in County Board File No. 53219, is hereby adopted by the St. Louis County Board of Commissioners.

**URBAN LAND MANAGEMENT**

1. The Auditor's Office provides a list of forfeited parcels.
2. The ownership of each parcel is cross checked.
3. The parcel is then inventoried to determine the location, condition, occupancy, etc.
4. Those parcels with structures are immediately offered to the previous owner(s) of record to allow repurchase for back taxes plus interest and penalties. The time limit for repurchase is:
   a) Non-homestead - within one year of forfeiture
   b) Homestead - unlimited time

   If the property is not repurchased and the previous owner refuses to vacate the premises, a legal action will be taken to remove the owner prior to sale.
5. Properties are appraised for sale by using market comparisons. They are offered for sale by two methods:
   a) Public Auctions are held twice a year. One in April in the north and another in October in the south. Occasionally, there is a need to conduct special auctions in addition to the two scheduled sales.
   b) Non-public sales are used to sell substandard lots which are offered only to the adjoining owner(s). These sales are held throughout the year.
6. Those parcels with timber worth $50.00 or more are submitted to the Commissioner of Natural Resources for approval of timber values.
7. Land sale lists are sent to municipalities for their review.
8. The land sale must be advertised in the official newspaper of the County once a week for two weeks at least ten days prior to the sale.
9. The sale is conducted by the Land Department by authority of the County Auditor.
10. Properties can be purchased outright or by contract. If the purchaser wants a contract, 25% of the sale price is paid as a down payment and the balance is paid over a 5-year period. The purchaser is billed annually for principle plus interest. If the purchaser fails to make annual contract payments or fails to pay current taxes when due, the contract will default.
11. If properties do not sell at the auction they can be purchased for the appraised price. As values change over time, unsold properties will be appraised and offered again at auction.

ALTERNATIVES:

1. Sale
   Pro:
   a) follows statute direction and guidance
   b) returns property to tax roll
   c) offers opportunity to individuals for private ownership
   d) eliminates county liability

   Con:
   a) some undeveloped land should be maintained in public ownership for Public Use, for example: city parks, greenbelts, forest, etc. (Lands often free conveyed).
   b) people must find new quarters

c) property must be secured, winterized and protected until sold

2. Temporary Rental, Then Sale

Pro:
a) occasional need to rent during sale process to protect property from vandalism
b) increases marketability
c) generates some interim income
d) should result in sale

Con:
a) personal liabilities
b) insurance costs
c) maintenance costs
d) liabilities for utilities, services
e) transitory landlord problems
f) delays getting on tax roll
g) code violations and hazards

3. Secure and Let Sit

Pro:
a) can hold until market improves
b) secure asset rather than liquidate it

Con:
a) personal and civil liabilities
b) maintenance and administrative costs
c) not on tax roll
d) code violations and hazards

4. Exchange

Pro:
a) alternative to selling
b) county may acquire valuable public use property

Con:
a) more time consuming than sale, and less certain

5. Raze

Pro:
a) removal of dilapidated building to make parcel saleable
b) removes hazard
c) reduces liability

Con:
a) costs money to raze
b) may have to seek general tax revenue to accomplish the more costly jobs

6. Manage As Rental Property

Pro:
a) generates some income
b) provides housing
c) may provide some of potential taxes

Con:
a) personal liabilities
b) insurance costs
c) maintenance costs
d) liabilities for utilities and services
e) landlord problems
f) code violations and hazards
g) governmental competition with private enterprise
h) depreciation of ad valorum tax base
I) greater cost of services
j) probability of losing money

7. Sell to Other Government Agencies (County, City, Township, State)
   - Pro:
     - a) follows statute direction and guidance at FMV
     - b) could be utilized for public purpose
     - c) could be conveyed on a free use deed as per statute
   - Con:
     - a) not returned to tax rolls
     - b) retain potential liability
     - c) could revert from free use
     - d) cannot be reconveyed from free conveyance

Recommendations within Board Letter 88-248:

1. The land Department be directed to manage undeveloped urban tax forfeited properties primarily to return such properties to the ad valorum tax rolls with the following exceptions:
   - a) undeveloped lands falling within established public parks, dedicated forests, greenbelts, or open spaces should be retained and administered to eventually place them into the ownership of the unit of government having established and governing the public area
   - b) large blocks of unplatted forested lands which are rural in character with valuable public resource potential.

   All other undeveloped properties would be earmarked for sale as soon as practical, commensurate with sound business practices assuring optimum return to the County and in keeping with the concept of expanding and protecting the ad valorum tax base.
2. The Land Department be directed to manage urban properties with existing structures primarily to return such properties to the ad valorum tax rolls using sale, temporary rental, delayed sale, exchange, sale to another government agency, or in unavoidable cases demolition of structures and subsequent sale, or retention and disposal as per item #1 above.
3. In addition to having the Auditor's lists of forfeitures available, the Land Department be directed to provide the County Board with a semi-annual advisory of new forfeitures containing descriptions of multiple unit apartment buildings or other large structures and subsequently provide summary reports for actions on such properties as may be appropriate for sale or other disposal.

**LAND COMMISSIONER TO DEVELOP SALES POLICY**
RESOLUTION NO. 348
May 17, 1988

WHEREAS, Minnesota Statute 282.01 establishes the terms of sale of non-conservation, tax forfeited land; and

WHEREAS, this law and related statutes state the County Board of Commissioners may set, by resolution, the terms of sale, except: The sale price of all standing timber and all sale fees, must be paid for in total at the time of sale; a minimum down payment of 10 percent is required, and the sale agreement cannot exceed 10 years; and

WHEREAS, Subd. 6 of this law states the sale agreement shall default for non-payment of either the taxes or the installment payments; and

WHEREAS, a variable length of time for individual sales based upon the land sale value, up to a maximum of ten years, is a reasonable and efficient sale term; and

WHEREAS, a down payment of $500 or 10 percent of the sale value, whichever is greater, is reasonable; and

WHEREAS, the remaining principle balance is to be paid in equal annual installments, plus simple interest at the variable rate set pursuant to Minnesota Statute 549.09; and

WHEREAS, the purchaser can pre-pay the sale agreement without penalty

NOW, THEREFORE, BE IT RESOLVED, the Land Commissioner is delegated the authority to develop departmental policy governing the terms of these sales consistent with the terms set by this resolution, and shall inform the Auditor and Board by advisory of such policy and any changes therein.

BE IT FURTHER RESOLVED, that Board Resolution No. 672 adopted September 13, 1954, be rescinded.

**PROCEDURE TO RESOLVE TRESPASS UPON COUNTY TAX FORFEITED LAND**

RESOLUTION NO. 819
October 25, 1988

WHEREAS, the St. Louis County Board has identified a need to adopt a procedure, concerning trespass upon County Tax Forfeited lands, which allows for review and recommendation by the County Board and the compilation of such recommendations into a single bill, or minimum number of bills, to the St. Louis County Legislative Delegation for introduction and consideration.

NOW, THEREFORE, BE IT RESOLVED, that St. Louis County does hereby adopt a procedure to resolve trespass upon County Tax Forfeited Lands, as follows:

A. As an apparent need for special procedure to resolve a trespass or other unresolvable ownership problem with tax forfeited lands becomes known to any department in the county, such as the Land Department, Auditor, County Attorney, County Administrator or County Commissioner, a description of the problems should be forwarded immediately in writing to the Land Commissioner.

B. Legislators should be encouraged to direct occupancy trespass problems to the Land Department for consideration by the County Board by contacting the department in writing on behalf of the constituent or directing the constituent to the department.

C. The Land Department will prepare a case file for each such circumstance including a description of the circumstances, factual findings, an appraisal of fair market value, and a recommendation. The County Auditor, Recorder, Surveyor, Assessor, and County Attorney may be consulted as needed to establish circumstances and facts to form a basis of judgment for the County Board.

D. The Land Commissioners will submit prepared cases and recommendations to the Board for consideration on a timely basis as they occur or are uncovered. The

Board may act or defer action on each case, but the County should hold all such actions until they can be assembled with the assistance of the County Attorney into a single request for legislation.

E. In order to allow for proper consideration by those concerned, all such requests or proposals must be handled in a timely manner on or before the following dates:

1. All proposals must be received by the Land Department on or before December 1st of each year preceding the legislative session.
2. All proposals must be submitted to and be acted upon by the County Board on or before January 1st of each year preceding the legislative session.
3. All proposals acted upon by the County Board will be prepared into a legislative package and forwarded to the Chairperson of the St. Louis County Delegation by January 10th of each year preceding the legislative session.
4. Twice each year the Land Department will supply the County Board with a list of new urban forfeitures. This report will include description of any commercial or industrial properties if such occur. If unique problems or circumstances exist, the County Board may at this time, direct the Land Department, with the assistance of the County Attorney, to prepare special legislation which would allow the County to conduct a unique legislatively authorized action tailored to meet a special need in the best interests of the tax forfeited trust and the county as a whole.

**FREE CONVEYANCE OF TAX FORFEITED LAND TO AN HRA**
RESOLUTION NO. 656
August 1, 1989

WHEREAS, the City of Duluth has requested St. Louis County to release the following tax-forfeited lands held in trust in favor of the taxing districts to the City to initiate the West Duluth "Home Start" project:

**Plat & Parcel**

1. 2340-0380
2. 2340-1180
   2340-1190
   2340-1200
3. 2340-1010
   2340-1000
   2340-0890
4. 2400-1870
5. 2340-1140
6. 2340-0780
7. 2340-0620
   2340-0630
   2400-1410

2400-1430
8. 2320-0640
2320-0650
9. 2320-0660
2320-0670
10. 4480-2250
4480-2260
11. 4480-2270
4480-2280

WHEREAS, the City of Duluth has requested the conveyance of said lands without payment of any consideration; and

WHEREAS, St. Louis County serves as the administrator of these tax-forfeited lands held in the name of the State of Minnesota on behalf of the taxing jurisdiction within the County; and

WHEREAS, St. Louis County annually distributes the profits of the tax-forfeited trust to the taxing jurisdictions in St. Louis County in a legislatively required pro rata formula; and

WHEREAS, the City of Duluth received approximately $38,000 in distributions in June of 1989 from the profits for 1988; and

WHEREAS, St. Louis County has encouraged the reclassifications of properties in the City of Duluth from conservation to non-conservation in order to allow for the sale of these properties to return them to taxable status for the benefit of all taxing jurisdictions; and

WHEREAS, other municipalities have acquired properties from the trust for redevelopment purposes at not less than their value for both housing and industrial/commercial purposes, the most recent examples being the Cities of Hibbing and Aurora; and

WHEREAS, the tax-forfeit trust relies on the sale of urban and rural lands for the financial benefit of the trust and that financial status could be seriously undermined by extensive free conveyance of properties as established by this precedent if the lots in the Spirit Valley neighborhood are conveyed at no cost to the City.

NOW, THEREFORE BE IT RESOLVED, that St. Louis County disapproves of the request of the City of Duluth for a free conveyance of said lands.

RESOLVED FURTHER, St. Louis County is willing in the interest of cooperation with the City and expediency relating to the 1989 construction season and to assist the homeowners affected by the City's actions to acquire these properties from the trust by full payment of appraised value in the amount of $14,400 to be paid from the General Revenue Fund of the County, Fund 1, and to convey title to the aforementioned properties to the City in return for the repayment of $14,400 repayment to be made from any net distribution of profits from the tax-forfeited trust.

RESOLVED FURTHER, that this purchase of said lands by St. Louis County is contingent on approval of these terms by the City of Duluth and use of the lands by the City for redevelopment purposes authorized by Minnesota Statutes, Chapter 469.

**PROCEDURAL GUIDE FOR CREATION OF A LAKE IMPROVEMENT DISTRICT**
RESOLUTION NO. 749
BOARD FILE NO. 53584
September 12, 1989

WHEREAS, from time to time the St. Louis County Board will be presented with citizens' petitions requesting the creation of Lake Improvement Districts; and

WHEREAS, the Board of Commissioners intends to provide opportunity for thorough and complete review of all such petitions submitted;

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners does hereby adopt the Procedural Guide for Creation of a Lake Improvement District Within St. Louis County, identified as Board File No. 53584, to establish conditions for preparation and review of petitions for lake improvement districts.

## PROCEDURAL GUIDE FOR CREATION OF A LAKE IMPROVEMENT DISTRICT WITHIN ST. LOUIS COUNTY

INTRODUCTION - The process of creating a Lake Improvement District (LID) in St. Louis County requires the following steps:

A. Presentation of an acceptable petition by lake residents
B. Public review of the petition and the proposed programs by the County Planning Commission
C. Public notification of the intended LID by the County Auditor's OfficeD. A public hearing by the County Board of Commissioners, who will create the LID as a local unit of government

The reason this process must be followed is to ensure compliance with Minnesota Statutes, Chapter 378, which authorizes the creation of an LID. The following procedural guide provides a detailed list of the steps to be followed by lakeshore property owners to assist in the LID creation process. Persons petitioning for an LID should refer to and comply with provisions of Minnesota Statutes Chapter 378.

PETITION AND CONTENT - A petition signed by at least 26% of the property owners of the proposed district must first be delivered to the County Administrator's Office. A certified copy of the petition must also be provided to the Commissioner of the Department of Natural Resources and the Minnesota Pollution Control Agency. The petition must contain the following information:

1. The name of the proposed lake improvement district;
2. A written statement of lake problems and objectives;
3. The need for the proposed district in order to promote public health or public welfare;
4. The benefits to property from the establishment of the lake improvement district.

5. The proposed types of water and land resource management programs to be undertaken by the proposed district. This shall include a detailed statement of intended studies, management programs, remedial actions, and construction projects;
6. A statement of the means by which the programs will be financed;
7. The boundaries of the proposed district (which shall be encouraged to be as consistent as possible with natural hydrologic boundaries);
8. A map showing the boundaries of the proposed lake improvement district. The map shall show the number and location of permanent homes and seasonal dwellings in the district. The scale of the map, and basic geographical information, such as range, township, and section numbers, shall be clearly indicated on the map;
9. The number, from five to nine, of Directors proposed for the District;
10. Copies of any ordinances which regulate use of the lake, or any public access;
11. Any information indicating the degree of local interest and commitment to future management; The identification of any lands and waters which may be adversely affected by the implementation of district purposes, and a preliminary assessment of these adverse effects;
12. A statement outlining the adequacy and ownership of public accesses, including public lands and beaches;
14. An estimate of the total equalized valuation of the property within the district; and
15. A request to the County Board for establishing the district as proposed.

## PROCEDURES BY COUNTY OFFICIALS FOLLOWING RECEIPT OF PETITION

1. All petitions for establishing a lake improvement district shall first be reviewed by the County Administrator's Office for accuracy and thoroughness. Following Administrator's Office review, the petition shall be referred to the County Auditor's Office, as required by Minnesota Statutes, Chapter 378.43, Subd. 1 (c).
2. The petition will be provided to the Zoning Administrator if it is found to be complete, or the petitioner may be asked to provide additional information prior to submission to the Zoning Administrator. A completed petition will also be provided to the Auditor's Office, County Attorney's Office, Sheriff's Office, Highway Department, Land & Timber Department and Purchasing Department for review.
3. The Zoning Administrator upon receipt of the petition, shall prepare and distribute the notice provided by law, and shall schedule a public hearing before the Planning Commission to review the contents of the petition and the plan prepared for the LID. The Zoning staff shall prepare necessary reports and recommendations to assist in the Planning Commission review.
4. Following the hearing, the Planning Commission shall report its findings to the County Board.
5. The County Auditor's Office, upon receipt of the communications from the Planning Commission, shall schedule a public hearing and provide notice as required in Minnesota Statutes, Chapter 378 and Minnesota Rule 6115.0970.

6. The County Board shall act on the petition as provided in Minnesota Statutes and Rules.

**LAKE IMPROVEMENT DISTRICTS ESTABLISHED AS A SPECIAL REVENUE FUND**
RESOLUTION NO. 750
September 12, 1989

WHEREAS, the St. Louis County Board has the authority to establish Lake Improvement Districts and to oversee the financing and budgeting process of these districts;

NOW, THEREFORE, BE IT RESOLVED, that all Lake Improvement Districts created by the County Board shall be established as a special revenue fund of the County. Further, all accounting functions shall be performed by the St. Louis County Auditor's Office and all bidding and purchasing by the St. Louis County Purchasing Department. All services provided by the County Auditor's Office and Purchasing Department will be on a fee for service basis.

**FREE CONVEYANCE OF TAX FORFEITED LAND TO AN HRA**
RESOLUTION NO. 482
June 26, 1990

WHEREAS, the Duluth Economic Development Authority (DEDA) has requested St. Louis County to release certain tax-forfeited lands, shown in Exhibits A, B, and C, and identified as County Board File No. 53860, that are held in trust in favor of the taxing districts to the City of Duluth, to initiate the second phase of the West Duluth Home Start Program, and the Freemont Point Replat Project; and

WHEREAS, DEDA has requested the conveyance of said lands without the immediate payment of any considerations; and

WHEREAS, St. Louis County serves as the administrator of these tax-forfeited lands held in the name of the State of Minnesota on behalf of the taxing jurisdictions within the County; and

WHEREAS, St. Louis County annually distributes the profits of the tax-forfeited trust to the taxing jurisdictions within the County in a legislatively required pro rata formula; and

WHEREAS, St. Louis County continues to encourage the classification and reclassification of tax-forfeit lands in the City of Duluth to non-conservation in order to allow for the sale of these lands, and to return them to a taxable status for the benefit of all taxing jurisdictions; and

WHEREAS, other municipalities have acquired properties from the trust for redevelopment purposes at not less than their appraised value for both housing and redevelopment purposes; and

WHEREAS, the tax-forfeit trust relies on the sale of urban and rural lands for the financial benefit of the trust, and that financial status could be seriously undermined by a program of extensive free conveyance of properties; and

WHEREAS, the County Board in the past has determined that it was in the best interest of the trust to require the purchase of lands for redevelopment purposes at the appraised value.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby reclassifies from conservation to non-conservation, under the provisions of Minnesota Statutes 282.01, those tax forfeited lands shown in Exhibits A, B, and C, on file in County Board File No. 53860, as requested by the Duluth City Council's Resolutions No. 90-0034 and 90D-18.

RESOLVED FURTHER, that the St. Louis County Board hereby authorizes the transfer by free conveyance of those tax forfeited lands as listed in Exhibit A, on file in County Board File No. 53860, to the Duluth Economic Development Authority (DEDA).

RESOLVED FURTHER, that the St. Louis County Board hereby authorizes the expenditure of $55,946.40 from Fund 1 for the purchase by St. Louis County of those tax forfeited properties as listed in Exhibits B and C, on file in County Board File No. 53860.

RESOLVED FURTHER, that the St. Louis County Board hereby authorizes staff to enter into discussion with the Duluth Economic Development Authority (DEDA) on an agreement to transfer to DEDA those properties as listed in Exhibits B and C, on file in County Board File No. 53860.

**ENVIRONMENTAL IMPACT STATEMENTS POLICY**
RESOLUTION NO. 840
November 20, 1990

RESOLVED, it is the policy of the County that all costs attendant to the preparation and review of Environmental Impact Statements, including those incurred by St. Louis County as the responsible governmental unit, shall be borne by the proposer. In furtherance of that policy, the following policies and procedures are hereby established:

a. The St. Louis County Planning Commission will have the responsibility to prepare the draft scoping EAW and distribute the EAW to the appropriate jurisdictions. The Planning Commission shall hold at least one public hearing on the items to be considered in the EIS.
b. The St. Louis County Board shall approve the final scoping EAW and shall submit the EIS preparation notice to the Environmental Quality Board.
c. The County Purchasing Agent, upon completion of the scoping EAW, shall prepare Requests for Proposals for a consultant who will be responsible for EIS preparation. It is the preference of St. Louis County to have one consultant who may subcontract for services not offered by the particular consultant. However, the County may prepare an RFP or bid for unique work items for which special skills are required. The developer may submit names of consultants to receive the RFP.
d. The County Administrator shall determine the cost for reimbursement of County expenses regarding development, administration and review of the EIS.
e. The St. Louis County Board shall select the consultant. Cost alone shall not be the determining factor. Important factors for consideration by the County in selection of a consultant shall include, but not be limited to, professional and

technical competence, experience with similar developments, knowledge of area, and independence from the proposer.

f. Upon hiring of the consultant, but prior to work starting on the EIS, the proposer shall pay to St. Louis County one-half the cost of preparing the EIS. The cost shall include St. Louis County costs, as determined by the Administrator.

g. Twenty-five percent payment shall be paid to St. Louis County at the estimated expenditure mid-point as determined in the agreement with the consultant.

h. Twenty percent payment shall be paid at the submission of the draft EIS to the Planning Commission.

i Upon the completion of the draft EIS review, the Administrator shall review and adjust the remaining EIS development costs after consulting with the consultant and proposer.

j. The final cash payment shall be paid within thirty days of final EIS approval by the Environmental Quality Board.

k. The County Attorney shall review and approve all contracts with the consultant and proposer.

l. The County Planning Commission shall be responsible for review of Draft EIS's including the holding of public meetings.

m. The County Board shall determine the adequacy of the final EIS unless notified by the EQB that the EQB will make the final determination.

**FREE CONVEYANCE OF TAX FORFEITED LAND TO AN HRA**
RESOLUTION NO. 878
February 8, 1995

WHEREAS, Minnesota Statute 282.01, Subd. 1a through Subd. 1e, provides that the County Board must approve or deny all written applications for the free conveyance of tax forfeited lands for authorized public use; and

WHEREAS, only a governmental subdivision defined as: Counties, cities, townships, school districts, and special taxing districts are authorized to apply for a free conveyance of tax forfeited property; and

WHEREAS, a governmental subdivision should not be allowed to acquire land by a free conveyance for any purpose which is not authorized by statute, law, or local charter; and

WHEREAS, a public purpose which is authorized by statute, law, or local charter must allow the general public to use the parcel of tax forfeited land in order to qualify as an authorized public use; and

WHEREAS, County Board Resolutions No. 656, dated August 1, 1989, and No. 482, dated June 26, 1990, have established that in order for an application of free conveyance to an HRA to be approved, it must be for low income housing; and

WHEREAS, the County board is also concerned with the rights of all citizens of St. Louis County.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby directs the Land Commissioner and the Land Department to make inquiries of all adjacent property owners to any lands affected by an application of free conveyance and advise the Board of any response along with the application.

BE IT FURTHER RESOLVED, that all applications for conveyance be submitted at least 90 days in advance in order for the County to make appropriate inquiry and receive appropriate public input; and also,

BE IT FURTHER RESOLVED, that the Land Commissioner is directed to develop departmental policy governing the process of free conveyance applications consistent with this resolution, and shall inform the Auditor and the Board by advisory of such policy and changes therein as may be made from time to time.

**PUBLIC LAND SURVEY MONUMENTATION REIMBURSEMENT PROGRAM**
RESOLUTION NO. 810
October 21, 1997

WHEREAS, the perpetuation of the Public Land Survey (PLS) corner monuments and records is needed to help accomplish the goals and functions of most of the departments of St. Louis County including Public Works, Land, Auditor, Assessor and Public Health; and

WHEREAS, private surveying firms are locating or reestablishing PLS corner monuments during the course of performing land survey work for their clients; and

WHEREAS, the perpetuation and location of these PLS corner monuments will be of significant benefit to all land owners in the sections of land adjacent to these PLS corner monuments; and

WHEREAS, the State Plan coordinates received for each of the monument positions can and will be used to improve the County's Geographic Information System; and

WHEREAS, the funding for the PLS Monumentation Reimbursement Program was approved by the Board for 1997 for the amount of $6,500; and

WHEREAS, the Public Works Department/Land Survey Division wishes to adopt a PLS Monumentation Program Policy for management purposes;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby adopts the Public Land Survey Monumentation Reimbursement Program Policy as contained in County Board File No. 57078. (rescinded March 12, 2013)

RESOLUTION NO. 13-120
March 12, 2013

WHEREAS, Perpetuation of the Public Land Survey (PLS) corner monuments and records is needed to help accomplish the goals and functions of St. Louis County; and

WHEREAS, Private sector surveying firms are locating or reestablishing PLS corner monuments during the course of performing land survey work for clients; and

WHEREAS, The perpetuation and location of these PLS corner monuments is of significant benefit to all land owners in the sections of land adjacent to these PLS corner monuments; and

WHEREAS, The precise geographic coordinates received for each of the monument positions can and will be used to improve the county's Geographic Information System; and

WHEREAS, The Public Works Department/Land Survey Division wishes to adopt a revised PLS Monumentation Reimbursement Program Policy for management purposes;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board adopts the Public Land Survey Monumentation Reimbursement Program Policy as contained in County Board File No. 59623;

RESOLVED FURTHER, That County Board Resolution No. 97-810 is hereby rescinded.

**ST. LOUIS COUNTY PUBLIC LAND SURVEY (PLS)**
**MONUMENTATION REIMBURSEMENT PROGRAM**

The importance of maintaining and restoring the monuments which comprise our Public Land Survey (PLS) system is well known. St. Louis County has established a payment system to encourage PLS corner perpetuation. This program, funded through St. Louis County, will provide financial assistance to private land surveyors for PLS corner position perpetuation which occurs during the course of a private land survey.

The primary focus of this program is to obtain good quality, corner certificates for corner monuments which do not presently have a Location of Government Corner Certificate on file with St. Louis County.

The program will be administered as follows:

(A) the program will be managed on a first-come-first-served basis, subject to available funding. All PLS corner perpetuation shall satisfy the requirements of Minnesota State Statute 381.12 Subd. 3.

(B) monuments, application forms, and corner certification forms can be obtained at the Public Works Department/Land Survey Division office.

(C) corners funded by this program shall include those corners of the original Public Land Survey (Section Corners, Quarter Corners, and Meander Corners) in St. Louis County.

(D) the reimbursement fee will be $150.00 per completed corner certificate. An additional $50.00 premium will be paid for each corner certificate that provides the monument location (plus or minus 0.5 ft positional tolerance) by latitude and longitude, Minnesota State Plane North Zone coordinates or St. Louis County Transverse Mercator (96) coordinates referenced to NAD 83(86) or NAD 83(96)HARN. Datum must be clearly specified and will be subject to the County Surveyor's review and approval.

(E) the St. Louis County Surveyor's Office reserves the right to deny applications or payment for PLS corner perpetuation for reasons enumerated, but not restricted, to the following:

  (1) existing application is already on file or a Certificate of Location is already recorded for the subject corner.

  (2) the application is being made by an agency or concern that conducts their own monumentation program.

(3) the application pertains to a corner required for a survey contracted by an agency or concern which conducts their own monumentation program.
(4) the application does not directly relate to a current private survey.
(5) the application pertains to a survey requiring County Surveyor approval and signature. (For such surveys, corner certificates are required but will not be reimbursed)

**LAND COMMISSIONER TO DEVELOP/INSTITUTE RESOURCE MANAGEMENT POLICY**
RESOLUTION NO. 137
February 17, 1998

WHEREAS, it is important to St. Louis County to continue with an effective Resource Management Program that is comprehensive and coordinated to perpetuate and protect ecological conditions and diversity while carrying out the County Board's overall policy and direction to manage Tax Forfeited Trust lands and resources; and

WHEREAS, it is necessary to establish Operational Resource Management Policies and Guidelines to provide direction for the professional resource staff which will enable them to carry out these management programs in a consistent professional manner.

NOW, THEREFORE, BE IT RESOLVED, that the Land Commissioner is hereby directed to develop and institute all operational policy directives needed to assure practical and workable resource management programs and to review and modify said policy directives from time to time in order to carry out sound resource management in keeping with County statute and County policy.

RESOLVED FURTHER, that the Land Commissioner will make a presentation to the Board of new policy directives that are developed prior to their implementation.

**TREE TOP CUTTING SALES POLICY**
RESOLUTION NO. 719
October 12, 1999

WHEREAS, Minnesota Statute 282.04 allows for the sale of various forest products; and

WHEREAS, the sale of spruce and balsam tree tops has become an important seasonal industry in St. Louis County; and

WHEREAS, the harvest of these spruce and balsam tree tops does very little if any damage to the residual stand and is a good use for this basically stagnant commodity;

NOW, THEREFORE, BE IT RESOLVED, this will be the policy of St. Louis County to sell tree tops (balsam and spruce) for the support of this industry, and that prices will be determined by the Land Commissioner and recommended to the County Board based on market conditions, similar to other timber pricing.

**REPURCHASE CALCULATION HOMESTEAD PROPERTY**
RESOLUTION NO. 464
July 24, 2001

RESOLVED, the Board of Commissioners adopts the Alternative Computation of Repurchase Amount as described in M.S. 282.241, Subdivision 2 (as amended 2001) as the method to be used to compute repurchase amounts for homestead property in forfeiture status in excess of ten (10) years.

RESOLVED FURTHER, this action is effective for any applicable applications received on or after August 1, 2001.

**TIMBER CRUISING POLICY**
RESOLUTION NO. 765
December 11, 2001

WHEREAS, the St. Louis County Board adopted Resolution No. 137 on February 17, 1998, directing its Land Commissioner to develop and institute operational policy directives needed to assure practical and workable resource management programs; and

WHEREAS, the Land Commissioner has developed the following policy directives as needed:

| **Policy** | **Description** |
|---|---|
| LD2423-3 | Timber Cruising - Setting standards for estimating timber volumes on tax forfeited lands. |
| LD1230-1 | Documents and Signatures - Indicates and clarifies authority for signatures on various Departmental Documents. |

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby approves and directs the Land Commissioner to institute the above departmental policies.

RESOLVED FURTHER, that the Land Commissioner is directed to review and modify the above approved Resource and Personnel management policies from time to time to assure a practical policy which provides for reasonable conduct and protection of the County's interest. The Land Commissioner shall submit any such amended policy to this Board for advisory purposes a minimum of 15 days prior to its effective date.

RESOLVED FURTHER, that the above policy directives are on file in the office of the County Auditor, identified as County Board File No. 57834.

**ST. LOUIS COUNTY LAND DEPARTMENT POLICY**
**TIMBER CRUISING**

INTRODUCTION
Management of tax forfeited trust lands is subject to broad statutory direction under MSA 282.04. The following policy includes the limitations imposed by statute as well as those imposed by this Department for specific timber cruising standards according to which all timber appraisals will be conducted.

PURPOSE
The timber cruise is an essential part of any timber sale that the St. Louis County Land Department develops, sells, and scales. The purpose of the cruise is to determine the

estimated volume and the value of a timber stand. The value must be determined as if it were to be cut into the most valuable products that can be marketed within the general market area.

It is recognized that there are many different cruise methods. Some that are used: variable plot sampling, fixed plot sampling, 100% tree measurement, and sample tree measurement or a combination of several of these methods. Regardless of the method used, it must conform to the cruise standards of accuracy set by the department.

High standards must be maintained in timber cruises to protect both the taxpayers' interests and value of products being appraised for sale. Inaccurate appraisals can cause collection problems, jeopardize the taxpayers' interests and can be a disservice to the purchaser.

**TIMBER CRUISE STATISTICAL ERROR STANDARD**

Timber cruises are estimates, NOT exacting measurements. Therefore, limits of error have been established that are achievable and practical. For sales that will be scaled, the required appraisal accuracy should meet one of the following: (Cruise error is stated at the 90% confidence level.)

20% cruise error for major species.
10% overall cruise error for sales where all hardwoods are sold on estimate, for all species combined.

**TIMBER CRUISE ACCURACY STANDARD**

Upon completion of a timber sale, the cruise accuracy should meet the following standard:

Appraised volume should be +/- 20% of scaled volume.

Exceptions may be made to these accuracy standards if it is technically impractical to gather enough data to achieve these limits of error in individual sales or cutting blocks. Exceptions will be noted in the sale appraisal.

**ROAD ACCESS POLICY**

RESOLUTION NO. 766
December 11, 2001

WHEREAS, the St. Louis County Board adopted Resolution No. 137 on February 17, 1998, directing its Land Commissioner to develop and institute operational policy directives needed to assure practical and workable resource management programs; and

WHEREAS, the Land Commissioner has developed a policy for Forest Management Road Access and Gates.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby approves, and directs the Land Commissioner to institute the Forest Management Road Access and Gates policy and that such policy is on file in the office of the County Auditor, identified in County Board File No. 57835.

RESOLVED FURTHER, that the Land Commissioner is directed to review and modify the Forest Management Road Access and Gates policy from time to time to

assure a practical policy which provides for reasonable conduct and protection of the County's interests. The Land Commissioner shall submit any such amended policy to the Board for advisory purposes a minimum of 15 days prior to its effective date.

**ST. LOUIS COUNTY LAND DEPARTMENT**
**FOREST MANAGEMENT ROAD ACCESS POLICY**

INTRODUCTION

St. Louis County forest management roads are not part of the public road system, but are generally open to the public for use and access. Forest management roads provide access to County as well as other public lands for activities such as resource surveys, timber harvest, and recreation by the public. Gates on St. Louis County tax-forfeited land serve the primary purpose of protecting forest management road surfaces and the investment made in them when most vulnerable to damage (e.g. during spring thaw or excessive fall precipitation). Gates are also used to reduce motorized access to areas for resource management reasons. Gates and other access management controls (e.g. boulders or logging debris) are often used on forest management roads to reduce problems associated with recreational user conflicts (e.g. hunting on foot versus use of vehicles to access game populations), safety (e.g. riding horses on the same trail with all-terrain vehicle traffic), erosion due to use or over-use by vehicles, damage (e.g. rutted or impassable roads which require repair costs), litter or dumping of garbage and waste, over utilization of resource (e.g. excessive harvest of ruffed grouse along trails or roads, reduced availability of trophy-sized deer), crowding, increased fire risk, and developmental trends (e.g. maintenance of remoteness by limiting permanent access where not previously available nor needed for resource management purposes). While not all of these problems are present on St. Louis County Lands, with increasing use of public lands, the potential exists that all of these conditions may have to be dealt with using some form of access control.

Some forest management roads are gated and kept closed all the time. These gated roads allow periodic access for resource management while still providing a limited degree of remoteness to the recreational user. In some cases, gates substantially reduce the County's road maintenance workload, and are appropriate where there has never been a history of motorized public access. In addition, some of these gated forest management roads have been constructed with partial funding from other interests.

DEFINITIONS

**Forest Resource Management Road**. "Forest Resource Management Road" means any Land Department developed road located primarily on county administered land regularly maintained by the Land Department or assigns, and used for the primary purpose of forest resource management, may be used in all seasons (with certain restrictions during spring thaw and breakup, and extreme fire danger), and may be surfaced with granular product (e.g. class 5).

1. **Upland Summer Road.** "Upland Summer Roads" are *intermittently maintained* roads, generally constructed with native barrow material, and may be used all seasons, except during break-up.

2. **Lowland Winter Road.** "Lowland Winter Roads" are *intermittently maintained* roads, generally constructed with native barrow material, and used by vehicular traffic only during frozen soil conditions.
3. **St. Louis County Lands or State Tax-Forfeited Land.** "St. Louis County Lands" or "State Tax-Forfeited Land" means any tax-forfeited trust land(s) held in trust in favor of the taxing districts managed by the St. Louis County Land Department. This policy does not govern county fee land.
4. **Recreation and Shoreland Leases**. "Recreation and Shoreland Leases" are cabin sites located on St. Louis County Lands and leased by the public for temporary recreational occupancy purposes.
5. **Non-exclusive Access.** "Non-exclusive Access" means that the public has the same and non-exclusive access to St. Louis County Lands whether a gate is in place and closed (no motorized access for public but everyone can walk in) or not
6. in place or open (everyone can access road with motorized vehicle). No member(s) of the public is offered *different* or *greater* access than any other member(s) of the public. All members of the public are offered the same degree of accessibility to public lands managed by the county.
7. **Exclusive Rights.** "Exclusive Rights" means that one individual (e.g. contractor) or group has access to St. Louis County Lands beyond a gate that is different than the access the general public has.
8. **Access Control.** "Access Control" means any barrier including but not limited to gates, earthen berms, piled logging debris, large rocks or boulders that limits use of a road or trail.
9. **Gate.** "Gate" means a hinged barrier across a road, trail or pathway that can be opened, closed and locked to control access to State tax-forfeited lands.
10. **Motorized Vehicles.** "Motorized Vehicles" means any vehicle powered by an internal combustion engine including but not limited to passenger cars, trucks, jeeps, motorcycles, snowmobiles and all-terrain vehicles (ATV).
11. **Off-highway Vehicle.** "Off-highway Vehicle" means all-terrain vehicle (ATV), off-highway motorcycle (OHV), four wheel drive trucks, and snowmobiles.

<u>POLICY</u>

1. Gates on St. Louis County Lands May Be Closed to Public Motorized Vehicular Traffic:
   A. To reduce road maintenance repair costs and workload by protecting the road surface from rutting, erosion due to use or over-use by motorized vehicles, or other damage to access, primarily during spring thaw and breakup.
   B. To provide for public safety in the even of a natural or man-made disaster such as a road wash-out, flooding, high wind occurrence, hazard tree situation, forest fire, accident, chemical spill, or other disaster.
   C. To provide for public safety during timber harvest or other resource management activities.
   D. To protect sensitive areas such as Special Resource Management Areas (SRMA), bogs, wetlands, or other areas of critical environmental concern.
   E. To restrict motorized vehicles from non-motorized recreation areas or of

non-motorized trails.

F. To reduce conflicts between user groups.

G. To protect endangered or threatened species, critical wildlife habitat areas, deer yards, breeding sites, or other wildlife populations.

H. To eliminate problem areas associated with litter or dumping of garbage and waste along forest roads.

I. To continue to provide a degree of remoteness in areas where there has never been a history of motorized public access prior to development of a forest management road.

J. To control access during periods of high fire danger along forest roads with high risks for wildfire.

2. County lands, roads and trails beyond closed gates are open to the public for use without motorized vehicles.
3. Gates closed permanently to public motorized vehicle access will remain open to County personnel and designees to allow access for resource management activities.
4. New temporary roads developed for timber harvest, including Lowland Winter Roads may be closed to public motorized access once logging activities are complete.
5. Roads gated closed to public motorized vehicle access to protect resources including road surfaces, wildlife habitat or to provide opportunities for non-motorized recreation, should be closed to all motorized vehicles, including off-highway vehicles (OHV). OHV's can generate the same impacts as other motorized vehicles including negative impacts to road surfaces, wildlife resources, and vegetation.
6. Gates may also be closed temporarily during specified periods of the year for the same reasons identified in subpart 1, A-J. More specifically:

   A. Gates may be closed to motorized vehicle use on forest management roads to protect road surfaces susceptible to damage when soil properties or resource conditions do not support motorized use.

   B. Gates may be closed to motorized vehicle use on forest management roads during hunting seasons to reduce conflicts between hunters and prevent excessive use of road.
7. The Land Department in administering this policy, may modify or vary these conditions if it is determined that uncommon circumstances exist that warrant an exception. These exceptions will be evaluated and a determination made whether the existence of a gate detracts from the utility or value of adjacent lands.

<u>Access to Private Property Over State Tax-Forfeited Lands</u>

Permission by the Land Commissioner to cross State tax-forfeited lands using the route determined by the Land Department to be most appropriate may be granted by temporary authorization, road right-of-way lease, or where deemed appropriate by the Land Commissioner, and approved by the County Board, a permanent easement.

<u>Gates on Recreation and Shoreland Leases</u>

While gates used to protect resources on State tax-forfeited lands will continue to be used, gates or other barricades placed on Land Department administered lands which restrict non-exclusive access to State tax-forfeited lands adjacent to Recreation or Shoreland Leases will be removed. While it is clear that gates do not prohibit public use of State tax-forfeited lands, they do create that impression. The general public should have non-exclusive access to county public lands; County leaseholders do not have exclusive rights to public land surrounding their lease sites.

The terms and conditions of every Recreation Cabin and Shoreland Lease Site clearly state that barricading any driveways, roads or trails is prohibited. Term #10 on both the Shoreland and Recreation Cabin Lease Agreements state, *"Lessee is prohibited from barricading any driveways, roads or trails, or constructing any fences or stringing wire cable, or otherwise restricting the general public from traveling by foot or vehicle on County land."* This portion of Term #10 clearly states that restricting the general public from accessing County land by foot or vehicle is prohibited. A gate, regardless of who installs the gate, would restrict non-exclusive access to State tax-forfeited lands by the general public if placed at a lease site allowing only the leaseholder to open the gate.
A gate which does not provide non-exclusive access to the general public by providing limited parties other than St. Louis County access to any State tax-forfeited lands beyond the gate shall not be approved.

1. A gate which does not serve the primary purpose of protecting a road surface or resource including but not limited to: tree plantations; wildlife habitat; sensitive or threatened plant or animal species or their community associations; illegal garbage dumping; user safety; or non-motorized recreation are or trail, will be removed.
2. A gate on St. Louis State tax-forfeited lands not erected by St. Louis County personnel or designees or with written authorization from the County, will be removed.
3. A Land Department gate which does not allow non-exclusive access to County land by the general public, and does not involve a resource or recreation management activity or concern, will be removed. This means that any gate for which a party other than the County maintains a key to open said gate will be removed.
4. Keys for locks on any gates maintained on St. Louis County land may only be possessed by officials of the St. Louis County Land Department. No lock and key for gates maintained on St. Louis State tax-forfeited lands may be held by members of the general public without prior written approval from the Land Commissioner.

<u>Gates may be allowed at Recreation Cabin or Shoreland Lease Sites if the following conditions are met:</u>

1. A forest management road or access road dead-ends at the lease site or sites. Gate may be placed at a distance approved by the Area Manager relative to the cabin site. For a series of leases (e.g. several shoreland lease sites along a lakeshore), the gate may be placed at a distance approved by the Area Manager relative to the cabin site nearest the gate.
2. No County public land can be accessed by road beyond gate other than the lease site(s) proper.

3. The placement of a gate effectuates no loss of public land value or function.
4. Prior written approval for the gate and locking mechanism must be obtained from the Land Commissioner.
5. Gate must be installed and maintained by private party or association with prior written consent from the Land Department. Installation of gate must meet Land Department specifications.

**EXTRACTIVES**
RESOLUTION NO. 767
December 11, 2001

WHEREAS, Minnesota Statutes Section 282.04, Subdivision 1, was amended to allow an increased value for direct sale of materials on tax forfeited land.

NOW, THEREFORE, BE IT RESOLVED, that the County Auditor is authorized to sell earthen material (extractives) up to the statutory maximum of $12,000.00 from tax forfeited land pursuant to Minnesota Statutes Section 282.04; and

RESOLVED FURTHER, that the St. Louis County Board hereby rescinds Resolution No. 605, dated August 8, 1995.

**SALE OF TAX FORFEITED LAND**
RESOLUTION NO. 137
February 19, 2002

WHEREAS, Minnesota Statutes 282.01 governs the sale of tax forfeited land; and

WHEREAS, Section 282.01, Subdivision 4, provides that parcels must be sold for cash only and at not less than appraised value unless the County Board of the county has adopted a resolution providing for their sale on terms, in which even the resolution controls with respect to the sale.

NOW, THEREFORE, BE IT RESOLVED, that tax forfeited lands may be sold according to the following terms:

1. Up to a maximum term of 10 years depending upon the appraised value; and
2. A down payment of $500.00 or 10 percent of the sale value, whichever is greater, must be paid at the time of sale and the remaining principal balance must be paid in equal annual installments, plus simple interest, at the rate set pursuant to Minnesota Statutes 279.03, Subdivision 1a; and
3. The sale price of all standing timber, timber products and gravel and other extractives, and all sale fees must be paid in full at the time of sale except for private sales to municipalities in which case the value of gravel and other extractives may be included in the amount subject to the payment plan.

BE IT FURTHER RESOLVED, the Land Commissioner is directed to develop department policy regarding the terms of sales consistent with this Resolution and shall inform the Auditor and Board of such policy and any changes thereafter; and

BE IT FURTHER RESOLVED, that the County Board Resolution No. 348, adopted May 17, 1998, is hereby rescinded.

**LAND DEPARTMENT ENVIRONMENTAL POLICY**
RESOLUTION NO. 554
September 9, 2003

WHEREAS, St. Louis County is committed to protecting the environment; and

WHEREAS, the St. Louis County Land Department is developing and ISO 14001 Environmental Management System which requires an environmental policy; and

WHEREAS, the environmental policy establishes an overall management direction and sets principles of action for the Land Department; and

WHEREAS, the environmental policy sets the goal as to the level of environmental responsibility and performance required of the Land Department; and

WHEREAS, the environmental policy will be make available to the public.

NOW, THEREFOR, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby adopts the St. Louis County Land Department's Environmental Policy, on file in County Board File No. 58127.

**COUNTY FEE LAND SALE POLICY**
RESOLUTION NO. 349
JUNE 22, 2004

RESOLVED, that the Sale of County Fee Land Policy, as on file in County Board File No. 58266, is hereby adopted, effective immediately.

**"NO NET GAIN" POLICY**
RESOLUTION NO. 107
March 1, 2005

WHEREAS, Minnesota Statutes 84.944, Subdivision 3, and Minnesota Statutes 84.003, Subdivision 2, pursuant to Minnesota Statutes 97A.145, Subdivision 2, allows County Boards of Commissioners to disallow the purchase of land by the Minnesota Department of Natural Resources (DNR) in counties; and

WHEREAS, the member counties of the Arrowhead Counties Association (ACA) are 50% or greater under public ownership; and

WHEREAS, the further purchase of land by the DNR and environmental land trusts further erodes the tax base of the counties in the ACA; and

WHEREAS, the State of Minnesota's plan to freeze gross PILT funding will cause a loss of PILT revenues to each ACA County in 2006 and beyond.

NOW, THEREFORE, BE IT RESOLVED, that the Arrowhead Counties Association hereby establishes a "no net gain policy" for both the Minnesota Department of Natural Resources and all environmental land trusts. No new lands may be acquired without the consent of the County Board in which the land is located. No new lands may be acquired unless the County agrees that either an equal amount of land or property of equal value is sold back to private ownership.

**DNR DESIGNATION OF SNA'S**
RESOLUTION NO. 111
March 1, 2005

WHEREAS, Chapter 262, Article 2, Section 2, Laws of Minnesota for 2004, provides that no scientific and natural area may be designated by the Minnesota Department of Natural Resources without the approval of the board of the county within which the land is located; and

WHEREAS, this requirement imposes a responsibility on the county to ensure that this proposed designation is appropriately reviewed as well as an opportunity for the residents of the county to communicate their concerns on this proposed designation to the county board; and

WHEREAS, a consistent, adequate and transparent review requires a clear policy under which that review will be conducted.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby adopts the policy, on file in the office of the County Auditor, identified as County Board File No. 58374, to be followed in all instances where the designation of a Scientific and Natural Area is requested by the Minnesota Department of Natural Resources.

**PURCHASE OF TAX FORFEITED LAND**
RESOLUTION NO. 167
April 5, 2005

WHEREAS, the 1985 Legislature passed into law Chapter 138, Section 5, which gave the Fond du Lac Band of Lake Superior Chippewa the first opportunity to purchase tax forfeited land to be sold within the Reservation boundary; and

WHEREAS, the County Board Resolution No. 78, adopted on January 29, 1986, directed the Land Commissioner to make inquiries of all adjacent property owners situated on any lands affected by Chapter 138, Section 5, of Minnesota Laws for 1985 to determine if they have any objections to the sale of said property. If the Land Commissioner determined that there were such objections, he was directed not to offer such tax forfeited properties for sale.

WHEREAS, tax forfeited land can neither be sold to the Fond du Lac Band nor the public if an adjoining owner objects to the sale of said land.

NOW, THEREFORE, BE IT RESOLVED, that County Board Resolution No. 78, adopted on January 29, 1986 is repealed to allow for the sale of tax forfeited land within the Fond du Lac Reservation.

**PURCHASE OF TAX FORFEITED LAND**
RESOLUTION NO. 168
April 5, 2005

WHEREAS, the 1985 Legislature passed into law Chapter 138, Section 5, which gave the Fond du Lac Band of Lake Superior Chippewa the first opportunity to purchase tax forfeited land to be sold within the reservation boundary if the County Auditor receives a written offer for a t least the appraised value within two weeks after notification; and

WHEREAS, the St. Louis County Board is concerned with the time frame granted to the Fond du Lac Band to submit a written offer and purchase tax forfeited land.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board shall extend the time allowed for the Fond du Lac Band of Lake Superior Chippewa to submit a written offer to purchase tax forfeited land within the Fond du Lac Reservation to 60 days; and shall allow six months for the Fond du Lac Band to purchase said land.

BE IT FURTHER RESOLVED, that the St. Louis County Auditor shall offer for sale at public auction tax forfeited land located within the Fond du Lac Reservation if the Fond du Lac Band of Lake Superior Chippewa does not purchase said land within six months after submitting a written offer for at least the appraised value to the County Auditor.

**LAND COMMISSIONER TO RESPOND TO PROPOSED FEDERAL AND STATE REGULATORY ACTIONS**
RESOLUTION NO. 272
May 8, 2007

WHEREAS, the St. Louis County Board has from time to time received communications requesting that St. Louis County join as an intervener in future lawsuits against the U.S. Forest Service; and

WHEREAS, there are many Federal and State of Minnesota proposals, plans and other regulatory or legal actions that can and do affect land management across the public lands, including tax-forfeited lands within St. Louis County; and

WHEREAS, the St. Louis County Board of Commissioners recognizes the importance of the natural resources available on the public lands and the contributions these resources make to a healthy economy in Northeastern Minnesota and St. Louis County; and

WHEREAS, there are many regulatory and legal actions that affect the availability, proper utilization and management of our natural resources and that limit utilization of these public resources, including tax-forfeited lands managed by the St. Louis County Land Department; and

WHEREAS, occasions arise where there may be insufficient time for the county to formally respond to proposed Federal or State actions through the normal county board process to have optimal effect on these proposed policies; and

WHEREAS, the St. Louis County Board of Commissioners has appointed a Land Commissioner pursuant to Minnesota Statutes to manage tax-forfeited land in the county, including advising the board on the effect of these proposed Federal and State policies;

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Minnesota Statutes Section 282.13, as amended from time to time, the St. Louis County Board of Commissioners directs and grants authority to the St. Louis County Land Commissioner, as a matter of policy, to act on behalf of the board in responding to proposed Federal and State of Minnesota regulatory actions, proposed plans and future litigation that may, in his or her opinion, have a direct and significant impact on public land management, including tax-forfeited land management, in St. Louis County. That authority includes undertaking analyses of pertinent issues and formulation of responses and strategies including, with concurrence of the Chair of the County Board, the Chair of the Environment and Natural Resources Committee and the County Administrator, issuance of a preliminary response on behalf of St. Louis County in instances when insufficient time is available to obtain formal board ratification. Such responses shall not be legally binding until this formal ratification is received, and board action necessary to obtain formal ratification must be sought at the next possible opportunity.

# CHAPTER 13
# LEAVE

**COUNTY GOLF TOURNAMENT**
RESOLUTION NO. 671
August 22, 1977

RESOLVED, that the St. Louis County Board of Commissioners hereby reaffirms the memo sent to all Department Heads stating that any employee who attended the County Golf Tournament August 5, 1977, that their time record be recorded as either personal leave, vacation or time off without pay.

RESOLVED FURTHER, that this policy shall apply to all future County Golf Tournaments.

**COFFEE BREAKS**
RESOLUTION NO. 623
September 12, 1983

WHEREAS, it is the intention of St. Louis County to establish a uniform and consistent practice for employee coffee breaks.

NOW, THEREFORE, BE IT RESOLVED, that no department head or supervisor shall authorize, approve, or permit any St. Louis County employee under their direction to take coffee breaks which exceed the minimum time allotted for coffee breaks as established by the employees' contract.

**FUNERAL LEAVE**
RESOLUTION NO. 755
November 25, 1985

RESOLVED, that employees of St. Louis County shall be allowed leave time for attendance at funerals only as specified in the collective bargaining agreements;

RESOLVED FURTHER, that the Chair of the County Board is hereby authorized to submit a letter to all Department Heads expressing this policy.

**FAMILY AND MEDICAL LEAVE ACT OF 1993**
RESOLUTION NO. 918
BOARD FILE NO. 55186
December 21, 1993

RESOLVED, the County Board adopts the Family and Medical Leave Act Policy, as on file in County Board File No. 55186.

**FAMILY AND MEDICAL LEAVE ACT OF 1993**

1. PURPOSE - The Family and Medical Leave Act of 1993 (FMLA) provides for up to 12 weeks of job-protected leave to eligible employees for certain family and

medical reasons. The purpose of this policy is to provide guidelines for implementation of the FMLA. Terms used in this policy are intended to have the meaning set forth in the FMLA and accompanying U.S. Department of Labor regulations. Matters relating to FMLA leave which are not specifically addressed in this policy shall be administered by the Employer consistent with the FMLA and accompanying U.S. Department of Labor regulations.

2. ELIGIBILITY - an employee must meet the following requirements to be eligible for FMLA leave:
   A. The employee must have worked for the Employer for at least 12 months; and
   B. The employee must have worked at least 1,250 hours during the 12 months immediately proceeding the request

   FMLA leave may be requested for the following reasons:

   A. For the birth of a child and in order to care for such child or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the 12-month period following the child's birth or placement with the employee); or
   B. In order to care for an immediate family member (spouse, child, or parent) of the employee if such immediate family member has a serious health condition; or
   C. The employee's own serious health condition that makes the employee unable to perform the essential functions of his/her position.

   Eligibility for FMLA leave for birth or placement of a child expires 12 months after the birth or placement of the child. Circumstances may require that leave for the birth of a child, or for placement for adoption or foster care, commence prior to actual birth or placement. Different policies may apply to certain employees who have been identified by the Employer as "key" employees.

3. LENGTH OF LEAVE - an eligible employee may qualify for up to 12 calendar weeks of FMLA leave in any 12 month period. From the 12 week maximum, any FMLA leave which the employee has taken during the 12 months preceding commencement of the requested leave will be subtracted to determine the maximum leave for which the employee may be eligible presently.

   When FMLA leave is taken to care for a spouse, son or daughter, or parent, with a serious health condition, or for an employee's own serious health condition, leave may be taken intermittently or on a reduced schedule if shown to be "medically necessary". Where leave is taken for the birth or placement of a child for adoption or foster care, leave may be taken on an intermittent or reduced leave schedule only if the Employer agrees.

Where two eligible employees are husband and wife, they will be eligible for no more than a combined 12 weeks of leave in a 12 month period where leave is taken for birth or placement of a child for adoption or foster care, or for care of a parent (but not parent-in-law) with a serious health condition.

4. UNPAID LEAVE - Generally FMLA leave is unpaid. However, an employee shall substitute accumulated paid sick leave for a portion of the FMLA leave in any situation where the employee would normally be allowed to use sick leave. An employee also shall substitute accumulated paid vacation or personal leave for a portion of the FMLA leave.

   The Employer shall require the Employee to substitute accumulated paid vacation or personal leave for a portion of the FMLA leave provided such a requirement is not inconsistent with the employee's collective bargaining agreement, if any.

   Minnesota law allows for unpaid parental leave of up to six weeks and for use of paid sick leave to care for dependent family members under certain circumstances. These leaves remain available under FMLA but do not extend the maximum FMLA leave for which an employee is eligible.

5. AUTHORIZATION - An eligible employee must ordinarily provide the Employer with 30 days advance notice when the FMLA leave is foreseeable. A "Request for Family/Medical Leave" form should be completed by the employee and returned to their supervisor. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, usually verbal notice within one or two business days of why the need for leave becomes know, followed by a completed "Request for Family/Medical Leave" form. The employer reserves the right to deny a leave request absent timely advance notice. The employee must attempt to schedule foreseeable FMLA leave so as not to unduly disrupt the Employer's operations.

   An employee requesting leave shall provide to the Employer, in writing, the proposed date the leave is to commence, the approximate duration of the leave, and the qualifying reason(s) for the leave. The Employer will normally require medical certification to support an FMLA leave request either to care for an employee's seriously ill family member or because of the employee's serious health condition. The medical certification shall be provided to the Employer as soon as possible, and not more than 15 days later. The Employer reserves the right to require a second and third medical opinion at the Employer's expense, as allowed by the FMLA.

   The employer reserves the right to require the employee to provide recertification of the need for the leave every 30 days. Recertification may also be required sooner than every 30 days if 1) the employee requests an extension of the leave;

2) there are changed circumstances regarding the nature of the medical condition; or 3) the Employer receives information casting doubt on the continued validity of the most recent certification. The Employer may request a medical fitness-for-duty report upon the employee's return to work.

6. BENEFIT CONTINUATION - During an approved FMLA leave, at the option of the employee, the employee and dependent health and dental insurance coverage (if any) shall be maintained on the same basis as coverage would have been provided if the employee had been continuously employed during the entire leave period. Employees who receive partial Employer contribution must continue to pay their portion of the premium in order to retain this coverage. If an employee fails to make their premium payment, the employee will lose coverage and will not be covered for any claims which may have occurred while on FMLA leave. However, an employee may voluntarily choose not to pay the premiums and thus not retain these coverages. The coverages will be reinstated upon the employee's return to work.

   An employee on FMLA leave may also continue other insurance coverages which the employee had in effect through the Employer prior to going on FMLA leave. The employee will be required to pay the full cost of the premium.

   The Employer's obligation to maintain health and dental insurance benefits ceases if and when the employee informs the Employer of the employee's intent not to return from leave; if the employee fails to return from leave, thereby terminating employment; or if the employee exhausts the employee's FMLA leave entitlement. In some of these situations, employees may be entitled by law to continue their health care coverage at their own expense.

7. RETURN TO WORK
   An employee returning from FMLA leave of longer than one month must notify the Employer at least two weeks prior to return from leave.

   An employee returning from FMLA leave shall be entitled to be restored to the same position and shift that the employee held when the FMLA leave began, or to an equivalent position and shift with equivalent benefits, pay and other terms and conditions of employment. Benefits of employment and seniority will be resumed at the same level and in the same manner as were provided at the time the leave began. Any increase in pay or changes in benefits that are not dependent upon seniority or accrual during the leave period also must be made effective upon the employee's return to work. However, an employee on FMLA leave shall not be entitled to benefit or seniority accrual during the leave.

8. FAILURE TO RETURN TO WORK

   If an employee on FMLA leave decides not to return to work, the employee shall notify the Employer as soon as it is foreseeable that the employee will not be returning to work.

If an employee does not return to work for reasons beyond the employee's control or because the employee has a serious health condition which prevents the employee from returning to work, then the employee will not be required to repay health insurance premiums paid by the Employer during the FMLA leave. If the employee does not return to work for any other reason, then the employee will be required to repay the Employer for those premiums.

An employee who chooses not to return to work or is unable to return to work shall be considered to have voluntarily resigned.

9. EFFECTIVE DATE
This Policy is effective on January 1, 1994.

**VACATION PAY-OFFS/SICK LEAVE BALANCE FUNDING**
RESOLUTION NO. 200
March 14, 1995

RESOLVED, that the following Policy regarding compensated absences is hereby established:
Payments for accumulated vacation for terminating employees shall be borne by the employee's departmental personnel budget. A terminating employee shall not be replaced without explicit Board approval until such time an amount equal to the vacation payoff is saved through not filling positions.

For employees with a vested right to utilize accrued sick leave balances upon retirement, the Auditor shall, through designation of fund balances in the governmental and expendable trust funds, in an orderly way, ensure that the liability is funded to a 95 percent minimum level by the end of the year 2002.

**DONATION OF ACCRUED VACATION TIME**
RESOLUTION NO. 324
April 23, 1996

RESOLVED, that employee donations of accrued vacation time to co-workers is authorized under the following conditions:

1. Employees having "permanent" status in County employment shall be eligible for vacation donations of up to a maximum of 90 days to cover lost time caused by catastrophic illness/physical disability (debilitating or terminal illness, severe injury) that exceeds three weeks in duration; and "probationary" employees having no permanent status shall be eligible for vacation donations of up to a maximum of 20 days to cover lost time caused by debilitating illness or severe injury, that would otherwise result in their loss of employment status in the County service.
2. The employee has exhausted all paid leave benefit accruals
3. Vacation donations of one (1), two (2), or three (3) days per donating employee each calendar year may be authorized

4. The donating and recipient employee's payroll records shall be adjusted to reflect a transfer of accrued hours, and the donated vacation hours shall be converted to the same number of sick leave hours on the recipient's payroll record
5. The donated hours shall be utilized at the recipient's rate of pay
6. Requests for transfer of vacation donations shall be submitted to the Civil Service/Personnel Director for approval and processing

BE IT FURTHER RESOLVED, this action is unilaterally implemented by the County Board and may be rescinded or modified without cause by the Board

**SICK LEAVE BANK GUIDELINES – LAW ENFORCEMENT SERVICES**
RESOLUTION NO. 296
May 25, 2004

RESOLVED, the St. Louis County Board Sick Leave Bank Guidelines for the Law Enforcement Labor Services, Inc., Local 288 bargaining unit, a copy of which is on file in County Board File No. 58251, are hereby approved for all pending and future requests for sick leave bank benefits from members of said bargaining unit.

**ADVANCE OF PAID SICK LEAVE IN A PANDEMIC**
RESOLUTION 499
BOARD FILE NO. 58993

WHEREAS, conditions may occur where a disease, such as influenza or other contagious disease, has reached a World Health Organization declaration of Pandemic Level 6 and where the Minnesota Department of Health has 1) recognized the disease widespread in the State of Minnesota and 2) has opened its emergency operations center in response to the pandemic; and

WHREAS, in these circumstances, an employee who has exhausted all paid sick leave would be allowed to receive an advance of the equivalent of 10 days of paid sick leave (up to a maximum of 80 hours) for influenza related absence form work under certain conditions.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board adopts the policy identified as "Advance of Paid Sick Leave in a Pandemic" found in County Board File No. 58993.

RESOLVED FURTHER, that the St. Louis County Board directs the County Administrator and the Employee Relations Director to develop specific procedures for the implementation of the policy, when a pandemic Level 6 has been declared by the World Health Organization and recognized by the Minnesota Department of Health with the opening of its Emergency Operating Center.

**JURY DUTY EXPENSES**
RESOLUTION NO. 42
January 25, 2011

WHEREAS, St. Louis County employees may receive per diem payments and reimbursement of expenses from the State of Minnesota for their participation in jury duty activities; and

WHEREAS, current county policy allows employees to participate in jury duty activities on county-paid time and retain payments they receive from the State as reimbursement of expenses, but they must remit to the county the per diem payments they receive from the State; and

WHEREAS, the County Auditor has recommended discontinuing the current practice of requiring employees to remit the per diem payments to the county.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board authorizes a change in policy to allow county employees to retain the per diem payments they receive from the State of Minnesota for participating in jury duty activities.

# CHAPTER 14
# LIABILITY INDEMNITY

**LIABILITY INDEMNIFICATION PLAN**
RESOLUTION NO. 323
BOARD FILE NO. 51603
April 18, 1989

WHEREAS, the St. Louis County Board approved the St. Louis County Liability Indemnification Plan by Resolution No. 424, adopted June 23, 1980, and identified as County Board File Number 48969; and

WHEREAS, the St. Louis County Board approved amendments to the County Liability Indemnification Plan which incorporated intervening statutory changes by Resolution No. 414, adopted June 24, 1985, identified as County Board File Number 51603.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby adopts the St. Louis County Liability Indemnification Plan, on file in the office of the County Auditor, identified as County Board File Number 51603;

BE IT FURTHER RESOLVED, the St. Louis County Board Resolution No. 414, adopted June 24, 1985, is hereby rescinded.

**ST. LOUIS COUNTY**
**LIABILITY INDEMNIFICATION PLAN**
**June 4, 1985, as amended April 18, 1989**

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## I. STATEMENT OF PURPOSE

Minnesota Statutes Chapter 466 requires St. Louis County to defend and indemnify its employees and officers against any tort claim or demand arising out of any acts or omissions occurring in the performance of their duties. This St. Louis County Employee Liability Indemnification Plan is the document which sets forth the circumstances under which an employee or officer is defended and indemnified against claims and lawsuits, the financial responsibilities that will be assumed by the County, and the exclusions and exceptions to indemnification. A copy of this Plan will be available for review by each employee or officer by contacting their Department Head, union representative, or Civil Service.

It is possible that the Legislature or the courts may change or modify the laws under which this Plan is prepared. It may also be necessary for the County itself to amend the provisions of this Plan. Notice of amendments or deletions to the Plan will be provided to employees and officers, and said amendments or deletions shall be immediately incorporated into the Plan.

## II. DEFINITIONS

For the purpose of this Plan only, the following definitions shall apply:

A. "Was acting in the performance of the duties of the position" means any act or omission by an employee occurring within the scope of employment or duties, whether arising out of a governmental or proprietary function but shall specifically not include criminal acts or acts outside the scope of employment, or acts constituting malfeasance in office, willful neglect of duty, or bad faith.

B. "Employee" means any full or part-time officer or employee, or former officer or employee, whether elected or appointed; a member of the St. Louis County Board of Commissioners; any full or part-time County Officer or employee performing services for a third party pursuant to a contract approved by a duly adopted resolution of the St. Louis County Board; an individual serving with or without compensation as a member of any board or commission established by the St. Louis County Board or by legislative action for any judicial or legislative actions of the Board; or any other person acting on behalf of the County in an official capacity, temporarily or permanently, with or without compensation.

   The term "employee" shall specifically exclude (1) any person or organization contracting to perform services for or on behalf of the County as an independent contractor; and (2) any person or organization acting for or employed by a part-time County officer or employee covered by this Plan, unless such person or organization has been specifically authorized to act on behalf of the County by a duly adopted resolution of the County Board.

C. "Costs" or "expenses" shall include all usual costs and expenses reasonably incurred in the legal defense or settlement of any claim or lawsuit or any deductible costs in County-purchased liability insurance applicable to employees.

D. "Malfeasance in office" means the performance of an act in official capacity which is illegal, wrongful or willful or wanton neglect of duty.

E. "Indemnity" means the shifting of financial liability for loss from the employee to St. Louis County.

F. "Punitive damages" are damages that are penal in character and are awarded in addition to actual damages in order to inflict punishment upon the wrongdoer and serve as a deterrent to similar conduct in the future.

G. "Subrogation" means the substitution of one party in the place of another with reference to a lawful claim, demand or right so that the party who is substituted succeeds to the rights of the other in relation to all rights and remedies.

H. "Intentional act" means that the actor has the purpose to do the thing or cause the result specified or believes that his act, if successful, will cause that result.

## III. INDEMNITY

Subject to the laws of the State of Minnesota and subject further to the provisions of this Plan, the St. Louis County Board of Commissioners hereby declares:

A. That the County will provide defense and indemnify any of its employees against judgments or amounts paid in settlement actually and reasonably incurred in connection with any tort or professional liability claim, demand, or lawsuit, whether groundless or otherwise, arising out of an alleged act or omission occurring within the scope of employment or official duties, subject to the limitations set forth in Minnesota Statutes Chapter 466. In no case, however, shall this Plan apply to claims or lawsuits alleging malfeasance in office, willful neglect of duty, or bad faith. In no case shall any amounts paid exceed the applicable statutory liability limits.

B. That the County Attorney, or his delegate, will investigate any claim, demand or lawsuit to determine if the employee shall be indemnified and shall defend or make settlement under such terms and conditions as may be appropriate.

C. That the County will pay all reasonable costs and expenses incurred by the County in the investigation, defense or settlement of any tort claim, demand or lawsuit on behalf of the indemnified employee.

D. That the legal counsel and investigatory services necessary for the defense of any tort claim, demand or lawsuit under this Plan shall be furnished by the St. Louis County Attorney, who shall request and be furnished with such assistance from other County departments as the Attorney's Office deems necessary. Except as provided in Section E, below, the County Attorney shall have the exclusive authority and the responsibility to provide legal representation and direct investigatory services.

E. That subject to approval by the St. Louis County Board of Commissioners:

(1) An employee who would otherwise be entitled to defense and indemnity pursuant to the provisions of this Plan, and where the County Attorney determines there exists a conflict of interest between the County and/or the employees who are parties to the claim, demand, or lawsuit, private legal counsel shall be furnished at County expense upon the written recommendation of the County Attorney.

(2) If it shall be necessary to retain private legal counsel on behalf of an employee, selection of counsel and negotiation of fees shall be the responsibility of the County Attorney.

## IV. EXCLUSIONS AND EXCEPTIONS

A. This Plan shall not apply to any claim, demand or lawsuit based upon:

(1) An alleged act or omission not occurring in the performance of duty by an employee;

(2) An alleged act or omission constituting malfeasance in office or willful neglect of duty, or bad faith;

(3) Any action involving the removal from office of an elected official or criminal prosecution of an employee, except that an officer or employee may request representation to defend charges of a criminal nature brought against that officer or employee that arose out of the reasonable and lawful performance of duties for the County, pursuant to MS 465.76.

(4) A private legal action commenced by an employee against any other party.

B. This Plan shall not apply to any claim, demand or lawsuit classified as an exception to governmental liability under MS 466.03 as amended. As to any such claim, demand or lawsuit, the County shall be liable only in accordance with the applicable law. Where there is no statute or law creating liability, the County shall remain immune from liability, and nothing herein shall be construed as a voluntary waiver of any immunity in whole or in part. Exceptions enumerated in MS 466.03 generally include:

(1) Any claim for injury or death of any person covered by the Workers' Compensation Act;

(2) Any claim in connection with the assessment and collection of taxes;

(3) Any claim based on snow or ice conditions on any highway or other public place, except when the condition is affirmatively caused by the negligent acts of the municipality;

(4) Any claim based upon an act or omission of an officer or employee, exercising due care, in the execution of a valid or invalid statute, charter, ordinance, resolution or regulation;

(5) Any claim based upon the performance or failure to exercise or perform a discretionary function or duty, whether or not the discretion is abused;

(6) Any claim against the County as to which the County is immune from liability by the provisions of any other statute.

C. This Plan shall not apply to fines and penalties incurred pursuant to MS 471.705 (Open Meeting Law) or pursuant to MS 586.10 (Fines for Neglect of Duty).

D. This Plan shall not apply to any claim, demand or lawsuit for liability arising out of an act or omission against which the County has procured a policy of insurance pursuant to MS 466.06 as amended. However, in the event:

(1) The County would otherwise be liable for the alleged act or omission if such insurance had not been purchased, and

(2) The liability limits of such policy are less than the liability limits provided by this Plan, and/or contain a deductible amount to be assumed by the insured, then the liability limits of this Plan shall apply to any damages in excess of the liability limits of such policy and up to the limits provided by MS 466.04 as amended. The deductible amount on any such County purchased liability insurance policy shall be paid by the County for indemnified employees.

## V. LIABILITY LIMITATIONS

A. Employees are hereby notified that MS 466.04 (1985) provides as follows:

MAXIMUM LIABILITY. Subdivision 1. <u>Limits, punitive Damages</u>.

Liability of municipality on any claim within the scope of MS 466.01 to 466.16 shall not exceed:

a) $200,000 when the claim is one for death by wrongful act or omission and $200,000 to any claimant in any other case;
b) $600,000 for any number of claims arising out of a single occurrence
c) Twice the limits provided in clauses (a) and (b), but not less than $300,000 per claim, when the claim arises out of the release or threatened release of a hazardous substance.

No award for damages on any such claim shall include punitive damages.

Subdivision 1a. Officers and Employees.
The liability of an officer or an employee of any municipality for a tort arising out of an alleged act or omission occurring in the performance of duty shall not exceed the limits set forth in subdivision 1, unless the officer or employee provides professional services and also is employed in his profession for compensation by a person or persons other than the municipality.

Subdivision 1b. Total Claim.
The total liability of the municipality on a claim against it and against its officers or employees arising out of a single occurrence shall not exceed the limits set forth in subdivision 1.

Subdivision 2. Inclusions.
The limitation imposed by this section on individual claimants includes damages claimed for loss of services or loss of support arising out of the same tort.

Subdivision 3. Disposition of multiple claims.
Where the amount awarded to or settled upon multiple claimants exceeds $600,000, any party may apply to any district court to apportion to each claimant his proper share of the total amount limited by subdivision 1. The share apportioned each claimant shall be in the proportion that the ratio of the award or settlement made to him bears to the aggregate awards and settlements for all claims arising out of the occurrence.

B. Notwithstanding any provisions of this Plan to the contrary, nothing contained herein is intended or shall be construed to constitute a waiver of the defense of governmental immunity beyond the maximum liability limits established by law.

If, after the date of adoption of this Plan, the County Board procures insurance providing protection in excess of the limit of liability imposed by law, the resolution authorizing the procurement of such insurance shall be attached hereto as an amendment to this Plan. The procurement of such insurance constitutes a waiver of the limits of governmental liability under MS 466.04 to the extent of the liability stated in the policy but has no effect on the liability of the municipality beyond the coverage so provided. Such policy shall be filed with the County Auditor, and shall be available for review by any employee upon request.

## VI. PAYMENT OF CLAIMS AND EXPENSES

A. All amounts to be paid as a result of indemnification provided by this Plan may be paid from any fund established or designated for these purposes by resolution of the County Board.

B. Recommendations shall be made to the County Board by the County Attorney, County Auditor, and heads of affected departments as to which department should be charged for expenses incurred in the defense of any claim, demand, or lawsuit. The County Board shall then establish by resolution the fund and department from which the expenses are to be paid. The County Attorney shall present to the department(s) a statement for reimbursement of authorized expenditures.

## VII. DUTIES OF EMPLOYEE

1. In the event any action, incident or accident occurs which an employee might reasonably expect could result in a claim, complaint, demand or lawsuit against the employee or the County, the employee shall immediately notify their supervisor/department head and the County Attorney's Office. The employee must thereafter prepare a written Incident Report or Vehicle Collision Report form within 24 hours of the incident. Vehicle Collision Report forms shall be completed whenever a County vehicle is involved. For all other cases, an Incident Report form shall be completed.

   Report forms are available from the department head, in County Motor Pool vehicles, or from the Office of the County Attorney. The original shall be forwarded to the County Attorney, and the employee shall retain a copy. The employee shall provide a copy to the department head for the department files.

2. The employee shall not discuss the accident or incident with anyone other than their supervisor/department head, or the County Attorney's Office. The employee shall not furnish any other person, agent, investigator, attorney, or governmental agency any document or statement unless or until the County Attorney's Office has approved release of information.

   Requests for such information shall be immediately forwarded to the County Attorney's Office for response.

3. If a claim, demand, or lawsuit is brought against an employee, the employee shall immediately forward to their supervisor/department head the written demand, notice, or Summons and Complaint. The supervisor/department head shall immediately notify the County Attorney's Office by telephone of the document and shall forward the original of the document to the County Attorney.

4. The employee shall cooperate fully with the County Attorney's Office in the investigation or defense of any claim, demand, or lawsuit and in the

enforcing of any right of contribution, indemnity or subrogation against any party who may be liable to the employee or to the County because of injury or damages. The employee shall attend all hearings, trials, and other proceedings as requested, and shall assist in securing and giving evidence and obtaining the attendance of witnesses. In the event settlement of a claim, demand, or lawsuit is made, the employee shall sign all documents and take all appropriate actions to implement the settlement.

5. No time spent with the County Attorney's Office in the investigation or handling of any claim, demand or lawsuit, or time spent attending legal proceedings shall require use of personal leave or vacation benefits by the employee.
6. All departments shall allow the County Attorney immediate and continuing access to witnesses, documents and scene investigation.

## VIII. DENIAL OF REPRESENTATION OR INDEMNITY

A. Basis for Denial of Representation or Indemnification. Representation or indemnification may be denied by the County to any employee at any time:

1. If the employee fails to prepare a written Incident Report or Vehicle Collision Report for any incident which the employee might reasonably expect could result in a claim, demand or lawsuit against the County or employee.
2. If the employee fails to immediately notify their supervisor/department head of any Notice of Claim, demand, Summons or pleadings served upon the employee.
3. If the employee fails to cooperate fully with the investigation or defense of any claim, demand or lawsuit.
4. If the employee fails to comply fully with the provisions of this Plan.
5. If the claim, demand or lawsuit involves actions of the employee outside the scope of his official duties.
6. If the claim, demand or lawsuit involves criminal action against the employee or an action to remove the employee from office.
7. If the action is the result of private legal action commenced by the employee against any other party.

B. Notice of Denial.

Within sixty (60) days of receipt by the County Attorney of Notice of Claim, demand, Summons, or pleadings the County Attorney shall determine the eligibility or continuing eligibility of any employee for representation and indemnity under the provisions of this Plan. In the event further investigation is necessary to determine eligibility or continuing eligibility, the County Attorney shall notify the employee in writing of additional time needed. Where an employee is determined to be ineligible for coverage of all or a portion of the claim presented, or where rights are reserved against the employee, the employee shall be so notified in writing.

## IX. SUBROGATION

In the event of any payment of any settlement or judgment on behalf of the employee under this Plan, the County shall be subrogated to the employee's rights of contribution, indemnity, or recovery therefore against any party, and the employee shall execute and deliver all instruments and papers and do whatever else is necessary to secure such rights by the County. The employee shall do nothing to prejudice these rights.

## X. CONTINUATION OF PROTECTION

Any defense or indemnification available to an employee under this Plan shall continue to be available after the termination of employment so long as the act or omission causing the liability occurred during the course of duties while the individual was an employee of St. Louis County.

**TORT LIABILITY INSURANCE FOR CONTRACTORS AND VENDORS**
RESOLUTION NO. 544
October 14, 2008

WHEREAS, Minnesota Statutes, Section 466.04, establishes the maximum tort liability for municipalities on claims arising on or after January 1, 2008, and before July 1, 2009, at $400,000 per individual and $1.2 million per occurrence, and claims arising on or after July 1, 2009, at $500,000 per individual and $1.5 million per occurrence; and

WHEREAS, the County Board has determined that it is in the best interest of the County to establish a policy with respect to tort liability insurance requirements for contractors and vendors; and

WHEREAS, the County Board feels it necessary to provide adequate opportunity so that contractors and vendors can obtain the appropriate insurance levels.

NOW, THEREFORE BE IT REESOLVED, that the St. Louis County Board establishes that all contracts requiring tort liability shall include proof of insurance in the amount currently purchased by the contractor, but not less than $300,000 per individual and $1 million for any number of claims arising out of a single occurrence, and that effective July 1, 2009, all contracts requiring tort liability shall include proof of insurance of at least $500,000 per individual and $1.5 million arising out of all claims for a single occurrence.

**TORT LIABILITY INSURANCE FOR TIMBER SALES AND ALL AGGREGATE CONTRACTORS**
RESOLUTION NO. 313
July 7, 2009

WHEREAS, Minn. Stat. § 466.04 establishes the maximum tort liability for municipalities on claims arising on or after January 1, 2009, at $500,000 per individual claim and $1.5 million per occurrence for any number of claims arising out of a single occurrence on or after July 1, 2009; and

WHEREAS, the County Board has determined that it is in the best interest of the County to establish a policy with respect to tort liability insurance requirements for timber sales and aggregate contractors; and

WHEREAS, the County Board feels it necessary to provide adequate opportunity so that the representatives of Minnesota timber industry contractors may petition the state legislature for relief from the maximum tort liability insurance requirements.

NOW, THEREFORE BE IT RESOLVED, that the St. Louis County Board establishes that all timber sales and aggregate contractors requiring tort liability insurance shall include proof of insurance in the amount currently purchased by the contactor but not less that $300,000 per individual claim and $1 million for any number of claims arising out of a single occurrence, effective immediately until July 1, 2010.

**REDUCED TORT LIABILITY REQUIREMENTS FOR TIMBER SALE AND AGGREGATE CONTRACTS**
RESOLUTION NO. 12-515
September 25, 2012

RESOLVED, that the St. Louis County Board establishes that all timber sale and aggregate contracts requiring tort liability insurance shall include proof of insurance in the amount currently purchased by the contractor but not less than $300,000 per individual claim and $1 million for any number of claims arising out of a single occurrence, effective immediately.

RESOLVED FURTHER, that this tort liability insurance requirement shall be the policy of the St. Louis County Board until such time as representatives of the Minnesota timber industry contractors are successful in receiving relief from the state legislature from the maximum tort liability insurance requirements established in Minn. Stat. § 466.04.

# CHAPTER 15
# MANAGEMENT INFORMATION SYSTEMS

**USAGE ETHICS COMPUTER POLICY**
RESOLUTION NO. 804
BOARD FILE NO. 56898
October 8, 1996

RESOLVED, that the St. Louis County Usage Ethics Computer Policy, a copy of which is on file in the office of the County Auditor, identified as Board File No. 56898 is hereby adopted:

## ST. LOUIS COUNTY USAGE ETHICS COMPUTER POLICY

1. St. Louis County purchase or licenses the use of copies of computer software from a variety of outside companies. St. Louis County does not own the copyright to this software or its related documentation and, unless authorized by the software developer, does not have the right to reproduce it for use on more than one computer.
2. With regard to use on local area networks or on multiple machines, St. Louis County employees shall use the software only in accordance with the license agreement.
3. The employee's department head and the MIS Director will be notified of any unauthorized use of software or hardware discovered as a result of audit procedures or other service activity.
4. St. Louis County does not permit or condone the illegal duplication or use of software. County employees use of computer software in violation of software licenses or state and federal statutes or regulations shall constitute employee misconduct and shall subject the employee to disciplinary action.
5. Software not licensed to the County may be operated on County machines provided:
   a. It is approved by the employee's department head
   b. MIS is notified in writing for record keeping purposes and possible virus checking prior to installation
   c. A copy of the software license is on file in the department (for licensed software)
   d. The software is operated in conformance with the license agreement

   Software not licensed to the County will not be serviced by County support staff.

6. All software that is imported from outside of the normal County channels for use on County computers must be specifically authorized by the department head or his/her designee
7. St. Louis County will not be responsible for troubleshooting, maintenance, repair, or replacement of privately-owned hardware. Privately owned computer components will not be installed on St. Louis County machines without prior approval of MIS and an authorized computer representative from the User department.
8. This policy will be reviewed by MIS annually beginning May, 1997

**PRINCIPLES FOR COMPUTER TRAINING**
RESOLUTION NO. 805
BOARD FILE NO. 56899
October 8, 1996

RESOLVED, that the Policy "St. Louis County Principles for Computer Training", a copy of which is on file in the office of the County Auditor, identified as Board File No. 56899, is hereby approved.

MIS User Committee - St. Louis County
Principles for Computer Training

1. Management has primary responsibility for training employees. Computer skills are necessary skills for job performance. The primary responsibility for required job skills lies with management of the department in which the employee works. Note: New employees should be trained by the employing department in the use of "in place" software.
2. Employee Development should assist with computer skills development. Computer skill development is no different from other job skills development. Therefore, Employee Development should ensure that high quality general computer related training is available to departments and employees. Planning for standard software training should be undertaken jointly (departments and Employee Development) whenever possible and this training will generally become part of the Employee Development's training calendar. County-wide PC based training can be accomplished by lecture and hands-on-based training at the UMD lab or any proposed training centers or interactive training through the training center or within the individual department.

3A. Training on "in-house" developed mainframe software is primarily the responsibility of the department that develops/uses the program. Joint application development include shared responsibility for training. Planning for training for in-house applications needs to be considered and an integral part of the application development process.

3B. Initial training on special purpose purchased software is primarily the responsibility of the department that purchased the software, Management Information Systems (MIS) and the provider of the application software. MIS will coordinate the training.

3C. Follow-on and/or continuation training of special purpose purchased software that is integrated into the County is the responsibility of the department that purchased the software. This may involve the provider of the software, a third party to conduct the initial training, or a purchased tutorial training program package. Employee Development may be able to assist in the process of identifying potential trainers, but cannot be expected to schedule and/or conduct such sessions.

4. "Just in time training" and "Mentoring" provides for the best skills transfer. "Just in time training" means: Training is provided when software is ready for use. Availability of training should be part of acquisition decisions. "Mentoring" means: Employees should be encouraged to assist one another in problem solving and skill development.

5. Training center(s)/computer lab(s) should be developed to provide for the space and equipment required to do training on both mainframe and PC-based applications. The space and equipment should be available for both County-wide and department-specific applications and must be appropriately budgeted, managed, and supported. A variety of training options must be available as an ongoing requirement.

NOTE: This policy realizes that St. Louis County funds are a limited resource and training decisions should maximize the educational gain while minimizing the cost.

**MANAGEMENT INFORMATION SYSTEMS STRATEGIC PLAN**
RESOLUTION NO. 943
BOARD FILE NO. 56919
November 26, 1996

RESOLVED, that the County Board hereby adopts the St. Louis County Information Systems Strategic Plan as contained in Board File No. 56919.

RESOLVED FURTHER, that the MIS User Committee will continue to monitor the effectiveness of the Information Systems Strategic Plan and recommend changes as necessary.

**MANAGEMENT INFORMATION SYSTEMS USERS COMMITTEE BYLAWS**
RESOLUTION NO. 954
BOARD FILE NO. 56922
December 10, 1996

RESOLVED, that the St. Louis County Board of Commissioners does hereby approve the MIS User Committee Bylaws. The MIS User Committee was formally established by the St. Louis County Board of Commissioners on June 13, 1995, by Resolution No. 466. The MIS User Committee consists of one representative from each County department and Arrowhead Regional Corrections. The voting members of the
Committee consist of each department head or the department head's designee. Arrowhead Regional Corrections is also a voting member of the Committee. The Bylaws, on file in County Board File No. 56922, include the purpose of the Committee and its governing rules of business. The Bylaws require approval of any amendments by the St. Louis County Board of Commissioners. These Bylaws were reviewed and approved by the Department Heads Association at its October 2, 1996, meeting, including an amendment contained in Article 1, Section 4, Adoption & Amendments, that requires County Board approval of the Bylaws or any amendments thereto.

**ST. LOUIS COUNTY MANAGEMENT INFORMATION SYSTEMS USERS COMMITTEE BYLAWS**

ARTICLE I. PURPOSE

Section 1 - Purpose of Bylaws: The St. Louis County Management Information Systems Users Committee desires to conduct its business and perform its responsibilities and duties in an

orderly, efficient, uniform, fair and lawful manner. These Bylaws are established for that purpose.

Section 2 - Purpose of Committee: As St. Louis County moves into the information age the Committee will work to develop a common understanding of the diverse computer needs throughout St. Louis County. The committee will serve in an advisory capacity to assist the Management Information Systems Department regarding Management Information Systems user issues.

In order to fulfill its purpose, the St. Louis County Management Information Systems Users Committee, herein after referred to as Committee, shall have the following responsibilities:

1. To become informed on county wide systems and applications already in place as well as understand the technology needs of each department/division.
2. To understand major changes are taking place in advanced and emerging technology that significantly impact the foundation of the computing environment.
3. To act in an advisory role to the Departments represented and to the Management Information Systems Department regarding new technology, network systems, application development and purchase, educational and training opportunities.
4. To communicate to the users the benefit and cost implications related to uniformity throughout the County.
5. To provide ways and means whereby all users may exchange information, ideas and experiences as well as work cooperatively with the Management Information Systems Department to develop increased effectiveness, efficiency, and customer service.
6. The Committee shall periodically report the progress and pertinent developments regarding the Management Information Systems Users Committee and Management Information Systems Department to the County Board, County Administrator, and Department Heads, in the form of a written report.

Section 3 - Applications of Bylaws: Unless otherwise specifically indicated, these Bylaws shall apply to the transaction and administration of all Committee business and the conduct of all its meetings.

Section 4 - Adoption & Amendments: These Bylaws may be amended by a three fourths (3/4) vote of the members. All proposed amendments shall be presented in writing to all members. All members shall have a minimum of ten (10) days to review the proposed amendment. These bylaws, and any amendments thereto, must be approved by the Committee and the Board of Commissioners. These Bylaws and amendments thereto shall become effective immediately upon approval by the Board of Commissioners.

## ARTICLE II. MEETING RULES AND BYLAWS

Section 1 - Time of Meetings: Meetings of the Committee will be held based upon a regular schedule, at the County Board Conference Room, Courthouse, Duluth, Minnesota. In the event of unavailability of the County Board Conference Room, the Chair may select an alternate location for the meeting. Other meetings may be scheduled by the Chair on five days' notice to the members.

Section 2 - Officers and Term of Office: The officers of the Committee shall be a Chair and Vice Chair; each to be elected by the respective members of the Committee. The election for officers shall take place in the first meeting in January of each year. Members serving as officers on the effective date of these Bylaws shall hold office until the next election to be held in January of the following year.

Section 3 - Presiding Officer: The Chair shall preside at meetings of the Committee, and in case of nonattendance, the Vice Chair shall preside.

Section 4 - Clerk: The Clerk shall be provided by the County and will be a non-voting participant of the Committee. The Clerk shall be responsible for preparing all meeting minutes and agendas and distribute the same at least one week prior to the next scheduled meeting. The Clerk shall take roll, announce if a quorum is present. The Clerk shall note in the minutes when any member is absent or when any member leaves prior to adjournment. The Clerk shall furnish the Committee members with all communications received since the last Committee meeting. The Clerk shall be responsible for other duties assigned by the Chair.

Section 5 - Members & Quorum: There shall be one voting member for each department within St. Louis County. The MIS Department shall serve in an ex-officio capacity only. Arrowhead Regional Corrections shall be a voting member of the Committee. The member shall be appointed by the department head. Individual members of the Committee may attend meetings by means of a speaker phone system and may vote with the same privilege. In the event of unavailability by a Committee member, the Department may designate an alternate. The alternate shall have voting privileges. A quorum shall consist of a majority of members, including alternates. No motions shall be voted on in the event that a majority of the voting Committee members or their designees are absent.

Section 6 - Order of Business: Upon the appearance of a quorum, the Committee shall then proceed to business before it in the following order:

1. Roll call
2. Approval of minutes of previous meeting by motion
3. Reports of officers, special committees and others
4. Report from the MIS Department
5. Other agenda matters

Section 7 - Duties of the Chair: The Chair shall preserve order and decorum, and shall decide questions of order, subject, however, to an appeal to the Committee. The members shall refrain from private discussions while the Committee is in the process of Committee business. The Chair shall call a member to order and the member shall immediately suspend remarks unless permitted to explain. If no appeal is made, the decision of the Chair shall be deemed conclusive; but if a member chooses to appeal from the decision of the Chair, the Committee shall decide the point without debate.

Section 8 - Precedence of Items: The proposals under consideration shall have precedence in the following order:

1. To lay on the table
2. To postpone

3. To commit, that is, to refer to committee
4. To amend
5. To adjourn

A motion to adjourn shall be entertained only after the completion of the formal agenda and shall be decided without debate.

Section 9 - Decision Making: Each matter considered shall be decided by consensus of the voting members. If the issues of procedure cannot be decided by consensus, they will then be decided by a majority vote or according to these Bylaws. The manner in which each member votes upon all propositions will be entered in the journal of the proceedings of the Committee.

Section 10 - Conflict of Interest: Each member, including the Chair, shall be entitled to vote on all questions, unless a particular issue involves a conflict of interest. A decision to abstain from voting shall also extend to discussion. Testimony, however, may be offered.

Any question of whether a particular issue involves a conflict of interest sufficient to disqualify a member from voting thereon shall be decided by a majority vote of the attending members except the member who is being challenged.

Any member who believes he or she may have a conflict of interest, or who has a relative who has an interest in any decision to be made by the Committee shall disclose such interest and either disqualify him or herself or seek a ruling pursuant to these Bylaws.

Any person, may, in person or in writing, challenge whether any member may have a conflict of interest.

Section 11 - Special Committees: The Chair can appoint a Special Committee as there is a need and the Chair of the Committee will appoint a Chair of the Special Committee.

Special Committees shall in all cases report to the Committee. All reports by Special Committees shall be presented in writing at a regular or special meeting. Matters referred to Special Committees shall be acted upon without undue delay.

Section 12 - Suspension of Rules: These rules may be suspended by a three-fourths (3/4) vote of the Committee, except those matters that are provided for by law and Article I, Section 4 of these Bylaws.

Section 13 - Roberts Rules of Order to Govern: In the absence of any rule upon any matters of business, the Committee shall be governed by Roberts Rules of Order.

**DISPOSITION OF OBSOLETE, SURPLUS OR UNUSABLE COMPUTER COMPONENTS**

RESOLUTION NO. 369
May 5, 1998

WHEREAS, increasingly the County is facing the need to find proper disposition for used computer components which are considered obsolete, surplus, or unusable for County activities; and

WHEREAS, in many instances it costs the County more in staff resources and related costs to assemble those computer components for sale than will be generated by the proceeds of the sale; and

WHEREAS, there are environmental considerations which promote the reuse and recycling of used computer components over the land disposal of those components; and

WHEREAS, there are public corporations in Minnesota which will accept used computer components for upgrading and use for public purposes; and

WHEREAS, it is the County Board's priority that the upgraded computer components to be used for public purpose be distributed within St. Louis County; and

WHEREAS, Minnesota state law allows counties to transfer their personal property for a nominal fee or without consideration to another public corporation for public use when duly authorized by the county's governing body;

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners authorizes all County departments to transfer their obsolete, surplus, and unusable computer components to the Management Information Systems Department and authorizes that department to donate those computer components to approved end users consistent with Minnesota Statutes 471.85.

**ST. LOUIS COUNTY COMPUTER POLICY**
RESOLUTION NO. 641
December 2, 2008

WHEREAS, St. Louis County adopted a policy for Internet access by Resolution No. 343, dated May 9, 2000; and

WHEREAS, the MIS User Group Internet Subcommittee has reviewed that policy and has recommended revising the policy; and

WHEREAS, the recommended policy has been reviewed and approved by the MIS User Group; and

WHEREAS, adoption of the proposed policy will provide a clearer understanding of computer usage issues by employees.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board adopts the revised St. Louis County Computer Policy and rescinds Resolution No. 00-343, dated May 9, 2000.

## ST. LOUIS COUNTY COMPUTER POLICY

### I. Introduction

St. Louis County utilizes computers and computer systems in the work place to facilitate communications, improve employee productivity, and fulfill its government functions. It is the intent of this policy to provide an overall framework for computer usage within St. Louis County.

### II. Scope

#### A. Management Rights

St. Louis County is the owner of the computer systems it provides to its employees to conduct County business. St. Louis County, as the owner of this

equipment and the employer of the County employees, is responsible for the lawful and appropriate use of the County's systems. Accordingly, the County must maintain the right to oversee use of the County systems by County employees to protect ownership rights to the systems and to prevent illegal or inappropriate use of the systems.

**B. Public Rights**

Information contained on the County's systems may be accessible to the subject of the information, authorized third parties, or the general public. Access to this information is governed by state laws, federal laws, and rulings by the courts.

These laws include numerous provisions providing public access to information, as well as, numerous provisions protecting the rights of persons affected by this information. St. Louis County, its officers, and employees shall implement their best judgment and discretion in protecting the rights of the public and the privacy of individuals when administrating information contained on the County's systems.

**C. Employee Privacy**

The County recognizes the privacy interests of its employees to the contents of their personal communications contained in the County systems. While recognizing the privacy interests of its employees, the County must balance these privacy concerns with the County's inherent management responsibility to manage its systems, together with, rights of the public and third parties to obtain certain government information.

**D. Transient Electronic Communications**

The County's electronic mail system, known as e-mail, is used as a communication system for electronic messages. The system is not intended as a storage system for transient electronic communications unless, pursuant to County policy, the electronic messages are entered into an official County record keeping system.

## III. Responsibilities

It is the responsibility of the St. Louis County Board to establish policies concerning computer usage within St. Louis County.

It is the responsibility of the MIS User Committee to discuss County computer policy and provide recommendations to the St. Louis County Officials Organization and St. Louis County Administration.

It is the responsibility of the County Administrator and designees to ensure appropriate utilization of the St. Louis County systems for retention of government data and records.

It is the responsibility of department heads, individually and through the St. Louis County Officials Organization, to assist the County Board in formulating the St. Louis County Computer Policy. Department heads shall also be responsible for setting specific departmental policies on computer usage within the framework of the overall County policy. Department heads shall also be responsible to establish

departmental policies on the creation of data and storage of records consistent with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, and the preservation of public records consistent with Minn. Stat. § 138.17, and Minn. Stat. § 15.17.

It is the responsibility of St. Louis County employees to utilize St. Louis County computers and systems to further the goals of St. Louis County in providing services to its citizens. They are also responsible for taking all precautions necessary to avoid contamination of the county's computers and systems by
software viruses and to prevent the unauthorized use of the County's systems.
The MIS Department shall be responsible to maintain and operate the County's hardware and software systems. This includes the appropriate backup of systems and information for purposes of disaster recovery. Backup of such a nature is not intended to create data.

## IV. Hardware and Software

St. Louis County is the owner of all equipment provided to employees and constituting the St. Louis County computer system. St. Louis County also provides software for use on individual computers and within the system. Employees should be responsible for understanding and respecting the terms of such software licenses. Use of hardware and software beyond that provided to employees by the County shall require MIS and department head approval. Privately owned hardware and software not licensed to St. Louis County will not be serviced by County support staff.

Personal use of St. Louis County hardware and software is permitted. However, such use shall be limited in time and frequency in accordance with County and Departmental policies. It shall be conducted in a manner to limit the interruption of County business.

All computer usage remains subject to all other St. Louis County policies, including but not limited to St. Louis County Usage Ethics Computer Policy, the St. Louis County Conflict of Interest Policy, the St. Louis County Nondiscrimination Policy, and the St. Louis County Sexual Harassment Policy.

## V. E-mail

The St. Louis County system provides e-mail systems on both an Intranet and Internet basis. E-mail is intended as a communication tool. E-mail messages, when read, will be defaulted to trash and will not be maintained by the MIS department in a backup capacity. Department heads will ensure proper procedures are established within their department to insure that those e-mail messages which are to be retained as government data or government records are preserved in an appropriate manner.

St. Louis County recognizes that employees may have some privacy rights in e-mail pursuant to the Minnesota and Federal Electronic Communications Acts. St. Louis County, however, cannot guarantee that e-mail will remain private. St. Louis County may be required by court order, statute, or other authority to divulge employee e-mail. Additionally, St. Louis County reserves a right to monitor employee's e-mail if inappropriate or illegal e-mail usage is suspected.

Personal use of e-mail is permitted. However, such use shall be limited in time and frequency in accordance with County and Departmental policies. It shall be conducted in a manner to limit the interruption of County business.
Personal use of e-mail is subject to all other policies of St. Louis County including, but not limited to, the St. Louis County Conflict of Interest Policy, the St. Louis County Nondiscrimination Policy and the St. Louis County Sexual Harassment Policy.

**VI. Internet and Intranet**

St. Louis County employees may have Intranet and Intranet access through St. Louis County systems. Internet and Internet usage provides unique opportunities to gather and exchange information to fulfill the mission of St. Louis County.

Personal use of Internet and Intranet access is permitted. However, such use shall be limited in time and frequency in accordance with County and Departmental policies. It shall be conducted in a manner as to limit the interruption of County business.

Internet usage may create temporary files such as cookies or cache. The placement of temporary files within the St. Louis County system shall not be considered permanent or the creation of government data.

Personal use of Intranet and Internet access remains subject to all other St. Louis County policies including, but not limited to, the Conflict of Interest Policy, Sexual Harassment Policy and Nondiscrimination Policy.

**WIRELESS COMMUNICATIONS DEVICE POLICY**
RESOLUTION NO. 53 (Replaces Resolution (09-130)
BOARD FILE NO. 59025
January 26, 2010

Effective February 1, 2010

POLICY STATEMENT:
The changing world of wireless communications provides an opportunity for County Departments to offer efficient, safe, and high-quality customer service. Based on identified needs in providing service, designated staff will either be provided with a stipend toward the cost of the purchase/lease of an employee's personal wireless communications device which will also be used for County business purposes or with a County-provided wireless communications device. Providing a wireless communications stipend or a wireless communications device serves a public purpose in providing employees the ability to perform job-related duties, which are directly related to the purposes for which the County was established. It is the intent of this policy to allow the County to manage communications costs in an effective manner.
DEFINITIONS:
Wireless Communications Device: The device, adapter, battery pack and other equipment specific to the device used for County business purposes.
Business use: Work-related responsibilities required by an employee's position.

PROCEDURES:

Based on business need, the Department Head will determine which positions in the department require a wireless communications device and whether the needs are best served through the allocation of a County-purchased/leased wireless communications device or through a stipend. Some of those needs include, but are not limited to:

- When safety of self or others may be of concern.
- To provide immediate communication with staff in the department and other agencies as required to coordinate programs or provide customer service.
- To retrieve messages from voice mail while working in the community.
- To contact clients and customers in situations that a land line is not available.
- In personal emergencies including unexpected illness, car trouble, inclement weather, etc., for self and others where the employee works out of the office.
- When the employee's main work location is in the field where land lines and other primary radio/telephone communications are not available.
- When on call.

The wireless communications device stipend is intended to compensate the employee for allowing the use of personal wireless communications devices to facilitate and manage work duties. Employees receiving a County-purchased/leased wireless communications device or a stipend will be responsible for the following:

1. Retrieving messages on voice mail if telephone calls are missed on the wireless communications device.
1. Having the wireless communications device available for use during all hours of work and when the employee is subject to call.
2. Ensuring that use of the device does not provide a distraction to the employee during work hours. This includes limiting personal use during work hours, and setting the wireless communications device to a Asilent alert@ mode during meetings and other times that an interruption is undesirable.
3. For safety reasons, all County employees are not to utilize the device for County business at any time while driving a motor vehicle unless the device is equipped with ‘hands free’ operation.
4. Caring for the device in a responsible manner, minimizing the chance of loss or damage.
5. Providing adequate security for the device to prevent unauthorized users from finding client/work-related contact information stored in the device’s memory. It is recommended that confidential or non-published numbers not be stored in any “speed dial” function of the device.

Employees provided with a County-purchased/leased wireless communications device will be responsible for verifying use. Communications are intended for business use only.
Incidental personal use is allowed for situations such as: the employee has an emergency, or the employee’s work schedule requires working beyond the normal work day and other parties need to be notified. Monthly bills will be monitored by the department to observe personal use. Employees may be required to reimburse the County for personal use.

Employees designated to receive a stipend will receive a monthly wireless communications device stipend in the amount determined by the department head up to the maximum plan stipend set by the County Board. Employees receiving a stipend are responsible for:

1. Providing proof of purchase/lease of wireless communications service at intervals to be determined by the Department Head.

2. Providing information in a manner prescribed by the Auditor's Office to activate and maintain monthly stipend payments.

The wireless communications device stipend is intended to cover the costs of the employee's wireless communications device expenses related to work duties. Initial purchase of the wireless communications device, accessory equipment, and activation fees will be the responsibility of the employee. The employee will pay any costs exceeding the amount of the wireless communications device stipend. No stipend will be paid when an employee is in an unpaid leave status.

Taxability: The wireless communications device stipend will be paid through the County payroll system as taxable income. For determination of individual taxability, employees should check with their tax advisor. County provided devices will be taxed to the employee at full cost less verified business cost.

Privacy: All personal wireless communications device statements are considered by the County to be private data. Billings associated with a County-purchased/leased wireless communications device are considered public data.

**STIPEND ACTIVATION**

For an employee to receive a wireless communications device stipend, the stipend and the amount must be authorized by the Department Head. A completed Wireless Communications Device Stipend Authorization form and a copy of the employee's service agreement must be sent to the Auditor's office for the stipend activation.

**STIPEND AMOUNT:**

When a Department Head authorizes a Wireless Communications Device stipend, the basic voice and data plan stipend shall not exceed the lesser of: (1) 50% of the monthly voice plan cost; plus 25% of the monthly data plan cost, or (2) $55.00. If deemed necessary for work purposes, the Department Head may authorize the total stipend to be 50% of the monthly voice plan cost; plus 100% of the monthly data plan – texting or internet/email cost.

**STIPEND CHANGE/CANCELLATION:**

To change or discontinue a Wireless Communications Device stipend, a completed Wireless Communications Device Stipend Authorization form must be sent to Payroll for stipend cancellation or change. If changes result in a new or revised service agreement, a copy of the agreement must also be attached. Departments are responsible for ensuring that stipends are terminated if the employee changes positions or no longer needs a cell phone.

**MIGRATION OF WIRELESS COMMUNICATIONS DEVICES:**
Employees may be permitted to transfer the ownership of a County-owned wireless communications contract from the County to the employee. Employees will maintain the present telephone number. The employee may continue the service at the present level or may change/upgrade by contacting the service provider. When the County provides the wireless communications device, it remains County property and must be returned to the County when no longer needed, in working condition or technologically capable.

**INTERNAL ASSISTANCE:**
Management Information Systems will serve as a referral service for managers or employees interested in researching wireless communications device options or to provide assistance in migrating service agreements from the County to an employee. The Purchasing Department will investigate and advise County departments on opportunities for cost savings on group plans and other purchases that may benefit the County or its employees.

**INVENTORY:**
Each department will be responsible for submitting an inventory of all wireless communication devices purchased and stipends with its initial budget submission annually.

**WIRELESS COMMUNICATIONS DEVICE POLICY**
RESOLUTION NO. 14-217
April 8, 2014

WHEREAS, The St. Louis County Board adopted the Wireless Communications Device Policy by County Board Resolution No. 09-130, dated March 24, 2009; and

WHEREAS, This policy needs to be reviewed on a frequent basis and a revised Wireless Communications Device Policy was adopted by County Board Resolution No. 10-53, dated January 26, 2010; and

WHEREAS, The Stipend Review Committee will meet in December of each year to ensure this policy is consistent with the County Board's intent and improve its implementation;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board adopts the revised Wireless Communications Device Policy, a copy of which is on file in County Board File No. 59854, to be effective May 23, 2014.

**St. Louis County**
**Wireless Communications Policy**

**Policy**
Wireless communications provide an opportunity for county departments to offer efficient, safe, and high-quality customer service. It is the policy of St. Louis County to provide designated staff, as determined by identified departmental needs, with either a county-provided wireless communications device or a stipend toward the cost of a service plan on an employee's personal wireless communications device which will also be used for county business purposes.

**Scope**
This policy applies to all county employees and elected officials assigned a county-owned

wireless communications device or who receive a wireless communications device stipend.

Providing a wireless communications device stipend or a wireless communications device serves a public purpose in providing employees the ability to perform job-related duties, which are directly related to the purposes for which the county was established. It is the intent of this policy to allow the county to manage communications costs in an effective manner.

**Definitions**
*Business Use*: Work-related responsibilities required by an employee's position.

*County-Owned:* Refers to a county purchased/leased wireless communications device.

*De Minimis Benefit*: An Internal Revenue Service (IRS) reference to any property or service provided to an employee which has such little value, that accounting for it would be unreasonable or administratively impracticable.

*Employee-Owned:* Refers to a wireless communications device owned by an employee for which the employee receives a device stipend.

*Wireless Communications Device*: The wireless communications device, adapter, battery pack and other equipment specific to the device used for county business purposes.

*Wireless Communications Device Stipend*: The stipend towards the cost of a service plan on an employee-owned wireless communications device.

**Procedures:**
Based on business need, the department head will determine which positions in the department require wireless communications and whether the needs are best served through the allocation of a county-owned wireless communications device or through a stipend. Some of those needs include, but are not limited to:

- When safety of self or others may be of concern
- To provide immediate communication with staff in the department and other agencies as required to coordinate programs or provide customer service
- To retrieve messages from voice mail while working in the community
- To contact clients and customers in situations that a land line is not available
- In personal emergencies including unexpected illness, car trouble, inclement weather, etc., for self and others where the employee works out of the office
- When the employee's main work location is in the field where land lines and other primary radio/telephone communications are not available
- When on call

The wireless communications device stipend is intended to compensate the employee for allowing the use of personal wireless communications devices to facilitate and manage work

duties. Employees receiving a county-owned wireless communications device or a stipend will be responsible for the following:

1. Retrieving messages on voice mail if telephone calls are missed on the wireless communications device.
2. Having the wireless communications device available for use during all hours of work and when the employee is subject to call.
3. Ensuring that use of the device does not provide a distraction to the employee during work hours. This includes limiting personal use during work hours, and setting the wireless communications device to a silent alert mode during meetings and other times that an interruption is undesirable.
4. For safety reasons, all county employees are not to utilize the device for county business at any time while driving a motor vehicle unless the device is equipped with 'hands free' operation.
5. Caring for the device in a responsible manner, minimizing the chance of loss or damage.
6. Providing adequate security for the device to prevent unauthorized users from finding client/work-related contact information stored in the device's memory. This includes the use of a password to access the device and enabling encryption. It is recommended that confidential or non-published numbers not be stored in any "speed dial" function of the device.
7. Accounting for and reporting "hours worked" that exceed an insignificant time period (which cannot be precisely recorded for payroll purposes) for any time spent using the wireless device to facilitate or manage work duties that occur outside of the normal work day.
8. Personal use of a county-owned wireless communications device is permitted. However, such use shall be limited in time and frequency in accordance with County and Departmental policies. It shall be conducted in a manner as to limit the interruption of County business.
9. Returning county-owned wireless communications device to their supervisor or department following an upgrade to a newer device, transferring departments, taking an extended unpaid leave of absence or upon separation from employment.

**Procedures Specific to the County-Owned Device Alternative:**
Employees provided with a county-owned wireless communications device will be responsible for verifying use. Communications are intended for business use only, however, incidental *de minimis* personal use is permitted.

Taxability: The *de minimis* benefit of a county-owned wireless communications device, provided for business reasons (i.e. 85% of its use or more is business-related), is excludable from an employee's income and will not be taxed; employees may be required to keep records and pay taxes on personal use which exceeds a reasonable *de minimis* benefit value. For determination of individual taxability for personal use exceeding this standard, employees should check with their tax advisor.

Privacy: Employees should have no expectation of privacy or confidentiality when using a

county owned wireless communications device. By accepting and using a county owned wireless communications device, the employee consents to employer access and reasonable monitoring of installed applications and county email, calendar and contact accounts.

Security: Information Technology staff may remotely access a county owned wireless communications device to wipe email, calendar, and contact data if the device is lost or stolen or if IT detects a breach in policy, a virus or other security threat. The employer shall not be responsible for the loss of personal information in the event it is necessary to wipe the device.

Migration of Wireless Communications Devices: Employees may be permitted to transfer the ownership of a county-owned wireless communications contract from the county to the employee. The employee may continue the service at the present level or may change/upgrade by contacting the service provider. When the county provides the wireless communications device, it remains county property and must be returned to the county when no longer needed, in working condition or technologically capable.

New Device Purchases: Information Technology will serve as a referral service for managers or employees interested in researching wireless communications device options or to provide assistance in migrating service agreements from the county to an employee. The Purchasing Division will investigate and advise county departments on opportunities for cost savings on group plans and other purchases that may benefit the county or its employees.

Inventory: Each department will be responsible for tracking an inventory of all county-owned wireless communication devices.

**Procedures Specific to the Employee-Owned Device (Stipend) Alternative:**
Employees designated to receive a wireless communications device stipend will receive a monthly stipend in the amount determined by the department head up to the maximum amount set by the County Board.

Employees receiving a stipend are also responsible for:

1. Providing proof of the wireless communications service contract upon request by the department head.
2. Providing information in a manner prescribed by the Auditor's Office to activate and maintain monthly stipend payments.

The wireless communications device stipend is intended to cover the costs of the employee's service expenses related to work duties. Initial purchase of the wireless communications device, accessory equipment, and activation fees will be the responsibility of the employee. The employee will pay any costs exceeding the amount of the wireless communications device stipend. No stipend will be paid when an employee is in an unpaid leave status.

Taxability: The wireless communications device stipend provided to employees for business reasons will be paid through the county payroll system as non-taxable income.

Privacy: Personal wireless communications statements and text messages are considered by the county to be private data except when associated with the performance of official job duties. Employees should have no expectation of privacy or confidentiality when engaging in business related communications on an employee-owned wireless communications device. By connecting an employee-owned wireless communications device to the employer's email server or network, the employee consents to employer access and reasonable monitoring of installed applications and county email, calendar and contact accounts synced to the device.

Security: Information Technology staff may remotely access an employee-owned wireless communications device to wipe corporate email, calendar, and contact data if the device is lost or stolen or if IT detects a breach in policy, a virus or other security threat. Employees are not permitted to store sensitive or privileged county business communications or data on their personal wireless communications devices unless the data is stored in a folder or corporate email account accessible by the employer's mobile device management system. The employer shall not be responsible for the loss of personal information in the event it is necessary to wipe the device and the information is intermingled by the actions of the device owner.

Stipend Activation: For an employee to receive a wireless communications device stipend, the stipend and the amount must be authorized by the Department Head. A completed Wireless Communication Device Stipend Form must be sent to the Auditor's office for stipend activation.

Stipend Amount: A stipend review committee (IT, Administration, Human Resources, Auditor's Accounting and Department Head Representative) will meet annually in December to review the stipend amount when plan pricing has changed substantially; this review committee will meet no less than one time/year to review the stipend amounts. The maximum stipend amount will not exceed the then-existing costs associated with county-owned devices of similar voice, texting and data combinations.

When a department head authorizes a wireless communications device stipend, they will make the following decisions about the employee's necessary business use and the level of plan necessary (in terms of voice, text and data plan options):

| Year Reviewed | Voice and/or Texting | Voice, Texting and Data |
|---|---|---|
| 2014 | $25 | $50 |

Stipend Change/Cancellation: To change or discontinue a wireless communications device stipend, a completed authorization form must be sent to the Auditor's Office – Payroll Division. Departments are responsible for ensuring that stipends are terminated if the employee changes positions or no longer needs a wireless device.

**Policy Review**

This Policy will be reviewed annually or whenever required by the stipend review committee (IT, Administration, Human Resources, Auditor's Accounting and Department Head Representative).

# CHAPTER 16
# MISCELLANEOUS

## REGULATE THE RUNNING OF "AT LARGE DOGS"

RESOLUTION NO. 158
March 27, 1967

WHEREAS, M.S. A. 347.08 authorizes the Board of County Commissioners of any county to regulate the running at large of dogs, except in boroughs, second, third and fourth class cities, and

WHEREAS, There have been innumerable complaints from area residents, sportsmen, farmers and game wardens of the large number of deer, livestock and poultry being killed by dogs running at large, and

WHEREAS, The Board of County Commissioners of St. Louis County, Minnesota, is of the opinion that it is desirable to regulate the running at large of dogs to not only protect the deer population in the county but also livestock and poultry.

NOW, THEREFORE, BE IT RESOLVED, By the Board of County Commissioners of St. Louis County, Minnesota, that it is the intention of said Board of County Commissioners to proceed under the provisions of M.S.A. 347.08 and to regulate the running at large of dogs in the county by making it a misdemeanor, of not more than $100.00, for any owner of a dog to allow said dog to run at large.

RESOLVED FURTHER, That this resolution shall take effect upon publication and to continue until the further order of this Board.

## VOTER REGISTRATION MATERIALS AVAILABILITY

RESOLUTION NO. 553
August 13, 1984

WHEREAS, Governor Rudy Perpich and the State of Minnesota are encouraging people to register and vote; and

WHEREAS, citizen participation in the electoral process is the very backbone of a democratic society; and

WHEREAS, through its various departments and agencies, county government comes into contact with large numbers of eligible, non-registered voters daily; and

WHEREAS, voter registration materials are currently available only through the St. Louis County Auditor's Office;

NOW, THEREFORE, BE IT RESOLVED, that voter registration materials be made available to the citizenry in conspicuous locations in each appropriate county department or agency; and

BE IT FURTHER RESOLVED, that county departments or agencies are instructed to implement this resolution.

**AMBULANCE SUBSIDY POLICY**
RESOLUTION NO. 675
October 9, 1984

RESOLVED, that the St. Louis County Board hereby establishes the following policy providing for subsidies for emergency ambulance service in St. Louis County.

1. The County of St. Louis agrees to pay a subsidy to each ambulance firm that is now providing ambulance service within the County and that comply with the policy established by this Board at the rate of $16.00 for each emergency call and $ .22 per mile for each call outside the corporate limits of the municipality wherein the ambulance firm has its base of operation.
2. The County of St. Louis will require copies of State Health Department Ambulance Trip Report forms, which must be fully completed and returned to the ST. Louis County Commissioners Office at the Courthouse in Duluth, Minnesota 55802, within 10 days after the end of each month.
3. Payments to ambulance firms shall be made monthly on the basis of the Ambulance Trip Report forms, subject to the approval of their completeness. Each trip ticket must include the following:
   A. The name & address of the ambulance firm
   B. The base rate (minimum $25.00)
   C. The total miles traveled.
   D. The specific point where patient is picked up. (Pickups must be outside the corporate limits of the reporting ambulance company and outside the corporate limits of any other reporting ambulance company but within St. Louis County).
   E. The total number of persons attended during the emergency call.
4. The County of St. Louis will pay one subsidy per call without consideration for the number of people attended or transported.
5. If at any time in a fiscal year it appears that the total subsidy to the ambulance firms making application for payment will exceed the total County appropriation provided for ambulance subsidy in that fiscal year, the County may reduce said subsidy by giving 90 days' notice of its intention to all ambulance services that have applied for the subsidy for that year.
6. Payments of subsidies to ambulance firms shall be conditioned upon their complying with this policy and the conditions concerning payments of subsidies as contained in the ARCH report of December, 1972.
7. Payments of subsidies shall be considered on an individual basis in the event an ambulance firm is unable to respond to an emergency call within their jurisdiction, resulting in a neighboring ambulance firm responding.

BE IT FURTHER RESOLVED, that Resolution No. 780, adopted December 19, 1973, Resolution No. 423, adopted June 24, 1974, Resolution No. 153 adopted February 27, 1978, and all other Resolutions dealing with the ambulance subsidy are hereby rescinded.

**SALE OF DUPLICATE MICROFILM POLICY**
RESOLUTION NO. 200
April 13, 1987

RESOLVED, that the St. Louis County Board hereby adopts a policy of authorizing sale of duplicate microfilm of the County Recorder's records, cost as follows:

> Governmental Agencies - at cost
> Outside Agencies - cost plus 150%

**COUNTY STRUCTURES APPRAISAL PROCEDURE**
RESOLUTION NO. 265
April 27, 1987

RESOLVED, it shall be the policy of St. Louis County that an in depth appraisal of any major County structure by County Personnel shall be required before said structures will be offered at a public sale.

**AMBULANCE POLICY AMENDMENT**
RESOLUTION NO. 215
March 22, 1988

RESOLVED, that St. Louis County Board Resolutions Number 675, adopted October 9, 1984, setting forth the policy providing for subsidies for emergency ambulance service in St. Louis County is hereby amended by the addition of the following:

> When ambulance companies respond to calls within the corporate limits of another ambulance company when that ambulance is engaged, that subsidy will be granted.

**REGISTRATION OF DANGEROUS DOGS**
RESOLUTION NO. 655
September 6, 1988

WHEREAS, that pursuant to Minnesota Statutes 347.51, as amended by Laws of Minnesota 1988, Chapter 711, the County Auditor shall register Dangerous Dogs; and

WHEREAS, Subdivision 3, M.S. 347.51, Subdivision 3, states that the County may charge the owner an annual fee for said certification of registration; and

WHEREAS, Subdivision 6, M.S. 347.51, states that in a county that does not license dogs, the owner shall obtain a certificate as required under this section from the County Auditor in the county where the owner resides;

NOW, THEREFORE, BE IT RESOLVED, that the fee for registration of Dangerous Dogs in St. Louis County shall be set at $10.00.

**WATERLINES: NO FURTHER CONNECTIONS TO NOPEMING**
RESOLUTION NO. 730
September 27, 1988

RESOLVED, that it shall be the policy of the St. Louis County Board that No further connections will be allowed to the Nopeming Waterline.

**CHARITABLE GAMBLING LICENSE WAIVER**
RESOLUTION NO. 783
October 11, 1988

WHEREAS, the State of Minnesota has changed the waiting period from thirty (30) to sixty (60) days for Charitable Gambling Licenses;

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board will consider a waiver of the sixty (60) day period for renewals of said licenses.

**COUNTY FACILITIES USAGE POLICY**
RESOLUTION NO. 46
January 14, 1992

RESOLVED, that the St. Louis County Board hereby reaffirms that use of the St. Louis County Board Room and Conference Rooms in the county facilities will be limited to County-related Committees and Task Forces, other government entities and their committees or task forces, and existing County elected officials.

**POLICY FOR ON COUNTY PERFORMANCE STUDIES/REPORTS**
RESOLUTION NO. 644
August 16, 1994

RESOLVED, that the County Board authorizes the establishment of a policy for the performance of studies and reports on internal operations as follows:

All reports or studies which examine organizational, management, performance, and/or programmatic issues pertaining to County operations will be considered the property of St. Louis County. Prior to the initiation of the study, it will be the responsibility of each department to notify the County Administrator in writing of the department's intent in having the study conducted. A memo to the County Administrator must include a list of the issues to be addressed, the reasons the study is being requested, and an estimate of the dollar amount. In addition, once the study has been completed, a copy of the report must be sent to the County Board for their official file.

**PERSONAL INJURY: COUNTY ATTORNEY TO NEGOTIATE/SETTLE CLAIMS**
RESOLUTION NO. 960
December 19, 1995

WHEREAS, the County Attorney's Office is presently investigating, negotiating, and litigating all claims for personal injury and property damage against St. Louis County; and

WHEREAS, to aid in the efficiency of processing and settling property damage and personal injury claims, the County Board, by previous Resolution No. 77, dated February 14, 1983, authorized the County Attorney's Office to negotiate and settle without further County Board approval all property damage claims and personal injury claims not exceeding $3,000; and

WHEREAS, the inflationary increases in the automobile industry and medical profession makes the efficient handling and timely settlement of minor claims difficult with the $3,000 limitation.

NOW, THEREFORE, BE IT RESOLVED, that the County Attorney's Office is hereby authorized to negotiate and settle all personal injury claims and property damage claims not exceeding $7,500 without further approval of the County Board;

RESOLVED FURTHER, that Resolution No. 77, adopted February 14, 1983, is hereby rescinded in its entirety.

**TOBACCO: LICENSE FEE/HEALTH DIRECTOR AS ADMINISTRATIVE HEARING OFFICER**
RESOLUTION NO. 337
April 28, 1998

WHEREAS, the St. Louis County Board of Commissioners adopted St. Louis County Ordinance No. 51, An Ordinance Regulating the Sale, Possession and Use of Tobacco and Tobacco Related Devices; Mandating Yearly Compliance Checks of All Licensees; and Establishing Penalties and Procedures for Violations, All in Accord with Minnesota Statutes Chapter 461 (1997); and

WHEREAS, Ordinance No. 51 states the County Board shall designate a person or persons to serve as the hearing officer(s); and

WHEREAS, Ordinance No. 51 also states the County Board shall establish the license fee.

NOW, THEREFORE, BE IT RESOLVED, that the Director of the Department of Public Health and Long Term Medical Care, or designee(s), shall serve as the administrative hearing officer(s) required by this Ordinance No. 51; and

RESOLVED FURTHER, that the yearly license fee for establishments licensed pursuant to Ordinance No. 51 shall be $165.00.

**BURIAL/FUNERAL PAYMENT POLICY**
RESOLUTION NO. 357
June 5, 2001

RESOLVED, that the County Board of Commissioners hereby rescinds Resolution No. 764, adopted September 24, 1996, and does adopt a revised funeral policy, effective June 15, 2001, as follows:

GENERAL POLICY

St. Louis County provides for funerals and final disposition of residents who die without apparent means to provide for these services in recognition of its responsibility under Minn. Stat. § 261.035. Payment for funerals and final disposition will be provided only after a determination by the County that a deceased and his/her spouse, or parents of a minor child, lacks sufficient resources to defray the costs of a funeral and final disposition of the person's remains. Unless specifically contrary to the religious or moral beliefs of the decedent, final disposition shall be by cremation without a funeral service.

Professional services will be provided at the discretion of the funeral homes or as provided by law. However, the County will determine eligibility for payment and the method of final disposition. An application shall be made on the County funeral application form by the spouse or responsible relative, or if none, the funeral home prior to the funeral. The County's finding of eligibility and determination of final disposition shall be reduced to writing, and provided to the funeral home as soon after application as possible. If, at any time, it is determined that a funeral home billed for professional services, funeral services or a final disposition not authorized by the County, the home will forfeit any and all payments authorized herein.

To those funeral homes providing services and requesting County participation pursuant to Minn. Stat. § 261.035 and this policy, the County will pay actual costs in an amount not to exceed the following:

1. Cremation, including all professional services, transportation of the body, and container. This option does not include a funeral service. Authorized maximum amount--$1,150.00.
2. Cremation, including all professional services, transportation of the body, funeral service, and container. Authorized maximum amount--$1,400.00.
3. Traditional Burial, including all professional services, transportation of the body, grave box, casket, and funeral service. Authorized maximum amount--$1,750.00.

Amounts charged to the County will in no case exceed charges applicable to private pay individuals for funeral home services. The County will reimburse the funeral home or pay direct to the crematorium or the cemetery for cremation or lot charges and opening and closing fees at County approved rates which are currently: crematory fees: $175; lot fees: $210; opening and closing fees: $220.

On or after January 1, 2003, the above funeral fee schedule may be adjusted without further action of the Board. Said adjustment will be determined by the Director of the Social Service Department, and the County Attorney's Office. The policy will be amended to reflect any adjustment and a copy will be provided to all funeral homes and

members of the County Board. In no case shall an adjustment exceed the U.S. Consumer Price Index (CPI) average for all items without prior Board approval.

Budget Reference:
Fund 04, Agency FIN, Expense Object 0820

**COUNTY BURIAL POLICY**
RESOLUTION NO. 13-70
February 5, 2013

WHEREAS, when a person dies in St. Louis County without means to provide for his or her funeral or final disposition, the county is required by Minn. Stat. § 261.035 to provide for that funeral and final disposition; and

WHEREAS, the St. Louis County Board adopted Resolution No. 01-357, dated June 5, 2001, and adopted a revised funeral policy; and

WHEREAS, Minn. Stat. § 261.035 has subsequently been amended since the 2001 resolution and therefore, the county's policy is no longer in conformity with state statute; and

WHEREAS, the county policy must be revised to reflect current law and it appears prudent to adopt Minn. Stat. § 261.035 as county policy.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board rescinds Resolution No. 01-357, dated June 5, 2001, and adopts Minn. Stat. § 261.035 as the County Burial Policy.

RESOLVED FURTHER, that the funeral fee schedule may be adjusted without further action of the County Board; said adjustment will be determined by the Director of Public Health and Human Services Department (PHHS) and the County Attorney's office. The PHHS county burial procedure will be amended to reflect any adjustment and a copy will be provided to all funeral homes and members of the County Board. In no case shall an adjustment exceed the U.S. Consumer Price Index average for all items without prior County Board approval.

**ACCESS TO SERVICES**
RESOLUTION NO. 148
February 19, 2002

WHEREAS, Executive Order 13166, "Improving Access to Services by Persons with Limited English Proficiency" requires each federal agency to have written policies on providing effective services to those with limited English language proficiency.

WHEREAS, federal agencies which fund state and county programs require that counties develop policies for effectively serving their populations with limited English language proficiency;

WHEREAS, St. Louis County received federal funding for numerous programs and services;

WHEREAS, St. Louis County, in accordance with federal mandate, will provide meaningful access to its programs, services and information to all persons, including persons with limited proficiency in the English language;

RESOLVED, the St. Louis County Policy to Ensure Access to Services for People with Limited English Language Skills is hereby adopted.

**ELECTRONIC SUBMISSION POLICY**
RESOLUTION NO. 162
February 26, 2002

RESOLVED, the Electronic Records Submission Policy for Resolutions, Board Policies, and Ordinances, as presented in Board File No. 57878, is hereby approved.

**ELECTRONIC RECORDS SUBMISSION POLICY FOR RESOLUTIONS, BOARD POLICIES AND ORDINANCES**

1 **PURPOSE**

The purpose of this policy is to provide a standard method of submitting electronic media to the County Board to provide an efficient method for quickly informing the public and staff of official County Board Actions.

2 **SCOPE**

This policy governs submissions of resolutions, policies, ordinances, amendments, and any supporting documents to any of the above submitted to the County Board by any agency or department of the County.

3 **DEFINITIONS**

3.1 Electronic Submission - the presentation of documents in a compatible electronic format.

3.2 Ordinances - local law of the county prescribing general, uniform, and permanent rules of conduct relating to governing its inhabitants or the corporate affairs of the county adopted pursuant to applicable Minnesota Statutes. In this policy ordinance refers to all proposed and/or adopted local laws that are amended, approved, changed or revised by formal action of the St. Louis County board of Commissioners. Pursuant to Minn. Stat. § 375.51 and any other applicable statutes.

3.3 Ordinance Amendments - all additions, revisions, wording changes or strikeouts of ordinance text that are or will be adopted by formal action of the County Board after proper notice, publication and hearing requirements have been met.

3.4 Policies - the general principles by which the county is guided in its management of public affairs. It includes all official, written policies adopted by the County Board for purposes of administering County business or delineating procedures/rules to be followed by Departments and employees when performing legally permissible or required duties.

3.5 Resolutions - a formal expression of the opinion or will of the County Board adopted by vote to enact, repeal, amend, revise or otherwise

authorize action, adopt regulations, policies and other necessary matters as required or permitted by Minnesota Statutes and the Standing Rules of the County Board. Resolutions are published and are a permanent record of the proceedings of the County Board and must contain all relevant information pertaining to the matter.

3.6 Board Letter - a document prepared in conjunction with a resolution seeking Board action on a particular matter. The purpose of the board letter is to provide the Board with the necessary information to make a well-rendered decision. The board letter may include Administrator and staff recommendations regarding the requested action. The board letter should be consistent with the proposed resolution. Board letters are not published. They do not serve as a formal decision of the Board.

3.7 Supporting Documentation - other information included in the board agenda packets that are meant to provide information to aid the Board in deciding issues.

## 4 ELECTRONIC SUBMISSION POLICY

4.1 Copies of all proposed resolutions, ordinances, ordinance amendments and policies to be acted on by the County Board must be submitted to the County Auditor/Clerk of the County board in an electronic format approved by the County Auditor as described below:

4.1.1 Proposed resolutions, policies and amendments, together with applicable board letters, must be presented in either WordPerfect or Microsoft Word format.

4.1.2 Proposed ordinances or any amendments to ordinances together with supporting board letters must be presented in either WordPerfect, Microsoft Word, or Adobe searchable PDF format. Supporting documentation shall when feasible be presented in either WordPerfect, Microsoft Word, or Adobe searchable PDF format.

4.2 All amendments to policies or ordinances when presented to the board shall follow the general format adopted by the Minnesota Legislature for bill preparation. That is the original language of the section to be amended shall be exhibited together with language changes that shall be denoted by strike-outs of text that indicates language to be removed and underlined text indicating language to be added.

4.3 Clean copies of final adopted ordinances or policies (that is without the “strike outs” and underlined text) must also be submitted to the County Auditor/Clerk of the County Board in an approved formats as described above within 7 days of final Board action. All ordinances must be electronically submitted in their entirety as a single electronic document initially passed or subsequently amended. It shall be insufficient to submit only amendments or revisions. Maps, documentation and other exhibits that are part of the ordinance or policy must be embedded in the document.

4.4 Agencies submitting a lengthy ordinance or an ordinance which contain maps, charts, or photographs must provide the County Auditor/Clerk of the Board a summary describing the ordinance in compliance with M.S. 375.51, Subd. 3 and 331A.01, Subd. 10 at the time the ordinance is submitted for board consideration.

4.5 It may from time to time be necessary, at the discretion of the County auditor, to make changes to the approved media types and formats for electronic submission and the Auditor is hereby authorized to make such changes through a memorandum to the County board and Department heads. Such memorandum shall be published together with this policy in the County Policy Book and its electronic versions. Current acceptable submission media include CD ROM, diskette or e-mail attachments in the appropriate format.

4.6 It shall be the responsibility of each department preparing resolutions, policies, ordinances or ordinance amendments for County Board approval to submit complete and acceptable electronic copies to the County Auditor/Clerk of the County Board.

4.7 Agencies are under the same requirements as stated above for submission of materials to the County Administrator for consideration by the County Board Committee of the Whole.

**HIPAA COMPLIANCE POLICY**
RESOLUTION NO. 188
March 25, 2003

RESOLVED, the St. Louis County Board of Commissioners hereby adopts the "Policy of Compliance with the Health Insurance Portability and Accountability Act (HIPAA)", as contained in Board File No. 58050.

**HIPAA COMPLIANCE POLICY**
RESOLUTION NO. 189
March 25, 2003

WHEREAS, the 1996 Health Insurance Portability and Accountability Act (HIPAA), and implementing regulations, impose a variety of requirements on public and private entities to protect the privacy of individually identifiable health information; and

WHEREAS, a number of county departments, divisions, or programs handle individually identifiable health information and must comply with HIPAA requirements, while other county departments, divisions, or programs fall outside of HIPAA's scope; and WHEREAS, to develop and implement a compliance plan, the County must designate in writing which County functions are within HIPAA's scope and which are not; and

WHEREAS, the County has determined that it should be designated a "hybrid

entity" for purpose of HIPAA implementation; and

WHEREAS, the Administrator's Office, through its HIPAA Coordinator, has developed a chart (Attachment A) setting forth those departments, divisions, and functions that would be considered "health care components" under HIPAA and therefore are part of the County "hybrid entity"; and

WHEREAS, amendments to the "hybrid entity" organization chart will be needed from time to time as realignments occur within the county structure.

NOW, THEREFORE, BE IT RESOLVED, St. Louis County is designated as a "hybrid entity" for purposes of HIPAA compliance;

RESOLVED FURTHER, the County Administrator or his designee shall be the St. Louis County HIPAA Coordinator;

RESOLVED FURTHER, Attachment A, identified as County Board File No. 58050, is hereby adopted designating the departments, divisions, and functions within St. Louis County that are the health care components of the "hybrid entity"; and

RESOLVED FURTHER, the Administrator's Office, through the HIPAA Coordinator, is authorized to amend Attachment A over time to maintain ongoing HIPAA compliance.

**USE OF CIVILITY IN CONDUCT OF BOARD MEETINGS**
RESOLUTION NO. 560
September 9, 2003

WHEREAS, the residents of the County of St. Louis place a high value on respect and civility in their lives and they understand that these characteristics are essential to any healthy community; and

WHEREAS, the St. Louis County Board of Commissioners supports opportunities for civil discourse and discussion in the community and in the County; and

WHEREAS, the St. Louis County Board of Commissioners addresses sometimes controversial issues about which people often feel passionately – which at times leads to uncivil behavior; and

WHEREAS, an atmosphere of incivility and disrespect can have a damaging effect on the proceedings, on the quality of debate and on the practice of democracy itself.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners recognizes nine tools of civility that will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face our county.

These tools include:

1. Pay attention
2. Listen
3. Be inclusive
4. Don't gossip
5. Show respect
6. Be agreeable
7. Apologize

8. Give constructive criticism
9. Take responsibility

BE IT FURTHER RESOLVED, that the St. Louis County Board of Commissioners shall promote the use and adherence of these tools in conducting the business of the St. Louis County Board of Commissioners.

**MIA FLAGS ON COUNTY FLAGPOLES**
RESOLUTION NO. 387
July 13, 2004

WHEREAS, the St. Louis County Board has been approached by Mr. Michael O'Donnell, Business Agent for the County's Teamsters Union regarding the flying of the MIA/POW (Missing in Action/Prisoner of War) flag on all flag poles under the control of St. Louis County; and

WHEREAS, Mr. O'Donnell has offered to provide as many MIA/POW flags for this purpose as may be required by St. Louis County; and

WHEREAS, the St. Louis County Board is supportive of demonstrating its appreciation for the past and present sacrifice of our men and women who wear the military service uniform of the United States of America;

NOW, THEREFORE BE IT RESOLVED, the St. Louis County Board of Commissioners hereby authorizes the flying of the MIA/POW flag on all existing flag poles under control of St. Louis County.

**UNIFORM ELECTRONIC TRANSACTION AND SIGNATURES**
RESOLUTION NO. 145
March 22, 2005

WHEREAS, Minnesota Statutes Chapter 325L is the Uniform Electronic Transaction Act; and

WHEREAS, Minnesota Statutes § 325L.07, Legal recognition of electronic records, electronic signatures, and electronic contracts, provides in relevant part: "(c) If a law requires a record to be in writing, an electronic record satisfies the law; (d) If a law requires a signature, an electronic signature satisfies the law; and

WHEREAS, Minnesota Statutes § 383C.027 requires certification of payroll by the County Auditor; and

WHEREAS, Minnesota Statutes § 383C.046 requires certification of payroll by the Civil Service/Personnel Director; and

WHEREAS, Minnesota Statutes § 163.09 requires certification of payroll by the Highway Engineer for employees of the Public Works Department; and

WHEREAS, Minnesota Statutes § 383C.034(1) requires the Civil Service/Personnel Director to provide a system of checking and certifying payrolls for classified employees;

WHEREAS, most employees currently enter their payroll information online; and

WHEREAS, the County Auditor and Civil Service/Personnel Director have determined the need to further automate the payroll and other personnel transactions through electronic signatures and certification.

NOW, THEREFORE, BE IT RESOLVED, that the County Board authorizes the further development and implementation of electronic transactions and signatures, including personnel transactions and payroll certification.

BE IT FURTHER RESOLVED, that the County Administrator and Department Heads shall identify other transactions and procedures that may be improved by electronic means.

**CARTWAY PROCEDURES**
RESOLUTION NO. 291
May 2, 2006

RESOLVED, that the St. Louis County Board of Commissioners hereby adopts the County Board Polity pertaining to Cartway Procedures, as amended, a copy of which is contained in County Board File No. 58556.

## COUNTY BOARD POLICY
## PERTAINING TO CARTWAY PROCEDURES

It shall be the policy of the St. Louis County Board that the procedures outlined in this Policy will provide for handling cartway petitions from receipt of the petition through completion of payment by the petitioner for damages and costs awarded pursuant to the County Board's final resolution and order:

1. A written cartway petition must be received by the County Board by filing the petition with County Administration.
2. The cartway petition shall be accompanied by a deposit of $4,000 in cash or bond as security for the estimated costs associated with a cartway petition. Those costs include, but are not limited to, the cost of an appraisal and the cost of Public Works and Auditor 's Office employee time. Any funds not expended will be reimbursed to the petitioner.

3. Upon receipt of the cartway petition it will be reviewed by the County Attorney's Office to determine if it is legally sufficient.

4. If the County Attorney's Office determines that the petition is legally insufficient, it will draft a letter to petitioner outlining the necessary information to be included in the petition.

5. If any proposed cartway is over state and/or federal lands, the petition should be immediately rejected unless the government owner consents to the petition in writing, or they provide other appropriate access or evidence of an intent to provide such access.

6. The petition must contain the following:

a. A statement that the size of petitioner's tract of land meets statutory requirements and that the petitioner has no access to the land except over the land of others, or the access of the petitioner is less than two rods (33 feet) in width.
b. A description of the proposed cartway in the petition which is sufficiently definite for everyone to understand the proposed general location of the cartway.
c. The legal description of the parcel owned by the petitioner.
d. The owner or owners' names and legal descriptions of the property affected by the cartway.
e. A map and drawing of the proposed cartway.
f. Petitioner's request that a cartway two rods in width be established across the property of the owner or owners listed in the petition.
g. A request that the St. Louis County Board of Commissioners pass a resolution fixing the time and place where it will meet and act upon the petition.
h. Petitioner's acknowledgment that petitioner is responsible for damages awarded to the owner or owners of land upon which the cartway is established, together with the cost of professional and other services which the County may incur in connection with the proceedings for the establishment of the cartway.

7. Within 30 days after the filing of a legally and factually sufficient petition, the County Board shall make a resolution describing, as near as practicable, the cartway proposed to be established and the tracts of land through which it passes and fix a time and place when and where it will meet and act upon the petition. A period of 60 days between the resolution and hearing date is generally considered to be the minimum period of time to allow for obtaining an appraisal and providing appropriate notice to the affected landowners.

8. The resolution fixing a time to act upon the petition must also contain a notice to affected landowners that a landowner is entitled to judicial review of damages and need for the cartway pursuant to Minn. Stat. § 164.07, Subd. 7, following a determination to establish the cartway.

9. The petitioner shall cause personal service of such resolution and a copy of the petition to be made upon each occupant of such land at least thirty (30) days before such meeting and cause thirty (30) days posted notice thereof to be given.

10. The Board Letter and Resolution described above shall be presented by Administration.

11. Hearing Process:
    a. Clerk of the County Board summarizes the hearing process and procedures.
    b. County Attorney makes initial presentation with testimony from Public Works, Right-of-Way agents, if needed.
    c. The petitioners or their representative may appear and give testimony.

d. The affected land owners or their representatives may appear and give testimony.

e. Commissioners may question witnesses at the end of all testimony.

12. Upon conclusion of the hearing, the County Board must determine the following matters:

a. The sufficiency of the petition, i.e. a landlocked tract of land at least five acres with no access to the land except over the land of others, or that the access of the petitioner is less than 33 feet in width.

b. The exact location of the cartway. (The Board may exercise reasonable discretion in varying the route proposed by the petitioner.)

c. The need for a legal survey to establish the exact location of the cartway if petitioner's proposed location is changed or was not sufficiently defined.

d. Damages and Costs. Damages and costs must be based on evidence submitted by way of testimony and/or documentary evidence. Costs include, but are not limited to, the costs of professional services, surveying costs if done by the County, appraisal fees, and compensation for time spent on the project by the Public Works Department and Auditor's Office. Damages may include any diminished value of the affected landowners' property, the cost of construction of the cartway (if necessary), and/or the value of the right to use an existing road.

13. At the conclusion of the cartway hearing, the Findings of Fact, Conclusions and Order shall be drafted by the County Attorney's Office and signed by the Board Chair.

14. The Clerk of the County Board will send a copy of the signed order to the petitioner.

15. If the County Board grants the cartway petition, the Clerk of the County Board must notify, in writing, each known owner and occupant of land over which the cartway passes that there has been a filing and award of damages. Pursuant to Minn. Stat. § 164.07, Subd. 6, the notice must set forth the date of the award, the amount of damages awarded, and any terms or conditions of the award. The notice must also include an explanation of the requirements for appealing the award of damages under Minn. Stat. § 164.07, Subd. 7.

16. Payments. The County Auditor shall receive payments owed by the petitioner pursuant to the Board's Order. Upon receipt of petitioner's payment in full for costs and damages, the Auditor shall certify the Findings of Fact, Conclusions of Law, and Order establishing the cartway. The Auditor shall then enter the same in the transfer records and note upon the certified copy over the Auditor 's official signature the words "entered in the transfer record."

17. The Auditor shall then provide the certified Findings of fact, Conclusions, and Order to the County Attorney's office and to Public Works. Payments received shall be distributed by the Auditor upon the expiration of the appeal period.

18. Upon payment in full by petitioner and receipt of a certified copy of the Findings of Fact, Conclusions, and Order from the Auditor, the Public Works

Department shall file with the County Recorder the Findings of Fact, Conclusions and Order establishing the cartway.

**USE OF ACRONYMS**
RESOLUTION NO. 610
December 13, 2005

WHEREAS, in the normal course of business, County employees create thousands of documents each month which are designed to explain policies, communicate between departments, execute legal agreements and contracts, document activities, and fulfill reporting requirements; and

WHEREAS, during the production of these communications, hundreds of acronyms and abbreviations are used to identify commonly understood names, places, programs, and policies which may be confusing and frustrating to those unfamiliar with their meaning.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby adopts the following policy regarding the use of acronyms and abbreviations appearing in all means of official County communication:

"All St. Louis County Departments will implement the following policy regarding the use of acronyms or abbreviations in official County communications: Whenever acronyms or abbreviations are to be used in official communications, they must be completely spelled out and clearly identified immediately followed by the abbreviation in parenthesis. The abbreviation may then be used alone throughout the rest of the communication."

An example of this policy implementation is as follows:
"The Central Management & Inter-Governmental (CMIG) Committee will be considering a policy on the use of acronyms and abbreviations in all official County communications."

**POLLUTION REDUCTION**
RESOLUTION NO. 551
October 9, 2007

WHEREAS, the St. Louis County Board of Commissioners is committed to supporting waste reduction, pollution prevention, and environmentally preferable purchasing activities; and

WHEREAS, the St. Louis County Board believes that source reduction is a valuable strategy in reducing or eliminating waste at its source, as well as decreasing costs, risks, and environmental concerns;

NOW, THEREFORE, BE IT RESOLVED, that it shall be the vision of St. Louis County to look toward the future of the environment within its boundaries and to wisely entrust its resources and people to environmental stewardship; and

RESOLVED FURTHER, that the St. Louis County Board of Commissioners directs the development and implementation of comprehensive pollution prevention, waste reduction, and environmentally preferable purchasing programs, directing all county departments and agencies to, from this date forward, set these activities as

priorities and take additional steps to prevent pollution, conserve resources; and

RESOLVED FURTHER, that County departments shall work cooperatively to identify and implement sound waste reduction, pollution prevention, and environmentally preferable purchasing practices and jointly develop county policies and programs in these areas.

**THEFT AND VANDALISM REWARD POLICY**
RESOLUTION NO. 13-247
April 23, 2013

WHEREAS, Vendors under contract to St. Louis County for specified Public Works projects sites and construction projects have been victimized by theft and vandalism of materials and equipment; and

WHEREAS, The St. Louis County Board has directed that a $5,000 reward be offered for information that directly leads to the arrest and conviction of the person or people responsible for the theft of copper wiring from contractors working on the Haines Road reconstruction project; and

WHEREAS, Public Works construction projects and county capital building projects represent significant investments of taxpayer dollars in public safety and infrastructure for the future of the citizens of St. Louis County; and

WHEREAS, The St. Louis County Board feels it is imperative to take a stand against theft and vandalism resulting in the loss of materials and equipment on any county public works or building site, making it clear that the citizens of St. Louis County will not tolerate this crime;

THEREFORE, BE IT RESOLVED, The St. Louis County Board establishes a policy directing that a reward of up to $5,000 be offered for information that directly leads to the arrest and conviction of the person or people responsible for the theft or vandalism of any materials and/or equipment located on public works or building construction project sites funded by St. Louis County;

RESOLVED FURTHER, That County Administration shall annually identify a budget source for the payment of theft and vandalism rewards;

RESOLVED FURTHER, That the appropriate law enforcement agencies will be consulted related to the specific jurisdictions within which the crime occurs, so that all cooperative and strategic efforts may be utilized to ensure the capture and conviction of the person or people responsible.

# CHAPTER 17
# PARKING

**FACILITIES PARKING REGULATIONS**
RESOLUTION NO. 423
BOARD FILE NO. 52372
July 14, 1986

WHEREAS, Minnesota Statutes Section 373.26, Subdivision 2, authorizes the St. Louis County Board to regulate, by resolution, the parking of motor vehicles, including the authority to make charges for parking privileges upon any parking lot or facility owned or operated by St. Louis County; and

WHEREAS, Minnesota Statutes Section 373.26, Subdivision 4, authorizes the removal and impoundment of motor vehicles that are not operated in conformity with St. Louis County parking regulations; and

WHEREAS, Minnesota Statutes Section 373.26, Subdivision 5, authorizes fines for violations of St. Louis County parking regulations; and

WHEREAS, the St. Louis County Board of Commissioners has deemed it necessary to establish parking regulations for its County parking facilities in all of its government areas.

NOW, THEREFORE, BE IT RESOLVED, that No person shall stop, stand, or park a vehicle, except to avoid conflict with other traffic or in compliance with the direction of a Sheriff or traffic control device, in, upon, or along any tract or parcel of land owned or under the control of St. Louis County, unless such stopping, standing, or parking is permitted by official signs or metered areas.

BE IT FURTHER RESOLVED, that any vehicle found standing in violation of this resolution may be immediately removed and impounded by the St. Louis County Sheriff or anyone designated by the St. Louis County Sheriff and shall be surrendered to the duly identified owner thereof only upon payment of such fine as may be imposed by the court and payment of any impounding and storage fees assessed against such vehicle.

BE IT FURTHER RESOLVED, that the St. Louis County Sheriff is authorized to enforce these regulations, directly or by his designees, unless the County Board has entered into a service contract for enforcement with a municipality in which a parking lot facility is located. Enforcement rights of a municipality who has entered into a service contract for enforcement include the power to remove and impound motor vehicles.

BE IT FURTHER RESOLVED, that the fines for violations of this resolution are those as established by the District Court Traffic and Ordinance Violation Bureau for like parking regulation violations.

BE IT FURTHER RESOLVED, that this policy shall become effective upon enactment.

A letter from Sheriff Grams dated July 23, 1986, whereby he has designated John Hultman and Donald Bryant and the employees they authorize to issue parking tickets on behalf of St. Louis County.

Addendum for:
Resolution NO. 423 adopted 7/14/86

**SINGLE STALL PARKING**
RESOLUTION NO. 142
February 23, 1988

WHEREAS, St. Louis County Board Resolution No. 423 of July 14, 1986, governs parking in the County Parking ramp in Duluth;

NOW, THEREFORE, BE IT RESOLVED, that said resolution is hereby amended by the addition of the following:

> "Any vehicle parked in a parking space where angle parking is permitted and in which is located a parking meter or reserved parking spot shall be parked with the front of such vehicle to the wall and in such a manner that the vehicle shall be immediately between the two lines marking the stall. In no event shall any vehicle so parked occupy more than one parking space."

**GOVERNMENT SERVICES CENTER PARKING LEASE**
RESOLUTION NO. 20
January 8, 1991

RESOLVED, that the St. Louis County Board hereby determines to continue its lease of 20 parking spots in the Government Services Center, Duluth, parking ramp.

**ELECTED OFFICIALS PARKING**
RESOLUTION NO. 23
January 8, 1991

RESOLVED, by the St. Louis County Board of Commissioners that St. Louis County elected officials will continue to receive free parking in county owned lots in the Duluth Civic Center Area.

**PARKING METER RATES**
RESOLUTION NO. 24
January 8, 1991

RESOLVED, that the St. Louis County Board hereby sets the rates for meters in County parking lots at $ .25 per one-half hour with maximum time limits for meters as determined by Administration.

**INTENT TO PROVIDE ENFORCEMENT IN DULUTH CIVIC CENTER**
RESOLUTION NO. 25
January 8, 1991

RESOLVED, that it is the intent of the St. Louis County Board to provide enforcement and regulations of parking in county owned lots in the Duluth Civic Center Area.

**PARKING PASS**
RESOLUTION NO. 26
January 8, 1991

RESOLVED, that the St. Louis County Board hereby determines that any parking provided by parking pass will be charged to the appropriate Department at the current fee for parking.

**EFFECTIVE DATE FOR PARKING FEES**
RESOLUTION NO. 27
January 8, 1991

RESOLVED, that the effective date for those fees adopted by Board Resolutions No. 19 thru 26 this date relative to parking in county owned lots in the Duluth Civic Center area shall be March 1, 1991.

**CIVIC CENTER PARKING PRIORITIZATION**
RESOLUTION NO. 28
January 8, 1991

RESOLVED, that the St. Louis County Board hereby determines that priority for parking in County owned lots in the Duluth Civic Center area shall be given to Supervisory employees and Unclassified employees except support staff and court reporters.

**LONGEVITY AS PARKING PRIORITIZATION**
RESOLUTION NO. 161
February 19, 1991

RESOLVED, that the St. Louis County Board hereby determines that priority for parking in County owned lots in the Duluth Civic Center area (after assignments have been given to Unclassified and Supervisory employees) shall be based upon an employee's longevity with the County.

**COUNTY PARKING RAMP RATES**
RESOLUTION NO. 320
April 16, 1991

RESOLVED, that the St. Louis County Board hereby authorizes the use of 25 conditional contract parking permits within the County Ramp for its employees to be distributed consistent with the parking policies currently in effect, with the fee hereby set at a rate of $20 per month.

**PARKING METER RATES**
RESOLUTION NO. 590
July 28, 1992

WHEREAS, in March of 1991, St. Louis County implemented a comprehensive parking program which provided for employee contract parking while ensuring adequate meter parking for the general public; and

WHEREAS, the Federal Economic Development Administration (EDA) has instructed St. Louis County to reduce the number of employee reserved parking spaces in the County ramp; and

WHEREAS, St. Louis County desires to provide appropriate management for all parking it controls in the Civic Center area.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby rescinds Resolution NO. 19, adopted January 8, 1991;

BE IT FURTHER RESOLVED, that the St. Louis County Board hereby continues the rate for meters in County parking lots at $ .25 per one-half hour with maximum time limits for meters as determined by Administration, except that the fee for the top two levels of the County parking ramp shall be established at $ .25 per hour, effective September 1, 1992;

BE IT FURTHER RESOLVED, that the St. Louis County Board hereby amends the fees for monthly parking in County-owned lots in the Duluth Civic Center area at $25 in lots and $30 in ramps effective September 1, 1992;

BE IT FURTHER RESOLVED, that the appropriate St. Louis County Officials are hereby authorized to execute an Addendum to the Lease Agreement with ERH Investments for the parking lot on Fourth Ave West and Third Street, Duluth, at an annual fee of $1,250.00 per month, plus annual taxes, effective September 1, 1992.

**CONTRACT PARKING PRIORITIZATION**
RESOLUTION NO. 591
July 28, 1992

RESOLVED, that those persons displaced from contract parking spots within the County owned facilities in the Duluth Civic Center area will be maintained on a listing from September 2, 1992, to January 1, 1993, for priority assignment to any new parking spots secured by St. Louis County for employee use.

RESOLVED FURTHER, that the existing County Board Resolutions relative to prioritizing persons for contract parking will continue for any spots vacated.

**EMPLOYEE MONTHLY PARKING RATE**
RESOLUTION NO. 224
March 17, 1998

WHEREAS, in March of 1991, and by amendment in 1992, St. Louis County implemented a comprehensive parking program which provided for employee contract parking while ensuring adequate meter parking for the general public; and

WHEREAS, costs have increased and require additional adjustment

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board hereby amends Resolution No. 590 adopted July 28, 1992, as follows:

> That the Board hereby amends the fees for monthly parking in County-owned and leased lots in the Duluth Civic Center area at $30 in open lots and $35 in ramps effective April 1, 1998
>
> That the appropriate St. Louis County Officials are hereby authorized to execute an Addendum to the lease agreement with Duluth City and County Employees Credit Union for the parking lot on Fourth Avenue West and Third Street, Duluth, to reflect a monthly increase to $2,500 per month, effective April 1, 1998

BE IT FURTHER RESOLVED, that the Board authorizes the Administration Department to annually review these parking fees and adjust as needed to ensure costs are recovered from employees' monthly parking contracts.

**COUNTY MOTOR POOL PARKING FACILITY LEASE**
RESOLUTION NO. 938
December 15, 1998

WHEREAS, the City of Duluth had a lease agreement with the County for 54 parking spaces on the roof of the County motor pool facility; and

WHEREAS, the motor pool building ramp and roof structural issues require the removal of vehicles from parking on the roof; and

NOW, THEREFORE, BE IT RESOLVED, the Board of Commissioners hereby authorizes the Chair of the Board, County Auditor, and County Attorney to execute a one-year lease agreement, subject to annual review, with the City of Duluth for the current parking areas for tax exempt parking west of the ramp and six metered spots in the south LaFroth lot.

RESOLVED FURTHER, that this lease agreement is contingent on the City of Duluth, for safety considerations, removing two parking spots - one on the east entrance and one on the west exit - from the alley behind the St. Louis County Parking Ramp.

**PARKING COSTS AS EXCLUDABLE INCOME**
RESOLUTION 985
December 22, 1998

WHEREAS, the Taxpayer Relief Act of 1997 and the Internal Revenue Service Code Section 132(f)(1) permit certain transportation items, including parking, to be pre-tax salary reductions excludable from the employees' Federal income and FICA wages; and

WHEREAS, this item is then also excludable from the employees' State income;

NOW, THEREFORE, BE IT RESOLVED, that effective January 1, 1999, the County Auditor is hereby authorized to implement the provisions of the foregoing as they relate to County employees' payroll deductions for parking.

# CHAPTER 18
# PUBLIC WORKS

## HIGHWAY SPECIAL USAGE PERMITS

RESOLUTION NO. 335
May 26, 1987

WHEREAS, St. Louis County receives numerous requests to use county roads for special events such as parades, marathons and races; and

WHEREAS, an established policy would result in a more consistent and timely handling of the request; and

WHEREAS, the best interest of the county and the public would be served by the establishment of minimum requirements for insurance, traffic control, provisions for emergency vehicles, and guarantees that any damages or injuries resultant from the special event be the responsibility of the applicant.

BE IT RESOLVED, that all requests for use of County highways for special events be presented to the County Highway Engineer by application meeting the following minimum requirements:

1. Proof of Insurance in the amount of $200,000 per person and $600,000 per event with St. Louis County as a named insured; with the Highway Engineer having discretion to reduce the per event insurance amount to $500,000 as he deems proper
2. Thirty-day advance notice of event
3. Traffic control plans and adequate personnel to insure the safety of the participants, spectators, and traveling public
4. Periodic inspection during, and removal of traffic control devices as soon as safely possible after the event
5. A plan to assure fire and emergency vehicle service to the area affected
6. Restoration of area and roads used to original condition
7. The applicant will hold harmless, indemnify, and defend the County of St. Louis, its Commissioners, Officers, Employees, and Agents against any and all claims, losses, damages or lawsuits for damages arising from, allegedly arising from, or related to this event

BE IT FURTHER RESOLVED, that the Highway Engineer in the administration of such events shall prepare an application form to be used by applicants for a Special Use Permit and is given the authority to increase the minimum requirements in response to the amount of risk, or lack of risk, a particular event may present, and to have the authority to revoke the permit for violation of the permit's requirements or the laws of the State of Minnesota.

**CALLING OF BIDS**
RESOLUTION NO. 381
May 24, 1988

RESOLVED, that pursuant to Minnesota Statutes the St. Louis County Board of Commissioners hereby delegates the authority for setting the date for the calling of bids on projects approved in the budget for capital improvements in the Highway Department to the Highway Engineer.

RESOLVED FURTHER, that County Board approval continue to be required for the calling of bids on projects which have not been approved in the budget.

RESOLVED FURTHER, that County Board approval continue to be required for the awarding of bids on all projects.

**PRIVATE SNOWPLOWING**
RESOLUTION NO. 587
August 3, 1993

WHEREAS, the Board of Commissioners has authorized the Public Works Department to enter into agreements with private property owners to provide private driveway snowplowing services; and

WHEREAS, the Public Works Department agrees to contract with individual property owners to provide private driveway snowplowing services to anyone that makes application through the Department, and pays the application fee and the annual flat rate snowplowing fee established by the Board of Commissioners, and meets all minimum requirements for driveway width, gradient, smoothness and turn-around maneuverability.

NOW, THEREFORE, BE IT RESOLVED, that:

1. A non-refundable annual filing fee of $12 must accompany a completed application form, a sample of which is on file in County Board File No. 55011, available through the Public Works Department District offices
2. The annual fee for driveway snowplowing will be from a minimum of $100.00 to $250.00, with the Public Works Department to classify each driveway for applicable fee according to its length and difficulty
3. Except for the $12.00 filing fee, no charges will be made for town halls, fire halls, community halls and public cemeteries
4. The filing fee and application fee shall be reviewed on an annual basis to determine that they remain appropriate to the costs to the Department.

***See Current Year Fee Schedule**

**HIGHWAY SPECIAL USAGE PERMITS: FEE FOR LAW ENFORCEMENT/ TRAFFIC CONTROL**
RESOLUTION NO. 552
July 9, 1996

WHEREAS, St. Louis County receives many requests each year to use county roads for special events such as parades, marathons, and races; and

WHEREAS, the St. Louis County Board adopted Resolution No. 335, on May 26, 1987, which established a policy and minimum requirements for applicants applying for a Special Use Permit; and

WHEREAS, due to the size and complexity of some events, the St. Louis County Public Works and Sheriff's Department are asked to provide traffic control and professional law enforcement services requiring overtime expenditures; and

WHEREAS, in the interest of public safety, the St. Louis County Sheriff's Department and Public Works Department provide these services;

NOW, THEREFORE BE IT RESOLVED, that Resolution No. 335, adopted May 26, 1987, be amended to read:

"BE IT FURTHER RESOLVED, that in the event that County personnel are requested or required to provide traffic control or professional law enforcement services for a special event, the St. Louis County Public Works Director/Highway Engineer and Sheriff are given the authority to charge the applicant/organization for overtime labor and for equipment costs. The use of County forces for traffic control and professional law enforcement shall be at the discretion of the Public Works Director/Highway Engineer and the Sheriff. If an applicant/organization agrees in writing to prominently feature St. Louis County as a sponsor of the special event, then the fees may be waived as an in-kind donation to the event, at the discretion of the Sheriff and the Public Works Director/Highway Engineer."

**HIGHWAY SPECIAL USAGE PERMITS: LIMITATIONS**
RESOLUTION NO. 916
December 16, 1997

WHEREAS, St. Louis County receives many requests each year to use county roads for special events such as parades, festivals, and races; and

WHEREAS, the St. Louis County Board adopted Resolution No. 335 on May 26, 1987, which established a policy and minimum requirements for applicants applying for a Special Use Permit; and

WHEREAS, certain parades, festivals, and races require the closing to normal traffic of a county highway;

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 335 adopted on May 26, 1987, be amended to read:

> "BE IT FURTHER RESOLVED, that the number of special use permits issued for any given County highway, when the special use requires the closing of that County highway, be limited to two per calendar year, with preference given to existing annual events."

# CHAPTER 19
# PURCHASING

**TIME PAYMENT PURCHASE POLICY**
RESOLUTION NO. 519
July 23, 1984

WHEREAS, the St. Louis County Board wishes to adopt a uniform policy on time payment purchases:

BE IT RESOLVED, that any lease/purchase agreement or other form of time payment agreement for the acquisition of personal property must be approved by the County Board as a time payment purchase in its annual County budget or specifically approved as a time payment purchase by County Board resolution prior to requisition.

RESOLVED FURTHER, that all such agreements must specifically limit the seller's remedy against St. Louis County for non-payment of installments of the purchase price to recovery of the property that is the subject of the agreement.

RESOLVED FURTHER, that all such agreements shall be made subject to approval by the County Attorney as to form, execution and legality.

RESOLVED FURTHER, that the Purchasing Agent is hereby authorized and directed to incorporate a copy of this resolution into any bid request providing for payment beyond one year.

**COMMITTEE OF THE WHOLE TO REVIEW BID RECOMMENDATIONS**
RESOLUTION NO. 267
April 27, 1987

RESOLVED, that all bid processes will be coordinated so as to allow for review of the recommendation for award of the bids at the Committee of the Whole meeting prior to the County Board meeting at which action is taken to award the bid.

**RECYCLED PAPER POLICY**
RESOLUTION NO. 864
December 4, 1990

RESOLVED, that it shall be Board Policy that all St. Louis County Departments use recycled paper except in those cases where said use decreases productivity.

**DIRECT PURCHASE PROCEDURE**
RESOLUTION NO. 926
BOARD FILE NO. 53999
December 18, 1990

RESOLVED, that the "Direct Purchase Procedure", dated December 5, 1990, for allowing County Departments to purchase needed goods and services directly, without authorization from the Administration Department (Purchasing Division), is hereby approved and becomes effective immediately, copy on file in County Board File No. 53999

**DIRECT PURCHASE PROCEDURE**

Department Heads or their designated representatives are hereby authorized to make direct purchases of goods and services dealing directly with vendors in an amount not to exceed $500.00 per single purchase. The following guidelines are to be followed:

1. Contact a minimum of two suppliers when possible for quotations and award to lowest responsible bidder
2. Maintain a record of all direct purchases indicating description of item purchased, date and price quotations
3. Use only for acquisition of non-recurring immediate needed goods and services
4. Do not make multiple purchases to stay within dollar limitation
5. Retain record of purchases for a one year period
6. Not to be used to purchase merchandise covered under existing contracts, standing orders, state contracts, annual bid items, etc.

**PROCUREMENT FROM REHABILITATION FACILITIES**

RESOLUTION NO. 66
January 21, 1992

RESOLVED, that the St. Louis County Board of Commissioners hereby designates and sets aside for awarding contracts to rehabilitation facilities an amount equal to one-half of one percent of the value of the County's anticipated total procurement of goods and services as a targeted procurement volume of goods and services to be received from qualified rehabilitation facilities;

RESOLVED FURTHER, that procurement of goods and services from such qualified rehabilitation facilities shall be awarded to said facilities, if the cost does not exceed by more than five percent, the estimated cost of goods or services or the bid price of the lowest solicited bid for said goods or services

RESOLVED FURTHER, that the Purchasing Agent is hereby directed to develop purchasing rules and regulations for the implementation of target procurement from qualified rehabilitation facilities. Said rules and regulations to be subject to County Board approval.

**PURCHASING RULES AND REGULATIONS**

RESOLUTION NO. 461
June 2, 1998

WHEREAS, the St. Louis County Purchasing Rules & Regulations were last updated on July 9, 1979, Resolution No. 514; and

WHEREAS, there have been changes in state statutes and additional County Board resolutions affecting the purchasing procedures; and

WHEREAS, there is a need to incorporate all purchasing related resolutions, state statutes, and purchasing procedures into a single document; and

WHEREAS, the Purchasing Department has worked with the Administration, Attorney, and Auditors offices to revise the Purchasing Rules & Regulations; and

WHEREAS, the Purchasing Department has provided copies and solicited input from all department heads;

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby adopts the revised Purchasing Rules & Regulations dated June 2, 1998, a copy of which is on file in County Board Document File No. 57195, and by this resolution rescinds all prior resolutions regarding same.

**INCREASED SEALED BID CAP**
RESOLUTION NO. 607
September 12, 2000

WHEREAS, Minnesota Statutes 471.345, Subdivision 3, provided for the increase in the sealed bid cap from $25,000.00 to $50,000.00.

NOW, THEREFORE, BE IT RESOLVED, that St. Louis County Board of Commissioners hereby adjusts the County's sealed bid cap to $50,000, in accordance with Minnesota Statutes 471.345, Subdivision 3.

FURTHER RESOLVED, that St. Louis County's Purchasing Policy and Procedures Manual will be revised to reflect this change.

**PURCHASING RULES AND REGULATIONS**
RESOLUTION NO. 610
November 18, 2008

WHEREAS, there is a need to incorporate all purchasing related resolutions, State Statutes, and purchasing procedures into a single County Policy; and

WHEREAS, the Purchasing Department has worked with County Administration, the County Attorney, and the Auditor's Office to revise the Purchasing Rules and regulations; and,

WHEREAS, the County Board has reviewed these revisions at the October 21, 2008, Board Workshop.

NOW, THEREFORE BE IT RESOLVED, the St. Louis County Board of Commissioners adopts the revised Purchasing Rules and regulations effective December 1, 2008, and rescinds Resolution No. 721, adopted November 18, 2003.

A copy of the Purchasing Rules and Regulations can be found on-line at the St. Louis County Purchasing website.

**“BUY LOCAL” PURCHASING POLICY**
RESOLUTION NO. 77
February 3, 2004

WHEREAS, it is the intention of St. Louis County to comply in all aspects with Minnesota Statutes, Section 471.345, the Uniform Municipal Contracting Law; and

WHEREAS, the St. Louis County Board has adopted the St. Louis County Purchasing Rules and Regulations providing general direction to the Purchasing Director; and

WHEREAS, the St. Louis County Board believes it is in the best interest of St. Louis County to provide local vendors ample notice of its needs for supplies, materials, equipment or the rental thereof, or the construction, alteration, repair or maintenance of real or personal property; and

WHEREAS, the St. Louis County Board wishes to expand its policy pertaining to the purchase process to provide local vendors with adequate notice.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board respectfully requests the Director of Purchasing to develop a procedure that will advise local vendors of the County’s philosophy as set forth in this resolution and will allow vendors of St. Louis County an opportunity to notify the Director of Purchasing of their desire to receive information on the County’s needs for specific supplies, materials, equipment, or the construction, alteration, repair or maintenance of real or personal property.

BE IT FURTHER RESOLVED, that in addition to the current notices required pursuant to the County Purchasing Rules and regulations, that upon request by a local vendor the Purchasing Director shall create and maintain a list of vendors who shall be notified of the County’s need for specific products or services to allow those vendors to bid or submit a proposal for that product or service.

# CHAPTER 20
# RECREATION

## ST. LOUIS COUNTY RECREATION PLAN

RESOLUTION NO. 244
BOARD FILE NO. 52221
April 28, 1986

WHEREAS, in February, 1967, St. Louis County adopted a County Recreation Plan;

WHEREAS, the St. Louis County Land Department has been extensively involved in recreation development over the past years through its own efforts and in cooperation with other units of governments and citizen groups;

WHEREAS, St. Louis County Planning and Zoning Department has since 1979 prepared plans that supported recreational development;

WHEREAS, the County has through the years developed many recreational policies and a need exists to organize them in a central document so that citizens and public officials can identify the appropriate policy for recreation development decision making;

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board of Commissioners hereby adopts the County Recreation Plan, including the Five Year Action Plan, identified in County Board File No. 52221, and said plan shall be made part of this resolution by reference. The County Recreation Plan, including the action plan may be amended by resolution of the County Board.

## ST. LOUIS COUNTY RECREATION PLAN

St. Louis County with over 7,000 square miles of land area is larger than three states. Recreation planning in a jurisdiction as large as this demands flexibility and policies that involve a high level of local input. This situation requires the County to serve as a provider of technical advice and, when appropriate, land to those units of government that are better equipped to implement recreational programs. The County, for example, has worked closely with the Minnesota Department of Natural Resources in the development of boat accesses and has conveyed land to communities for campgrounds. The County has long held that it can be more effective in providing recreational needs by concentrating on the broad public issues while leaving program implementation to those groups and agencies who are more directly involved in those efforts.

The County, therefore, requires a recreation plan that guides County policy in a manner that actively supports community based recreation programs, as well as promotes programs at the state level that meet broad natural resource management objectives. These policies are a compilation of the County's past recreation policies that reflect our broadly stated objective of assisting others in recreation development as opposed to being a direct provider of recreational services except when for broad public purposes as

defined by the County's Land Department that direct recreational services are in the County's public interest.

POLICY 1: The County supports a wide range of activities for the tourism industry. These activities include: development of winter activities including converting resorts to year-round use, establishment of campgrounds including RV parks, development or expansion of youth camps and development of tourist attractions and recreation activities.

POLICY 2: St. Louis County is supportive of efforts to establish marinas and other boat access and service facilities on our lakes and rivers.

POLICY 3: Many lakes over forty acres in size do not have a public access; also many lakes have public accesses that are inadequate. The County shall continue with its policy of close cooperation with the Department of Natural Resources in the identification and land conveyance of property suitable for lake access development. This policy has led in recent years to accesses on Kjostad, Eagles Nest Two, Armstrong Lake, etc.

POLICY 4: St. Louis County has cooperated with the DNR in the establishment of approximately 122 miles of trout stream frontage for use on a permanent basis for access. This program shall continue with close cooperation with the Department of Natural Resources and local fishing groups.

POLICY 5: St. Louis County has for years been involved in public education programs that inform the public on various environmental issues that affect their lives. The County's award winning public health education programs are an example of these efforts. County residents have shown an interest and concern for environmental issues but presently no program exists that is similar in scope to our health education program that will give County residents information so they can effectively deal with environmental issues. The County in conjunction with interested groups, agencies and schools should develop a program that provides a focus for environmental education needs. This type of program would provide County residents with information in such areas as wildlife management, timber management, water resource issues, and other issues that will make it possible for residents to make informed judgments on these issues. A public informed on these issues would more likely provide support for the County's overall efforts to diversify its economy to take advantage of resources such as water and timber in an environmentally sound manner.

POLICY 6: St. Louis County supports and encourages multiple use of its natural resources. This policy has led to date to the development of the following:

| | |
|---|---|
| 113 | miles of snowmobile trails |
| 114 | miles official cross country ski trails |
| 720 | miles unofficial cross country ski trails |
| 940 | acres of recreation cabin sites |
| 740 | acres of special wildlife projects |
| 76 | public accesses |
| 2,980 | acres of wilderness |

| | |
|---|---|
| 2,840 | acres conveyed to state, towns, cities, etc., for campgrounds, picnic areas, swimming beaches and other intensive recreation development |
| 644,160 | front feet of trout stream easement |
| 361,150 | front feet of canoe route access |
| 27 | miles of roads for resource access that are often used for hunting and fishing purposes |

The County in its ongoing recreation management efforts will continue to look for opportunities to expand upon the above resources by using its technical expertise and willingness to cooperate with other agencies and citizen groups.

POLICY 7: Develop a program for stimulating the tourism industry in St. Louis County that incorporates available County resources in the most efficient manner and coordinates with public, private, and nonprofit sector tourism activities most effectively.

POLICY 8: Cultivate public awareness of the value of tourism and recreation while establishing a positive county image.

POLICY 9: Encourage recreation development that also enhances economic development potential for the County.

POLICY 10: St. Louis County will cooperate with the Department of Natural Resources canoe routes on the County's major river system. Those routes may include: Embarrass, Whiteface, Little Fork, Vermilion, Sturgeon, Cloquet and St. Louis Rivers.

POLICY 11: The largest special population group in St. Louis County is the economically disadvantaged. Recreation programs and facilities should generally be offered without charge to the participants. However, minimal charges for maintenance are acceptable under this policy. Also, recreation facilities should whenever possible expand employment opportunities for the economically disadvantaged groups.

POLICY 12: St. Louis County shall continue its policy of active involvement by citizens in its recreation decision making process. This involvement shall include:

a. Working with local citizen groups on project development
b. Public hearings or provide opportunities for citizen comment
c. Identification of specific recreation needs of the local residents through the County's ongoing planning process.

POLICY 13: Recreation is recognized as a potent teaching tool particularly in the preservation of rare and fragile flora and fauna or by demonstrating the inter-relationship of the forest, urban, and other resources.

POLICY 14: The County presently has 667,814 acres in memorial forest. Nearly all of this land is open for public recreation use. This land shall continue to be managed for the broad public benefit which may include:

a. Leases of additional 30-40 hunting cabin sites per year for ten years
b. Construction of additional miles of access roads to be used for hikers, hunters, fishermen, campers and others

POLICY 15: St. Louis County requires that all facilities it develops or conveys for use shall be open to the public without regard to that person's race, color, national origin, age or handicap. St. Louis County's procedure for processing Title VI related complaints is attached to this plan.

POLICY 16: St. Louis County shall continue to devote an appropriate percentage of its Land Department's manpower to recreation programs. This has averaged approximately nine percent over the past two years or 80,458 dollars. Additionally, all recreation projects shall be developed with a plan for facility maintenance. St. Louis County will not expend any general revenue funds for facility maintenance. The County's financial resources are best spent in identifying potential recreation areas and assisting in capital improvements. Private groups, local and state governments shall be responsible for maintenance. St. Louis County's capital improvement value of its recreation facilities is estimated at $30,782,520.00.

POLICY 17: Buffer yards, including parkland that serves to block out lights and other visual nuisances, reduce noise and limit access, are encouraged by the County. Natural buffers are encouraged rather than fences with consideration given to topography, existing vegetation and intensity of use when planning a buffer area. Recreation activity that by its nature is disruptive, such as all terrain vehicle trails and sportsfields, shall in particular be designed to limit impact in platted rural areas. Intensive recreation facilities such as campgrounds, nature centers and public accesses are encouraged to be a sufficient amount of land that enhances the recreation facility while buffering it from conflicting uses.

POLICY 18: St. Louis County strongly encourages that nature, hiking and interpretive trails and other recreation facilities be designed with consideration towards providing access for handicapped persons. These facilities should be designed in a manner that avoids undue alteration of landscape and should provide a challenge to all trail users. Specific design ideas shall be made available to facility designer by St. Louis County when County land is being used for the facility.

POLICY 19: The County encourages programs that preserve and enhance our County's rich historic and cultural features. These programs may include cultural festivals, historic preservation, interpretive centers and research. These programs provide an opportunity for County residents to establish linkage with their past, as well as provide interesting activities for the tourist.

**COUNTY FIVE YEAR RECREATION ACTION PLAN**

PRIORITY 1 - Environmental Learning Laboratory

Site: City of Mountain Iron
Development Years: Construction began in 1985, complete project in 1987
Project Description: Provide a facility centrally located in the County that will provide educational and recreation opportunities in wildlife management, timber management, plant life, water resources. This project is being done in cooperation with various school districts in the County as well as Citizen groups.

PRIORITY 2 - Ashawa Ski Trail

Site: Western half of Lake Vermilion north of Cook. Trail serves the developed area of Beatty Township and a portion of Unorganized Township 63, Range 17, with County land being needed in order to complete the project.

Description of Project: Multiple use trail that will provide hiking in summer and cross country skiing in winter. The trail will also provide walking access to Two Lakes not presently available to the public. The resort industry on Lake Vermilion will be able to expand to year round usage with the potential for a ski through program similar to the Gunflint Trail operation in Cook County.

Project Cost and Staging: Construction began in 1985 with 1989 estimated completion date. Cost of trail is 1,800 dollars per mile with nine miles of trail being planned this year.

PRIORITY 3 - Trout Stream Habitat Improvement

Site: Trout streams throughout St. Louis County
Development Years: Ongoing program in cooperation with the Minnesota Department of Natural Resources

PRIORITY 4 - Identification of Lakes Needing Public Access in Cooperation With the Department of Natural Resources

PRIORITY 5 - Development of Additional Forest Access Roads

PRIORITY 6 - Development of 30-40 Recreation Cabin Sites Per Year for Three Years

PRIORITY 7 - Provide Improvements to Canoe Routes, Particularly Investigate the Embarrass River in the Giant's Ridge Area

**ST. LOUIS COUNTY RECREATION PLAN PRIORITIZATION**
RESOLUTION NO. 201
April 13, 1987

WHEREAS, the St. Louis County Board of Commissioners adopted a five-year recreation action plan on April 28, 1986, and said plan is identified in County Board File 52221;

WHEREAS, the Ashawa Ski Trail was identified as Priority 2 in the recreation plan;

WHEREAS, it is apparent that through changing circumstances the Ashawa Ski Trail should now be the County's number one recreation priority;

NOW, THEREFORE, BE IT RESOLVED, that the Ashawa Ski Trail as described in the County Recreation Action Plan shall now be considered the County's number one priority for recreation development.

RESOLVED FURTHER, that the following ranking shall apply to County recreation development:

Priority 2: Research and develop recreation facilities that will result in tourists spending more time in St. Louis County. Examples of such areas in need for continued exploration include tourism trains, attractions relating to Iron World and programs that encourage year-round use of Giant's Ridge and Spirit Mountain.

Priority 3: Mt. Iron Learning Lab

Priority 4: Development of County rivers to increase their use for recreation purposes. The following rivers are of particular merit: County trout streams, Embarrass, Pike, Sturgeon, Pelican, Whiteface, Vermilion, St. Louis and Cloquet.

Priority 5: Identification of lakes needing public access and cooperating with the DNR in their development

**RECREATION PLAN: CLOQUET, ST. LOUIS AND WHITEFACE RIVERS**
RESOLUTION NO. 295
April 14, 1998

WHEREAS, the development of the St. Louis County Recreation Plan for the Cloquet, St. Louis, and Whiteface River Corridor was authorized by the River Land Use Plan adopted in 1994 by the County Board as an amendment to the County Comprehensive Plan Ordinance.

WHEREAS, said Recreation Plan provides guidance to the Department of Natural Resources, other units of government and recreational groups regarding recreational use of lands in the Corridor, particularly those administered by the State.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners approves the “St. Louis County Recreation Plan for the Cloquet, St. Louis, and Whiteface Rivers” and said plan shall be placed in County Board Document File No. 57167 and made a part of this resolution by reference.

**RECREATION GRANT PROGRAM**
RESOLUTION NO. 320
April 21, 1998

WHEREAS, the St. Louis County Board has adopted the St. Louis County Recreation Plan by County Board Resolution No. 244, dated April 28, 1986; and

WHEREAS, the St. Louis County Board has directed its Land Commissioner to draft policy and procedures for the administration of the Recreation Grant Program and the Recreation Fund (16-F21) that is consistent with that Recreation Plan;

NOW, THEREFORE, BE IT RESOLVED, that the policy directives for the administration of a One Year Pilot Recreation Grant Program of the Land Department are as follows:

1. Recreation Grant Program Goals
   To help provide quality recreation opportunities and experiences for residents and visitors of St. Louis County.
2. Qualifying Applicants for Recreation Grant Funds
   Only other public agencies and organizations and governmental subdivisions may apply for and be granted funds from the recreation grant program. Federal agencies, state agencies, multi-county-sponsored projects, townships, schools, cities, and special taxing districts/authorities may legally receive recreation grant funds (M.S. 398.32, Subd. 6).
3. Maximum Funding per Individual Grant
   Sixty-five percent (65%) of unencumbered recreation funds will be made available for individual grants ranging in amounts up to $7,500. Thirty-five percent (35%) of unencumbered recreation funds will be available for individual grants ranging up to that amount of available funds.
4. Maximum Funding for All Grants Per Funding Cycle
   The maximum funding for all grants will be the total unencumbered funds in the recreation fund.
5. Limiting Grants to Single-Year Requests
   Grants are limited to being awarded on a year-by-year basis. If a project wishes to obtain funding over multiple years, the sponsoring agency is required to file a new Recreation Grant Application each year and compete equally with other applicants for available funds.
6. Rating Applications
   Applications for grant funds will be evaluated by the Land Department based on the following criteria:
   A. How many people will this project serve?
   B. Who will this project serve?
   C. How strong is the need for this project?
   D. What are the economic, social, and individual benefits of this project?
   E. To what degree will grant funds be utilized to leverage funds from other sources?

F. What are the contingencies (if any) that could keep this project from being successfully completed, and to what degree have these contingencies been met?

7. Grant Selection and Funding
The Land Department will utilize the application ratings to select and recommend projects to the Board for funding. A representative from the Administration Department will participate in this process. Grants may be made for the entire amount requested, or can be made for individual components of proposed projects. Specific stipulations for the use of funds may also be attached to each funding agreement.

8. Applications
The Land Commissioner will advertise the availability of this Piloted Program and allow a sixty (60) day period for applications after adoption by the Board.

BE IT FURTHER RESOLVED, that the St. Louis County Board directs its Land Commissioner to administer this Recreation Grant Program with this policy and those procedures that are specified in the St. Louis County Recreation Grant Program, Policy and Procedures, as submitted by the Land Commissioner and on file in the office of the County Auditor, and identified as County Board File No. 57175.

**RECREATION CABIN LEASE PROGRAM AMENDMENT**
RESOLUTION NO. 58
January 24, 2006

WHEREAS, the Recreation Cabin Lease Committee has recommended the following changes to the Recreation Cabin Lease Program:

1. Establish the standard lease size at 564 sq. ft. Set the 2006 standard lease fee at $300 per year, with annual increases equal to the Consumer Price Index. Increase the current lease fee to the $300 level plus the consumer index through periodic fee increases over a five year period and freeze the current lease fee for five years for leaseholders paying more than the standard lease fee, with annual increases thereafter equal to the Consumer Price Index.

2. Allow a leasing option whereby the lessee may choose to utilize up to 764 sq. ft. of structural space for an annual lease fee of $500 with annual increases equal to the Consumer Price Index. This shall be implemented by increasing an individual's current lease fee to the $500 level plus the Consumer Price Index through periodic fee increases not to extend beyond 2010.

3. Allow for construction of a main dwelling structure (cabin) not to exceed 480 sq. ft. with no measurement greater than 24 feet. Allow for the construction of up to three additional structures, one of which may be a

dwelling structure (bunkhouse) not to exceed 256 sq. ft. with no combination of structures exceeding 564 sq. ft. or 764 sq. ft., depending on the lease. Structures may be immediately adjacent to other structures.

4. Allow for the construction of a three-cord wood shed with no solid walls and a minimum of three-inches between slats. The woodshed is not to be included in the structural space square footage.

5. Enforce all leases and require correction of all non-conforming uses on Recreation Cabin leases. Current main dwelling structures of more than 480 sq. ft. or total structural space of more than 764 sq. ft., previously authorized by the Land Department under existing lease provisions, will not be subject to de-construction. Main dwelling construction exceeding 480 sq. ft. or total structural space of more than 764 sq. ft. not previously authorized by the Land Department shall be subject to de-construction.

6. Continue the leasing program, recognizing its temporary nature, "in a manner which minimizes undesirable social or environmental effects and which does not conflict with other important or dominant uses of the lands and resources," as put forth by County Board Resolution No. 50 in 1982, with the following addition: Enforce cancellation for non compliance with rules and regulations.

7. Provide the general public with recreational opportunities on tax forfeited land through the development of a *Primitive Site* leasing program; the specifics of which shall be developed by staff and presented to the County Board for adoption.

8. All Recreation Cabin Lease provisions not addressed in the above recommendations shall remain the same.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Land Commissioner shall implement the above recommendations of the Recreation Cabin Lease Committee, and to revise the Recreation Cabin Lease consistent with the recommendations, to be effective January 1, 2006.

RESOLVED FURTHER, the St. Louis County Land Commissioner shall develop a Primitive Site Leasing Program for County Board approval, also to be implemented by May 1, 2006.

RESOLVED FURTHER, that Resolution No. 261, adopted May 24, 2005, and Resolution No. 369, adopted July 26, 2005, are hereby rescinded.

# CHAPTER 21
# SAFETY POLICIES

**SAFETY RESPONSIBILITIES: LOCKOUT/TAGOUT PROCEDURES FOR EQUIPMENT; MAINTENANCE AND REPAIR; RIGHT TO KNOW**

RESOLUTION NO. 460
BOARD FILE NO. 54190
June 4, 1991

RESOLVED, that the St. Louis County Board hereby adopts those Safety Policies, as on file in County Board File No. 54190, effective June 4, 1991.

RESOLVED FURTHER, that these policies supersede all pre-existing related policies.

## SAFETY RESPONSIBILITIES

Safety is the responsibility of all St. Louis County officials and employees. This policy sets forth the respective safety responsibilities within the organizational structure of St. Louis County. Safety responsibilities identified in this section include the development and presentation of an annual safety report, an assessment of the County safety program as a part of the annual public goal setting process and identification of safety program issues and costs in the County's annual budget process. The safety performance of individual employees and officials will be evaluated as part of regular performance appraisals.

I. COUNTY BOARD WILL:
   - A. Provide its employees a safe, healthful workplace
   - B. Implement the County's safety program by making funding determinations and delegating responsibility and authority to act to those designated in this document
   - C. Include an assessment of the County's Safety Program in their annual public goal setting process

II. COUNTY ADMINISTRATOR WILL:
   - A. Identify and recommend staffing and funding for employee safety in budget recommendations to the Board.
   - B. Implement the Board's assignment of safety responsibility and authority and measure its effectiveness by including an assessment of departmental safety programs in an annual report to the Board.
   - C. Act as the agent of the Board in communication and in assignment of safety responsibility and authority to Department Heads

III. DEPARTMENT HEAD WILL:
   - A. Incorporate the necessary cost of safety, safety training, and staff time into the departmental budget.

B. Implement the Board's assignment of safety responsibility and authority, and measure its effectiveness by specifically including an assessment of the work unit's safety program in its budget request.
C. Ensure that safety problems of the department are effectively controlled by developing and implementing departmental safety procedures.
D. Respond to employee safety concerns.
E. Inform the Risk Management/Safety Office when there is a need for technical support.
F. Initiate appropriate disciplinary procedures when safety policies are violated.

IV. MANAGER/SUPERVISOR WILL:
A. Encourage safe conduct of all work unit activity noting the importance of safety in directives and instruction.
B. Take appropriate steps to maintain the workplace and equipment in clean, safe condition.
C. Schedule safety training and address safety in regular meetings and new employee orientations.
D. Respond to employee safety concerns.
E. Inform the Department Head when the need for technical support is anticipated.
F. Report accidents as outlined in the accident reporting procedures.
G. Immediately secure emergency care of injured employees.
H. Attend and participate in safety activities.
I. Conduct regular work area safety inspections or assign responsibility for safety inspections.
J. Ensure that County and departmental safety policies are enforced.
K. Initiate appropriate disciplinary procedures when safety policies are violated.
L. Immediately notify Risk Management of any OSHA or MPCA contact.

V. EMPLOYEE WILL:
A. Observe County policies, procedures, and work rules related to safety.
B. Report unsafe conditions to supervisor immediately.
C. Follow accident reporting procedures.
D. Maintain assigned work area and equipment in clean, safe condition.
E. Attend and participate in safety activities.
F. Bring safety concerns to the Supervisor.
G. Be encouraged to bring safety concerns not addressed by their department to Labor/Management Safety Committee through Risk Management or a committee member.

VI RISK MANAGEMENT/SAFETY OFFICE WILL:
A. Assist the Administrator in the development and coordination in the implementation of the County's safety program.

B. Inspect County facilities and equipment frequently.
C. Encourage, coordinate, and conduct safety training.

D. Provide technical support in safety and industrial hygiene.
E. Maintain County safety records and assist the County Administrator in the compiling of an annual safety report.
F. Investigate accidents and injuries and coordinate efforts to prevent reoccurrence.
G. Assist the Labor/Management Safety Committee in their activities.
H. Take appropriate steps to ensure that laws and policies pertaining to health and safety are consistently applied county-wide.
I. Act as County's liaison to OSHA, the MPCA and EPA

VII LABOR/MANAGEMENT SAFETY COMMITTEE WILL:

A. Review County safety policies and safety programs.
B. Review administrative practices and conditions and advise appropriate County authority(ies) of opportunities to improve on the safety program.
C. Hear and respond to employee and management safety concerns.

LOCKOUT/TAGOUT PROCEDURES
FOR
EQUIPMENT MAINTENANCE AND REPAIR

These procedures apply to all employees servicing or operating equipment that could injure someone if unexpectedly energized. The object is to be sure that each person that could be injured must lock or tag the equipment to prevent it from becoming energized, and remove his/her lock or tag before the equipment can be started. These procedures also apply to electric, hydraulic, steam, or air lines, and other potentially dangerous energy sources.

1. Equipment must be tagged or locked in the "off" position by each person who could be injured by it while working on it.
2. Each person must use a lock to which they hold the only key, or a tag with their name on it.
3. Each person must remove their lock or tag before the equipment can be energized.
4. The only person allowed to remove another's lock is the worksite supervisor. A supervisor may remove the lock/tag only when the person who locked/tagged the equipment is absent from the worksite and only after documenting, in writing, that the equipment may be safely energized.

County supervisors shall issue locks or durable tags designed for this purpose to each affected employee. Supervisors shall insure that employees have training which enables them to understand the hazards present, proper maintenance procedures and how they are to implement these lockout/tagout procedures. Supervisors are also charged with making checks to see that employees are following these procedures.

Questions on these procedures should be referred to the Risk Management Department. (726-2613)

RIGHT TO KNOW

Federal and State statutes mandate that St. Louis County must educate its employees about physical, chemical, and biological hazards in their jobs. These laws are called Right-to-Know laws.

Pursuant to these laws, the County will insure that all hazardous substances are properly labeled and maintain Material Safety Data sheets (MSDS) for each substance. The Material Safety Data sheets will be available for review by affected employees.

The County will provide adequate training and annual retraining so that employees exposed to hazardous substances have the information needed to work safely with all products.

The County will provide and require employees to wear and/or use proper protective clothing and equipment.

Employees shall participate in training/retraining in order to develop awareness of substances used, understand related hazards, perform safe handling procedures, and know how to react in the event of a spill or severe exposure.

The Risk Management Division will:

1. Assist departments in the development of MSDS rosters
2. Develop and present appropriate safety training or retraining as needed
3. Search for less hazardous substitutes and recommend use of same whenever feasible
4. Inspect storage facilities for spillage, leaks and associated problems
5. Survey and monitor for adequate ventilation and related problems
6. Survey and monitor the existence of effective fire prevention equipment and procedures
7. Provide for proper fit testing for those employees required to wear respirators
8. Provide information to departments for engineering and administrative exposure controls
9. Help develop a health surveillance system which may include periodic medical examinations

ADDENDUM A: A new employee handout attached hereto as Addendum A is to be used to inform and educate all new employees about the County's Right to Know policy.

**SAFETY POLICIES: HEARING CONSERVATION; EMPLOYEE READINESS; JOB SAFETY ANALYSIS; DRIVER SAFETY; EXPLOSIVES HANDLING; CONFINED SPACE ENTRY; OCCUPATIONAL BLOODBORNE PATHOGENS**

RESOLUTION NO. 402
BOARD FILE NO. 54943
June 8, 1993

RESOLVED, that the County Board hereby adopts those Safety Policies, on file in County Board File No. 54943, effective June 8, 1993.

RESOLVED FURTHER, that these policies supersede all pre-existing related policies.

# ST. LOUIS COUNTY
# HEARING CONSERVATION POLICY

St. Louis County intends to fulfill its responsibility of responding to the problems of excessive noise as a workplace hazard by implementing the following procedures.

The Safety Office will assist departments by conducting sound level surveys intended to identify noise problem areas as they develop. Survey equipment such as the sound level meter, dosimeter or octave ban analyzer may be used to assist in pointing out potential excessive noise areas.

This survey procedure is necessary to assist the department and the Safety Office in determining if proven engineering controls are feasible as a permanent method of hazardous noise control. These permanent controls in some cases constitute immediate correction of the problem or they could mean correction of the problem over a period of time because of financial constraints. Engineering controls not being feasible, hearing protective devices are the alternative employed immediately.

The next step in the Hearing Conservation Policy is identification and labeling of the work area, and/or piece of equipment, "Hearing Protection Required".

Since certain work activities such as engineering take place off county property or in work areas managed by contractors, personal protective hearing devices shall be made available and worn by county workers in those circumstances. The Safety Office on request by a department supervisor shall conduct an on-site survey to determine existence of a noise hazard for affected employees in these special work situations.

Training and education are required for affected employees and their supervisors. The department will select either Safety Office professional or outside professional resources to conduct required training.

The County will provide and require affected employees to wear proper hearing protective devices such as ear plugs and/or ear muffs that will reduce noise to an acceptable level to prevent damage to the worker's hearing according to OSHA standards and guidelines. It is mandatory that workers who are exposed to excessive noise, above 85 dBA, wear the available protective hearing devices.

A baseline, or first, audiometric examination has been established for designated classifications of workers and for all new employees in those classifications. Those workers are given annual audiometric exams to determine if significant changes in hearing have occurred and, if deemed necessary, retesting will be done and/or referral to an otolaryngologist or qualified physician.

An average variation of 10 dBAs at test frequencies of 2,000, 3,000 and 4,000 Hz in either ear from one year to the next would be cause for an immediate retest and/or referral. Determination shall be made if the change is job related, if there are medical

implications beyond the job atmosphere, or if the employee's off-the-job activities are contributing to changes in hearing levels.

Safety Office professionals will assist affected departments and employees in proper interpretation and application of safety and health statutes, regulations and standards related to the Hearing Conservation Program of St. Louis County

## EMPLOYEE READINESS

Training - St. Louis County is to provide safety training that is adequate for the anticipated degree of involvement of employees. To achieve a given level of competence in the various classifications of county workers, safety training is a prerequisite to doing ones job safely. The number of hours of safety training is determined by the objective and abilities that should be attained by the affected employees. The more competent the employee, the less likely the chance of accidents, injuries, or death. Periodic retraining is essential for specified classification of employees due to state and federal statutes.

Licensing - Certain classifications of workers are required to provide proof of licensure as a condition of employment such as a driver's license or a Commercial Driver's License. By attaining a minimum level of expertise and knowledge and then by performing at a minimal level of responsibility and safety, the individual will be able to renew that license periodically.

Other examples are Explosive Handling or Blaster's certification, Flagman certification, First Aid/CPR certification (proof of a minimal level of expertise to perform certain safety requirements).

Physical Exam - Physical readiness is necessary to function safely. Various levels of physical exams are used according to the demands of specific job classifications. These exams are administered by outside physicians selected by St. Louis County.

## JOB SAFETY ANALYSIS

St. Louis County believes that the key concepts in Hazard Control not only involve examination of the work place for safe and healthful work conditions to identify machine and/or equipment generated hazards (unsafe conditions) but also to examine employee-generated hazards (unsafe acts)

The implementation of job safety analysis is intended to identify and solve safety related problems.

Job Safety (task) analysis in application defines each specific and separate activity rather than an entire job description or classification. Task analysis, together with identification of risks associated with each task, helps employees to understand their job requirements and how to work more safely and efficiently. Analysis of tasks on a priority basis from those with high accident frequencies, those with severe injury or high loss, those with

potential for causing severe injury, or high loss in new job tasks will assist management in the development of more knowledgeable and experienced employees.

## DRIVER SAFETY POLICY

St. Louis County intends to minimize its human and financial losses from traffic accidents. It is the policy of St. Louis County to provide driver safety training for employees who operate mobile equipment and vehicles on County business. The Risk Management Division assists departments by developing, presenting, and monitoring programs that enhance the driving abilities of county drivers. The curriculum for this training will be at least as thorough as that offered by the National Safety Council, AAA and/or the American Trucking Association. Department managers and employees will attend and participate in scheduled programs.

St. Louis County also requires those who must drive on County business to be properly licensed. Employees are responsible to notify their immediate supervisor of any change in their license status.

Finally, St. Louis County expects its employees and officers to operate county vehicles safely and within the law. "Violations of law involving county vehicles may be subject to disciplinary action." Any accident sustained on county business involving mobile equipment or motor vehicles will be reported by the next business day. Failure to do so can result in disciplinary action."

## ST. LOUIS COUNTY
## EXPLOSIVES HANDLING POLICY

A. Policy

1. It is the intent of the County that any employee charged with the responsibility of transporting, storing and/or handling any explosive materials be trained in the proper use of explosives and accident prevention. This policy establishes procedures for the safe and secure storage, distribution, transportation and use of explosives by County Supervisors and all designated trained blasters.
2. Applicable Federal Regulations
   a. 18 USC Chapter 40, Importation, Manufacture, Distribution and Storage
      Of Explosive Materials, Federal Bureau of Alcohol, Tobacco and Firearms Regulations
   b. Title 27 C.F.R. and Title 49 C.F.R. relating to storage and transportation
   c. Federal and State O.S.H.A. Subpart U 1926.900 - .914 and 1910.109
      Blasting and the Use of Explosives. (Establishes conformance requirements and guidelines for St. Louis County as an employer

and for County employees for the safe handling of explosive products.)

B. Definitions

1. Blasting Machine (Capacitor Discharge) - a unit in which capacitor stored energy is activated and discharges into a blasting circuit containing electric detonators.
2. Blaster's Galvanometer - an electric resistance instrument designed specifically for testing electric detonators and detonating circuits, which are used to measure resistance or to check electrical continuity.
3. Class "A" Explosives - a High-Explosive product such as dynamite, nitroglycerin, lead oxide, and blasting caps with less than 16 foot leg wires and detonating primers.
4. Binary Explosive - a two component (Nitrol Methane and Ammonium Nitrate powder) high explosive which can be safely transported and stored as separate chemicals until mixed at the blast site. Once mixed, they become a "Class A" explosive material.
5. Detonator - (formerly called a blasting cap) is a device containing a charge that will initiate an explosive material.
6. Electric Detonator - (formerly called electric blasting caps) is initiated by a blasting machine.
7. Detonating Cord - a flexible cord containing a center core of high explosive used to initiate other explosive and is initiated itself by a detonator at a speed of 23,000 ft. (Over 4 miles) per second.
8. Leg Wires - Composed of two single wires extending out from an electrical detonator to be tied to the blasting line (duplex) for shooting electrically.
9. Magazine - Any building or structure approved for the storage of explosive materials.
10. Day Box - a portable explosive magazine which may be small enough for several caps or large enough for several cases of explosives.
11. Shunt - The shorting together of the wire ends of an electric blasting circuit or the name of an electrical shorting device applied to the free ends of electric detonators by the manufacturer designed for safer handling of detonators and prevents the creation of static electricity from rubbing of bare wire ends of the shooting line or detonators on the ground or truck boxes.
12. Warning Signals - An audible (a visual signal can be added) signal used for warning personnel in the vicinity of the blast area of the impending explosion. The signal must be shouted at least three (3) times for potential warning to campers, hikers who may have entered the blast site area.
13. Cast Booster - a cast extruded or pressed solid high explosive normally used to detonate less sensitive explosive materials.

C. Electrical Blasting

1. Equipment check list for shooting electrically - A Handi-Blaster Capacitor Discharge Blasting Machine, one blaster's galvanometer, one 300 foot roll (or more) of 14 gauge duplex wire, #8 cpas with no less than 16 foot leg wires, and optional side winder reel for the duplex containment.

2. Blasters shall test all Electric Detonator (cap) circuits for continuity and proper resistance by use of a galvanometer regardless of the type of explosive to be detonated. All cap wires must be kept disconnected from the power source and shunted until ready to fire.

D. When Blasting Non-electrically

1. Approved equipment check list for shooting non-electrically
   a. Starter (hand or foot activated shooting unit)
   b. Shot primer (12 gauge)
   c. Non-el shock tube, 300 feet or longer (50 grain or larger)

E. Transporting Explosive Materials

1. Binary Explosives shall be transported in a locked day box separate from cap, or det cord while in a vehicle. It is not necessary to transport unmixed Binary Explosives in a placarded vehicle. The vehicle used to transport explosive products must be in excellent operating condition and must contain a reachable fire extinguisher. Blasters and helpers must be instructed that there is "No Smoking Allowed" and the vehicle must not be left unattended such as out to get a cup of coffee.
2. Binary Explosives (liquid/solid) separated such as Kinestik must not be mixed prior to reaching blasting site.
3. Electric Blasting Caps - shall be carried in a small day box separate from the detonating cord or other explosive materials. Electric detonators (caps) should be #8 with 16 foot shunted leg wires at a minimum. Detonating cord can be carried on one's person such as when going to blow a beaver dam in the manufacturer's container or other suitable day box.

F. Storage of Explosive Materials

1. Non-mixed Binary Explosives must be stored in an approved, secured County storage facility in separate areas from electric detonators (caps) and detonating cord.
2. All explosive materials - shall be removed nightly from transporting vehicle and placed in magazine properly.

G. Recordkeeping

1. The Supervisor of each storage area must inspect each storage site, magazine, or day box each seven (7) days to determine that no theft or unauthorized entry has occurred. Written record of this inspection must be made on the approved County form and copies sent to the Safety Office concurrently.
2. Each addition or withdrawal of blasting materials must be recorded on the approved county form and copies sent to the Safety Department monthly.
3. Originals will go to the local toolhouse and a copy will remain in the magazine. Explosive materials will be inventoried by the foot, stick, or individual component not by the case. Discrepancies in count of any component must be immediately brought to the attention of the Safety Office.

H. Training

1. No employee will transport, handle or use explosive products as described herein unless trained. Manufacturer's instructions for safe handling, storage,

mixing and proper use of explosive products shall be strictly followed by all Blasters.

2. Only those employees designated by the Road & Bridge General Superintendent shall be Blasters and training will be provided by the County.
3. Records of training including course summaries, instructors and attendance lists shall be maintained in the Safety Office.

I. Notification of Theft, Loss, Fire or Unauthorized Entry
   1. The Supervisor shall immediately notify the General Superintendent
   2. The Supervisor shall immediately notify the Safety Office.

THE ORIGINAL POLICY RESOLUTION/BOARD FILE
HAS FORMS RELATIVE TO
EXPLOSIVES HANDLING POLICY

**ST. LOUIS COUNTY**
**CONFINED SPACE ENTRY PROGRAM**

This is the county's plan for compliance with the Department of Labor, State of Minnesota, adopted Regulation 5205.1000 to 5205.1040 (Occupational Safety and Health standard on Confined Space Entry).

I. Definitions
   A. Confined Space is defined as a special configuration that could result in oxygen deficiency with concentrations less than 14.5% by volume, oxygen enrichment with concentrations greater than 23% by volume or a dangerous air contamination.
   B. Confined Space could be a condition where an emergency removal of a suddenly disabled employee is difficult due to the location or size of opening the worker entered through.
   C. A condition of Engulfment where such risk exists or could develop surrounding and capturing a person with fine particulate matter or liquid.
   D. Confined Space Entry means any working action resulting in any part of the worker's face breaking the plane of any opening and includes any ensuing work activity within the confined space.
   E. Dangerous Air Contamination is an atmosphere which presents a threat of death, acute injury, illness or disablement due to the presence of flammable, explosive, toxic or otherwise injurious or incapacitating substances, gas or vapor at a concentration greater than 10% of its lower explosive level (lower flammable level).
   F. Dangerous Air Contamination due to a toxic, corrosive or asphyxiant substance, as listed in Federal Title 29.1910 subpart 21 where a concentration above the listed value of the PEL or above the limit stated on the Material Safety Data Sheet for the product or per Minnesota Chapter 5206, Employee Right-to-Know standards, above limits established.

G. Dangerous Air Contamination that presents an acute illness hazard, immediately dangerous to life and health (IDLH) from more than the maximum concentration by which a worker could escape within 30 minutes or the length of time a worker will be exposed or whichever is longer without any escape, impairing symptoms or any immediate severe health effects.

H. Immediate Severe Health Effects means that an acute clinical sign of a serious, exposure-related reaction is manifested within 72 hours after exposure.

I. An Entry Permit is a written permit (see attachment) that must be completed before allowing workers to enter a confined space which is included in the County's Entry Permit System as required under O.S.H.A. regulations.

J. The Entry Permit System will determine all confined spaces and identify them to workers to prevent unauthorized entry. It will determine the actual and potential hazards associated with a confined space at the time of entry so the employer can choose the appropriate means to execute safe entry. The system will assure, through appropriate testing, that the control measures are effective and will provide for preplanned emergency rescue if necessary.

K. A confined Space may be a silo, tank, vat, vessel, boiler, compartment, duct, sewer, pipeline, vault, bin, tub, pit or other similar space. It does not include road culverts open on both ends where air can flow through unobstructed.

II. Operating Procedures Prior To Confined Space Entry

A. Prior to confined space entry, involved employees must post traffic control devices (signing: flags, cones, etc.) Around the work area if the entry point is located in a traffic lane or shoulder area.

B. NO SMOKING is to be allowed within confined areas and within 20 feet of a confined space entry point.

C. The confined space work area is to be "Off Limits" to any citizen or any employee other than the trained confined space work crew. A sign may be erected indicating "Authorized Personnel Only". If possible, vehicle engines should not be left running.

D. Location of the vehicle should be such that it is placed where the engine exhaust is kept away from the confined space opening or the ventilator. Make note of wind direction to assist in this decision.

E. A test by appropriate, approved testing device shall be first conducted before entry to the confined space or before removing the cover if one exists, to determine if LEL, or dangerous air contamination, oxygen deficiency or oxygen enrichment exists before entry. Example: Welding - LEL (0%), Oxygen is between (19.5%) and (23%) maximum or H2s is 0 ppm.

1. If readings are not within limits stated herein, the manhole, etc. must be purged and then retested. If unsafe reading remains, contact your supervisor. Do NOT ENTER. A confined space should never be entered, not even to take a test, until it has been

determined to be safe. The test must be taken from a safe area using extensions to allow the test unit to be lowered into the area to be tested. Obtain a Day Permit.

2. Any manhole re-opened after being closed for one (1) hour or more must be retested prior to re-entry.
3. If manhole covers have openings large enough for the test probe to be inserted the initial test may be conducted by inserting the probe 6 inches. If the manhole cover has no hold, the cover shall be lifted and blocked open enough to allow workers to insert the test probe.
4. Since explosive gases may be present and since a spark may ignite those gases, any need for scraping the top of the cover area for location purposes should be done very carefully.
5. If acceptable readings are obtained at the cover level, then proceed to open and remove the cover and continue testing by lowering the probe into the manhole - beginning at the bottom and taking (and recording) a reading at each level, ending at the top of the manhole.

F. Complete the Confined Space Entry Form recording the readings, etc. and see that copies are turned in to the appropriate department or division as stated on the permit.

G. Finally a surveillance of the surrounding area is to be made to avoid hazards of drifting vapors from other possible work operations.

H. Entry into areas that previously are known to have contained corrosive substances shall indicate wearing of proper protective clothing and respirators.

III. WORKER TRAINING

A. Any worker who is to be used for confined space entry shall first be trained prior to entry and annually thereafter.

B. Training shall include having the ability to test and calibrate monitoring equipment and to understand fully how to read out and interpret the equipment and to operate it properly for the safety of all involved.

C. Training shall include knowledge of basic First Aid and C.P.R.

D. Training shall also include knowledge of operating and maintaining the rescue equipment - to include ventilation equipment, hoisting equipment, employee harness and lifeline equipment, portable air equipment and other equipment related to confined space entry work assignments.

E. Finally, training shall include knowledge on how to fit and wear respirators and when to wear them, along with proper protective clothing when necessary.

IV. WORKING WITHIN CONFINED SPACE

A. One worker shall stand by on the outside in order to maintain voice, visual or signal line communication with all employees within the confined space. That employee shall maintain radio contact or other approved means and be able to get assistance in case of an emergency.

B. An approved safety harness system with attached line shall be used with the free end of the line secured outside of the confined space to the hoisting/retrieval system.

C. The stand-by person shall not enter the confined space until AFTER seeking and getting assistance and properly monitoring when attempting to assist the worker(s) in the confined space.

D. Hoisting equipment shall be in place and employees entering the manhole properly attached thereto.

V. CLASSES OF CONFINED SPACE REQUIREMENTS

A. (Class I)

Places where an atmosphere with dangerous air contamination, oxygen deficiency or enrichment Is Unlikely To Develop or where all sources of hazard are positively controlled, may come under what St. Louis County will call an Annual Permit. Those locations will be tested in advance and a list maintained in the Safety Office under the "Class I - Annual Permit. If any monitoring tests taken prior to entry, as required, indicate hazardous conditions, this location must be entered under a daily permit only. Monitoring must still be performed, ventilation and approved respiratory protection used - only trained workers may enter. A stand-by person may or may not be used if proper testing and ventilation is "In-Use" and a hazardous situation is unlikely to occur.

B. (Class II)

Where an atmosphere free of dangerous air contamination, oxygen deficiency or oxygen enrichment has been verified, visual, voice or signal line communication shall be maintained between no less than one stand-by person outside the confined space and all workers in the confined space. A line of no less than 2,000 lb test shall be attached to the worker who is wearing an approved harness within the confined space. The stand-by person may only enter the confined space for rescue after alerting an emergency response team and only after tests have been made to determine that a non-hazardous atmosphere does exist. That person shall have approved respiratory protection equipment including an independent source of breathing which must be available for immediate use as per Section 1910.134(d). A daily permit is required.

C. (Class III)

Where a non-hazardous atmosphere cannot be verified, then visual, voice or line communication Must exist and be used. A stand-by worker must be outside the confined space and in communication at all times with the workers within. A line, attached to an approved hoisting device with the other end attached to the upright suspending harness worn by the worker(s) must be at least 2,000 lb. rated. The worker(s) shall wear approved respiratory protection for the hazardous product determined by monitoring. Continuous testing shall be done by workers in the confined space. A written record of test results shall be maintained. Purging or ventilating equipment shall be available and used when conditions warrant. A daily permit is required.

VI. HOT WORK WITHIN CONFINED SPACE

A. No source of ignition may be created in any confined space work area unless all provisions contained within these regulations are implemented to ensure that dangerous air contamination due to flammable or explosive substances does not exist. Whenever oxygen consuming equipment is to be used, precautions must be taken to ensure adequate combustion and exhaust gas venting exists.

B. Whenever oxygen enrichment equipment is used or conditions exist, precautions shall be taken to ensure that the oxygen level does not exceed 23% within the confined space work area. If your tests show a level greater than 23%, work is prohibited. Ventilating equipment is to be placed in operation and when the effect of reducing the oxygen level below 23% has been accomplished, only then can work resume.

**OCCUPATIONAL DISEASE**
**BLOODBORNE PATHOGENS POLICY**

I. INTRODUCTION:

With the adoption of this exposure control plan it is the Policy of St. Louis County to fully comply with 29 CFR 1010.1030 together with any amendments thereto and accordingly they are incorporated by reference herein. If any inadvertent conflict arises, this Policy shall govern.

It is St. Louis County's intent that each of its employees be protected to every extent possible from exposure to occupational disease. In recognition of the special hazards associated with exposure to and transmission of bloodborne pathogens, the following special Policy is adopted for all work entailing such risk. The County also intends to provide for treatment of exposed individuals when protective measures fail. The Operating Procedures Manual provides the guidelines for recognizing, testing and treating of occupational disease. Each department may wish to create additional operating procedures as indicated by their special circumstances encountered in providing governmental services. This Policy further acknowledges that substantial training and administrative support will be required and implemented to make this Policy effective, since prevention is the most effective control of any disease.

II. RESPONSIBILITIES:

A. The County Attorney's Workers' Compensation Division shall determine and maintain an updated list of the approved Physicians/Health Care Providers (HCP). The Occupational Safety & Health Division shall be informed of all approved HCP providers and shall take the necessary steps to inform the various affected departmental supervisors of these approved providers. The County Attorney's Workers' Compensation Division shall be responsible for the maintenance of all confidential medical records relating to this Policy and will provide the Occupational Safety & Health Division with the information necessary for required O.S.H.A. record keeping.

B. The Safety Office staff is responsible for providing any necessary technical assistance to affected departments to ensure full implementation of this plan, for maintaining the O.S.H.A. 200 log record keeping, to advise and assist as requested, to provide the necessary inspections and training requirements relating to this Policy and compliance with 29 CFR 1910.1030 and any amendments thereto.

C. The Sheriff's Department, the Social Services Department, and the Health Department have certain classifications of workers who are clearly "at risk" per 29CFR 1910.1030. It is the option of these departments to adopt departmental in-house operating procedures so long as they are in full compliance with this Policy and the general St. Louis County Operating Procedures Manual for Bloodborne Pathogens. The Safety Office of the Department of Administration will assist departments in determining which classifications may involve "risk".

D. All Other Departments - It is the responsibility of other departments to be fully appraised of the contents of this Policy. If an employee of any department under this category is exposed to an occupational disease, the department head and related supervisors shall fully comply with the incident reporting procedure as contained in the Bloodborne Pathogens Operating Procedures Manual. Assistance can be sought and obtained from the Workers' Compensation Division and/or the Safety Director for further clarification as necessary.

III. PURPOSE OF PLAN:

This Policy is adopted and in compliance with the Occupational Safety and Health Administration, Part 1910 of Title 29 of Code of Federal Regulations (see attached Appendix "A").

Specific procedures to be followed in the prevention and treatment of exposures to Bloodborne Pathogens is contained in the Occupational Disease/Bloodborne Pathogens Operating Procedures Manual.

**SAFETY POLICIES: ACCIDENT/INCIDENT REPORTING; PERSONAL PROTECTIVE EQUIPMENT; EMPLOYEE RESPONSE**
RESOLUTION NO. 943
BOARD FILE NO. 55200
December 28, 1993

RESOLVED, that the St. Louis County Board does hereby approve and adopt the following safety policies:

Accident/Incident Reporting Policy
Personal Protective Equipment Policy
Employee Emergency Response Plan

RESOLVED FURTHER, that these policies are on file in the Office of the County Auditor, identified as Board File No. 55200; and

FURTHER, that the Safety Office provides copies of said policies to holders of the St. Louis County Safety Policies Handbook.

SAFETY POLICIES
ACCIDENT/INCIDENT REPORTING POLICY

All county employees, regardless of title or position, shall report every work-related accident/incident whether personal injury, vehicle damage, or both is involved. When completing the required reports, be thorough and accurate and return the forms in a timely manner to the proper county office.

PERSONAL INJURY REPORTING: The Workers' Compensation Division of the Attorney's Office shall be called immediately if a work-related injury, hospitalization, or death has occurred. Employees should notify their supervisor immediately when involved in a personal injury situation or a vehicular accident. A "First Report of Injury" must be completed in detail and sent to the Attorney's office as soon as possible. The Safety office should be notified by phone, followed by a copy of the completed "First Report of Injury" and the "Supervisor's Accident/Incident Report". It is important that these report be filled out completely.

VEHICLE ACCIDENT REPORTING: Any employee involved in an accident with a county vehicle or motorized equipment, regardless of fault, severity, or extent of damage to either party, shall complete the "Vehicle Accident Report" form which is required to be kept with each county vehicle or piece of motorized equipment. Also, call the Attorney's office and the Safety office to report the incident if other parties are involved, or if the injury cannot be corrected by first aid treatment.

If an employee receives a personal injury as the result of a vehicle accident, or if the combined property damage is $500 or more, a State of Minnesota, Department of Public Safety report form, which is included in each vehicle accident reporting packet, must be completed. It must be sent to the address shown on the top of the form within ten days of the accident, or given to a police officer if there is one on the scene.

**PERSONAL PROTECTIVE EQUIPMENT (PPE) POLICY**

Federal and State standards require that suitable personal protective equipment be made available, at employer expense, if feasible engineering and administrative methods of protection do not provide adequate safety for workers.

Since St. Louis County is concerned for the health and safety of all its employees, the county provides personal protective equipment, and requires its use.

St. Louis County in complying with Federal and State Occupational Safety & Health (OSHA) laws herein adopts the following Personal Protective Equipment Policy to

protect county workers from certain job related exposures to injury when feasible engineering and administrative protections have not eliminated the hazards described in this document.

The Safety Director shall assist the various County Department Heads in monitoring, measuring, and determining the need for PPEs, either by job classification or job task assignment, and recommend when and where PPEs must be provided and worn.

Items of Personal Protective Equipment generally used are described herein. The list may not be all inclusive. Therefore, the Safety Director will be available to assist Department Heads with needs in all areas which require PPEs and will provide training to workers in the proper care of PPEs. When a Department Head, in conjunction with the Safety Director, determines it is in the best interest of the employer and the employee that PPEs shall be available and worn for specific jobs or tasks, the affected employees are required to comply.

1. Hearing Protection: Overexposure to noise can cause permanent hearing damage. Therefore ear muffs or plugs shall be provided and worn in those areas that the county has monitored and determined protection is required.
2. Foot Protection: Designated classifications or specified individuals within a classification who work in positions where the County determines that there is potential for foot injury, foot protection is required to be worn on a daily basis. These designated employees are required to wear safety-toe foot protection daily, without exception. Since certain labor bargaining agreements have in the past and will in the future negotiate to permit use of safety toe foot protection both on and off the job, a shared cost for foot protection has been established between those bargaining units and St. Louis County.
3. High-Visibility Protection: Since certain classifications or job-task functions require exposure to vehicular traffic, the county has determined that selected high-visibility products such as rain suits, vests, shirts, head gear, caps, etc. must be made available and worn by affected employees at all times while performing those assignments. The County may choose to permit employees to furnish, at their own expense, selected approved items such as high-visibility t-shirts.
4. Head Protection: When engineering means cannot eliminate the risks of head injury, selected approved hard hats shall be provided by the county and all affected employees required to wear such in designated areas such as construction sites, gravel pit operations and other areas specifically designated by the county. Other head protection devices as covered in specific departmental policies while operating snowmobiles and 4-wheel travel devices shall be adhered to.
5. Respiratory Protection: It is the policy of St. Louis County to provide, and affected employees are required to wear, approved respiratory protection while performing various job functions. Training must be provided for all employees who wear respiratory protection as determined by the OSHA law and implemented by St. Louis County through specific safety policies which address special hazard situations. Dust masks are considered respiratory equipment.

6. Gloves: Since the risk of hand injury from chemical burns, harsh atmospheres, punctures, and diseases in certain work classifications or job functions is imminent, it is St. Louis County's policy to furnish and require employees to wear, personal hand protection.
7. Eye/Face Protection: Certain job classifications or job task assignments, as determined by St. Louis County, require eye protection. Such protection will be provided by the county and must be worn by these designated workers on a daily basis. Other facial or eye protection devices such as goggles, face masks, or full face shields will be provided, and employees will be required to wear, if job tasks or assignments determine a risk.
8. Aprons, Coats, Coveralls, Face Protection: Certain specified job task assignments require protection for all body components. It is the policy of St. Louis County to provide protection as deemed necessary and affected employees are required to wear such protection.
9. Fall/Retrieval Protection Equipment: Work conditions requiring fall or retrieval protection as determined by the county may necessitate providing safety belts, harnesses, lanyards or related equipment and employees are required to wear such. Employees should inspect such fall protection equipment before each day's use to insure that it is in safe working condition.
10. Employees will abide by any State/Federal law inclusive of this policy which requires personal protective safety equipment, clothing and/or devices to be used or worn in performing job functions in a safe manner. This shall apply to employees in those departments having more restrictive personal protective equipment, clothing and device policies.

**ST. LOUIS COUNTY EMPLOYEE EMERGENCY RESPONSE PLAN**

Definitions:

1. St. Louis County Employee Emergency Response Plan: a plan that establishes the procedures that all departments will follow for the health, well being and protection of all county employees and the protection of property, equipment or records of St. Louis County. Departmental employee emergency response plans may apply to a specific county operation and shall be equal to or better than that provided herein.
2. Emergency: an unforeseen combination of circumstances or the resulting state that calls for immediate, prompt action.
3. Disaster: a sudden calamitous event which brings potential damage, loss or destruction. A sudden or great misfortune.
4. Evacuation: All employees including administrative, supervisory, and clientele, are to withdraw in an organized manner, for full protection from an unsafe area of a building to a safe area or, if circumstances demand, complete withdrawal. Those involved should assemble in a pre-designated area, outside the evacuated building and await further instructions.
5. Department Monitors: With the diversity of county government, each department head shall select "monitors" who are designated to see that all staff from each office area or immediate workplace are notified and accounted for, or know where they are when any disaster, emergency or evacuation is encountered.

6. Continuity of Administration: A chain of command must be established and kept up-to-date to be ready for any emergency. Because of retirements, sick leave, vacation, personal leave or promotions, the position title should be used rather than the individual name of a person currently occupying the position. Emergency decisions shall be made in accordance with the level of involvement of a department's staff and the nature of emergency affecting each department.

   The first level of authority is always the immediate supervisor of the person involved in the emergency. Authority then progresses along the normal chain of command within a division or department.
7. Fire Fighting Apparatus: Portable fire extinguishers may be used, time permitting, and when there is no serious risk to employees involved. Department Heads shall assign staff to that function and provide any training necessary for awareness of location as well as safe operation.
8. Exit Evacuation Routing: In multi-floor buildings, exit routes are posted at various department locations to direct large numbers of people out of the building safety.
9. Alert Signal System: Manually operated fire alarms shall be immediately activated by any employee seeing smoke or flames any place in the work area. In the absence of alarms, "voice notification" to all employees in the area shall be instituted.
10. Smoke Alarms: Some facilities have smoke alarms (electric or battery operated) that automatically activate and may either send a signal by wire to the fire department and/or activate a fire alarm or are alarms in themselves.
11. Control Officer: Some facilities such as the Jail and Nursing Homes may establish a system of command wherein a control center and control officer (for the day) will direct all emergency activities or fire fighting functions and/or coordinate activities with fire fighters.
12. Support Services Contacts: It may be necessary in case of Fire or other Emergency to contact other services such as police or sheriff to reroute vehicular traffic; ambulance for injury assistance; the power company to cut off electricity; or the gas company to cut off gas supplies. Call 9-1-1 and calmly given them information as to the type of service you may need. They will make the contacts for you.
13. Record and/or Monetary Securement: Designated department staff should be assigned and responsible to secure or remove certain records or monetary items but only if at no undue risk to themselves.

## I. PREFACE:

Disasters and emergency situations can befall St. Louis County as an employer in the same way as any other employer and only through planning can we lessen the risks of death, serious injury, loss of property and equipment, or loss of important records and documents. These situations could include bomb threats, tornadoes, severe storms (snow, rain, wind or blizzards), demonstrations or disturbances, utility emergencies, hazardous materials threats or fire.

## II. DIVISION OF RESPONSIBILITIES

### A. County Board:

1. The authority for declaring that an emergency condition exists rests with the County Board through joint responsibility of the chair or vice-chair and their designated County Administrator or their designee with the determination, made in consultation with the commissioner(s) representing the district in which the emergency exists, of an emergency condition
2. The County shall insure that contingency plans exist for all the various County facilities.

B. Department Heads are expected to:

1. Insure that all staff are aware of Fire Exits (evacuation routes), location of alarms and fire extinguishers. Information and training shall also be made available to new employees. Periodical refresher and update is to be provided all employees.
2. Designate "monitors" for all divisions or subdivision under their jurisdiction and provide them with details as to what is expected of them. Sufficient numbers should be available so that coverage is provided at all times regardless of vacation, sick leave or personal leave use. Monitors are designated employees assigned to insure that all employees vacate an area because of any emergency, assist the disabled and the general public and perform other assigned responsibilities as required during any emergency situation.

C. Building Maintenance Managers/Supervisors in county owned buildings are responsible to:

1. Maintain in operable condition all fire alarm systems throughout their building at all times. They must be tested at least annually.
2. Maintain smoke alarm systems and test at least annually.
3. Maintain all exits, keeping them unblocked (which includes all hallways, stairways and walkways). Exit doors must never be locked or blocked from inside or outside during the work day.
4. Portable Fire Extinguishers shall be inspected monthly and each extinguisher must be given a hydrostatic retest for container condition and strength every five (5) years.
5. Provide for proper handling of all paper products and rags. See that all flammables/combustibles are properly located and stored. They must never be stored in any walkway or hallway used as a fire exit.
6. Maintain a routine inspection system for all of the above - at least monthly.
7. Provide for notification of the "all clear" signal to all employees and staff that the building is safe to re-enter.

D. Occupational Safety Division/Department of Administration is responsible to assist all department heads, administrators and building maintenance supervisors with inspections and training as needed or requested in updates of departmental contingency plans.

E. Emergency Control Officer/Chain of Command: Notification will vary between departments and locations. As an example, it is understood that, within a department, the department head is at the top of the chain of command and in his/her absence another person will be designated to be the control officer. On a given day, shift, location, it may be an "acting" supervisor or other employee when he/she is the only one available. This person must have knowledge of what to do, who to call for help, and who should be notified of the emergency - up the chain of command to the Department Head, 9-1-1 to contact the fire department, sheriff/police department, ambulance personnel, electric or gas service, and the County Administrator or designee and chair or vice chair of the County Board or their designee.

III. CATEGORIES OF EMERGENCIES

A. Bomb Threat

1. In planning, each supervisor should instruct all employees how to respond properly. When a bomb threat call is received, the affected employee will proceed to handle the caller according to the guidelines provided herein and notify his/her immediate supervisor as quickly as possible.

2. Making the notification: 9-1-1 is to be notified immediately either by the employee's supervisor if on premises or in absence of the supervisor, the employee shall make the call. The Fire Alarm will be activated and all employees evacuated from the building.

3. In taking a Bomb Threat call, first ask who is making the call
   a. Take notice if there is any background noise - music, etc.
   b. Take notice if caller is male, female, or child
   c. Make every effort to keep the caller on the phone talking as long as possible
      1) write down the exact wording the caller uses, if possible
      2) get bomb details:
      a) what does it look like
      b) exact time bomb is to go off
      c) exact location (what floor, inside, outside)
      d) why it was placed there

4. It may be necessary to request designated employees to be involved and assist Law Enforcement personnel in the search.

All employees not involved in the search are to obey and observe all instructions while removing themselves from the building calmly.

5. A bomb may be a simple package, brief case, etc. and will rarely look like a bomb may be expected to look. During the search, if

something is found and, in asking other employees no one claims ownership, notify the supervisor in charge of the search and leave the area immediately. Do Not Touch, Approach or Shake the suspected device. Simply direct law enforcement personnel to its location.

B. Severe Weather Emergencies (Tornadoes, Thunderstorms): Severe weather constitutes any weather condition which may expose county workers and the general public to danger either directly or indirectly.

1. Tornadoes

a. A Tornado Watch means conditions are favorable for tornadoes and severe thunderstorms in and close to the watch area. Persons in these areas should be on the lookout for threatening weather conditions and listen for statements and possible warnings.

1) St. Louis County through the 9-1-1 Department maintains radio contact with the National Weather Service and, when a tornado watch is announced, they will be responsible to alert affected Departments of the situation and possible future developments. Additionally, "monitors" are available and would be of instant assistance in receiving direct National Weather Service reports.

b. A Tornado Warning means a tornado has been spotted and may be approaching. All employees and citizens are to move themselves from offices having window areas and into the hallway area. At no time should any employee locate him/herself outside of a county building or remain near window areas.

1) Where available, the public warning signal will be a steady 5-minute blast on emergency preparedness sirens. Sirens are an outdoor warning device only.

2. Severe Thunderstorms

a. The 9-1-1 Department and Sheriff's Emergency Management personnel monitor the National Weather Service broadcasts for any possibility of tornado involvement. Working conditions will, in all probability, remain unaffected.

3. Blizzards

a. In the event of a blizzard, the 9-1-1 Department and Sheriff's Emergency Management personnel continually monitor National Weather Service

broadcasts. You can also monitor those broadcasts through weather announcements on any AM radio. 9-1-1 will notify designated department personnel as conditions worsen.

b. Discontinuation of county services may be ordered by the County through the County Board Chair or Vice Chair or Commissioner representing the area in which the emergency exists in joint responsibility with the County Administrator, or his designee, with Non-Essential employees being released from duties.

c. Employees should be cautioned to use extreme care in traveling to and from their place of work during blizzard-like conditions.

C. Demonstrations or Disturbances

1. Call 9-1-1 and ask that they contact the Sheriff's Department or other law enforcement in the immediate area or locality if any demonstration or disturbance becomes a safety hazard and you fear that injury or death could result to you, other county workers, or the public.
2. If evacuation of employees is necessary that decision will be made by the County through the County Board Chair or Vice Chair or Commissioner representing the area in which the emergency exists in joint responsibility with the County Administrator or designee, in consultation with your Department Head or designee, for a given work area of St. Louis County.
3. If rock throwing or other forms of inflicting damage or injury from outside the building is attempted, keep away from all window areas. For maximum protection avoid any areas involved.
4. If any confrontation takes place, good judgment and reasonable actions will minimize escalation of the issue.
5. Individual emotions and fears must be controlled and not communicated to others.
6. Confidential records and government funds must be secured and access to work areas restricted during the course of any demonstration.

D. Utilities Emergency

1. Since County buildings have increased in their reliance on electrical power to provide heating, cooling, and fresh air, together with increased electrical use due to computerized equipment, the loss of utility functions during extremely hot or cold weather may pose a definite hazard to working in all or part of a building.

a. You are to immediately notify Building Maintenance or other designated person responsible for the condition of the building.

b. If relocation or evacuation is necessary, the decision will be made by the County through the County Board Chair or Vice Chair or Commissioner representing the area in which the emergency exists in joint responsibility with the County Administrator or his designee, in consultation with the Department Head.

2. If a water main breaks and evacuation is necessary, your department, together with all others, will be notified by the County Board Chair or Vice Chair or Commissioner representing the area in which the break exists in joint responsibility with the County Administrator or his designee in consultation with the Department Head.

3. If the steam heating system fails and weather conditions are such that it becomes unbearable to work, an evacuation may be ordered by the County through the County Board Chair or Vice Chair or Commissioner representing the area in which the emergency exists in joint responsibility with the County Administrator or his designee, in consultation with the Department Head.

4. Telephone service disruption may be an inconvenience but would not be classed as a life-threatening emergency.

E. Hazardous Materials Threat

1. Since all kinds of hazardous materials surround our everyday life, an incident could occur wherein an overturned tank car, chemical fire in the community, train derailment or broken fuel line, all outside of a county building, but through fire, smoke, fumes, mists or cloud movements could affect the health and well being of county employees. Safety and speed are the most important factors to be considered.

2. A decision will be made by the County through the County Board Chair or Vice Chair or Commissioner representing the area in which the emergency exists, in joint responsibility with the County Administrator or his designee, in consultation with the Department Head or designee, whether to order the affected County Building to be evacuated together with special instructions on which direction all staff are to proceed for mass citizen protection.

3. Those employees designated with the task of securing government funds or confidential documents shall complete their assignment before evacuating the building if at no risk to themselves.

F. Fire Emergency Action

1. Department Heads shall provide for the following:

   a. A departmental plan of action which, in the case of fire, can simply be "sound the alarm and get out of the building"

   b. Selection of "monitors" and alternates or substitutes to direct employees and clientele out of a building or work area.

   c. A chain of command wherein a control officer for the day takes command of the emergency (in situations such as Jail or Nursing Homes).

   d. Establish a voice alert system for work areas not having fire alarm systems or smoke alarm alerts.

   e. Train employees in Fire Evacuation and use of fire extinguishers.

   f. Make sure exits are clearly marked and doors unlocked and kept clear for use at all times.

   g. Institute good housekeeping at all times and insure that "hot" areas around furnaces, lamps, ducts are guarded and free of combustible materials.

   h. Provide for inspections for potential fire hazards in storage facilities within buildings and have hazards removed.

2. Employee Responsibilities

   a. Sound the alarm on the first sign of smoke or fire and/or Dial 9-1-1 if that is what your department policy is.

   b. Evacuate in an orderly fashion unless you are a "monitor" and charged with seeing that other employees are warned or assisting clientele out of the building.

   c. Notify your supervisor of potential fire hazards or combustible risk situations.

   d. Before an incident occurs, each employee should make it their business to know where the nearest fire exit is and where it takes you as an evacuation route.

   e. If you are a designated "monitor" or an alternate, alert employees in your area to evacuate and assist disabled employees or public citizens if any are located in your immediate area.

   f. Participate in departmental training as required.

IV GENERAL INSTRUCTIONS FOR ALL STAFF AND EMPLOYEES IF DISASTER STRIKES

A. Stay Calm and try to calm other workers you are in contact with. Panic prevention is the best ingredient for safety.

B. Maintain quiet and self control. If you are the first to see fire, get a bomb threat call, are notified of an emergency:

1. In case of fire or smoke, activate the fire alarm, assist the injured, and alert other workers in your area to get out.
2. Notify your immediate supervisor or other upper command staff who may be available.
3. If turning off electrical appliances, lights, water and other switches is your responsibility, do it.
4. Assist all clientele in your area and if evacuation is called for be sure that they are escorted out of the building when you go.
5. If it is your responsibility to alert other support agencies, do so clearly and calmly by calling 9-1-1 and giving them clear detail of assistance needed.
6. If your responsibility includes handling or securing funds, special documents or records by a pre-determined, pre-designated system, do so only if there is no risk to your life.
7. Attend any training and information session conducted by your department, because, "The Life you save may be your own"

DISASTER AND EMERGENCIES STRIKE WITHOUT NOTICE!

**EYE AND FACE PROTECTION POLICY**
RESOLUTION NO. 140
February 19, 2002

RESOLVED, the St. Louis County Board hereby approves the Eye and Face Protection Policy and Procedures as found in Board File No. 57869.

**EYE AND FACE PROTECTION POLICY AND PROCEDURES**

**Date:** February 12, 2002

**Subject:** Employee Safety & Development P&P 2002-01 - Employee Eye and Face Protection

**Purpose:** The purpose of this document is to establish Policy and Procedures related to County employee's eye and face protection.

**Background:** The Occupational Safety & Health Administration (OSHA) set standards for eye and face protection in 29 CFR 1910.133. The purpose of this standard is to mandate that the employer ensure that employees use appropriate eye or face protection when they are exposed to eye or face hazards. Certain job classifications or job task assignments, as determined by St. Louis County, require eye and face protection. Such protection will be provided by the

County and must be worn by designated workers whenever eye and face hazards are present. Employee participation to facilitate full compliance with federal standard 29 CFR 1910.133 or related discipline specific standards is a prerequisite to employment with St. Louis County.

**Scope:** This policy and procedures document applies to all County employees.

**Action:** The effective date of this document is February 12, 2002.

**Policy:** St. Louis County will ensure that employees use appropriate eye or face protection whenever they are exposed to eye or face hazards from flying particles, molten metal, liquid chemicals, acids or caustics, chemical gasses or vapors, or potentially harmful light radiation.

**Responsibilities:**

**Department Heads** have direct responsibility to ensure departmental compliance with the federal eye and face protection standard. This includes taking appropriate steps to correct violations of the policy and procedures in this document. The responsibility includes assuring that approved eye and face protection is provided to all employees who are required to:

1. Be in an area of hazardous flying objects, substances or potentially injurious light radiation.
2. Work where there is potential for eye injury or foreign element in the eye.

**Employee Safety and Development** has the responsibility to assist County Departments to:

1. Achieve compliance concerning the requirements of eye and face protection related safety regulations.
2. Identify job specifications where significant exposure to eye and face hazards exist.
3. Identify appropriate methods to minimize and control eye and face hazards including recommending appropriate personal protective equipment.
4. Train employees on appropriate methods and equipment available to protect themselves from eye and face hazards.

**Employees** are responsible to comply with the requirements of the federal eye and face protection standard and to report any violations of the policy

and procedures contained in this document. This responsibility includes wearing eye and face protection when required to:

1. Be in an area of hazardous flying objects, substances or potentially harmful light radiation.
2. Work where there is potential for eye injury or foreign element in the eye.

**Procedures:** Employee exposure to eye and face hazards will be minimized as much as reasonably achievable. For job classifications where eye and face hazards exist, St. Louis County will provide to its employees appropriate eye and face protection.

**Non-prescriptive eye protection** - County departments with employees in job classifications where eye and face hazards have been determined to be present shall have non-prescriptive eye and face protection available to their employees and visitors to their facilities. Examples of such protection includes approved glasses, shields, masks, goggles and other protection. All employees, including temporary workers, are required to wear eye protection when working under the conditions described above.

**Prescriptive eye protection** - St. Louis County will provide prescriptive eye protection to permanent and probationary employees who work under conditions which require eye and face protection. Temporary workers are not eligible for County purchased prescriptive safety eye wear.

The procedures for obtaining prescriptive eye wear are as follows:

1. The employee must present a prescription to their department head or supervisor and express the need to have prescription eye protection purchased. The cost of the eye exam is covered under the County hospitalization plan for permanent employees. No prescription more than two years old will be accepted.
2. A purchase form (available from Employee Safety & Development) signed by the department representative will be given to the employee to obtain the prescription eye wear. The employee has a choice of several selected vendors to make the purchase.
3. Replacement of St. Louis County purchased prescriptive eye wear can be made under the following circumstances when:

- Changes in the prescription are required
- There is significant damage to the lens viewing area of the eye wear.
- Eye wear becomes damaged or broken beyond repair.

**References:**

29 CFR 1910.133 Eye and Face Protection
29 CFR 1910.266 (1989) Pulpwood Logging General Requirements
ANSI 287.1 (1989) Occupational and Educational Eye and Face Protection

**CLANDESTINE DRUG LAB ENTRY**
RESOLUTION # 503
BOARD FILE #57925
July 23, 2002
RESOLVED, that the St. Louis County Board hereby approves the Clandestine Drug Lab Entry Policy and Procedures as found in Board File No. 57925.

**CLANDESTINE DRUG LAB ENTRY POLICY AND PROCEDURES**

**Date:** July 30, 2002

**Subject:** Employee Safety & Development Policy & Procedure 2002-01 - Clandestine Drug Lab Entry

**Purpose:** The purpose of this document is to establish policy and procedures related to St. Louis County employees that intentionally or unintentionally enter a known or suspected clandestine drug lab.

**Background:** The Occupational Safety & Health Administration (OSHA) requires that employers furnish a workplace to their employees that is "as free as practicable from recognized hazards that are causing or are likely to cause death or serious physical harm" (General Duty Clause - Section 5(a)(1) of the OSHA Act, 29 U.S.C. 654(A)(1). Additionally, employees that are exposed to recognized hazards must be provided with and trained to use acceptable personal protective equipment including respiratory protection (29 CFR 1910.132 and 29 CFR 1910 134). Employees that work with hazardous waste must be properly trained to recognize and protect themselves from associated hazards (29 CFR 1910.120).

Certain job classifications or job task assignments, as determined by St. Louis County, require that employees perform duties on property or in residences that have the potential of containing a clandestine drug lab. Clandestine drug labs, both active and inactive, have the potential to contain recognized hazards. Exposure to some of these hazards may require the use of personal protection equipment,

including respiratory protection. Clandestine drug labs may also contain hazardous waste.

This document was developed to facilitate compliance with the above mentioned regulations and in doing so, work to assure that St. Louis County employees are protected as much as possible from clandestine drug lab associated hazards.

**Scope:** This document applies to all St. Louis County employees.

**Action:** The effective date of this document is July 30, 2002.

**Policy:** As a rule, St. Louis County employees are not authorized to enter clandestine drug labs. No employee shall intentionally enter a clandestine drug lab unless they are included in a clandestine drug lab entry program.

St. Louis County personnel must be properly trained and equipped prior to intentionally entering a prospective or actual clandestine drug lab. Any employee, with the exception of those included in a written clandestine drug lab entry program, who inadvertently enters a known or suspected clandestine drug lab is required to immediately vacate the property and call 911.

**Responsibilities:**

**Department Heads** have direct responsibility to ensure departmental compliance with OSHA standards. Specific to clandestine drug lab related hazards this responsibility includes:

1. Assuring that only employees who are properly trained, equipped and included in a written entry program intentionally enter a clandestine drug lab.
2. Assuring that all employees are aware of the proper procedures to follow if they unintentionally encounter a clandestine drug lab.
3. Writing and implementing a clandestine drug lab entry program for their department, if applicable.

**Employee Safety and Development** has the responsibility to assist County departments with:

1. Achieving compliance with the requirements of OSHA regulations related to clandestine drug labs.
2. Providing clandestine drug lab awareness training.
3. Selecting appropriate personal protective equipment for clandestine drug lab entry.
4. Writing a clandestine drug lab entry program, if applicable.
5. Writing a respiratory protection program, if applicable.

**Employees** are required to comply with the requirements of OSHA law that pertains to clandestine drug lab entry and to report any violations of the policy and procedures contained in this document. Employee responsibility also includes:

1. Immediately exiting any known or suspected clandestine drug lab that they enter.
2. Reporting any known or suspected clandestine drug lab to law enforcement.
3. Informing their supervisor of any clandestine drug lab encounter.

**Procedures:** Employee exposure to clandestine drug labs will be minimized as much as reasonably achievable. Departments are required to develop and implement a written clandestine drug lab entry program prior to authorizing intentional employee entry in a known or suspected drug lab. For job classifications where clandestine drug lab entry is necessary, St. Louis County will provide those employees with appropriate training and personal protective equipment.

**References:** Section 5(a)(1) of the OSHA Act, 29 U.S.C. 654(A)(1) - General Duty Clause

29 CFR 1910.132 - Personal Protective Equipment

29 CFR 1910.134 - Respiratory Protection

29 CFR 1910.120 - Hazardous Waste Operations

# CHAPTER 22
# SICK LEAVE BANK/RESERVE

## SICK LEAVE RESERVE CASH OPTION

RESOLUTION NO. 733
November 22, 1982

RESOLVED, that County Board Resolution No. 579, adopted on September 13, 1982, be amended to read as follows:

"Each eligible employee, or appointed and elected officials who meet the requirements as set forth herein shall, at his option, be permitted to use an amount not to exceed one-half of his accumulated sick leave reserve for the purchase of paid-up life insurance, or receive, <u>in cash, an amount not to exceed the maximum cost of the life insurance which the employee is eligible to purchase with half of his sick leave reserve</u>. The County Auditor, upon receipt of a written request from the retiree, shall take steps necessary for compliance with such option, and further, said option shall be irrevocable. At the retirees request the lump sum <u>cash</u> payment may be deferred to January of the following year."

RESOLVED FURTHER, that said resolution is effective November 15, 1982.

## SICK LEAVE RESERVE POLICY

RESOLUTION NO. 282
BOARD FILE NO. 52909
May 11, 1987

RESOLVED, that the St. Louis County Board of Commissioners hereby adopts the policy, recommended by the St. Louis County Health and Welfare Insurance Committee, on file in County Board File No. 52909, creating a St. Louis County Sick Leave Reserve Policy for laid-off employees upon their retirement who retain active status with the St. Louis County Civil Service Department or other authority responsible for the personnel matters of that employee.

## ST. LOUIS COUNTY SICK LEAVE RESERVE POLICY

{BF 52909}

A St. Louis County employee shall retain his/her sick leave reserve for payment upon retirement in accordance with any St. Louis County Board policy and/or agreement between the Board and the employee's bargaining unit upon the following criteria:

1. The employee becomes involuntarily unemployed by retains active status with the St. Louis County Civil Service Department, or other authority responsible for the personnel matters of that employee, which is defined as not being currently employed by St. Louis County but in good standing with the County and available for return to work upon the meeting of conditions or expiration of conditions that cause the nonemployment status.

2. The individual must continue to meet all the rules and regulations of St. Louis County, either Civil Service or other authority responsible for the personnel matters of that individual.
3. The individual must qualify for a vested interest in the P.E.R.A. pension plan, and the individual must elect to take a pension annuity under the plan.
4. The individual's sick leave reserve shall be paid at the rate last paid to that individual while employed in an active work status by St. Louis County.

**SICK LEAVE BANK GUIDELINES: HIGHWAY MAINTENANCE; CONFIDENTIAL PUBLIC EMPLOYEE'S ASSOCIATION; CIVIL SERVICE CONFIDENTIAL UNIT**
RESOLUTION NO. 667
BOARD FILE NO. 53082
October 26, 1987

RESOLVED, that the Sick Leave Bank Guidelines, as on file in County Board File No. 53081 are hereby adopted for the Civil Service Confidential Unit.

RESOLVED FURTHER, that the Sick Leave Bank Guidelines, as on file in the County Board File No. 53082, are hereby adopted for the Teamster's Local No. 320, Highway Maintenance Unit.

RESOLVED FURTHER, that County Board Resolution Number 296, adopted May 14, 1984, is hereby rescinded in its entirety.

TEAMSTER'S LOCAL #320
HIGHWAY MAINTENANCE DIVISION UNIT

{BF 53082}

GUIDELINES FOR USE OF SICK LEAVE BANK
Effective October 27, 1987

The Sick Leave Bank will be administered by a committee of at least three persons selected by Teamster's Local #320. The Committee shall use the following agreed upon guidelines and payback system to authorize granting additional sick leave to members of the bargaining unit and for the payback of said sick leave supplement.

Guidelines for granting sick leave from the bank:

A. Before any person can receive any days from the Sick Leave Bank, said person must have used all Vacation, Personal Leave, Compensatory Time and Sick Leave accumulated.
B. The request for additional sick leave must be accompanied by a letter from the employee's doctor stating that he or she will need x-number of days for major illness and the approximate date when the employee will be returning to work.

C. 1) in order for the Committee to proceed with the request, letters from the Department Head and the Civil Service Director must be on hand stating that, as far as can be determined, there has been no apparent misuse of sick leave in the past.
2) the employee must be able to return to work after a reasonable convalescent period, as determined by their doctor.

D. Employees with a terminal illness or total and permanent disability would be given consideration for extension of sick leave, provided they have taken the proper steps available to them by law in obtaining disability benefits or other benefits to which they are entitled.

E. Employees who are seeking a sick leave extension to enter the hospital or treatment center due to chemical dependency and/or nervous disorder must complete the program before the request can be acted upon, but such request can be granted retroactively.

F. The Committee shall determine the maximum number of days of sick leave given, depending upon the circumstances in each individual request.

G. 1) the Committee shall provide the Civil Service Director, in writing, all data necessary to complete the sick leave supplement transaction including effective date, approximate number of sick leave hours, and ending date.
2) the Civil Service Department will provide the Sick Leave Committee with an annual report on sick leave supplements and status of payback for each request authorized.

H. The Committee may consult with the Civil Service Director regarding practice and procedure in these matters.

I. To grant an individuals' request a simple majority vote of the Committee is necessary.

PAY BACK SYSTEM

A. Pay back of extended sick leave will be at one hundred percent (100%) of sick leave extended.

B. Upon return to work the individual shall pay back the sick leave bank at the rate of two (2) hours per pay period, beginning with the first complete pay period after their return, and continuing until the balance due is paid.

CONFIDENTIAL PUBLIC EMPLOYEE'S ASSOCIATION
CIVIL SERVICE CONFIDENTIAL UNIT
{BF 53081}
GUIDELINES FOR USE OF SICK LEAVE BANK
Effective October 27, 1987

The Sick Leave Bank will be administered by a committee of at least three persons selected by the Confidential Public Employees Association. The Committee shall use the following agreed upon guidelines and payback system to authorize granting additional sick leave to members of the bargaining unit and for the payback of said sick leave supplement.

Guidelines for granting sick leave from the bank:

A. Before any person can receive any days from the Sick Leave Bank, said person must have used all Vacation, Personal Leave, Compensatory Time and Sick Leave accumulated.
B. The request for additional sick leave must be accompanied by a letter from the employee's doctor stating that he or she will need x-number of days for major illness and the approximate date when the employee will be returning to work.
C. 1) in order for the Committee to proceed with the request, letters from the Department Head and the Civil Service Director must be on hand stating that, as far as can be determined, there has been no apparent misuse of sick leave in the past.
   2) the employee must be able to return to work after a reasonable convalescent period, as determined by their doctor.
D. Employees with a terminal illness or total and permanent disability would be given consideration for extension of sick leave, provided they have taken the proper steps available to them by law in obtaining disability benefits or other benefits to which they are entitled.
E. Employees who are seeking a sick leave extension to enter the hospital or treatment center due to chemical dependency and/or nervous disorder must complete the program before the request can be acted upon, but such request can be granted retroactively.
F. The Committee shall determine the maximum number of days of sick leave given, depending upon the circumstances in each individual request.
G. 1) the Committee shall provide the Civil Service Director, in writing, all data necessary to complete the sick leave supplement transaction including effective date, approximate number of sick leave hours, and ending date.
   2) the Civil Service Department will provide the Sick Leave Committee with an annual report on sick leave supplements and status of payback for each request authorized.
H. The Committee may consult with the Civil Service Director regarding practice and procedure in these matters.
I. To grant an individual's request a simple majority vote of the Committee is necessary.

## PAY BACK SYSTEM

A. Pay back of extended sick leave will be at one hundred percent (100%) of sick leave extended.
B. Upon return to work the individual shall pay back the sick leave bank at the rate of two (2) hours per pay period, beginning with the first complete pay period after their return, and continuing until the balance due is paid.

**SICK LEAVE RESERVE FUND FOR ELECTED OFFICIALS**
RESOLUTION NO. 964
BOARD FILE NO. 43920
December 20, 1988

WHEREAS, Minnesota Statutes, Section 471.61, provides that any County may insure or protect its retired officials and their dependents under a policy or policies covering life, health, accident, medical and surgical benefits or hospitalization insurance; and

WHEREAS, St. Louis County initiated certain policies of protection for elected officials pursuant to County Board File No. 43920 on December 27, 1966; and

WHEREAS, Resolutions were subsequently passed amending and effecting such policy, the latest being Resolution No. 436, adopted June 27, 1983; and

WHEREAS, it is the desire of the St. Louis County Board to update this policy so it is consistent with policies effecting all other County employees.

NOW, THEREFORE, BE IT RESOLVED, that St. Louis County shall continue the policy establishing a reserve fund for payment of insurance premiums for its retired elected officials, including County Court judges who received a portion of their income as a judge for St. Louis County. An amount equivalent to three (3) months' salary shall be established for each elected County official who has five (5) years' continuous tenure as an elected official, and in recognition of longer tenure as an elected official, there shall be added to said reserve fund an equivalent of one-half (1/2) month's salary for each successive year of continuous tenure. The total reserve fund for any elected official shall be calculated at their rate of pay at retirement but shall not exceed one hundred (100) percent of their annual salary at retirement or departure from office.

Elected officials who have had tenure as St. Louis County employees or as appointed officials for at least five (5) years preceding their status as elected officials and not more than one (1) year prior to their appointment or election, may include their accumulated sick leave days in their reserve but not to exceed the limitation of one hundred (100) percent of their annual salary upon retirement or departure from office. This portion of their reserve shall be calculated on their last annual salary prior to becoming an elected official.

BE IT FURTHER RESOLVED, that elected officials may use up to one-half (1/2) of their total accumulated reserve fund for purposes of purchasing life insurance.

BE IT FURTHER RESOLVED, that an elected official who completes fifteen years of continuous service as an elected official of St. Louis County shall be eligible for immediate use of his reserve fund at a rate calculated at his annual salary at the time of his resignation or loss of office.

BE IT FURTHER RESOLVED, that the eligibility and use of the reserve fund except as herein stated shall be governed by the same rules and regulations regarding benefits applicable to employees, except any rule or regulation allowing any employee a

cash severance payment pursuant to Minnesota Statutes, Section 465.72, is prohibited with respect to elected officials.

BE IT FURTHER RESOLVED, that St. Louis County Board Resolution No. 436, adopted June 27, 1983, and any other prior County Board Resolutions that established policy with respect to the use of the reserve fund for hospitalization and life insurance by elected officials are hereby rescinded as they apply to elected officials who retire or depart from office effective December 31, 1988.

**SICK LEAVE BANK GUIDELINES: MERIT SYSTEM BASIC UNIT; HEALTH CARE SUPERVISORY UNIT; CIVIL SERVICE SUPERVISORY UNIT**
RESOLUTION NO. 614
BOARD FILE NO. 53545
July 25, 1989

RESOLVED, that Sick Leave Bank Guidelines for Merit System Basic, Health Care Supervisory, and Civil Service Supervisory Units, as on file identified as County Board File No. 53545, are hereby adopted.

MERIT SYSTEM BASIC UNIT
Guidelines for Use of Sick Leave Bank
Effective June 27, 1989
{BF 53545}

The Sick Leave Bank will be administered by a committee of at least three persons selected by Arrowhead Public Service Union. The Committee shall use the following agreed upon guidelines and payback system to authorize granting additional sick leave to members of the bargaining unit and for the payback of said sick leave supplement.

GUIDELINES FOR GRANTING SICK LEAVE FROM THE BANK:

A. Before any person can receive any days from the Sick Leave Bank, said person must have used all Vacation, Personal Leave, Compensatory Time and Sick Leave accumulated.
B. The request for additional sick leave must be accompanied by a letter from the employee's doctor stating that he or she will need x-number of days for major illness and the approximate date when the employee will be returning to work.
C. (1) in Order for the Committee to proceed with the request, letters from the Department Head and the Civil Service Director must be on hand stating that, as far as can be determined, there has been no apparent misuse of sick leave in the past.
(2) The employee must be able to return to work after a reasonable convalescent period, as determined by their doctor.
D. Employees with a terminal illness or total and permanent disability would be given consideration for extension of sick leave, provided they have taken the proper steps

available to them by law in obtaining disability benefits or other benefits to which they are entitled.

E. Employees who are seeking a sick leave extension to enter the hospital or treatment center due to chemical dependency and/or nervous disorder must complete the program before the request can be acted upon, but such request can be granted retroactively.

F. The Committee shall determine the maximum number of days of sick leave given, depending upon the circumstances in each individual request.

G. (1) The Committee shall provide the Civil Service Director, in writing, all data necessary to complete the sick leave supplement transaction including effective date, approximate number of sick leave hours, and ending date.
(2) The Civil Service Department will provide the Sick Leave Committee with an annual report on sick leave supplements and status of payback for each request authorized.

H. The Committee may consult with the Civil Service Director regarding practice and procedure in these matters.

I. To grant an individual's request a simple majority vote of the committee is necessary.

PAY BACK SYSTEM

A. Pay back of extended sick leave will be at the following rate:

One hundred percent (100%) of sick leave extended.

B. Upon return to work the individual shall pay back the sick leave bank at the rate of two (2) hours per pay period, beginning with the first complete pay period after their return, and continuing until the balance due is paid.

HEALTH CARE SUPERVISORY UNIT
Guidelines for Use of Sick Leave Bank
Effective June 27, 1989

The Sick Leave Bank will be administered by a committee of at least three persons selected by St. Louis County Employees Association. The Committee shall use the following agreed upon guidelines and payback system to authorize granting additional sick leave to members of the bargaining unit and for the payback of said sick leave supplement.

GUIDELINES FOR GRANTING SICK LEAVE FROM THE BANK:

A. Before any person can receive any days from the Sick Leave Bank, said person must have used all Vacation, Personal Leave, Compensatory Time and Sick Leave accumulated.

B. The request for additional sick leave must be accompanied by a letter from the employee's doctor stating that he or she will need x-number of days for major illness and the approximate date when the employee will be returning to work.

C. (1) in Order for the Committee to proceed with the request, letters from the Department Head and the Civil Service Director must be on hand stating that, as far as can be determined, there has been no apparent misuse of sick leave in the past.
(2) The employee must be able to return to work after a reasonable convalescent period, as determined by their doctor.

D. Employees with a terminal illness or total and permanent disability would be given consideration for extension of sick leave, provided they have taken the proper steps available to them by law in obtaining disability benefits or other benefits to which they are entitled.

E. Employees who are seeking a sick leave extension to enter the hospital or treatment center due to chemical dependency and/or nervous disorder must complete the program before the request can be acted upon, but such request can be granted retroactively.

F. The Committee shall determine the maximum number of days of sick leave given, depending upon the circumstances in each individual request.

G. (1) The Committee shall provide the Civil Service Director, in writing, all data necessary to complete the sick leave supplement transaction including effective date, approximate number of sick leave hours, and ending date.
(2) The Civil Service Department will provide the Sick Leave Committee with an annual report on sick leave supplements and status of payback for each request authorized.

H. The Committee may consult with the Civil Service Director regarding practice and procedure in these matters.

I. To grant an individual's request a simple majority vote of the committee is necessary.

PAY BACK SYSTEM

A. Pay back of extended sick leave will be at the following rate:

One hundred percent (100%) of sick leave extended.

B. Upon return to work the individual shall pay back the sick leave bank at the rate of one (1) hour per pay period, beginning with the first complete pay period after their return, and continuing until the balance due is paid.

CIVIL SERVICE SUPERVISORY UNIT
Guidelines for Use of Sick Leave Bank
Effective June 27, 1989

The Sick Leave Bank will be administered by a committee of at least three persons selected by St. Louis County Employees Association. The Committee shall use the following agreed upon guidelines and payback system to authorize granting additional sick leave to members of the bargaining unit and for the payback of said sick leave supplement.

GUIDELINES FOR GRANTING SICK LEAVE FROM THE BANK:

A. Before any person can receive any days from the Sick Leave Bank, said person must have used all Vacation, Personal Leave, Compensatory Time and Sick Leave accumulated.

B. The request for additional sick leave must be accompanied by a letter from the employee's doctor stating that he or she will need x-number of days for major illness and the approximate date when the employee will be returning to work.

C. (1) in Order for the Committee to proceed with the request, letters from the Department Head and the Civil Service Director must be on hand stating that, as far as can be determined, there has been no apparent misuse of sick leave in the past.
(2) The employee must be able to return to work after a reasonable convalescent period, as determined by their doctor.

D. Employees with a terminal illness or total and permanent disability would be given consideration for extension of sick leave, provided they have taken the proper steps available to them by law in obtaining disability benefits or other benefits to which they are entitled.

E. Employees who are seeking a sick leave extension to enter the hospital or treatment center due to chemical dependency and/or nervous disorder must complete the program before the request can be acted upon, but such request can be granted retroactively.

F. The Committee shall determine the maximum number of days of sick leave given, depending upon the circumstances in each individual request.

G. (1) The Committee shall provide the Civil Service Director, in writing, all data necessary to complete the sick leave supplement transaction including effective date, approximate number of sick leave hours, and ending date.
(2) The Civil Service Department will provide the Sick Leave Committee with an annual report on sick leave supplements and status of payback for each request authorized.

H. The Committee may consult with the Civil Service Director regarding practice and procedure in these matters.

I. To grant an individual's request a simple majority vote of the committee is necessary.

PAY BACK SYSTEM

A. Pay back of extended sick leave will be at the following rate:

One hundred percent (100%) of sick leave extended.

B. Upon return to work the individual shall pay back the sick leave bank at the rate of one (1) hour per pay period, beginning with the first complete pay period after their return, and continuing until the balance due is paid.

**SICK LEAVE BANK GUIDELINES: MERIT SYSTEM SUPERVISORY UNIT**
RESOLUTION NO. 58
BOARD FILE NO. 54307
January 15, 1991

RESOLVED, that the Sick Leave Bank Guidelines, as on file in County Board File No. 54037, are hereby adopted for the Merit System Supervisory Unit.

SICK LEAVE BANK GUIDELINES
MERIT SYSTEM SUPERVISORY UNIT
{BF 54037}

The Sick Leave Bank will be administered by a committee of at least three persons selected by bargaining unit selected by APSU. The committee shall use the following agreed upon guidelines and payback system to authorize granting additional sick leave to members of the bargaining unit and for the payback of said sick leave supplement.

Guidelines for granting sick leave from the bank:

A. Before any person can receive any days from the Sick Leave Bank, said person must have used all vacation, personal leave, compensatory time and sick leave accumulated.

B. The request for additional sick leave must be accompanied by a letter from the employee's doctor stating that he or she will need x-number of days for major illness and the approximate date when the employee will be returning to work

C. (1) in order for the committee to proceed with the request, letters from the Department Head and the Civil Service Director must be on hand stating that, as far as can be determined, there has been no apparent misuse of sick leave in the past
(2) the employee must be able to return to work after a reasonable convalescent period, as determined by their doctor

D. Employees with a terminal illness or total and permanent disability would be given consideration for extension of sick leave, provided they have taken the proper steps available to them by law in obtaining disability benefits or other benefits to which they are entitled.

E. Employees who are seeking a sick leave extension to enter the hospital or treatment center due to chemical dependency and/or nervous disorder must complete the

program before the request can be acted upon, but such request can be granted retroactively.

F. The committee shall determine the maximum number of days of sick leave given, depending upon the circumstances in each individual request.

G. (1) the committee shall provide the Civil Service Director, in writing, all data necessary to complete the sick leave supplement transaction including effective date, approximate number of sick leave hours, and ending date.

(2) the Civil Service Department will provide the Sick Leave Committee with an annual report on sick leave supplements and status of payback for each request authorized.

H. The committee may consult with the Civil Service Director regarding practice and procedure in these matters.

I. To grant an individual's request a simple majority vote of the committee is necessary

PAY BACK SYSTEM

A. Pay back of extended sick leave will be one hundred percent (100%) of sick leave extended.

B. Upon return to work the individual shall pay back the sick leave bank at the rate of two (2) hours per pay period beginning with the first complete pay period after their return, and continuing until the balance is paid.

**CASH OPTION TO BE ISSUED IN NAME OF EMPLOYEE**
RESOLUTION NO. 240
April 13, 1993

RESOLVED, that the recommendations of the St. Louis County Labor/Management Health Insurance Committee, as contained in their report dated March 18, 1993, on file in County Board File No. 54893, are hereby adopted and that any portion of the cash option of the sick leave reserve utilized by the employee to purchase paid-up life insurance shall be issued in the name of the employee and any responsibility for those policies shall be the responsibility of the employee.

**SICK LEAVE: UNCLASSIFIED SUPPORT STAFF**
RESOLUTION NO. 412
June 8, 1993

WHEREAS, employees in the Unclassified Support Staff Compensation Plan do not have the benefit of a sick leave bank to address major illness situations; and

WHEREAS, the County Board wishes to provide Unclassified Support Staff employees a sick leave credit arrangement similar to that available for other bargaining unit employees of the County.

NOW, THEREFORE, BE IT RESOLVED, employees in the Unclassified Support Staff Compensation Plan may be authorized a reasonable credit of sick leave hours, advanced incrementally, pursuant to the recommendation of the County Administrator and with approval of the County Board Chair.

BE IT FURTHER RESOLVED, the administration of sick leave credit for unclassified support staff shall be in accordance with the Guidelines for the Sick Leave Bank adopted by the County Board for the Civil Service Basic Bargaining Unit.

BE IT FURTHER RESOLVED, employees who request and accept sick leave credit agree that if they voluntarily or involuntarily terminate from employment with St. Louis County prior to reimbursing sick leave credit granted, they shall have the amount of the unreimbursed credit deducted from any wages or benefits owed the employee.

**SICK LEAVE RESERVE FUNDS POLICY**
RESOLUTION NO. 463
BOARD FILE NO. 56319
June 13, 1995

RESOLVED, that the St. Louis County Board hereby accepts the recommendation of the Labor/Management Health Insurance Committee, a copy of which is on file in County Board File No. 56319, adopting an amended written policy on sick leave reserve funds for retiring employees and the surviving spouse and/or children of deceased employees.

BE IT FURTHER RESOLVED, that a sick leave reserve fund is authorized for the surviving spouse of a deceased St. Louis County employee, who passed away on February 15, 1990, in accordance with the provisions of this sick leave reserve policy.

ST. LOUIS COUNTY
SICK LEAVE RESERVE FUND SUB-COMMITTEE
APRIL 19, 1995

ST. LOUIS COUNTY POLICY ON SICK LEAVE RESERVE FUNDS

I. The County authorizes all retired St. Louis County and Arrowhead Regional Corrections employees to utilize their sick leave reserve funds for continuation on the St. Louis County self-insured health plan or other health insurance plan of their choice, provided that:
   a. They have been employed by St. Louis County or Arrowhead Regional Corrections for five consecutive years immediately prior to their retirement.

   b. They qualify for and receive retirement benefits under the rules & regulations for the Public Employees Retirement Association or other appropriate State of Minnesota sponsored retirement fund, or Social Security, and are participating in the current St. Louis County self-insured health and dental plans as of the date of retirement.

2. The following provisions shall apply to this policy:
   a. Retirees may elect to include their dependents under their health coverage. This option must be exercised within thirty (30) days of the date of retirement. Any application received after thirty (30) days will require approval of a health history form by the plan administrator.

b. Retirees who marry and wish to provide dependency coverage for their spouse, may do so provided that the notice of change is submitted to the County no later than 31 days after the marriage date. If the notice of change is received later than 31 days after the date of marriage, the spouse can only be accepted in the County group upon approval of the health history form by the plan administrator.

c. Retirees may elect to enroll in the St. Louis County Self-insured Health Plan or other health insurance plan of their choice. Monies in their fund may be utilized to reimburse the quarterly health insurance premiums.

d. Upon exhaustion of their fund, the retiree may elect to continue their present health and dental coverage by personal payment of the billing.

e. Should the retiree pass away, their surviving dependent(s) may continue to utilize the fund. When the fund is exhausted, surviving dependent(s) in the group may continue coverage by personal payment. The age limit for coverage for dependent children and for unmarried, handicapped dependents will apply in the same manner as for active employees.

f. Retirees and their spouses, who are age 65 and older, and who are eligible for Part A and Part B of Medicare, must enroll in both parts of Medicare in order to continue membership in the County Health Group and may utilize their fund for payment of Medicare premiums.

g. A retiree who elects to cover their spouse must utilize dependency coverage which would cover both the retiree and the spouse.

3. When an employee dies, and has had at least five consecutive years of employment immediately prior to death, the dependent spouse and/or surviving children will be entitled to a fund of 50% of the amount which the employee would have received had they retired for use to purchase health or dental insurance. If the surviving spouse is also a County employee, the deductions from the sick leave reserve fund of the deceased spouse begin immediately after the death at the rate the surviving spouse is utilizing County insurance as an employee. If a non-employee surviving spouse should remarry, no dependent coverage is available for the new spouse from the Fund.

4. The County Board by Resolution No. 964 dated December 10, 1988, has established a reserve fund policy for the payment of insurance premiums for retired elected officials. When consistent with that resolution, the eligibility and use of that reserve fund shall be governed by this policy.

**SICK LEAVE BANK GUIDELINES: CIVIL SERVICE BASIC; HEALTH CARE BASIC; MERIT BASIC**
RESOLUTION NO. 325
BOARD FILE NO. 56809
April 23, 1996

RESOLVED, the St. Louis County Board Sick Leave Bank Guidelines, a copy of which is on file in County Board File No. 56809, is hereby approved for the Civil Service Basic, Health Care Basic, and Merit Basic bargaining units.

# SICK LEAVE BANK GUIDELINES
{BF 56809}

The sick leave banks will be administered by committees of at least three persons selected by each bargaining unit. The committees shall use the following guidelines to authorize granting sick leave bank benefits to members of their bargaining unit and for the payback of said sick leave benefits.

A. In order to be granted Sick Leave Bank benefits, employees must comply with each of the following eligibility requirements:
   1. The employee is certified permanent in the service.
   2. The employee has used all Vacation, Personal Leave, Compensatory Time and Sick Leave accumulated.

B. All requests for sick leave bank benefits must be accompanied by a letter from the employee's treating medical physician or chiropractor stating that the employee will need x-number of days for major illness and the approximate date when the employee will be returning to work.

C. In order to process an employee's request for Sick Leave Bank benefits, the Committee shall obtain and consider the following information:
   1. Letters from the Department Head and the Civil Service/Personnel Director stating that, as far as can be determined, there has been no apparent misuse of sick leave in the past.
   2. The employee will return to work after a reasonable convalescent period, as determined by the treating medical physician or chiropractor, or the employee has taken the proper steps available to them by law in obtaining disability benefits or other benefits to which they are entitled.

D. The Sick Leave Bank Committee shall determine the number of hours of sick leave to be granted an employee. The maximum sick leave granted to an employee from the unit Sick Leave Bank shall be fifty (50) days.

E. Employees who are seeking sick leave bank benefits to enter a hospital or treatment center due to chemical dependency and/or nervous disorder, must successfully complete the program before the request can be acted upon, but such request can be granted retroactively.

F. The purpose of the Sick Leave Bank is to provide a safety net of County compensation benefits for employees, who due to major illness, are unable to retain their regular employment earnings. The Sick Leave Bank shall not grant sick leave hours to employees who have not applied for disability benefits for which they may be eligible, or who receive wage replacement benefits for the same time period, from other sources. Therefore, employees shall not be granted sick leave bank benefits for the same period of time during which they also receive workers' compensation wage replacement benefits or other wage replacement benefits.

G. The Committee shall provide the Civil Service/Personnel Director, in writing, all data necessary to complete the sick leave bank transaction including effective date, the number of sick leave hours granted, a copy of the letter from the employee's treating medical physician or chiropractor, and a copy of the "Sick Leave Bank Reimbursement Agreement" signed by the employee.

H. The Civil Service/Personnel Department will provide the Sick Leave Committee with an annual report on sick leave supplements and status of payback for each request authorized.
I. The Committee may consult with the Civil Service/Personnel Director regarding practice and procedure in the administration of these guidelines.
J. Decisions of the Sick Leave Bank Committee shall be authorized by a simple majority vote of the Committee membership.
K. Any questions concerning the application of these guidelines shall be addressed by the Civil Service/Personnel Director after consultation with the bargaining unit representative.

PAY BACK SYSTEM

A. Pay back of extended sick leave will be at one hundred percent (100%) of Sick Leave extended.
B. Upon return to work the individual shall pay back the sick leave bank at the rate of three (3) hours per pay period (2 hours for 3.75 accrual). Such payback shall commence with the first complete pay period after the return to work, and shall continue until the balance due is paid.

**SICK LEAVE RESERVE FUND**
RESOLUTION NO. 233
April 8, 2003

RESOLVED, the St. Louis County Board of Commissioners hereby adopts the Amended Policy on Sick Leave Reserve Fund, effective January 1, 2002, as contained in Board File No. 58058. (rescinded March 12, 2013 effective April 1, 2013)

**AMENDED POLICY ON SICK LEAVE RESERVE FUNDS**
RESOLUTION NO. 13-138
March 12, 2013

RESOLVED, That the St. Louis County Board adopts the Amended "St. Louis County Policy on Sick Leave Reserve Funds" effective April 1, 2013, as contained in Board File No. 59629.

RESOLVED FURTHER, That the previous Policy on Sick Leave Reserve Funds is rescinded.

ST. LOUIS COUNTY
POLICY ON SICK LEAVE RESERVE FUNDS

WHEREAS, since 1959, the St. Louis County Board of Commissioners has Adopted various resolutions authorizing the use of employees' accumulated sick leave Hours ("Sick Leave Reserve Fund") upon an employee's retirement or for use by Surviving dependents of deceased employees; and

WHEREAS, in 1995, St. Louis County ("County") adopted a revised policy

Regarding the eligibility for and the use of the Sick Leave Reserve Fund; and

WHEREAS, in 2001, the Minnesota legislature authorized the establishment of post-retirement health care savings plans through which public employees may save money to cover post-retirement health care costs; and

WHEREAS, in 2003, St. Louis County Board adopted a revised Sick Leave Reserve Fund Policy establishing post-retirement health care savings accounts and Deposits the monetary value of the employee's accumulated sick leave into an authorized account upon the employee's retirement; and

WHEREAS, clarification of existing policies and procedures to follow upon the death of an employee or retiree necessitates certain modifications to the Sick Leave Reserve Policy;

NOW, THEREFORE, St. Louis County adopts this Amended Policy on Sick Leave Reserve Fund effective April 1, 2013:

## I ELIGIBILITY FOR SICK LEAVE RESERVE FUND

A. Retired St. Louis County employees, and retired Arrowhead Regional Corrections employees as determined by the Arrowhead Regional Corrections Board, except those employees participating in a post-retirement health care savings plan (hereinafter "Retirees"), may use their Sick Leave Reserve Fund as provided herein when:

1. The Retiree was employed by the County or Arrowhead Regional Corrections for five consecutive years immediately prior to retirement.

2. The Retiree qualifies for and receives retirement benefits under the rules and regulations for the Public Employees Retirement Association or other appropriate State of Minnesota sponsored retirement fund, or Social Security.

B. The spouse and/or dependent children of a Retiree may use the Retiree's Sick Leave Reserve Fund as provided herein, provided that they satisfy all eligibility requirements of the applicable health insurance plan and all applicable state and federal law.

## II USE OF SICK LEAVE RESERVE FUND

Retirees may elect to continue in the St. Louis County Self-Insured Health Plan or enroll in another health and/or dental insurance plan of the Retiree's choice. The Retiree's Sick Leave Reserve Fund may be utilized to reimburse monthly, quarterly or annual health and/or dental insurance premiums. The Fund may not be used to reimburse other out-of-pocket medical or dental expenses.

B. Use of Retiree's Sick Leave Reserve Fund is subject to all requirements of applicable state and federal law.

C. Upon exhaustion of the Retiree's Sick Leave Reserve Fund, the Retiree may elect to continue then-existing health and dental coverage by personal

payment of the premium and any other required amounts.

D. Retirees and their spouses, who are age 65 and older, and who are eligible for Part A and Part B of Medicare, must enroll in both parts of Medicare in order to continue membership in the County health insurance group. Retirees may utilize their Sick Leave Reserve Fund for reimbursement of these Medicare premiums.

E. A Retiree who elects to cover his/her spouse in the St. Louis County Self-Insured Health Plan pursuant to this policy must utilize dependency coverage which would cover both the Retiree and the spouse.

F. Sick Leave Reserve accounts which are left inactive for a period of one-year shall be reduced retroactively by the then-existing St. Louis County single health insurance premium rate, with reduction amounts returned to the St. Louis County General Fund.

## III DEATH OF AN EMPLOYEE OR RETIREE

A. When an active employee dies, the surviving spouse and/or dependent children will be entitled to make use of a fund equal to the monetary value of the sick leave which the employee would have received had the employee retired, provided that the deceased employee had at least five consecutive years of employment immediately prior to death.

The surviving spouse and/or dependent children of an employee who are not enrolled in the health insurance plan have 60 days from the date of death of the employee to make application to the health insurance plan for coverage and fulfill any requirements. If there is no surviving spouse or dependent children, no Sick Leave Reserve Fund will be established.

The fund may only be used for purposes of health or dental insurance pursuant to this policy. Premium payment deductions will begin immediately after the death at the rate the surviving spouse and/or dependent children are utilizing County insurance or other health or dental insurance premiums. Premium deductions will occur on a quarterly basis if used for County insurance or on a monthly, quarterly or annual basis if used for other health or dental insurance premiums.

B. If the surviving spouse is also a County employee, deductions from the Sick Leave Reserve Fund of the deceased employee or Retiree will begin immediately after the death at the rate the surviving spouse is utilizing County insurance as an employee.

C. When a Retiree dies prior to exhaustion of the Retiree’s Sick Leave

Reserve Fund, the surviving spouse and/or dependent children may continue to utilize the Retiree's Sick Leave Reserve Fund pursuant to this policy. When the fund is exhausted, surviving dependent(s) in the County health insurance group may continue coverage pursuant to applicable state and federal law.

D. If a non-employee surviving spouse should remarry, dependent coverage under the County health insurance group may be available pursuant to applicable state and federal law. Any payment required for such coverage shall be made separate from the Sick Leave Reserve Fund.

E. Sick Leave Reserve accounts which are left inactive for a period of one-year shall be reduced retroactively by the then-existing St. Louis County single health insurance premium rate, with reduction amounts returned to the St. Louis County General Fund.

**POST RETIREMENT HEALTH CARE SAVINGS PLANS***

***For reference only. Copies not included.**

- Civil Service Supervisory, R 766, 11/26/02
- Confidential Unit – R 768, 11/26/02
- Appointed Department Heads, R 852, 12/17/02
- Elected Officials, R 695, 11/4/03
- Deputy Sheriffs, R 341 and R 342, 6/3/03
- Teamsters, R 339 and R 340, 6/3/03
- Merit Supervisors, R 337 and R 338, 6/3/03
- Civil Service Basic, R 266 and 267, 4/22/03
- Merit Basic, R 264 and R 265, 4/22/03
- Unclassified Managers, R 523, 8/12/03
- Health Care Basic, R 173, 8/23/04
- Corrections 9-1-1, R 391, 7/13/04
- Unclassified Employees, R 487, 9/14/04
- Health Care Supervisors, R 138, 3/22/05

# CHAPTER 23
# SMOKING

## NO-SMOKING POLICY

RESOLUTION NO. 148
February 23, 1988

WHEREAS, smoking has been conclusively shown to be a significant health hazard for both the smoker and non-smoker; and

WHEREAS, the 1986 U.S. Surgeon General's Report on Smoking and Health states that tobacco smoke is a health hazard for nonsmokers who are regularly exposed to it at work and the separation of smokers and nonsmokers within the same air space will not effectively control exposure to environmental tobacco smoke; and

WHEREAS, smoking in the work place not only reduces employee productivity, but causes long term economic and legal hardships for the employer; and

WHEREAS, it is the responsibility of the St. Louis County Board of Commissioners to provide its employees with a safe and healthy work environment;

THEREFORE, BE IT RESOLVED, that effective January 1, 1989, the County Administrator and Department Heads will implement restrictions which will not permit smoking by County employees at work stations.

FURTHER BE IT RESOLVED, that beginning January 1, 1989, no smoking will be allowed by anyone in any County building, building rented by the County, space rented by the County, or in any County vehicle.

This policy includes County employees, employees of other government subdivisions, clients and the general public. Nursing home residents and jail inmates would be allowed to smoke according to facility policies.

FURTHER BE IT RESOLVED, that the St. Louis County Board of Commissioners will provide professional smoking cessation programs and assistance to those employees who want to quit smoking through the St. Louis County Employee Health Promotion Program.

## SMOKING CESSATION REIMBURSEMENT

RESOLUTION NO. 271
April 12, 1994

RESOLVED, that the St. Louis County Smoking Cessation Policy, adopted by St. Louis County Board Resolution No. 148, on February 23, 1988, is hereby amended to delete the language in the following paragraph:
"FURTHER BE IT RESOLVED, that the St. Louis County Board of Commissioners will provide professional smoking cessation programs and assistance programs and assistance to those employees who want to quit smoking through the St. Louis County Health Promotion Program." And replace with the following:

> "FURTHER BE IT RESOLVED, that the St. Louis County Board of Commissioners will provide professional tobacco-use cessation programs and assistance to those employees who want to quit tobacco use, reimbursement of up to $150 to be paid from Health Insurance Fund, and that persons remain tobacco-free for six months in order to be eligible for reimbursement."

**REVISED POLICY – SMOKE AND TOBACCO FREE WORKPLACE POLICY**
RESOLUTION NO. 13-643
October 22, 2013

RESOLVED, That the St. Louis County Board adopts the amended Smoke and Tobacco Free Workplace Policy as contained in Board File No. 59744;

RESOLVED FURTHER, That the previous No-Smoking and Smoking Cessation Reimbursement Board resolutions (Resolutions No. 88-148 and 94-271) and policies are hereby rescinded.

ST LOUIS COUNTY SMOKE AND TOBACCO FREE WORKPLACE POLICY

**Policy**
It is the policy of St. Louis County to provide a safe and healthy workplace and promote the health and wellbeing of its employees and visitors. All individuals covered by this policy are prohibited from smoking, using tobacco products or electronic cigarettes as defined below.

**Scope**
This policy applies to all County employees, volunteers, consultants, contractors, vendors, customers and visitors to any County facility, all space rented by the County and in any County vehicle or piece of equipment. Smoking, the use of tobacco products or electronic cigarettes is only allowed in designated areas at least twenty-five feet from County entrances. This policy does not apply to tobacco use as part of a Traditional Native American ceremony that has received prior approval by the County.

**Definitions**
*Electronic cigarettes:* The use or display of any device simulating the act of smoking, also known as vaping. Electronic cigarettes include but are not limited to e-cigarettes, personal vaporizers and devices that use cartomizers or atomizers. Electronic cigarettes (e-cigarettes) do not fit the definition of smoking, but because they are not an approved method of smoking cessation by the Food and Drug Administration (FDA), the act of using an e-cigarette resembles the act of smoking and the health risks and benefits are unknown, the use of e-cigarettes is also prohibited.

*Smoking:* Smoking is defined as the inhaling or exhaling of smoke from any lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product. Smoking also includes carrying a lighted cigar, cigarette, pipe, or any other lighted tobacco or plant product intended for inhalation.

*Tobacco Use:* The use of any tobacco product as defined below whether the tobacco is chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed or

ingested. Tobacco use includes inhaling or exhaling smoke from any lighted cigar, cigarette, pipe or any other lighted tobacco or plant product as well as carrying a lighted cigar, cigarette, pipe or any other lighted tobacco or plant product intended for inhalation.

*Tobacco Products:* Any product containing, made or derived from tobacco or similar synthetic or herbal substance intended for human consumption. Tobacco products, include but are not limited to cigars; little cigars, cheroots; stogies; periques; granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco; snuff; snuff flour; Cavendish; plug and twist tobacco; fine-cut and other chewing tobacco; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco, cigarettes and other kinds and forms of tobacco.

*Traditional Native American ceremonies:* The Minnesota Clean Air Act does not prohibit smoking by a Native American as part of a traditional Native American spiritual or cultural ceremony. Therefore, the use of tobacco for this purpose, with prior approval by the County, is not a violation of this policy. For purposes of this section, a Native American is a person who is a member of an Indian tribe as defined in Minnesota Statutes, section 260, 755, subdivision 12.

**Responsibilities**

All individuals covered by this policy are expected to become familiar with it and comply with all of its provisions. Enforcement of this policy is a shared responsibility of all staff.

New employees will receive a copy of this policy with their New Employee Orientation packet. Current employees will receive a copy of this policy via County-wide email. Supervisors will be asked to discuss the policy with their employees. Any violation of this policy will result in disciplinary action up to and including discharge.

The general public will be informed via the County internet site and signage at County buildings and other County property. Any non-employee violating this policy will be reminded of the policy and asked to comply; and if they do not comply, they may be asked to leave. If the person refuses to leave, a person in charge shall handle the situation consistent with lawful methods.

**Complaint Procedure**

A report of an employee violating this policy should be brought to the attention of a supervisor to investigate and resolve in accordance with the policy. When resolving complaints, the health concerns of the employee desiring a smoke-free, tobacco-free or vapor-free area will be given priority. Employees are protected from retaliation for raising a complaint or asking a question about this policy.

# CHAPTER 24
# STRIKE CONTINGENCY

**STRIKE CONTINGENCY PLAN**
RESOLUTION NO. 861
December 22, 1980

RESOLVED, that the St. Louis County Board of Commissioners hereby adopts the following policies to apply in the event a St. Louis County bargaining unit engages in a legal strike:

A. Status as Striker: A member of a striking bargaining unit who does not report for work on the first day of a strike is considered as engaging in the strike. The County Board reserves the option to deem any unit member as continuing to engage in the strike from the first day that the unit member engages in a strike until the strike is finally settled, even if the unit member offers to return to work prior to the settlement of the strike.

B. Wages: Wages will not be paid to employees who are engaged in the strike. All wages due up to the last day of employment prior to the strike will be paid but payment of wages to strikers may be delayed if supervisory and non-striking employees find it necessary to devote themselves full time to performing higher priority services.

C. Accumulations-Hours Worked: Time not worked while engaged in a strike shall not count towards seniority, step increases, or any other benefit dependent on hours worked, such as vacation accrual, sick leave accrual, satisfying probationary periods, obtaining county insurance contributions, etc.

D. Vacation: No employee engaged in a strike shall be eligible for vacation pay. As of the date of receipt of a strike notice, all vacation authorization for members of the striking bargaining unit is canceled. Vacations for supervisory and non-striking employees in affected departments may be cancelled at the discretion of the department head.

E. Sick Leave: Sick leave shall not be authorized for any members of a striking bargaining unit during the life of a strike. Exceptions shall be only with the approval of the County Board. With respect to department supervisors and departmental employees who are not members of the striking bargaining unit, commencing with receipt of a notice of intent to strike, no sick leave shall be approved except upon presentation of a physicians certificate expressly stating that the physician examined the employee at a time when the illness was sufficiently severe to prevent the employee from reporting for work, and further stating the date when the employee was able to return to work and the express reasons why the employee was not able to return to work on any date prior thereto. St. Louis County reserves the right to have the employee examined by a physician selected by St. Louis County and further reserves the right to disapprove any request for sick leave.

F. Holidays: If a holiday occurs during a strike, all members of the bargaining unit who have engaged in the strike shall forfeit holiday pay.

G. Seminars, Training: Commencing with receipt of a notice of intent to strike, no absences for training seminars, conferences, conventions, etc., are authorized except with approval of the County Board for any affected department.

H. Leaves of Absence: All leaves of absence are cancelled for bargaining unit employees during a strike. Exceptions must be approved by the County Board.

I. Health Insurance: Employees who have engaged in the strike shall not receive a county contribution toward group hospitalization and health insurance (Blue Cross-Blue Shield) beyond the month in which the strike commences.

J. Life Insurance: Employees who have engaged in a strike shall not receive a county contribution toward the payment of group life insurance for any month beyond the month in which the strike commences.

K. Hours of Operation: During a strike by the Civil Service Basic Unit, the following facilities shall be open to the public only from the hours of 9:30 AM to 2:30 PM, Monday through Friday: Duluth Court House, Virginia Court House, Hibbing Court House, Jackson School, Plaza (Food Stamps).

L. Transfer of Nursing Home Residents: The Director, St. Louis County Social Service Department, is authorized to begin transferring all residents of Nopeming Nursing Home and Medical Care Facilities to other facilities upon receipt of a Notice of Intent to Strike from the Health Care Facilities Basic Unit. The Director is further authorized to issue lay-off notices to all members of the Health Care Facilities Basic Unit, to be effective on or after the date the right to strike matures, upon receipt of a Notice of Intent to Strike from said bargaining unit.

## STRIKE CONTINGENCY PLAN

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## I. INTRODUCTION

A. Policy of St. Louis County: In the event of a strike by St. Louis County employees, it is the policy of the St. Louis County Board of Commissioners that all services should be continued, to the greatest extent possible. It is recognized, however, that the public interest may best be served by discontinuing some services in the event

of a strike, because of the inability to effectively render those services in a strike situation. It is also the policy of the St. Louis County Board of Commissioners to permit non-striking members of the striking bargaining unit to work during a strike, provided the services performed by those employees are being continued during the strike. Finally, it is the policy of the St. Louis County Board of Commissioners to respond to a strike in a responsible manner by terminating all benefits to striking employees during a strike.

B. Purpose of Manual: The strike contingency plan set forth in this manual was developed in response to a recent change in the Minnesota Public Employment Labor Relations Act, Minnesota Statutes Section 179, which legalized economic strikes for certain bargaining units. While no strike is presently anticipated, it is encumbent upon a responsible governing body to develop a plan to deal with this change in the law, in order to protect the public interest.

This manual sets forth general procedures, consistent with the above-stated policies of the St. Louis County Board of Commissioners, to be followed in the event a St. Louis County bargaining unit elects to strike. The procedures are necessarily general; many circumstances cannot be anticipated in advance. Specific details may have to be worked out at the time of a strike. Some additions may be necessary and some modifications may be desirable.

## II. ADMINISTRATION OF STRIKE PLAN

A. Department Head Responsibility: Consistent with the present organizational structure of St. Louis County, each county department head shall be responsible for the development of operational strike plans to be used in the event of a strike. The operational plan shall identify the departmental supervisory staff and, if applicable, the departmental staff who are not members of the striking bargaining unit, who would be available in the event of a strike. The operational plan shall also prioritize all services rendered by the department, identifying those services which the department would be able to continue in the event of a strike and those services which will have to be postponed or discontinued in the event of a strike. The activities of the various department heads affected by a strike will be coordinated by a Strike Coordinating Committee, as explained below.

B. Strike Coordinating Committee: The operational plans and activities of the respective department heads will be coordinated by a Strike Coordinating Committee. The membership of the Strike Coordinating Committee will vary depending on the unit or units on strike. (See individual unit plans set forth below). The Strike Coordinating Committee will convene at the latest when a strike notice is received. However, the Strike Coordinating Committee may convene at an earlier time upon the advice of the County Labor Negotiator that a strike threat may be forthcoming. Upon receipt of a 10-day strike notice, and thereafter for the duration of any strike, the Strike Coordinating Committee shall meet daily to coordinate strike activities.

C. Communications with Public, Media During Strike: Due to the extensive size of St. Louis County, it is essential that all pronouncements on behalf of the St. Louis County Board of Commissioners and the county department heads relating to the

strike be coordinated through one central source. Therefore, a Strike Spokesperson shall be identified for each bargaining unit that could potentially strike. (See individual unit plans below). The Strike Spokesperson shall be the official spokesperson for St. Louis County in all matters relating to the strike. The Strike Spokesperson shall issue no public statements, however, without prior approval from the Strike Coordinating Committee. All County Commissioners, department heads and supervisors are urged to refer any public or media inquiries to the Strike Spokesperson for response.

III. LAWS RELATING TO STRIKES

A. Units That Can Strike: The Minnesota Public Employment Relations Act currently provides a right to strike to the following units:
   1. Civil Service Basic Unit
   2. Health Care Facilities Basic Unit (Nursing Homes)
   3. Merit System Basic Unit (Social Services)
   4. Highway Maintenance Divisions Unit

   (Other units may have the right to strike in the event that the employer should refuse a request to proceed to binding arbitration or, alternatively, should refuse to implement a binding arbitration award. This manual does not set forth contingency plans for either of these relatively remote possibilities.)

B. Expired Contract: The bargaining unit's collective bargaining agreement must have expired before an economic strike can legally occur.

C. Ten Day Notice: Ten (10) days advance notice must be given by the union before a strike can legally commence. Since the law does not differentiate between "calendar" days and "working" days, this manual assumes that ten "calendar" days advance notice is required. It should be noted, also, that the law is presently unclear as to whether the Union must wait until the collective bargaining agreement expires before giving the ten day notice or whether the notice can be given ten days prior to the expiration of the contract, such that the right to strike matures with the expiration of the contract.

D. Twenty Days to Strike: After the ten days of advance notice have elapsed, the Union has twenty (20) days in which to strike. The Union need not strike immediately upon the expiration of the ten days of advance notice. If the Union does not strike within the 20 day period, no strike can legally occur until a new ten day strike notice has been served.

E. Crossing Picket Lines Mandatory: Under the Minnesota Public Employment Relations Act, all St. Louis County employees who are NOT in the bargaining unit that is on strike MUST cross picket lines and report for work or face employer discipline, which could include discharge. Employees must cross picket lines and report for work even if they belong to the same Union, e.g. Council No. 96, but a different bargaining unit than the bargaining unit which is on strike.

F. Non-striking Unit Members: Any member of a striking bargaining unit has a legal right to cross picket lines and report for work. However, if the unit member electing to cross picket lines is a member of the Union, i.e. a dues paying member and not a fair share fee employee, the Union constitution may allow the Union to impose sanctions against the employee. The sanctions could include a fine.

Therefore, if a member of the striking bargaining unit intends to cross his own unit's picket lines and report for work, the unit member should consider tendering written resignation to the Union prior to crossing the picket lines.

G. Fair Share Fee Employee: St. Louis County deems all fair share fee employees to have the same privileges and immunities as Union members. Therefore, a fair share fee employee is considered to have the right to honor picket lines, subject to the same consequences as a Union member. Likewise, a fair share fee employee has the right to cross picket lines and report for work without being subjected to any legally enforceable reprisal by the Union. St. Louis County encourages fair share fee employees to cross picket lines and report for work.

H. Benefits During Strike: An employer is not legally obligated to continue any benefits to strikers during a strike. The manner in which St. Louis County will deal with benefits to strikers during a strike is discussed in Part IV below.

IV. STATUS OF STRIKERS

A. Status as Striker: A member of a striking bargaining unit who does not report for work on the first day of a strike is considered as engaging in the strike. In order to avoid so-called "hit-and-run" picketing, the County Board reserves the option to deem any unit member as continuing to engage in the strike from the first day that the unit member engages in a strike until the strike is finally settled, even if the unit member offers to return to work prior to the settlement of the strike.

B. Wages: Wages will not be paid to employees who are engaged in the strike. All wages due up to the last day of employment prior to the strike will be paid but payment of wages to strikers may be delayed if supervisory and non-striking employees find it necessary to devote themselves full time to performing higher priority services.

C. Accumulations - Hours Worked: Time not worked while engaged in a strike shall not count towards seniority, step increases, or any benefit dependent on hours worked, such as vacation accrual, sick leave accrual, satisfying probationary periods, obtaining county insurance contributions, etc.

D. Vacations: No employee engaged in a strike shall be eligible for vacation pay. As of the date of receipt of a strike notice, all vacation authorization for members of the striking bargaining unit is cancelled. Vacations for supervisory and non-striking employees in affected departments may be cancelled at the discretion of the department head.

E. Sick Leave: Sick leave shall not be authorized for any members of a striking bargaining unit during the life of a strike. Exceptions shall be only with the approval of the County Board. With respect to department supervisors and departmental employees who are not members of the striking bargaining unit, commencing with receipt of a notice of intent to strike, no sick leave shall be approved except upon presentation of a physicians certificate expressly stating that the physician examined the employee at a time when the illness was sufficiently severe to prevent the employee from reporting for work, and further stating the date when the employee was able to return to work and the express reasons why the employee was not able to return to work on any date prior thereto. St. Louis County reserves the right to have the employee examined by a physician selected by

St. Louis County and further reserves the right to disapprove any request for sick leave.

F. Holidays: If a holiday occurs during a strike, all members of the bargaining unit who have engaged in the strike shall forfeit holiday pay.

G. Seminars, Training: Commencing with receipt of a notice of intent to strike, no absences for training seminars, conferences, conventions, etc. are authorized except with approval of the County Board for any employees of any affected department.

H. Leaves of Absence: All leaves of absence are cancelled for bargaining unit employees during a strike. Exceptions must be approved by the County Board.

I. Health Insurance: Employees who have engaged in the strike shall not receive a county contribution toward group hospitalization and health insurance (Blue Cross - Blue Shield) beyond the month in which the strike commences. Blue Cross – Blue Shield advises that during the pendency of any strike, no premiums will be collected and payment of all claims will be deferred. At the end of the strike, Blue Cross - Blue Shield will pay all deferred claims and will collect premiums for the strike period from the striking employees.

J. Life Insurance: Employees who have engaged in a strike shall not receive a county contribution toward the payment of group life insurance for any month beyond the month in which the strike commences. Employees who desire to continue their group life insurance coverage during the pendency of the strike will have to make arrangements to forward their own premium payments to the insurer.

V. CIVIL SERVICE BASIC UNIT

A. Strike Coordinating Committee: For activities relating to a strike by the Civil Service Basic Unit, the Strike Coordinating Committee shall consist of the following: 1) Representative of County Board; 2) Representative of County Attorney; 3) Civil Service Assistant Director; 4) Personnel Director, Social Services Department; 5) Labor Negotiator.

B. Hours of Operation: During a strike by the Civil Service Basic Unit, the following facilities shall be open to the public only from the hours of 9:30 am to 2:30 pm, Monday thru Friday: Duluth Court House, Virginia Court House, Hibbing Court House, Jackson School, Plaza (Food Stamps). Supervisory, non-bargaining unit members and non-striking unit members will be required to report at 8:00 am. In departments which normally experience heavy public traffic, department heads are encouraged to make alternative arrangements with respect to lunch hours so that the department can remain open during the lunch hour without being seriously understaffed. The Strike Spokesperson shall be responsible to notify appropriate media outlets in advance of the commencement of the strike of the changed hours of operation. The Building Superintendent shall be responsible for posting signs at all entrances to the Duluth Court House, Virginia Court House and Hibbing Court House announcing the change in hours of operation. The Director of the Social Service Department shall be responsible for posting similar signs at Jackson School and the Plaza.

C. Security of Facilities: Upon receipt of a notice of intent to strike, a padlock and hasp will be installed on one entrance of the Duluth Court House, Virginia Court House and Hibbing Court House. The padlock and hasp will secure this entrance

for the night. All other entrances will be chained from the inside. At approximately 6:30 am Monday through Friday, the Building Superintendent will unlock the padlocks and remove the chains from the other entrances. In the Duluth Court House, only the north and south entrances will be available for public or employee access. In the Virginia and Hibbing Court Houses, only two doors will be available for employee and public access also. Access to these two doors in each building will be monitored by security personnel throughout the day (see below). At 2:30 pm each day, these doors will be locked so as to prohibit entry without a key. The doors are equipped with pushbars and will allow persons in the building to exit the doors after 2:30 pm, until the doors are finally secured for the evening.

Upon receipt of a notice of intent to strike, the Director of the Social Services Department shall be responsible to change all locks on the Jackson School Building and the Plaza doors which furnish access for the Social Service Department.

During the hours of the day when the public is present in county facilities, each department head shall be responsible to monitor security within the department's premises. Motor pool security is addressed separately below.

D. Public and Employee Security: One law enforcement officer shall be stationed at each open door at the Duluth Court House, Virginia Court House, Hibbing Court House, Jackson School and Plaza. The law enforcement officer shall be present from 7:30 am to 5:00 pm. For the Duluth Court House, Hibbing Court House and Virginia Court House, the Civil Service Department shall be responsible to furnish each law enforcement officer with a list of all supervisory employees and all employees who are not members of a striking bargaining unit, who are authorized to enter the Court Houses before 9:30 am. It shall be the responsibility of the law enforcement officer to prohibit entry to the Court Houses by any person other than those on the list furnished by the Civil Service Department. At Jackson School and the Plaza, a similar list shall be furnished to the law enforcement officer by the Personnel Director, Social Service Department. In the event that a bargaining unit employee desires to cross the picket lines and report for work, this fact should be made known to the Civil Service Department in advance of the commencement of the strike so that the employee's name can be included on the list. A bargaining unit employee, whose name is not on the list of authorized persons, who elects to cross picket lines after the first day of the strike will be required to wait until the building is open for the public at 9:30 am before entering.

It shall be the responsibility of the law enforcement officer to insure that pickets do not obstruct ingress and egress to the premises during the day. The law enforcement officer shall be instructed to make a written record of any incident in which pickets obstruct or harass any employee or member of the public (see strike incident report).

At 4:30 pm, the law enforcement officers shall assist the department heads in insuring that the building is completely empty of all persons. Thereafter, the law

enforcement officer shall assist the Building Superintendent in securing the building for the night.

E. Motor Pool Security: Upon receipt of a notice of intent to strike, the Supervisor of the motor pools at Duluth and Virginia shall immediately change all locks on the garages. Thereafter, no keys shall be distributed to anyone except the Supervisor of the motor pool and the Building Superintendent. The Supervisor shall also immediately top off the gasoline storage tanks.

Upon the commencement of the strike, vehicles may be checked out of the motor pool only between 9:30 am and 2:30 pm each day. No vehicle may be checked out of the motor pool until the employee has shown photo identification (e.g. drivers license), along with an Authorization executed and dated by the department head. (See exhibit 1 attached hereto).

No vehicles may be returned to the motor pool after 4:30 pm. Employees who cannot return the vehicle prior to 4:30 pm will be instructed to take the vehicle home with them for the night. The motor pool will be open for return of vehicles from 8:00 am to 9:30 am each morning. During the pendency of the strike, space considerations may necessitate that the Sheriff's squad cars be parked elsewhere.

F. Strike Incident Report: Any employee who, while entering or leaving his place of employment or while working, is subjected to significant harassment or obstruction by strikers is directed to complete a Strike Incident Report on the prescribed form. See exhibit 2. Strike Incident Reports shall be available from the department head. The department head shall in turn forward the Strike Incident Report to the Strike Coordinating Committee.

G. Building Maintenance: At the Duluth Court House, Virginia Court House and Hibbing Court House, the Building Superintendent shall arrange for trash collection carts to be placed at appropriate locations in the hallways of the buildings. The department heads will direct their employees to place the contents of waste baskets and other trash into the collection baskets. The Building Superintendent will arrange for disposal of the trash thereafter. At Jackson School and the Plaza, the Director of the Social Service Department shall be responsible for continuing trash collection.

During the pendency of the strike, the Building Superintendent will not have the capacity to arrange for disposal of trash from the coffee shops in the Duluth, Virginia and Hibbing Court Houses. As such, if the coffee shops choose to continue to operate, each coffee shop shall be responsible to insure that all of its garbage is promptly removed from the Court House building.

H. Mail Distribution: In the three Court Houses, each department head will be responsible to arrange for pickup of the department's mail from a central location. There will be no mail distribution. Within the Social Service Department, the Director shall be responsible to arrange for mail distribution.

I. Telephone Systems: The telephone systems at the Virginia Court House and the Duluth Social Service Department are switchboard operated. During the pendency

of a strike, the switchboard at Jackson School shall be operated by supervisory personnel under the direction of the Director of the Social Service Department. The switchboard at the Virginia Court House will not operate during a strike. The Director of the Social Service Department will be responsible to prepare a list of direct-dial telephone numbers by which various county offices in the Virginia Court House can be called by the public. This list of numbers will be communicated to the Strike Spokesperson who will arrange for publication in appropriate media outlets in advance of the strike.

J. Payroll Procedures: The Union will be requested to authorize a sufficient number of payroll clerks to cross picket lines in order to prepare the Civil Service Basic Unit payroll for the pay period prior to the commencement of the strike. In the event the Union refuses to allow such persons to cross the picket lines for this purpose, payroll to striking unit members will be prepared only after all other priority services have been rendered.

K. Closing Outlying Facilities: Upon the commencement of a strike, the Director of the Social Service Department is authorized to close all of the Department's Day Care Centers, the Crisis Shelters, 2001, and the Senior Centers. The Director is further authorized to closed down all income maintenance outlets on the Range except at Virginia. Finally, Food Stamps is authorized to be open to the public for fewer than five days per week.

L. Strike Spokesperson: The Strike Spokesperson in the event of a strike in the Civil Service Basic Unit, is the Community Relations Specialist within the Social Services Department (Presently Dave English).

VI. HEALTH CARE FACILITIES BASIC UNIT

A. Strike Coordinating Committee: The Strike Coordinating Committee responsible for dealing with strike matters in the event of a strike in the Health Care Facilities Basic Unit shall be composed of the following persons: 1) County Board Representative; 2) Director, Social Service Department; 3) Administrator and/or Assistant Administrator, Nopeming Nursing Home; 4) Administrator and/or Assistant Administrator, Medical Care Facilities; 5) Personnel Director Social Services Department; 6) County Attorney's Representative; 7) Labor Negotiator.

B. Resident Evacuation: The Nursing Homes will not operate in the event of a strike. Upon receipt of a notice of intent to strike, all residents will be evacuated. Residents will be classified into three categories: 1) those needing hospital care; 2) those needing nursing home care; 3) those able to return to their own home or the home of relatives. Those residents needing hospital care will be evacuated first. Next, those residents needing nursing home care will be transferred to various area nursing homes. Finally, residents who can go home will be transported home. The Director, Social Service Department and the Strike Coordinating Committee shall be responsible to arrange transportation for the residents.

No residents will be returned to the Nursing Homes until such time as the strike is finally settled.

C. Building Security: The current complement of private security personnel at the nursing homes will be increased to provide full, 24-hour security. Striking employees will not be permitted on the premises. (As such, any picketing will have to occur on public property off the premises of the nursing homes.)

D. Public and Employee Security: Private security personnel will be asked to monitor ingress and egress of supervisory personnel during the strike. Any supervisory employee who is in any way harassed or obstructed is directed to complete a Strike Incident Report. (For procedures, see Part V, F. above).

During the strike, the nursing homes will not be open to the public.

E. Building Maintenance: The Union will be asked to permit appropriate building maintenance personnel to cross picket lines in order to perform essential maintenance on the buildings during the strike. Since the building maintenance personnel live on the premises, they will of course have to be allowed to cross picket lines when coming and going from their own homes in any event. If the Union threatens to take sanctions against the building maintenance personnel if they perform maintenance work during the strike, attempts will be made to have the maintenance work performed by outside contractors.

F. Lay-off Procedures: Once all residents have been evacuated, there will be no need for any employees other than a minimal complement of supervisory personnel. As such, upon receipt of a notice of intent to strike, all members of the Health Care Facilities Basic Unit shall immediately be provided with written notice of lay-off, effective on or after the date when the ten days advance notice elapses. (It may be imprudent to lay off all bargaining unit employees at the end of ten days in the event that there are still residents to be moved and there are bargaining unit employees who are willing to cross picket lines to move them.)

G. Strike Spokesperson: The Strike Spokesperson in the event of a strike in the Health Care Facilities Basic Unit shall be the Community Relations Specialist of the Social Services Department. (Presently Dave English).

VII. MERIT SYSTEM BASIC UNIT

A. Strike Coordinating Committee: The Strike Coordinating Committee in the event of a strike in the Merit System Basic Unit shall be composed of the following persons: 1) Representative of the St. Louis County Community Social Service Board; 2) Director, Social Service Department; 3) Personnel Director, Social Service Department; 4) County Attorney's representative; 5) Labor Negotiator.

B. Building Security: In the event of a strike in the Merit System Basic Unit, the Director of the Social Service Department shall be responsible for security at Jackson School, Plaza, Arrowhead Place, Virginia Masonic Building.

C. Public and Employee Security: A law enforcement officer shall be stationed at the entrances to Jackson School, Plaza, and Virginia Masonic Building. The law enforcement officer shall monitor activities at the entrances throughout the normal hours of operation. At Arrowhead Place, the Duluth Police Department will be asked to continuously monitor access to the building in view of the presence of many other employers in the building.

Any employee who is harassed or otherwise obstructed by strikers is directed to complete a Strike Incident Report. The procedures for handling the Strike Incident Report are set forth in Part V, F. Above.

D. Closing Facilities: In the event of a strike in the Merit System Basic Unit, the Director of the Social Service Department is authorized to close facilities as necessary in the public interest.

E. Strike Spokesperson: The Strike Spokesperson in the event of a strike in the Merit System Basic Unit shall be a supervisory employee as designated by the Director, Social Service Department.

VIII. HIGHWAY MAINTENANCE DIVISIONS UNIT

A. Strike Coordinating Committee: The Strike Coordinating Committee responsible to deal with strike matters in the event of a strike in the Highway Maintenance Divisions unit shall be composed of the following persons: 1) County Board Representative; 2) Highway Engineer and Supervisory subordinate as appropriate; 3) Civil Service Assistant Director; 4) County Attorney's Representative; 5) Labor Negotiator.

B. Building Security: In the event of a strike in the Highway Maintenance Divisions Units, the Highway Engineer shall be responsible to arrange for security for all Highway Department buildings. Highway Engineer is authorized to contract with private security agencies in order to provide full, 24-hour security. The Highway Engineer shall immediately change all locks on all Highway Department facilities upon receipt of a notice of intent to strike. Distribution of keys for the new locks shall be limited to those persons who are absolutely required to have said keys.

Upon receipt of a notice of intent to strike, the Highway Engineer shall be authorized to move all equipment to centralized locations in order to facilitate better security.

C. Public and Employee Security: The St. Louis County Sheriff shall be requested to make personnel available to monitor ingress and egress to Highway Department facilities during a strike. In the event any supervisory employee or non-striking employee is harassed or otherwise obstructed by strikers, the employee is directed to complete a Strike Incident Report. Procedures for completion of a Strike Incident Report are set forth in Part V, F. Above.

D. Closing Facilities: In the event of a strike in the Highway Department Maintenance Divisions Unit, the Highway Engineer is authorized to shut down Highway Department buildings in order to concentrate operations, insure security and employee safety.

E. Strike Spokesperson: The Strike Spokesperson in the event of a strike in the Highway Maintenance Divisions Unit shall be a supervisory employee designated by the Highway Engineer.

IX. INDIVIDUAL DEPARTMENT CONTINGENCY PLANS

MOTOR VEHICLE AUTHORIZATION

I, _____, department head of the

_____ department authorize

_____, an employee of my department, to

use a County Motor Pool vehicle this _____day of _____, 19___.

_____
Department Head

(see next page)

STRIKE INCIDENT REPORT

Date:_____ and time:_____ __.m. of incident.

Location of incident:

_____

Name of individual reporting incident (print):

_____

Name(s) of other witness(es) <print>:

_____

_____

Detailed description of incident (be sure to name all individuals involved):

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

Report prepared by:

_____

Date of report:

_____

# CHAPTER 25
# TAXES

## DISASTER CREDIT ELIGIBILITY

RESOLUTION NO. 691
August 15, 1989

WHEREAS, Minnesota Statutes 273.123 allows owners of homestead and nonhomestead properties, which are damaged by disasters, to apply to the St. Louis County Board of Commissioners for a "disaster credit" and

WHEREAS, Minnesota Statutes 273.123, Subdivision 7, allows the County Board to approve abatements for the "disaster credit" and said abatements are not subject to approval by the Minnesota Commissioner of Revenue; and

WHEREAS, the amount of "disaster credit" is reflected as a credit in the calculation of the net real estate tax payable in the year in which the disaster occurs and such credit may, if approved by the County Board, be extended into the subsequent year; and

WHEREAS, the amount of "disaster credit" allowed is Not refundable to the county by the State of Minnesota, but the County Board may levy in the following year the amount of tax dollars lost to the county government as a result of the amount of "disaster credit" granted; and

WHEREAS, Minnesota Statutes 273.123, Subdivision 7, establishes minimum requirements for eligibility for the "disaster credit"; and

WHEREAS, it would be in the best interests of St. Louis County to provide an incentive for owners of damaged properties to remodel or reconstruct the damaged property, reinhabit or reuse the property, and to ensure job retention.

NOW, THEREFORE, BE IT RESOLVED, that this Board of County Commissioners of St. Louis County does hereby establish the following requirements for eligibility for the "disaster credit" for damaged properties in St. Louis County:

1. Fifty percent (50%) or more of the structure, as established by the County Assessor, must be unintentionally or accidentally destroyed AND the residential structure must not be habitable or the non-residential structure must not be useable.
2. The owners of the property must make written application to the County Assessor as soon as practical after the damage has occurred.
3. If remodeling or construction is not legally allowed on the same property, the owner must provide documentation to the County Assessor showing proof of acquisition and occupancy of another similar property in St. Louis County within one (1) year from the date of the disaster.
4. Remodeling of the damaged structure or construction to replace the damaged structure must commence within one (1) year from the date of the disaster
5. The damaged property, or the newly acquired property, must have the same use as the damaged property at the time of the disaster. Reuse of the property must begin before the "disaster credit" is approved by the County Board.

6. The maximum allowable amount of “disaster credit” shall be based on no more than twelve (12) full months of the property being unhabitable or not useable

**AUDITOR TO COLLECT ADMINISTRATIVE EXPENSES FROM TAX INCREMENT FINANCE DISTRICT AUTHORITIES**
RESOLUTION NO. 818
October 15, 1991

WHEREAS, the St. Louis County Auditor’s Office has responsibility for administering the calculations for the various Tax Increment Finance Districts located within St. Louis County; and

WHEREAS, the administration of these Tax Increment Finance Districts is costly and time consuming to St. Louis County;

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners does hereby authorize the County Auditor’s Office to collect administrative expenses from all Tax Increment Finance District Authorities, for costs incurred in 1991, and by the method for assessing these costs developed by the County Auditor’s Office and made part of this resolution by reference, a copy on file in Board File No. 54294;

BE IT FURTHER RESOLVED, that consistent with Minnesota Statutes, the County Auditor shall notify all Tax Increment Finance District Authorities of these expenses by February 15 of 1992 and of each year thereafter.

**ABATEMENT OF AD VALOREM TAXES POLICY**
RESOLUTION NO. 861
November 30, 1993

RESOLVED, that all prior tax, penalty, interest, and cost abatement policies adopted by the St. Louis County Board are rescinded:

FURTHER RESOLVED, that the St. Louis County Board of Commissioners hereby adopts the following policy with respect to standards and procedures for the abatement of ad valorem taxes and abatement of penalties and interest assessed on delinquent or past due taxes and costs:

**POLICY OF THE ST. LOUIS COUNTY BOARD**
**CONCERNING THE**
**ABATEMENT OF AD VALOREM TAXES**

The intent of this policy is reasonableness with individual taxpayers and prudence with the tax and other monies due to the taxing authorities operating within St. Louis County.

GENERAL PROVISIONS

1. The Board may approve in full or part any settlement agreement negotiated by its attorney pursuant to a duly docketed action filed in any court of competent jurisdiction

2. Current Year taxes - after the approval of the Auditor and Assessor, the board may consider and approve or deny any abatement of taxes for clerical, classification, ownership, faulty assessment, or other legal reasons. Other reasons include but are not limited to:

   Objective Errors:
   1. Exemption by Public ownership
   2. Double assessments or other overlapping listings
   3. Homestead classification
   4. Measurable units (i.e. acres, square footage, etc.)
   5. Mobile home ownership or location changes
   6. Personal property ownership changes
   7. Lease cancellations
   8. Computational errors

   Subjective opinions:
   1. Exemption based on private ownership and use
   2. Subjective property attributes (e.g. condition or construction quality)
   3. Value before razing or other major modification of improvements
   4. Classification based on use only
   5. Market trends

   The Board will not consider nor grant an abatement for homestead classification omission if the Assessor possesses a certified mail return receipt (signed by one of the owners) for a homestead deficiency notice

3. Current year penalty and costs - The County Board, pursuant to MS 279.01, Subd 2, delegates authority to the Auditor to abate penalties due on current year taxes, if the imposition of the penalty would be unjust or unreasonable. Unjust or unreasonable for purposes of this policy shall include demonstrable medical or familial distress. The Auditor may require written documentation and/or sworn affidavits to support any request for an abatement. The Auditor may only grant such an abatement if all current year taxes due are paid or payment is tendered.

   The Board also authorizes the Auditor to abate penalty of up to $20.00 assessed for late payment of homestead taxes, provided that payment of all due taxes is tendered and received in the Office of the Auditor by June 30 for 1st half taxes and November 30 for 2nd half taxes and there is no record of late payments of any tax obligation on the property in the prior 5 years and there exists no outstanding delinquency on the property or other property owned by the taxpayer. Delinquency includes any balances of record under a confession of judgment.

   The Auditor may refer any penalty abatement request to the board for their consideration.

The simple failure to receive a tax statement shall not in and of itself be reason for an abatement. The Auditor and the County Board shall only grant an abatement if in reviewing the records of the Auditor it is determined that the office failed to properly transcribe mailing information or failed to timely provide a copy of the tax statement subsequent to a written request.

4. Past years tax - Prior year taxes, not more than 2 years prior to the current year, may be abated for clerical errors which include objective assessment errors as listed below:

    1. Exemption by public ownership
    2. Double assessments or other overlapping listings
    3. Homestead classification
    4. Measurable units (i.e. acres, square footage, etc.)
    5. Mobile home ownership or location changes
    6. Personal property ownership changes
    7. Lease cancellations
    8. Computation errors

    The Board will not consider nor grant an abatement for homestead classification omission if the Assessor possesses a certified mail return receipt (signed by one of the owners) for a homestead deficiency notice.

    The Board may also consider abatements for failure to file a timely abatement request due to hardship. Hardship shall be defined as: 1) Medical or familial distress of individuals or principals of a business (partnerships, single proprietorships, sub-chapter S); 2) or being in the process of foreclosure or bankruptcy procedures; 3) Disaster affecting the property or business (i.e. fire, flood, windstorm, etc.), during the applicable time period

5. Past year penalty, interest, and costs - Penalties and interest due on tax amounts abated under Item 4 above shall automatically be reduced in the same proportion as any reduction in taxes granted

    Other penalty and interest abatements shall be governed by the following: Prior year penalty, not more than 2 years prior to the current year, may be abated for clerical errors and filing hardship as defined in 4 above and can exceed proportionally any abatement granted on the taxes.

    The simple failure to receive a tax statement shall not in and of itself be reason for an abatement. The Auditor and County Board shall only grant an abatement if in reviewing the records of the Auditor it is determined that the office failed to properly transcribe mailing information or failed to timely provide a copy of the tax statement subsequent to a written request.

# CHAPTER 26
# TIME KEEPING

**RECORDING OF HOURS WORKED**
RESOLUTION NO. 314
May 27, 1986

RESOLVED, that those policies/procedures for payroll time-keeping regarding:

I. Recording of Hours Worked on Saturday and Sunday
II. Recording/Awarding Overtime Earned in Quarter-hours
III. Work Over Eight (8) Hours Per Day

as recommended by the Civil Service Department and identified as County Board File No. 52269, are hereby adopted by the St. Louis County Board of Commissioners, effective May 27, 1986.

## RECORDING OF HOURS WORKED - PAYROLL

I. RECORDING OF HOURS WORKED ON SATURDAY AND SUNDAY:

A. The normal workweek begins at 12:00:01 AM, Saturday; therefore, if an employee works on Saturday or Sunday, the employee is not on overtime status. The overtime is not earned until the employee was worked the total hours required by the bargaining agreement, i.e., 35 or 37 ½ hours.

Example: Basic Unit employee
Sat-7 Sun-0 Mon-7 Tue-7 Wed-7 Thu-7 Fri-7
The hours worked on Friday would be overtime hours earned

II. RECORDING/AWARDING OVERTIME EARNED IN QUARTER-HOURS:

Overtime is to be earned in one-quarter hour segments. If less than 7.5 minutes overtime is worked, no overtime shall be credited to the employee. If more than 7.5 minutes is worked, the employee shall be credited with one quarter hour overtime.

In calculating time and one-half on the one-quarter hour overtime earned, the total hours shall be rounded to the nearest hundredth of an hour.

Example: An employee works 8 minutes of overtime (at time and one-half). The employee would earn .25 hours of overtime to be calculated at time and one-half. The total hours earned would be .38 hours (.25 x 1.5 = .375 rounded to .38)

**OVERTIME**
RESOLUTION NO. 326
May 27, 1986

BE IT RESOLVED, that the St. Louis County Board hereby establishes the following policy with regard to overtime:

> "It is the policy of St. Louis County that no employee shall work overtime unless the overtime has been previously authorized by the employee's immediate supervisor. If the work situation is such that previous authorization cannot be obtained (the employee's working out of the office), it shall be the employee's responsibility to discuss the overtime earned with his/her immediate supervisor on the next working day."

RESOLVED FURTHER, that all departments shall issue to non-exempt employees correspondence provided by the Civil Service Department informing employees of the above policy statement and instructing employees in the procedures to be followed in completing the individual time sheets, beginning June 7, 1986.

BE IT RESOLVED FURTHER, that all departments shall provide Civil Service with written correspondence verifying the dates on which employees were issued the above mentioned correspondence.

**HOURS WORKED DEFINITION**
RESOLUTION NO. 466
October 13, 2009

WHEREAS, the County Board adopted County Board Resolution No. 88-101, dated February 9, 1988, and amended it via County Board Resolution No. 91-307, dated April 16, 1991; and

WHEREAS, County Board resolution No. 88-101 as amended contains provisions which are not required by the Federal Fair Labor Standards Act.

NOW, THEREFORE, BE IT RESOLVED, the St. Louis County Board rescinds County Board Resolution No. 88-101, dated February 9, 1988, as amended by County Board Resolution 91-307, dated April 16, 1991.

RESOLVED FURTHER, the effective date shall be January 4, 2010, subject to all legal requirements pertaining to collective bargaining.

**UNIFORM DEPARTMENTAL TIME-KEEPING PROCEDURES**
RESOLUTION NO. 869
November 12, 1996

BE IT FURTHER RESOLVED, that all departments are directed to comply with the uniform time-keeping procedures established by the St. Louis County Civil Service/Personnel Department. Departments shall use only those time-keeping documents or recording systems approved by the Civil Service/Personnel Department,

and shall not modify or change time-keeping procedures or documents unless authorized to do so by the Civil Service/Personnel Director.

# CHAPTER 27
# TRAVEL

## MEALS: METHOD OF REIMBURSEMENT

RESOLUTION NO. 678
September 10, 1979

WHEREAS, it is necessary for members of the St. Louis County Attorney's Office to meet with individuals from within or outside of the personnel of the St. Louis County Attorney's Office for the benefit of St. Louis County, and the St. Louis County Attorney's Office; and

WHEREAS, on occasion it is necessary to hold staff meetings of all staff members within the St. Louis County Attorney's Office for the benefit of St. Louis County; and

WHEREAS, due to the time or situation, meals are purchased for the members of the staff of the St. Louis County Attorney's Office; and

WHEREAS, the present policy requires much paper work and inconvenience in having to separate the meals for each individual;

NOW, THEREFORE, BE IT RESOLVED, that payment may be made to a single individual on a single voucher as reimbursement for the above mentioned expenditures.

## MILEAGE: FOREST INVENTORY CREW

RESOLUTION NO. 222
April 14, 1980

WHEREAS, the daily work site for the Forest Inventory Crew changes from day to day; and

WHEREAS, these persons have agreed to drive their private vehicles and to car-pool from a central location in each general area (Ely, Hibbing, Virginia, and Duluth) to the assigned work site;

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Travel Policy be amended to provide that the Forest Inventory Crew be paid mileage from their residence to the car-pool location to the work site.

RESOLVED FURTHER, that these payments be made retroactive to February 1, 1980.

## TRAVEL EXPENSE ADVANCES

RESOLUTION NO. 262
April 28, 1980

RESOLVED, that pursuant to Chapter 254, Laws of 1974, Subdivision 2, the County Auditor is hereby authorized and directed to establish an imprest fund for the purpose of advancing money to officers and employees to pay necessary expenses in attending meetings outside St. Louis County.

RESOLVED FURTHER, that the County Auditor is authorized to advance one hundred percent (100%) of registration and/or conference fees and to advance eighty percent (80%) of estimated travel expenses subject to prior approval of the Board of County Commissioners by submitting "Requisition for Travel Expense Advance;" and the employee or officer shall be personally responsible to submit within 60 days after attendance at said meetings receipts for said travel expenses, in order to receive the balance.

RESOLVED FURTHER, that the County Auditor is hereby authorized to set the rules and regulations for implementation of the aforementioned.

RESOLVED FURTHER, that the following amounts are deposited in the Special Checking Account from the following funds and departments:

| | |
|---|---|
| *Fund 1* | |
| Department 51, Account 429 | $5,000.00 |
| *Fund 2* | |
| Department 11, Account 429 | $1,000.00 |
| *Fund 3* | |
| Department 11, Account 429 | $1,000.00 |
| *Fund 47* | |
| Arrowhead Regional Corrections | $3,000.00 |
| *Fund 23* | |
| Northeast Regional Corrections | $1,000.00 |
| *Fund 21* | |
| Arrowhead Juvenile Center | $ 500.00 |
| | --- |
| | $11,500.00 |

RESOLVED FURTHER, that Resolution No. 307 adopted May 13, 1974 is hereby rescinded in its entirety.

*See Also:*

*I.* *Travel Imprest Fund, Resolution No. 294, Adopted May 12, 1980.*

*II.* *Travel Imprest Fund, Resolution No. 27, Adopted January 12, 1987.*

*III.* *Travel Imprest Fund, Resolution No. 709, Adopted September 20, 1988.*

IV. *Travel Imprest Fund, Resolution No. 376, Adopted June 12, 2001.*

**TRAVEL IMPREST FUND**
RESOLUTION NO. 294
May 12, 1980

RESOLVED, that Resolution No. 262, adopted April 28, 1980, relative to the establishment of an imprest fund for employees' travel expenses, is hereby amended by changing Paragraph 4 to read as follows:

RESOLVED FURTHER, that the following amounts are deposited in the Special Checking Account from the following funds and departments:

| | |
|---|---|
| *Fund 1* | |
| Department 51, Account 429 | $ 5,000.00 |
| *Fund 2* | |
| Department 11, Account 429 | $ 1,000.00 |

*Fund 3*
Department 11, Account 429 $ 1,000.00
*Fund 26*
Arrowhead Regional Corrections $ 4,500.00
---

$11,500.00

*See Also:*

1. *Travel Expense Advances, Resolution No. 262, Adopted April 28, 1980.*
2. *Travel Imprest Fund, Resolution No. 27, Adopted January 12, 1987.*
3. *Travel Imprest Fund, Resolution No. 709, Adopted September 20, 1988.*
4. *Travel Imprest Fund, Resolution No. 376, Adopted June 12, 2001.*

**ORAL EXAMINATION JUDGES PROVISION**
RESOLUTION NO. 513
July 13, 1981

RESOLVED, that the St. Louis County Travel Policy is hereby amended to provide that the Civil Service Department is authorized to provide lunches for oral examination judges; payable from Fund 1, Department 63, Account 350, for the actual costs of such lunches.

**TRAVEL IMPREST FUND**
RESOLUTION NO. 27
January 12, 1987

RESOLVED, that St. Louis County Board Resolution No. 262, adopted on April 28, 1980, as amended by Resolution No. 294, adopted May 12, 1980, regarding creation of an imprest fund for the purpose of advancing money to officers and employees to pay necessary expenses in attending meetings outside of St. Louis County, is hereby amended to read as follows in paragraph four:

RESOLVED FURTHER, that the following amounts are deposited in the Special Checking Account from the following funds and departments:

*Fund 1*
Department 51, Account 429 $ 5,000.00
*Fund 2*
Department 11, Account 429 $ 1,000.00
*Fund 23*
Department 11, Account 429 $ 1,000.00
*Fund 73*
Arrowhead Regional Corrections $ 4,500.00

*Fund 7*
Land Investment Department $ 1,000.00

*See Also:*

1. *Travel Expense Advances, Resolution No. 262, Adopted April 28, 1980.*
2. *Travel Imprest Fund, Resolution No. 294, Adopted May 12, 1980.*
3. *Travel Imprest Fund, Resolution No. 709, Adopted September 20, 1988.*
4. *Travel Imprest Fund, Resolution No. 376, Adopted June 12, 2001.*

**TRAVEL POLICY**
RESOLUTION NO. 706
November 9, 1987

ST. LOUIS COUNTY BOARD TRAVEL POLICY

Resolution 706 of November 9, 1987 (original)
Resolution 69 of January 26, 1988 (meals/phone)
Resolution 1006 of December 27, 1988 (meals)
Resolution 349 of April 25, 1989 (phone calls)
Resolution 676 of September 11, 1990 (mileage/IRS rate)
Resolution 51 of January 15, 1991 (parking fees)
Resolution 414 of May 21, 1991 (meals)
Resolution 12-404 of July 10, 2012 (meals)

RESOLVED, that the St. Louis County Board of Commissioners hereby adopts the following TRAVEL POLICY:

1. Travel Authority: A department head has the authority and responsibility to review and approve travel according to this policy and subject to the availability of departmental funds budgeted for this purpose. A department head shall only approve travel that is beneficial or necessary to St. Louis County and considers the most economical cost and means of transportation available. Travel outside Minnesota by the department heads must have prior approval by the County Administrator and the County Board Chair, except where such travel is necessary to carry out the duties and tasks of the department according to statute or court order.
2. Department Travel Evaluation: It shall be the responsibility of each department head to provide the County Administrator or Board Chair, upon request, with an evaluation of any conference, seminar, or workshop attended.
3. Mileage: Reimbursement for mileage for travel on official County business will be paid at a rate set by resolution of the County Board. Alternate

methods of travel shall be considered so as to travel in the most economical way. If commercial transportation is used, reimbursement will be made according to Section 5. It shall be the responsibility of the department head to coordinate travel within the department as well as with other departments wherever practicable.

4. Reimbursement (Out of State): Payments for expenses for transportation by personal vehicle for out-of-state travel shall be made on the basis of a single coach air fare to the destination or the airport located closest to such destination for each vehicle used. When personal vehicles are used in driving to out-of-state locations not available by commercial transportation, or when two or more officials or employees travel together by personal vehicle, travel reimbursement shall be made on actual mileage basis or for flight to the nearest airport plus car rental, bus, taxi, or limousine. The reimbursement shall be in accordance with this policy and for the alternative least expensive to St. Louis County. When mileage reimbursement is made on an in-lieu-of basis, reimbursement for meals and lodging shall be limited to such periods of time as would be required if travel were by commercial transportation, unless the use of personal vehicle results in a total cost to the County that is less than the cost by commercial transportation. In such cases, reimbursement may be made for additional meals and lodging if authorized by the County Administrator. When commercial transportation is not available, reimbursement for meals and lodging shall be limited to a reasonable period of time.

5. Commercial Transportation: County officials and employees may travel in-state and out-of-state by commercial transportation. Transportation may be first class only when necessary to make reasonable connections. When an employee has a reservation that is not going to be used, such employee shall be accountable for the cancellation of such reservation. Charter service may be used for in or out-of-state travel only where such charter service is more economical than commercial transportation. Excursion or charter group rates shall be used when available. Employees are encouraged to purchase advance fare tickets at the most economical rates available while recognizing that the County may be responsible for a non-refundable or partially refundable ticket when unavoidable events prohibit the employee from making the planned trip.

6. Receipts: An employee who claims reimbursement for expenses incurred in travel shall file properly executed receipts or copies thereof of airline receipts with the expense voucher for railroad, airline, or bus transportation, lodging accommodations and parking fees. When no receipts are available (i.e. situations where an employee or department head drives their personal vehicle or are entitled only to coach air fare) it shall be referred to the County Administrator for authorization.

<Resolution No. 1006 of 12-27-88>

7. Meal Reimbursement shall be allowed under the following circumstances:

A. Where an employee is in travel status within the County and overnight lodging is approved

B. When an employee is in travel status outside St. Louis County; or

C. When an employee is in attendance at a workshop, seminar, or working lunch meeting where a meal is served for which payment is required.

Employees shall claim reimbursement only for the amount actually paid for meals, but within the maximum set forth below. The amount must be reasonable taking into consideration the location in which the meal is obtained. Reimbursement for an official breakfast, luncheon or dinner or banquet meeting in conjunction with or required by an approved conference, workshop or seminar shall be the actual cost of the meal and reimbursed in full.

The meal allowance reimbursement rate is established as follows:

| | |
|---|---|
| Breakfast | $5.00 |
| Lunch | 7.00 |
| Dinner | 13.00 |

Meal allowance for breakfast is authorized when am employee must be in travel status prior to 6:30 A.M., and meal allowance for dinner is authorized when employee travel status extends beyond 7:00 P.M. This policy will apply to all county employees except in cases of conflict with labor contract provisions – effective 1-1-89.

8. Lodging: Because of the variances in in-state and out-of-state hotel or motel accommodations, no fixed amounts are prescribed. It is the responsibility of the department head to instruct the employee to use good judgment in incurring lodging costs. Charges shall be reasonable and consistent with facilities available. Employees may find it financially beneficial to utilize lodging at a distance from the meeting site and pay for transportation expenses for commuting between the sites. When this option is used, a comparison of costs must be included in the expense statement filed by the employee.

9. Conference Rooms: No payment will be made for use of conference rooms except with prior approval by the County Administrator.

10. Advances: Advances for 100 percent of registration and/or conference fees and for advance transportation costs where financially beneficial to the County, may be made by the County Auditor at any time prior to the date of travel, 80 percent of estimated expenses for meals, lodging, and travel may be advanced ten (10) days prior to departure. All vouchers and receipts for expenses incurred where advanced funds were provided shall be submitted to the County Auditor within thirty (30) days of completion of travel.

- Expense Payments: All travel expense payments shall be made to the County official or employee only, who shall then be responsible for payment of expenses incurred.

12. Justification of Expense: Any unusual circumstance that would not fit within the normally established guidelines shall be referred to the County Administrator and Board Chair for consideration and final payment shall not be made without their authorization.

13. Out-of-State Travel Arrangements: All out-of-state travel arrangements for department heads shall be completed and presented on the approved form to the County Administrator and Board Chair.

RESOLVED FURTHER, that all prior Travel Policies are hereby revoked on November 9, 1987, the effective date of this policy.

Resolution #69 of 1-26-88

RESOLVED FURTHER, that the following is added as a reimbursable expense to the Travel Policy effective in 1988:

Unreceipted telephone call expenses made by the employee and certified by the appropriate authority as Business-related phone calls

^^^

RESOLVED FURTHER, that the St. Louis County Board Travel Policy Meal Allowance Reimbursement Rates shall be adjusted annually to reflect changes in the U.S. General Services Administration CONUS meal reimbursement rate.

**MEALS: PLANNING COMMISSION/BOARD OF ADJUSTMENT**
RESOLUTION NO. 144
February 23, 1988

RESOLVED, that in calculating the meal reimbursement for the Planning Commission and the Board of Adjustment, the Township 54/55 dividing line will not be taken into consideration.

**PER DIEM RATE INCREASE FOR THE BOARD OF ADJUSTMENT**
RESOLUTION NO. 14-94
February 4, 2014

WHEREAS, The St. Louis County Board appoints members and establishes the per diem rate for the Board of Adjustment;

THEREFORE, BE IT RESOLVED, That the St. Louis County Board authorizes an increase to the per diem rate for the Board of Adjustment from $50 to $75.

**WASTE ADVISORY COMMISSION PROVISION**
RESOLUTION NO. 288
April 26, 1988

RESOLVED, that travel authorization for the Waste Advisory Commission shall be approved as follows:

1. Out of state – approval by the Chair of the St. Louis County Board
2. In state – approval by the Department Head

**TRAVEL IMPREST FUND**
RESOLUTION NO. 709
September 20, 1988

RESOLVED, that St. Louis County Board Resolution No. 262 adopted on April 28, 1980, as amended by Resolution No. 294 adopted May 12, 1980 and Resolution No. 27 adopted January 12, 1987, regarding creation of an imprest fund for the purpose of advancing money to officers and employees to pay necessary expenses in attending meetings outside of St. Louis County is hereby amended to read as follows in paragraph 4:

FURTHER RESOLVED, that the following amounts are deposited in the special checking account from the following funds and departments:

| | |
|---|---|
| *Fund 1* | |
| General Fund | $11,000.00 |
| *Fund 1* | |

| | |
|---|---|
| General Fund (Highway Department) | $ 1,000.00 |
| *Fund 7A* | |
| Land Investment | $ 1,000.00 |
| *Fund 73* | |
| Arrowhead Regional Corrections | $ 4,500.00 |

Said resolution amending only Fund 1, with the remaining funds staying as they have been approved in previous resolutions

*See Also:*

1. *Travel Expense Advances, Resolution No. 262, Adopted April 28, 1980.*
2. *Travel Imprest Fund, Resolution No. 294, Adopted May 12, 1980.*
3. *Travel Imprest Fund, Resolution No. 27, Adopted January 12, 1987.*
4. *Travel Imprest Fund, Resolution No. 376, Adopted June 12, 2001.*

**APPOINTED BOARDS, COMMITTEES, COMMISSIONS AND TASK FORCES PROVISION**

RESOLUTION NO. 246
March 21, 1989

BE IT RESOLVED, by the County Board of St. Louis County that the following policy will apply to County-appointed boards, committees, commissions, and task forces:

It is the intent of St. Louis County that all members of appointed boards, commissions, committees, and task forces, other than designated user boards, will be eligible for the following reimbursement. Current designated user boards, include the 911 User Board, the West End Senior Citizen Advisory Board, and the Senior Citizens Community Center Advisory Board.

1. MILEAGE REIMBURSEMENT: Mileage reimbursement shall be calculated from the home or business to the meeting site and return at the rate in effect for County employees, as set by the County Board (current rate of 24 cents per mile);

2. MEAL REIMBURSEMENT: Meal reimbursement shall be paid at the rate established by the County Board (currently $3.50 for breakfast, $4.50 for lunch, and $7.00 for dinner) when attendance at a meeting requires a member to be away from his/her home or worksite during these meals;
3. EXTRAORDINARY EXPENSES OR LOSS OF WAGES REIMBURSEMENT: A member who has extraordinary expenses or loss of income due to serving on a board, commission, committee, or task force is eligible to claim a maximum per diem of $20 per meeting, <u>or to claim a maximum per diem of $50 per day whenever activities are engaged in outside St. Louis County which require all or a substantial part of the entire day;</u>

Members of boards, commissions, committees, and task forces who receive payment of wages and/or expenses for serving are not eligible for these reimbursements. Members of boards, commissions, committees, and task forces who are employees of agencies contracting with St. Louis County and who are serving as representatives of those agencies are not eligible for these reimbursements. County Employees who serve on said boards, commissions, committees, and task forces shall be treated like all other members.

RESOLVED FURTHER, that the effective date of this policy shall be March 21, 1989.

RESOLVED FURTHER, that St. Louis County Board Resolution No. 579 adopted July 19, 1988, is hereby rescinded in its entirety.

**MOTOR POOL USE POLICY**
RESOLUTION NO. 531
June 20, 1989

BE IT RESOLVED, that the auto use policy, on file in the office of the County Auditor, identified as County Board File No. 53526, is implemented for all County vehicular travel, and that Resolution No. 710, adopted October 14, 1980, be rescinded.

**MOTOR POOL USE POLICY**
**USE AND SAFETY OF ALL COUNTY VEHICLES**

1. All users of County vehicles are required to have a valid and appropriate driver's license. It is the employee's responsibility to notify his/her supervisor if their license has been revoked or if there is any other reason why they cannot drive a vehicle.
2. Employees using County vehicles should be familiar with the policy regarding accidents in these vehicles. In the glove compartment of each car is an accident brochure that outlines the steps to use when involved in an accident. There is also a vehicle collision report form in the compartment. This form must be completely filled out in any incident involving physical contact with another vehicle or property. If any contact is made with an unoccupied vehicle or property a note must be left on the affected vehicle or property.
3. County vehicles and equipment are to be used for County related business only. However, assigned County vehicles may be used to a limited extent for the conduct of personal business when traveling out-of-town or for meal purposes during lunch hours.
4. Employees are required to use seatbelts if available when operating or riding in a County vehicle. (For highway employees – Highway Policy Manual – supersedes for seatbelt use.)
5. Allowable parking reimbursement: Parking fees as a result of County business will be reimbursed up to $5.00 per day or upon submittal of a receipt.

6. Situations not specifically covered: Periodically situations arise which require flexibility and common sense. Department heads are authorized to make decisions on situations not specifically covered by this policy, provided the decisions are made within the general intent of the policy.

DISCIPLINARY ACTION

1. Disciplinary action shall be taken against an employee as a result of any misuse or abuse of County vehicles and/or equipment, or any other negligent actions related with their use based upon current disciplinary policies in place. Examples of incidents warranting disciplinary action are the following:
    a. Driving without a valid or appropriate driver's license
    b. Leaving the scene of an accident (any physical contact with another vehicle or property).
    c. Employee involved in an unacceptable number of accidents, or an employee involved in an accident(s) where the circumstances of the accident(s) constituted misuse of the County vehicle.
    d. Failure to use seatbelts when available in operating or riding in a County vehicle
    e. Any other actions constituting misuse of the vehicle or equipment.

**MILEAGE: REIMBURSEMENT RATE**
RESOLUTION NO. 676
September 11, 1990

RESOLVED, that the County Board hereby amends the Selective Hiring Freeze to freeze only those positions being considered in Phase I of the Budget Alternatives; and

RESOLVED FURTHER, that the revised estimates for the 1990 budget as contained in the budget document effective September 1, 1990, and as modified on September 11, 1990, are hereby adopted. (Any budget adjustments after that time will be in addition to the revised estimate.)

RESOLVED FURTHER, that the County Board establishes the mileage reimbursement rate for use of individual automobiles at the same rate as that allowed by the Internal Revenue Service and directs that whenever the IRS gives notice that the mileage reimbursement rate has been changed, that all mileage and flat rate allowances for employees will be changed effective the beginning of the next month (effective September 1, 1990).

**MILEAGE : VOLUNTEER DRIVERS**
RESOLUTION NO. 119
February 12, 1991

RESOLVED, that the County Board adopts a policy reflecting the rate of mileage reimbursement for volunteer drivers be based on the allowable rate established by the Internal Revenue Service. Additionally, that the funds necessary to cover this increased expenditure of $22,500 be transferred from Fund 04C, S75, Object 0209 to Fund 04C, S79, Object 337.

**RECEIPT OF AIRLINE CREDIT OR BENEFIT**
RESOLUTION NO. 460
June 22, 1993

WHEREAS, the State of Minnesota requires that public employees, as well as, elected and appointed officials, report receipt of credits or benefits from airlines issuing tickets for travel which will ultimately be paid for with public funds; and

WHEREAS, the law also requires that each political subdivision of the State of Minnesota develop a policy that covers the accrual of these benefits;

NOW, THEREFORE, BE IT RESOLVED, that the County Auditor is requested to inform all employees, as well as, elected and appointed officials, of their obligation to report under the law.

BE IT FURTHER RESOLVED, that the County Auditor is requested to collect such reports and to account for the credits and benefits as prescribed by law.

**VEHICLE USE POLICY**
RESOLUTION NO. 356
May 6, 1997

WHEREAS, Minnesota law limits the use of government provided vehicles; and

WHEREAS, IRS regulations require a written county policy governing use of employer provided vehicles;

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board does hereby adopt the County Vehicle Use Policy, copy on file in Board File No. 57014.

**COUNTY VEHICLE USE POLICY**
The following policy and procedures are applicable to all County vehicles whether they are assigned to individuals, departments, or the motor pool. This policy shall be made available by departments to all employees who are authorized to use County vehicles. A copy of the policy shall be posted at each motor pool site.

USE OF COUNTY VEHICLES
PERSONAL USE PROHIBITED. The County provides County-owned or leased vehicles for the conduct of official County business. Personal use of County vehicles is prohibited except for commuting authorized by this policy and de minimis personal use that is clearly incidental to the use of the vehicle for County business.

COMMUTING. Commuting is personal use of a county vehicle and is defined as **travel between the employee's home and his/her regular work site.**

Trips between home and temporary work sites, from one temporary work site to another, and from a temporary to a regular work site are not considered commuting. A temporary work site is a location where an employee performs services on an irregular or short-term (generally a matter of hours or days) basis.

A county vehicle may not be used for commuting except as permitted by this policy, Minn. Stat. Section 471.666 or other applicable laws.

Commuting in County vehicle allowed only:

(1) in connection with work-related activities during hours when the employee is not working, e.g. the employee generally works Monday through Friday from 8:00 a.m. to 4:30 p.m. but must attend a meeting in the evening or on the weekend; or if the employee is on 24-hour call for County business purposes; or
(2) if the employee has been assigned the use of a county vehicle for authorized county business on an extended basis, and the employee's primary place of work is not the county work station to which the employee is permanently assigned; e.g. an assessor permanently assigned to the Duluth Courthouse is assigned to assess property in the Ely area and the employee drives to and from Ely each day; or
(3) if the employee has been assigned the use of a county vehicle for authorized county business away from the work station to which the employee is permanently assigned, and the number of miles traveled, or the time needed to conduct the business, will be minimized if the employee uses a county vehicle to travel to the employee's residence before or after traveling to the place of county business.
(4) if there is lack of space to store the vehicle on County property or for security purposes.

ASSIGNMENT OF VEHICLES

1. Any department which is assigned vehicles shall establish procedures for the use of the vehicles which shall be on file with the County Auditor and shall be consistent with this policy and Minn. Stat. 471.666. Departments shall provide a copy of this policy to each employee it authorizes to use a county vehicle.
2. All County vehicles will be permanently marked with the county insignia, Minn. Stat. 168.012 (e), unless they meet the requirements for unmarked vehicles. Minn. Stat. 168.012 ( c) (d).
3. A department head, with the approval of the County Administrator, may require an employee for valid business reasons to have continuous access to a county vehicle including for commuting purposes, and assign such a vehicle, permanently or temporarily, to the employee. All such assignments shall be made in writing signed by the employee, department head, and administrator on a form provided by the County Auditor. The form shall contain the name of the employee, the employee's payroll number (vendor #), social security number, the employee's title, full description of the vehicle, the reason the employee is required to use the vehicle for commuting, with documentation attached, if any, that supports commuting use as defined by Minn. Stat. 471.666 and/or exemptions under applicable Internal Revenue Service statutes, rules, and regulations. Additionally, the form shall contain instructions to the employee regarding documentation of all vehicle use.

   A copy of the form shall immediately be sent to the County Auditor. The Auditor shall determine whether a vehicle qualifies for exemption from taxation of the value of the commuting use. If it does not, the Auditor shall determine the method that will

be used to value the commuting use of such vehicle pursuant to I.R.S. regulations. The Auditor shall then notify the County Administrator and department head of such determination. The department head shall then notify the employee.

4. Department heads must make certain that drivers have a valid Class A, B, or C drivers license as required by law.
5. The department must take appropriate action if an employee is found to be using a County vehicle for unauthorized purposes, or his/her record shows lack of skill or responsibility, endangering self, others or equipment.

MOTOR POOL VEHICLES

Employees using motor pool vehicles shall when possible check-out and return vehicles at the County garage in Duluth between 7:15 a.m. and 4:15 p.m., Monday through Friday and at the Virginia garage between 6:45 a.m. and 5:00 p.m. Vehicles returned after closing time to either location shall be parked outside the garage and the keys and paperwork shall be deposited in the box located on the door. If a vehicle will be needed before a garage opens in the morning, a vehicle can be checked out the previous day and parked outside the garage to be picked up the next day, or driven home before or after business use if commuting in the vehicle is allowed by this policy. All trash shall be removed from the vehicle before it is returned.

FUEL

Gasoline for county cars may be obtained at a County fueling site and a gasoline credit card may be obtained for refueling that may be required on trips out of the County. County credit cards may be used only for necessary automotive supplies, fuel and emergency repairs for the County vehicle.

EMPLOYEE RESPONSIBILITIES

1. Employees shall be familiar with this Policy before using a County vehicle.
2. The employee must maintain a valid driver's license from their state of residency.
3. Employees shall wear seat belts at all times when operating county vehicles and personal vehicles when driving for County business.
4. Employees shall ensure that the motor vehicle is in good operating condition and all windows and lights are clean before leaving the County Garage or other parking area.
5. Employees shall not allow smoking in County vehicles.
6. The employee must park or garage the vehicle in a manner that will prevent damage or loss.
7. Employees who commute in a county vehicle shall maintain records of business and commuting use of the vehicle including date and time and description of activities whenever the employee responds to a call-out or emergency during non-working hours, and whenever the employee drives to a work-related activity at a location other than the employee's primary place of work. This information is intended to explain the reason for using the county vehicle to travel to or from the employee's residence. The employee must also record the number of one-way commutes or miles of commutes depending on which valuation rule is applicable. See Reporting Personal Use of County Vehicles in this Policy.
8. Employees must report any vehicle damage or loss to their supervisor.

9. Fines and towing charges for moving or parking violations are the responsibility of the employee driver. Employee must get a towed vehicle back into County service as soon as practicable.

VEHICLE ACCIDENTS

1. Employee/driver of a County vehicle involved in an accident must follow the instructions in the **Vehicle Accident Report** envelope located in the glove box of all County vehicles:
   a. Notify 911 and remain at the scene of the accident until police arrive. **DO NOT MOVE ANY VEHICLE FROM THE ACCIDENT SITE UNTIL LAW ENFORCEMENT OFFICERS HAVE ARRIVED AND APPROVED MOVING THE VEHICLE.**

   b. Use the **Vehicle Collision Report** to collect necessary information (driver's license numbers, address, phone, vehicle license plate number, etc.) from all parties involved including any passengers, bystanders, or **WITNESSES.** When asked for insurance information by a law enforcement officer show the copy of the State self-insured certificate that is in the Vehicle Accident Report envelope. Refer any other party to the County Attorney's office for information about insurance on the County vehicle.
   c. Do not admit liability or fault. The County Attorney's office will handle the legal matters resulting from the accident. Report the accident immediately to the Special Investigator in the County Attorney's office in Duluth at (218) 726-2323.
   d. Obtain the police accident report form number and include it in other information provided to the County Attorney's office.
   e. If an accident involves any injury, death, or property damage in the total amount of $1,000 or more, you must also complete the enclosed "MINNESOTA MOTOR VEHICLE ACCIDENT REPORT" and send it to the State of Minnesota and provide a copy to the County Attorney.
2. Employee/driver must immediately report any accident involving a County vehicle or private vehicle used for county business to their supervisor.
3. Any supervisor receiving a report of an accident involving a County vehicle must report it to the department head or designee who must review every accident and identify those where additional education or other remedial action will promote accident prevention.

DISABLED VEHICLES

If mechanical problems disable a County vehicle, call the County Garage in Duluth at **726-2576** or in Virginia at **749-7139** to arrange for a tow truck or mechanic. After hours and on weekends employees shall make reasonable efforts to secure a disabled vehicle until it can be repaired or towed to a County garage; or if the vehicle is needed for County business, arrange for minor repair such as damaged hoses, belts, lights, wiper blades, and any other items that are necessary for safe driving. If mechanical problems occur outside the County and it is not reasonable to have a vehicle towed to a County

garage, the employee must have the vehicle towed to a County garage, the employee must have the vehicle towed to the appropriate dealer of the vehicle if possible or other secure location. Minor repairs should be made at any reasonable location so the vehicle can be returned to the County. If it is determined that major repairs are required, the employee shall contact a County garage as soon as possible for instructions.

REPORTING PERSONAL USE OF COUNTY VEHICLES

The value of personal use, including commuting, of County vehicles is taxable income to the employee. The Auditor is required to value and report personal use to the IRS annually via the W-2, wage and tax statement form. The County will only withhold FICA and Medicare taxes on such use. The County will not withhold State and Federal income taxes.

Assigned Vehicles. A log shall be kept by the employee in each assigned vehicle detailing each trip segment and purpose on a form prescribed by the County Auditor. At the end of each month a summary listing the number of one-way commutes, miles of commutes and miles of other travel shall be forwarded to the payroll division of the County Auditor's office by the Department for computation of the appropriate amount to be added to the employees' income for tax purposes.

General or Departmental County Pool Vehicles. Each department with pool vehicles shall every three months (November, February, May, and August) prepare a list for the County Auditor identifying those employees that utilized a pool vehicle for commuting purposes between their normal employment location and home during the prior three months, and the number of such one-way trips or miles of commuting for each individual on a form provided or approved by the County Auditor.

Each department must maintain records on site of all pool vehicle usage that for each vehicle documents the name and department of employee/driver, date of use, mileage, and purpose of use.

Exemption from Reporting Requirements. The Auditor may inform a department that a vehicle is clearly exempt from taxation of personal use under I.R.S. regulations and may exempt the department from the reporting requirements of this policy. See attachment A.

ATTACHMENT TO POLICY ON USE OF COUNTY VEHICLES

Current I.R.S. exclusions from taxation of use of county vehicle

The following county vehicles are "qualified non-personal use vehicles" (I.R.S. Reg. 1.274-5T(d)) and Departments with employees who commute in vehicles that conform with these exceptions must make the County Auditor aware of necessary information for consideration.

1. marked and unmarked squad cars driven by a deputy sheriff who is on call 24 hrs a day and regularly carries a firearm and spends at least part of each working day as an

enforcement officer in the field. This does not include officers assigned to serve civil process or the D.A.R.E. instructor.

2. marked pick-up trucks with hydraulic lift gate, permanently installed fuel tanks, or permanently installed panels that raise the level of the sides of the trucks, or other heavy equipment (such as an electric generator, welder, boom, or crane used to tow automobiles and other vehicles), driven by employees who are on 24 hour call for emergency road conditions.
3. any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds.
4. marked pick-up trucks actually used primarily for transporting a particular type of load other than over the public highway in connection with a construction, manufacturing, processing, farming, mining, drilling, timbering, or other similar operation, and has been specially designed or modified to a significant degree for such use.

**COUNTY COMMISSIONER TRAVEL STATUS DEFINITION**
RESOLUTION NO. 942
December 16, 1997

RESOLVED FURTHER, county commissioner travel status is defined as being about the business of the county outside the commissioner's district and outside the city where the county has provided offices for the commissioner.

RESOLVED FURTHER, commissioners in travel status shall be entitled to expense reimbursement in accordance with Minnesota Statutes 383C.58 and in lieu of receipts for meals and incidental expenses may instead be reimbursed for such expenses in accordance with the Internal Revenue Schedule of such allowable

**MEDICAL ASSISTANCE TRANSPORTATION**
RESOLUTION NO. 198
March 17,1998

RESOLVED, that the mileage reimbursement rate for medical assistance eligible transportation provided by volunteer drivers and foster parents is set at 31.5 cents per mile, effective January 1, 1998. No county funds are involved, costs are covered through state and federal medical funds reimbursed to the county.

**MOTOR POOL VEHICLE RATES**
RESOLUTION NO. 506
June 23,1998

WHEREAS, a study of Motor Pool charges revealed a need to adjust the motor pool rates and charges.

RESOLVED, that Motor Pool vehicle rates be adjusted as follows:

| | |
|---|---|
| $.325/mile | Sedans, Mid-Size Trucks |
| $.405/mile | Suburbans/Vans/Full Size Pickups |

RESOLVED FURTHER, that Sheriff's vehicle rates be adjusted as follows:

| | |
|---|---|
| $.255/mile | Sedans |
| $.255/mile | 4WD Vehicles |

RESOLVED FURTHER, that charges for heated garage parking stalls for County vehicles not charged out on a mileage basis by the Motor Pool be $40/stall.

RESOLVED FURTHER, that shop labor rates are $44.38 (70% of Duluth Auto Dealers average shop rate).

Adopted June 23, 1998. No. 506

**CONUS RATES TO BE USED FOR MEAL & INCIDENTAL EXPENSES**

RESOLUTION NO. 973

December 22, 1998

RESOLVED FURTHER, as of January 2, 1999, all employees who are in out-of-county travel status shall be reimbursed or meals and incidental expenses at rates not to exceed the so-called CONUS rates promulgated under 41CFR Part 301.7.

RESOLVED FURTHER, that the County Auditor is authorized to advance 100% of required deposits when reserving overnight lodging.

RESOLVED FURTHER, except for the foregoing, the provisions of the County Travel Policy continue in effect.

**SEE CURRENT SCHEDULE (PASSED ANNUALLY)**

**CONUS RATES – Year 2000**

- Allowable meals will be reimbursed at the 2000 CONUS rates. If a location is not specifically listed the CONUS rate is the Standard rate of $30. CONUS rates for 2000 can be found either in the Auditor's accounting section or on the internet at the following web site: http://policyworks.gov/org/main/mt/homepage/mtt/perdiem/perd00d.html

The M&IE (Meals and Incidentals) breakdown as provided in FTR Amendment 75 is as follows:

| M&IE | $30 | $34 | $38 | $42 | $46 |
|---|---|---|---|---|---|
| Breakfast | 6 | 7 | 8 | 9 | 9 |
| Lunch | 6 | 7 | 8 | 9 | 11 |
| Dinner | 16 | 18 | 20 | 22 | 24 |
| Incidentals | 2 | 2 | 2 | 2 | 2 |

- Effective January 1, 2000, the mileage reimbursement rate for use of individual automobiles is set at 32.5 cents per mile. This is in accordance with County Board Resolution No. 676, adopted September 11, 1990 and Internal Revenue

Service Procedures 99-38 (Internal Revenue Bulletin 1999-43, dated October 25, 1999).

**TRAVEL IMPREST FUND**
RESOLUTION NO. 376
June 12, 2001

RESOLVED, that the Travel Imprest Fund special checking account for officers' and employees' travel advances be hereby increased from its current amount of $17,500 to an amount of $30,000.

RESOLVED FURTHER, that the increase is effected by the ratification and approval of the May 30, 2001, temporary advance to the Travel Imprest Fund from the General Fund in the amount of $8,625 and an additional $3,875 to be added to the Travel Imprest Fund from the General Fund (Fund 01).

RESOLVED FURTHER, that the Travel Imprest Fund special checking account consists of amounts from the following funds:

Fund 01, General Fund - $24,500
Fund 02, Road and Bridge Fund - $1,000
Fund 73, Arrowhead Regional Corrections - $4,500

*See Also:* 1. *Travel Expense Advances, Resolution No. 262, Adopted April 28, 1980*
- *Travel Imprest Fund, Resolution No. 294, Adopted May 12, 1980*
3. *Travel Imprest Fund, Resolution No. 27, Adopted January 12, 1987*
4. *Travel Imprest Fund, Resolution No. 709, Adopted September 20, 1988.*

**TRAVEL IMPREST FUND**
RESOLUTION NO. 100
March 1, 2011

WHEREAS, an analysis of the Travel Imprest Fund was completed to determine if the balance in the fund was still appropriate, with results showing that since 2001 the county has not experienced use of the fund as was originally estimated.

NOW, THEREFORE, BE IT RESOLVED, that the Travel Imprest Fund be reduced by $10,000 to a total of $20,000 which more accurately represents the use of the fund.

RESOLVED FURTHER, that future adjustments to the balance of this fund can be made by the County Auditor.

**OUT OF STATE TRAVEL FOR ELECTED OFFICIALS**
RESOLUTION NO. 688
DECEMBER 20, 2005

WHEREAS, the 2005 State of Minnesota Legislature has required that all local governmental jurisdictions (except townships) develop and approve an "Out-Of-State Travel Policy" governing the travel of local elected officials (MN Statutes 471.661, Section 38, OUT-OF-STATE TRAVEL.);
THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby adopts the following policy regarding out-of-state travel for its elected officials:

**POLICY ON OUT-OF-STATE TRAVEL BY ELECTED OFFICIALS**

St. Louis County has benefited greatly from membership in national associations, attendance and participation at national conferences, interaction with counterparts in other jurisdictions, and meetings and work with the federal government and members of Minnesota's congressional delegation. Much of this activity requires out-of-state travel. This policy is intended to govern the conditions under which out-of-state travel will be reimbursed by St. Louis County.

Each elected official is responsible for determining whether his or her attendance at an out-of-state event is of sufficient value to offset the costs in time and travel expenses.
In making such determination, he or she should consider the following as a general guide to out-of-state travel:

- The relevance of the conference or event to upcoming or current issues facing the County;
- Whether there are alternatives to travel that would be of lesser expense, or whether the travel could be deferred and combined with other travel;
- Whether the Elected Official will be meeting and networking with other Elected Officials from around the country to exchange ideas on topics of relevance to the County or on the official roles of local Elected Officials;
- Whether the Elected Official will be viewing a County facility or function that is similar in nature to one that is currently operating at, or under consideration by the County where the purpose for the trip is to study the facility or function to bring back ideas for the consideration of the full Board;
- Whether the Elected Official has been specifically assigned by the Board to testify on behalf of the County at the United States Congress or to otherwise meet with federal officials on behalf of the County; and
- Whether funding has been set aside in the budget for this purpose.

No reimbursements will be made for attendance at events sponsored by or affiliated with political parties. The County will reimburse for transportation, lodging, meals, registration, and incidental costs using the same procedures, limitations and guidelines outlined in the policy governing travel for county employees.

The County will not reimburse for alcoholic beverages, costs associated with the attendance of a family member, rental of luxury vehicles, meal expenses included in the cost of registration, or recreational expenses such as golf or tennis.

The Board may request an oral or written report from the Elected Official on the results of the trip. The Elected Official must turn over materials received to the County. The

Board may make exceptions to the policy depending upon circumstances unique to the trip and/or the Elected Official.

## CHAPTER 28
## ORDINANCES
## *ST. LOUIS COUNTY ORDINANCES*

ORDINANCE NUMBER 1 – An Ordinance relating to the repeal of the St. Louis County Zoning Ordinance adopted February 13, 1968, County Board File No. 44162, and the repeal of the St. Louis County Land Zoning Ordinance adopted April 21, 1944, Resolution No. 288. Adopted December 13, 1971.

ORDINANCE NUMBER 2 – The Zoning Ordinance for St. Louis County, Minnesota, adopted December 13, 1971. See various amendments below. *Repealed by Ordinance No. 14 of August 14, 1972.*

ORDINANCE NUMBER 3 – An Ordinance to repeal Public Health Regulations. Adopted December 13, 1971.

ORDINANCE NUMBER 4 – An Ordinance governing the disposal of sewage and human excreta. Adopted December 13, 1976. Amended January 28, 1974. Rescinded on June 11, 1979. Replaced by Ordinance No. 30. *Repealed by Ordinance No. 30 of June 11, 1979.*

ORDINANCE NUMBER 5 – An Ordinance relating to sanitation regulations for milk and milk products in St. Louis County, Minnesota. Adopted December 13, 1971. Amended January 28, 1974. *Repealed by Ordinance No. 18 of March 28, 1974.*

ORDINANCE NUMBER 6 – An Ordinance relating to sanitation regulations for food establishments in St. Louis County, Minnesota. Adopted December 13, 1971. Amended January 28, 1974.

ORDINANCE NUMBER 7 – An Ordinance to repeal the Solid Waste Regulations. Adopted December 13, 1971.

ORDINANCE NUMBER 8 – The Solid Waste Ordinance. Adopted December 13, 1971. *Repealed by Ordinance No. 45 of December 22, 1992.*

ORDINANCE NUMBER 9 – An Ordinance to repeal Resolution No. 173, adopted March 26, 1971, regarding the licensing and regulation of exhibitions to be held in the County that reasonably can be expected to continue for more than 18 hours and attract more than 2,000 persons. Adopted December 13, 1971.

ORDINANCE NUMBER 10 – An Ordinance regarding regulating the licensing and regulation of exhibitions to be held in the County that reasonably can be expected to

continue for more than 18 hours and attract more than 2,000 observers. Adopted December 13, 1971.

ORDINANCE NUMBER 11 - An Ordinance repealing the Air Pollution Regulations. Adopted December 13, 1971.

ORDINANCE NUMBER 12 - The Air Pollution Ordinance. Adopted December 13, 1971.

ORDINANCE NUMBER 13 - An Ordinance governing weight and load restrictions on highways. Adopted March 13, 1972.

ORDINANCE NUMBER 14 - An Ordinance relating to the repeal of the St. Louis County Zoning Ordinance, adopted December 13, 1971, as Ordinance No. 3. Adopted August 14, 1972. Amended September 22, 1972, and February 26, 1973.

ORDINANCE NUMBER 15 - The Zoning Ordinance for St. Louis County, Minnesota. Adopted August 14, 1972. Amended September 24, 1973, March 26, 1973, and May 12, 1975. *Repealed by Ordinance No. 24 of August 8, 1977.*

ORDINANCE NUMBER 16 - St. Louis County Requirements for Lodging Establishments. Adopted December 26, 1972. Amended January 28, 1974.

ORDINANCE NUMBER 17 - Sewage Pumpers Ordinance. Adopted October 9, 1973. Amended January 28, 1974. *Repealed by Ordinance No. 36 of May 14, 1984.*

ORDINANCE NUMBER 18 - An Ordinance to repeal St. Louis County Ordinance No. 5 relating to sanitation regulations for milk and milk products in St. Louis County, Minnesota. Adopted March 25, 1974.

ORDINANCE NUMBER 19 - An Ordinance providing for the creation of the Vermilion Landfill Authority. Adopted March 13, 1975. Repealed by Ordinance No. 50 of September 16, 1997.

ORDINANCE NUMBER 20 - An Ordinance amending Ordinance Number 15, the Zoning Ordinance, as amended, by amending certain provisions thereof. Adopted May 12, 1975. *Repealed by Ordinance No. 24 of August 8, 1977.*

ORDINANCE NUMBER 21 - Ordinance providing for the Filing of Surveys with the County Surveyor as authorized by Minnesota Statutes 389.07. Adopted December 22, 1975.

ORDINANCE NUMBER 22 - An Ordinance amending Ordinance Number 19 providing for the creation of the Vermilion Landfill Authority. Adopted September 13, 1976. Repealed by Ordinance No. 50 of September 16, 1997.

ORDINANCE NUMBER 23 - An Ordinance relating to bingo and providing regulations for the operation. Adopted April 11, 1977. *Repealed by Ordinance No. 47 of May 3, 1994*.

ORDINANCE NUMBER 24 - The Zoning Ordinance for St. Louis County, Minnesota. Adopted August 8, 1977. *Repealed by Ordinance No. 35 of August 13, 1981*.

ORDINANCE NUMBER 25 - An Ordinance creating the St. Louis County Planning Commission. Adopted August 8, 1977. *Repealed by Ordinance No. 35 of August 13, 1981*.

ORDINANCE NUMBER 26 - An Ordinance creating the St. Louis County Board of Adjustment. Adopted August 8, 1977. *Repealed by Ordinance No. 35 of August 13, 1981*.

ORDINANCE NUMBER 27 - An Ordinance establishing a comprehensive plan for that portion of St. Louis County, Minnesota, outside the incorporated limits of municipalities, in accordance with provisions of M.S. 394.23 and all acts amendatory thereof, to guide the future development of the County or any portion of the County. Adopted December 27, 1977. Amended.

ORDINANCE NUMBER 28 - An Ordinance providing rules and regulations governing the issuance of County liquor licenses as authorized by Minnesota Statutes, Section 340A; Chapters 566 and 663, Laws of 1973; Chapters 220, 333, and 335, Laws of 1974; and Laws of 1976, Chapter 105. Adopted May 22, 1978. Amended.

ORDINANCE NUMBER 29 - An Ordinance providing for the creation of the Vermilion Landfill Authority and the Northwoods Landfill Authority by the County of St. Louis on behalf of itself and for the benefit of the Cities of Ely, Tower, Babbitt, and Winton; the Towns of Kugler, Morse, Waasa, Breitung, Greenwood, and Vermilion Lake; and the following unorganized territories: 61-12, 61-13, 61-14, 63-14, 63-15, 64-12, 64-13, 64-14, 64-15, 64-16, 65-12, 65-13, and 66-12. Adopted June 26, 1978. Repealed by Ordinance No. 50 of September 16, 1997.

ORDINANCE NUMBER 30 - An Ordinance regulating the treatment and disposal of sewage. Adopted June 11, 1979. Repealed by Ordinance No. 36. *Repealed by Ordinance No. 36 of May 14, 1984.*

ORDINANCE NUMBER 31 - An Ordinance establishing a licensing system for non-profit organizations to conduct raffles and operate certain other gambling devices. Adopted October 9, 1979. *Repealed by Ordinance No. 47 of May 3, 1994*.

ORDINANCE NUMBER 32 - An Ordinance creating service charges for Solid Waste Management Services provided by St. Louis County or others under contract with St. Louis County. Adopted October 22, 1979. Amended. *Repealed Ordinance No. 32A of July 28, 1992.*

ORDINANCE NUMBER 32A - An Ordinance creating services charges for Solid Waste Management Services provided by St. Louis County or others under contract with St. Louis County. Adopted July 28, 1992. *Repealed by Ordinance No. 45 of December 22, 1992.*

ORDINANCE NUMBER 33 - An Ordinance establishing the Subdivision Platting Regulations of St. Louis County. Adopted November 26, 1979.

ORDINANCE NUMBER 34 - An Ordinance providing for the approval of all plats and registered land survey plats by the St. Louis County Surveyor prior to recording as authorized by Minnesota Statutes 389.09. Adopted April 13, 1981.

ORDINANCE NUMBER 35 - An Ordinance repealing and replacing Ordinance Nos. 24, 25, and 26. Zoning Ordinance for St. Louis County. Adopted November 9, 1981. Amended. *Repealed by Ordinance No. 46 of February 9, 1993.*

ORDINANCE NUMBER 36 - An Ordinance regulating septage disposal and the design, location, installation, renovation, operation, maintenance, and inspection of individual sewage treatment systems; requiring permit therefore; and licensing persons engaged in construction, installation, renovation, and pumping thereof; and prescribing penalties. Adopted May 14, 1984. Repealed by Ordinance No. 55 of August 1, 2000.

ORDINANCE NUMBER 37 - An Ordinance regulating manufactured home parks and recreational camping areas and the licensing, inspection, operation, construction and maintenance thereof and prescribing penalties, all in accordance with Minnesota Department of Health Rules Chapter 4630. Adopted August 26, 1985.

ORDINANCE NUMBER 38 - An Ordinance relating to sanitation requirements for children's camps and the licensing and inspection thereof and prescribing penalties, all in accordance with Minnesota Department of Health Rules, Chapter 4630. Adopted September 23, 1985.

ORDINANCE NUMBER 39 - An Ordinance providing for rates and charges for solid waste management services at St. Louis County's Waste Tire Processing Facility located at Babbitt, Minnesota. Adopted March 26, 1986. Repealed by Ordinance No. 50 of September 16, 1997.

ORDINANCE NUMBER 40 - An Ordinance relating to public swimming pools. Adopted September 8, 1986.

ORDINANCE NUMBER 41 - An Ordinance providing a system by which all primary structures located outside of the incorporated limits of municipalities will be assigned an address, and all owners of primary structures are required to post the assigned address in specified locations. Adopted March 22, 1988.

ORDINANCE NUMBER 42 - An Ordinance providing for the regulation of the operation of watercraft upon all waters situated wholly or partly within St. Louis County

except for bodies of water situated entirely within the corporate limits of municipalities. This ordinance applies only to those portions of bodies of water within the boundaries of St. Louis County. Adopted May 16, 1989.

ORDINANCE NUMBER 43 - An Ordinance relating to minimizing flood losses. Adopted February 19, 1992.

ORDINANCE NUMBER 44 - Financial Assurance Contingency Action Compliance Ordinance. Adopted September 1, 1992.

ORDINANCE NUMBER 45 - Solid Waste Ordinance. Adopted December 22, 1992. *Repeals Ordinance No. 8 - Solid Waste Ordinance and Ordinance No. 32A - an Ordinance Creating Service Charges for Solid Waste Management Services Provided by St. Louis County or Others under Contract with St. Louis County, and any amendments thereto.*

ORDINANCE NUMBER 46 - Zoning Ordinance. Adopted February 9, 1993. *Repeals and replaces Ordinance No. 35 - the Zoning Ordinance for St. Louis County.* Amended February 24, 1998.

ORDINANCE NUMBER 47 - An Ordinance to repeal St. Louis County Ordinance No. 23 related to bingo and providing regulations for the operation thereof and the repeal of Ordinance No. 31 related to the conduct of raffles and operation of certain other gambling devices. Adopted May 3, 1994.

ORDINANCE NUMBER 48 - Administrative Penalty Order Ordinance. Adopted September 3, 1996.

ORDINANCE NUMBER 49 - Individual Sewage Treatment Systems Loan Ordinance. An Ordinance implementing a Public Loan Program to assist St. Louis County property owners with financing site evaluation, design, installation, repair, and replacement of individual sewage treatment systems. Adopted September 2, 1997.

ORDINANCE NUMBER 50 - An Ordinance to repeal St. Louis County Ordinance No. 19, providing for the Vermilion Landfill Authority; to repeal Ordinance No. 22, amending Ordinance No. 19; to repeal Ordinance No. 29, providing for the creation of the Vermilion Landfill Authority and the Northwoods Landfill Authority; and to repeal Ordinance No. 39 providing for rates and services at St. Louis County's waste tire processing facility in Babbitt, Minnesota. Adopted September 16, 1997.

ORDINANCE NUMBER 51 - An Ordinance regulating the sale, possession and use of tobacco and tobacco-related devices; mandating yearly compliance checks of all licensees; and establishing penalties and procedures for violations, all in accord with Minnesota Statutes Chapter 461 (1997). Adopted April 28, 1998.

ORDINANCE NUMBER 52 - Town of Grand Lake Borrow Pit Moratorium. Adopted August 4, 1998.

ORDINANCE NUMBER 53 - An Ordinance which regulates the inflow and infiltration of waters into the Midway Park Sewer System to ensure compliance with the Rules and Regulations of the Western Lake Sanitary District. Adopted January 18, 2000.

ORDINANCE NUMBER 54 - Town of Solway Moratorium. Adopted February 15, 2000. Terminated on November 15, 2000

ORDINANCE NUMBER 55 – An Ordinance and construction standards regulating the design, location, installation, renovation, operation, maintenance, and inspection of individual sewage treatment systems; requiring permits therefore; and prescribing penalties. Adopted July 11, 2000.

ORDINANCE NUMBER 56 – Mesabi Trail Ordinance. Adopted October 24, 2000.

ORDINANCE NUMBER 57 – Raise the speed limit of snowmobiles to 65 m.p.h. on lakes greater than 10,000 acres. Adopted May 27, 2003.

ORDINANCE NUMBER 58 – An Ordinance that only applies to a petition that is required to be filed with the county and could result in an election in the county or a petition that requires the certification of a minimum number of eligible or registered votes. This ordinance does not apply to township related elections or the right of constituents to generally petition the county board for action. Adopted October 28, 2003.

ORDINANCE NUMBER 59 – An Ordinance which repeals and replaces St. Louis County Ordinance #6 and shall be known as the Food and Beverage Establishment Ordinance. Adopted November 23, 2004.