



# Board of Commissioners

## Agenda

15 West Kellogg Blvd.  
Saint Paul, MN 55102  
651-266-9200

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**November 23, 2021 - 9 a.m.**

**Virtual meeting / Council Chambers - Courthouse  
Room 300**

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Pursuant to Minnesota Statutes Section 13D.021, the Chair of the Ramsey County Board of Commissioners has determined that an in-person meeting is not practical or prudent because of the COVID-19 pandemic and the prevalence of the Delta variant. Commissioners will participate by telephone or other electronic means. In addition, it may not be feasible for commissioners, staff, or members of the public to be present at the regular meeting location due to the COVID-19 pandemic and the prevalence of the Delta variant. The meeting broadcast will be available online and linked via [ramseycounty.us/boardmeetings](http://ramseycounty.us/boardmeetings). Members of the public and the media will be able to watch the public meeting live online.

### ROLL CALL

### PLEDGE OF ALLEGIANCE

1. **Agenda of November 23, 2021 is Presented for Approval.** [2021-568](#)

Sponsors: County Manager's Office

Approve the agenda of November 23, 2021.

2. **Minutes from November 16, 2021 are Presented for Approval** [2021-580](#)

Sponsors: County Manager's Office

Approve the November 16, 2021 Minutes.

### PROCLAMATION

3. **Proclamation: Native American Heritage Month** [2021-653](#)

Sponsors: County Manager's Office

### PRESENTATION OF AWARD

4. **Award Presentation: American Public Works Association of Minnesota Chapter - Project of the Year Honorable Mention Award for the Dale Street/I-94 Interchange Project** [2021-635](#)

Sponsors: Public Works

None. Presentation of award only.

### COVID UPDATE

**ADMINISTRATIVE ITEMS****5. Agreement with the University of Minnesota and Ramsey County for 4-H Youth Development Programs [2021-570](#)**

Sponsors: Communications & Public Relations

1. Approve an agreement with the Regents of the University of Minnesota on behalf of its Extension unit, 240 Coffey Hall, St. Paul, MN 55108, for 4-H Youth Development programs for the term January 1, 2022 through December 31, 2023, in the amount of \$180,000 per year.
2. Authorize the Chair and Chief Clerk to execute the agreement.
3. Authorize the County Manager to approve and execute amendments to agreement in accordance with the provisions of the agreement, provided the amounts are within the limits of available funding.

**6. Amendment to the Agreement with Legal Services for Juveniles INC. [2021-642](#)**

Sponsors: Safety and Justice

1. Approve the amendment to the professional services agreement with Legal Services for Juveniles INC to provide legal representation services for proceedings in juvenile court for the period of January 1, 2022 through December 31, 2023, not to exceed the amount of \$2,550,000.
2. Authorize the Chair and Chief Clerk to execute the amendment.
3. Authorize the County Manager to approve and execute amendments to renew the term of the agreement in accordance with the provisions of the agreement, with all other terms and conditions remaining the same, in a form approved the County Attorney's Office.

**7. Reappointment of the Ramsey County Medical Examiner and Amendment to Agreement for Forensic Services [2021-641](#)**

Sponsors: Safety and Justice and County Manager's Office

1. Reappoint Kelly Mills, M.D. as the Medical Examiner of Ramsey County from January 1, 2022 through December 31, 2022.
2. Approve the amendment with Kelly Mills, 3486 Crosslough Trail, Rosemount, MN, 55068, DBA River Valley Forensic Services, PA, for a one-year period of January 1, 2022 through December 31, 2022, with up to two annual renewals by Ramsey County Board-approved amendment, in an amount of \$827,067 per year.
3. Authorize the Chair and Chief Clerk to execute the amendment.

**8. Public Works Construction Quarterly Report for July 1, 2021 through September 30, 2021 [2021-638](#)**

Sponsors: Public Works

Accept the Public Works Construction Quarterly Report for the period of July 1, 2021 through September 30, 2021.

**POLICY ITEM**

**9. Presentation: Funding for Workforce Programs through the American Rescue Plan Act** [2021-643](#)

Sponsors: Workforce Solutions

None. For information and discussion only.

### ORDINANCE PROCEDURES

**10. Amendments to the Ramsey County Administrative Ordinance** [2021-559](#)

Sponsors: Public Health

Adopt amendments to the Ramsey County Administrative Ordinance, that provides authority for departments to issue administrative citations.

**11. 2022 Capital Improvement Bond Ordinance** [2021-656](#)

Sponsors: Finance

Approve the 2022 Capital Improvement Program Bond Ordinance, which sets forth a procedure for issuance of said bonds.

### COUNTY CONNECTIONS

### OUTSIDE BOARD AND COMMITTEE REPORTS

### BOARD CHAIR UPDATE

### ADJOURNMENT

Following County Board Meeting:

10:30 a.m (estimated): County Board Workshop:

Growth and Change in Ramsey County - Lessons from the 2020 Census

Join via Zoom Webinar:

<https://zoom.us/j/97054659570?pwd=S0pjbhCWjRtMIA1V1BDMnNUenBsdz09>

Webinar ID: 970 5465 9570 | Passcode: 534748 | Phone: 1-651-372-8299

Advance Notice:

November 30, 2021 No county board meeting – 5th Tuesday

December 7, 2021 No county board meeting – AMC Annual Conference

December 14, 2021 County board meeting – Council Chambers

December 21, 2021 County board meeting – Council Chambers



# Board of Commissioners

## Request for Board Action

15 West Kellogg Blvd.  
Saint Paul, MN 55102  
651-266-9200

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**Item Number:** 2021-568

**Meeting Date:** 11/23/2021

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**Sponsor:** County Manager's Office

**Title**

Agenda of November 23, 2021 is Presented for Approval.

**Recommendation**

Approve the agenda of November 23, 2021.



# Board of Commissioners

## Request for Board Action

15 West Kellogg Blvd.  
Saint Paul, MN 55102  
651-266-9200

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**Item Number:** 2021-580

**Meeting Date:** 11/23/2021

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**Sponsor:** County Manager's Office

**Title**

Minutes from November 16, 2021 are Presented for Approval

**Recommendation**

Approve the November 16, 2021 Minutes.

**Attachments**

1. November 16, 2021 Minutes



# Board of Commissioners Minutes

15 West Kellogg Blvd.  
Saint Paul, MN 55102  
651-266-9200

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November 16, 2021 - 9 a.m.

Virtual meeting / Council Chambers - Courthouse  
Room 300

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The Ramsey County Board of Commissioners met in regular session at 9:00 a.m. with the following members present: Frethem, MatasCastillo, McDonough, McGuire, Ortega, Reinhardt, and Chair Carter. Also present were Ryan O'Connor, County Manager, and Sam Clark, Civil Division Director, Ramsey County Attorney's Office.

## ROLL CALL

Present: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

## PLEDGE OF ALLEGIANCE

1. Agenda of November 16, 2021 is Presented for Approval. [2021-566](#)

Sponsors: County Manager's Office

Approve the agenda of November 16, 2021.

Motion by McGuire, seconded by McDonough. Motion passed.

Aye: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

2. Minutes from November 9, 2021 are Presented for Approval [2021-579](#)

Sponsors: County Manager's Office

Approve the November 9, 2021 Minutes.

Motion by Reinhardt, seconded by Ortega. Motion passed.

Aye: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

## ORDINANCE PROCEDURES

3. 2022 Capital Improvement Program Bond Ordinance - Waive the Second Reading [2021-628](#)

Sponsors: Finance

Waive the second reading of the proposed 2022 Capital Improvement Program Bond Ordinance.

Motion by MatasCastillo, seconded by Reinhardt. Motion passed.

Aye: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

Resolution: [B2021-247](#)

4. 2022 Capital Improvement Program Bond Ordinance - Hold Public Hearing [2021-627](#)

Sponsors: Finance

Hold a public hearing to afford the public an opportunity to comment on the proposed 2022

Capital Improvement Program Bond Ordinance.

Chair Carter opened the public hearing at 9:04 a.m. As no one was signed up to speak, the chair called three times for public comment. Hearing none, the chair closed the public hearing at 9:05 a.m.

## COVID UPDATE

Presented by County Manager Ryan O'Connor, Sara Hollie, Director - Public Health, Dr. Ogawa, Medical Director - Public Health, and Laura Andersen, Deputy Incident Commander - Public Health. Discussion can be found on archived video.

## ADMINISTRATIVE ITEMS

6. Name Change of the Chemical Health Committee [2021-622](#)

Sponsors: Social Services

Approve the name change of the Citizens Advisory Committee - Chemical Health Committee to Substance Use and Recovery Committee

Motion by McGuire, seconded by Reinhardt. Motion passed.

Aye: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

Resolution: [B2021-248](#)

7. Agreement for Ramsey County Library - Maplewood Design-Build Part 1 [2021-612](#)

Sponsors: Property Management

1. Approve the selection of and the agreement with AP Midwest LLC dba Adolfson & Peterson Construction, 5500 Wayzata Blvd., Suite 600, Minneapolis, MN 55416 for Part 1 Design-Build services for the Maplewood Library project, for the period of November 16, 2021 through January 15, 2023, in the not-to-exceed amount of \$145,200.
2. Authorize the Chair and Chief Clerk to execute the agreement.
3. Authorize the County Manager to enter into agreements and execute change orders and amendments to agreements in accordance with the county's procurement policies and procedures, provided the amounts are within the limits of available funding for the project.

Motion by McGuire, seconded by Reinhardt. Motion passed.

Aye: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

Resolution: [B2021-249](#)

8. Second Amendment to Lease with Hmong American Partnership [2021-586](#)

Sponsors: Property Management and Public Health

1. Approve the Second Amendment to the Lease with Hmong American Partnership, 1075 Arcade Street, Saint Paul, MN 55106, for space at the same location for the period from March 1, 2022 through February 28, 2027 in accordance with the rates in the lease agreement.
2. Authorize the Chair and Chief Clerk to execute the lease amendment.
3. Authorize the County Manager to execute the five-year renewal option in accordance with the general terms and conditions of the amended lease.

Motion by McGuire, seconded by Reinhardt. Motion passed.

Aye: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

Resolution: [B2021-250](#)

9. American Rescue Plan Act Funds for Violence Prevention Initiatives [2021-645](#)

Sponsors: County Manager's Office and Safety and Justice

1. Allocate up to \$16 million of the American Rescue Plan Act funds to support Violence Prevention initiatives through 2024, in accordance with federal guidance.
2. Authorize the County Manager to establish a grant account for Violence Prevention initiatives and transfer related expenses and revenue to this grant account.
3. Authorize the County Manager to enter into agreements and contracts and amendments to agreements and contracts in accordance with the county's procurement policies and procedures, provided the amounts are within the limits of the grant funding.

Motion by McGuire, seconded by Reinhardt. Motion passed.

Aye: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

Resolution: [B2021-251](#)

10. American Rescue Plan Act Funding Request for Tier 1 Priority Administrative Items [2021-618](#)

Sponsors: Finance

1. Allocate up to \$2,000,000 of American Rescue Plan Act funds to the Public Health response including vaccine incentives and other immediate responses, in accordance with federal guidance.
2. Allocate up to \$5,120,000 of American Rescue Plan Act funds to the Homelessness project, in accordance with federal guidance.
3. Allocate up to \$2,000,000 of American Rescue Plan Act funds to support the administration of the funds and related programs including evaluation, support services and audit functions, in accordance with federal guidance.
4. Allocate up to \$1,000,000 of American Rescue Plan Act funds to the Ramsey County Care Center and Lake Owasso Residence for their on-going COVID response, in accordance with federal guidance.
5. Allocate up to \$1,100,000 of American Rescue Plan Act funds to the Ramsey County Attorney's Office to address the backlog of cases, in accordance with federal guidance.
6. Approve an increase in the personnel complement of the County Attorney's Office by 2.0 Full Time Equivalent Assistant County Attorney, 1.0 Full Time Equivalent Paralegal, 1.0 Full Time Equivalent Legal Secretary and 1.2 Full Time Equivalent Victim Witness Advocate.
7. Authorize the County Manager to enter into agreements and execute amendments to agreements in accordance with the county's procurement policies and procedures, provided the amounts are within the limits of the grant funding.

Motion by McGuire, seconded by Reinhardt. Motion passed.

Aye: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

Resolution: [B2021-252](#)

11. September 2021 Report of Contracts, Grant and Revenue Agreements, Emergency Purchases, Sole Source, Single Source Purchases and Final Payments [2021-619](#)

Sponsors: Finance

Accept the monthly report of contracts, grant and revenue agreements, emergency purchases, sole source and single source purchases and final payments for the month of September 2021.



Motion by McGuire, seconded by Reinhardt. Motion passed.

Aye: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

Resolution: [B2021-253](#)

5. Bonuses and Financial Incentives to Hire and Retain Registered Nurses at the Ramsey County Care Center [2021-465](#)

Sponsors: Social Services

1. Approve a sign-on bonus for Registered Nurses who accept employment at the Ramsey County Care Center.
2. Approve a referral bonus for all Ramsey County Care Center employees who source the successful hiring of Registered Nurses at Ramsey County Care Center.
3. Approve an unscheduled pick-up shift incentive for Registered Nurses, Floor Nurses at Ramsey County Care Center.
4. Authorize the County Manager to offer financial incentives for one year with a one-year extension possible, with quarterly review by the Health and Wellness Service Team Deputy County Manager, Human Resources and Finance.

Commissioner McDonough made a substitute motion, seconded by Reinhardt, to replace the four proposed recommendations with two recommendations as follows:

1. Direct the County Manager to develop and communicate to the Board a short-term plan that is focused on serving current residents without a concern for increasing census to maximize revenue during the current COVID-19 wave of increased transmission and human impact.
2. Direct the County Manager to develop long-term recommendations, to be presented to the County Board in a workshop during the first quarter of 2022, regarding Care Center operations beyond the short-term plan to managing through the current COVID-19 wave of increased transmission.

Motion by McDonough, seconded by Reinhardt. Motion passed.

Aye: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

Resolution: [B2021-254](#)

## POLICY ITEM

12. Expansion of the Employee COVID-19 Proof of Vaccination and Testing Policy to all Ramsey County Elected Officials [2021-654](#)

Sponsors: Human Resources

Expand the Employee COVID-19 Proof of Vaccination and Testing Policy to all Ramsey County elected officials.

Motion by McDonough, seconded by Frethem. Motion passed.

Aye: Carter, Frethem, MatasCastillo, McDonough, McGuire, Ortega, and Reinhardt

Resolution: [B2021-255](#)

## COUNTY CONNECTIONS

Presented by County Manager, Ryan O'Connor. Additional report provided by Alex Kotze, Chief Financial Officer. Discussion can be found on archived video.

## OUTSIDE BOARD AND COMMITTEE REPORTS

Discussion can be found on archived video.

**BOARD CHAIR UPDATE**

Presented by Chair Carter. Discussion can be found on archived video.

**ADJOURNMENT**

Chair Carter declared the meeting adjourned at 10:34 a.m.



# Board of Commissioners

## Request for Board Action

15 West Kellogg Blvd.  
Saint Paul, MN 55102  
651-266-9200

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**Item Number:** 2021-653

**Meeting Date:** 11/23/2021

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**Sponsor:** County Manager's Office

**Title**

Proclamation: Native American Heritage Month

**Attachments**

1. Proclamation

# Proclamation

WHEREAS, The area within Ramsey County is located on American Indian ancestral and contemporary land that was and continues to be home to American Indian people; and

WHEREAS, The original homelands of American Indian people within the county existed since time immemorial, and Ramsey County acknowledges the contributions of American Indian people prior to its formation; and

WHEREAS, The American Indian community has historically been left out of conversations involving relatives where their advocacy was not properly handled or heard; and

WHEREAS, Ramsey County recognizes the mass displacement of American Indian children from their relatives and communities due to the bias of government systems across the nation that have a history of practicing elimination techniques to dismantle the American Indian race within America; and

WHEREAS, Ramsey County benefits when it partners with community members and tribal nations on issues affecting American Indian communities; and

WHEREAS, Ramsey County partnered with the American Indian community to hire two American Indian women in 2021 who have a passion to lead its Indian Child Welfare Unit with the goal of creating a strong partnership with the American Indian community; and

WHEREAS, This partnership with community will result in culturally specific services that minimize and eliminate systemic racism and discrimination against American Indian families directly involved with the Child Protection system; and

WHEREAS, Native American Heritage Month is a time to educate the broader public of American Indian past and present experiences involving colonization, genocide, violence, oppression, and relocation; to begin the truth and reconciliation process involving American Indian people who suffered colonization; and to celebrate American Indian culture, history, resilience, and contributions to the overall Ramsey County community; and

WHEREAS, During Native American Heritage Month, Ramsey County recognizes the American Indian community in their strength, resilience, tribal sovereignty, and advocacy while committing to serve the American Indian population who reside within Ramsey County; Now, Therefore, Be It

PROCLAIMED, The Ramsey County Board of Commissioners recognizes November 2021 as Native American Heritage Month in Ramsey County; and Be It Further

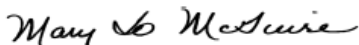
PROCLAIMED, The Ramsey County Board of Commissioners encourages all residents of the county to join in recognizing and celebrating the contributions and the important presence of the American Indian communities in Ramsey County.



Toni Carter, Board Chair, District 4



Nicole Frethem, Commissioner, District 1



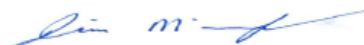
Mary Jo McGuire, Commissioner, District 2



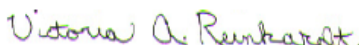
Trista MatasCastillo, Commissioner, District 3



Rafael E. Ortega, Commissioner, District 5



Jim McDonough, Commissioner, District 6



Victoria Reinhardt, Commissioner, District 7



Ryan T. O'Connor, County Manager



# Board of Commissioners

## Request for Board Action

15 West Kellogg Blvd.  
Saint Paul, MN 55102  
651-266-9200

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**Item Number:** 2021-635

**Meeting Date:** 11/23/2021

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**Sponsor:** Public Works

**Title**

Award Presentation: American Public Works Association of Minnesota Chapter - Project of the Year Honorable Mention Award for the Dale Street/I-94 Interchange Project

**Recommendation**

None. Presentation of award only.

**Background and Rationale**

The American Public Works Association of Minnesota (APWA-MN) Chapter awarded Ramsey County Project of the Year Honorable Mention for the design and construction of the Dale Street / I-94 Interchange. This was a collaborative project with Saint Paul, the Minnesota Department of Transportation, and community representatives.

A representative from APWA-MN will present this award to Ramsey County

**Attachments**

None

# Board of Commissioners

## Request for Board Action

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**Item Number:** 2021-570

**Meeting Date:** 11/23/2021

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**Sponsor:** Communications & Public Relations

**Title**

Agreement with the University of Minnesota and Ramsey County for 4-H Youth Development Programs

**Recommendation**

1. Approve an agreement with the Regents of the University of Minnesota on behalf of its Extension unit, 240 Coffey Hall, St. Paul, MN 55108, for 4-H Youth Development programs for the term January 1, 2022 through December 31, 2023, in the amount of \$180,000 per year.
2. Authorize the Chair and Chief Clerk to execute the agreement.
3. Authorize the County Manager to approve and execute amendments to agreement in accordance with the provisions of the agreement, provided the amounts are within the limits of available funding.

**Background and Rationale**

4-H Youth Development Program (4-H) is delivered in a county-based funding model across the state of Minnesota. This historical partnership between University of Minnesota Extension and counties has allowed the rich resources at the University and in local communities to be exchanged for greater understanding and benefit.

4-H is a positive youth development program for young people of all beliefs and backgrounds in grades K-13, empowering them with skills to lead for a lifetime. Through hands-on non-formal learning experiences, young people engage with peers and caring adults to develop a spark for learning while nurturing and growing their leadership, civic engagement and life skills.

4-H programs have higher intensity, duration and sustained involvement than other youth programs. 4-H participants have better school attendance, grades and test scores, work habits and interpersonal skills.

In Ramsey County, the 4-H Youth Development program:

- Supports hundreds of member youth from across Ramsey County and their engagement in 4-H clubs, camps, showcases and other 4-H learning experiences. This includes recruitment, screening and training of well over 150 volunteers, interns and partners to support these youth experiences.
- Partners with Ramsey County Library to offer enrichment experiences for young people.
- Builds sustainable funding out of the 4-H Ramsey County Leaders' Council that supports Ramsey County 4-H youths' participation in the larger 4-H program and reduces barriers to participation.
- Provides youth worker training and technical assistance to youth-serving organizations.

Funding was approved under the Communications & Public Relations budget for fiscal years 2020-2021 to provide extension programs locally, relating to 4-H Youth Development Program and the employment of Extension staff. In early 2020 the County Manager executed an agreement between Ramsey County and the University of Minnesota.

This new agreement in support of the 4-H program, aligns with the Ramsey County vision to support, "a

vibrant community where all are valued and thrive” by creating youth learning experiences in partnership with Ramsey County departments.

**County Goals** (Check those advanced by Action)

Well-being       Prosperity       Opportunity       Accountability

**Racial Equity Impact**

The partnership with Ramsey County and 4-H Youth Development spanning many years has focused on providing programming to better reach the needs of the community with a special focus to successfully serve youth of color. Youth of color currently comprise nearly 50% of those served through 4-H programming in Ramsey County. Read more about 4-H youth and caring adult participants and their experiences and view program data through [ramseycounty.us/Extension](http://ramseycounty.us/Extension).

**Community Participation Level and Impact**

4-H and Ramsey County’s partnership over the years has led to positive youth development outcomes that contributes back to the community. Youth are empowered and encouraged to utilize their strengths and assets to solve problems, complete projects, volunteer and explore. 4-H focuses on an intentional approach to engage diverse youth populations in a nonformal learning environment where young people can try new things in an unrestrictive setting This helps create positive relationships and opportunities for growth. Positive and thriving youth are better equipped to make wise decisions and grow up to be contributing adults that have a positive impact on their communities. Each opportunity, whether a 4-H club or an afterschool program, is led by caring adult volunteers. 4-H clubs provide a space for youth to meet regularly to explore interest, develop leadership skills and build relationships with other youth and families in the county.

Also, community partner sites allow Ramsey County 4-H to meet young people where they are at and facilitate after-school and evening programming focused on the interests of the youth.

Inform       Consult       Involve       Collaborate       Empower

**Fiscal Impact**

Funds are available in the proposed 2022-23 Communications & Public Relations budget.

**County Manager Comments**

No additional comments.

**Last Previous Action**

None.

**Attachments**

1. Agreement with the University of Minnesota and Ramsey County for 4-H Youth Development Programs

**Agreement**  
**Between the University of Minnesota**  
**And**  
**Ramsey County**  
**For providing 4-H Youth Development programs locally and Employing**  
**Extension Staff**

**This Agreement** (“Agreement”) between the County of Ramsey, Minnesota (“County”) and the Regents of the University of Minnesota on behalf of its Extension unit, 240 Coffey Hall, St. Paul, Minnesota, 55108 (“University”) is effective January 1, 2022, and supersedes and replaces any and all current or existing agreements relating to 4-H Youth Development programs between the County and University by its Extension unit.

The term of this Agreement shall be two (2) years, beginning on January 1, 2022 and ending on December 31, 2023, unless earlier terminated as provided in paragraphs 9 and 10.

**WITNESSETH:**

**WHEREAS**, Minn. Stat. §38.34 authorizes a Board of County Commissioners to incur expenses and spend money for County Extension work; and

**WHEREAS**, the money set aside and appropriated by the County Board in the County Extension Fund may be paid out by orders of the University’s Director of Extension, or the Director’s designee, as identified in Minn. Stat. §38.36, Subd. 3; and

**WHEREAS**, Minn. Stat. §38.37 provides that Extension educators must be employed according to University personnel procedures and must be University employees; and

**WHEREAS**, it is the intention of the County and University that the University shall provide Extension services on behalf of the County in exchange for considerations as detailed herein.

**NOW THEREFORE**, in consideration of the mutual undertaking and agreements contained within this Agreement, the County and University hereby agree as follows:

1. In accordance with Minn. Stat. §38.37 County desires to augment University’s state-wide Extension programs. The programs that the County will augment are detailed in Table A below. Addendum A describes the program and outlines the expected deliverables.



Table A

<b>Program Budget</b>	<b>2022</b>	<b>2023</b>
2.0 4-H Youth Development Educators	\$150,512	\$153,522
To support general operations, community outreach programming, equipment, supplies, evaluation and administrative support associated with the 4-H Youth Development program in Ramsey County	\$29,488	\$26,478
Total	\$180,000	\$180,000

2. County recognizes that University costs for supporting these positions may increase from year to year. The costs payable for these positions are reviewed by the Association of Minnesota Counties' ("AMC") Extension Committee and University's Extension central administration, at which time the parties will agree on an appropriate inflation factor for the coming year(s). Unless County and University otherwise agree, the inflation factor will be as agreed to by AMC and University.
3. Based on the County's funding commitment, University will be responsible for providing salary & fringe benefits for the positions, enhanced programming from regional extension educator staff, program supervision, travel (mileage, meals, and lodging), in-service training within program area, payroll, and accounting services.

The County agrees to provide local support in the form of office space, office furnishings, telephone, storage space, and other program and general office supplies (included in the funded amount listed in Table A).

4. University will bill the County on a quarterly basis and the County will submit payment within 35 days of receipt of the bill. The total annual amount to be paid by the County shall be paid in four equal quarterly payments.
5. During an extended leave of absence (e.g. FMLA; educational leave), the University will continue the program with regional educators and/or temporary employees with involvement and concurrence of the County, The County will be billed at the contract price and will not incur any additional charges for regional educators or temporary employees.
6. As vacancies occur (e.g. retirement, resignation), and if the County and University agree to continue to support the desired program and position, University will hire new personnel with involvement and concurrence of the County Extension Committee. The County will not be billed for a position during the time that position is vacant. If temporary employees are hired to continue the program during the hiring process, the County will be billed at the contract price.
7. The University will complete an annual performance evaluation of each University Extension employee working in the County and supporting the programs identified in paragraph 1. The County Extension Committee will have the option to provide input to University on such



excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of relating to this Agreement. University agrees to maintain these records in accordance with applicable law.

13. All data collected, created, received, maintained, or disseminated for any purposes by the activities of University because of this Agreement is governed by the Minnesota Government Data Practices Act, Minn. Stat. Chap. 13, as amended, the Minnesota Rules implementing such Act now in force or as adopted, as well as Federal Regulations on data privacy.
14. The University is committed to the policy that all persons shall have equal access to its programs, facilities, and employment without regard to race, color, creed, religion, national origin, sex, age, marital status, disability, public assistance status, veteran status, sexual orientation or other classifications protected by state or federal law. In adhering to this policy, the University abides by the Minnesota Human Rights Act, Minnesota Statute Ch. 363A; by the Federal Civil Rights Act, 42 U.S.C. 2000e; by the requirements of Title IX of the Education Amendments of 1972; by Sections 503 and 504 of the Rehabilitation Act of 1973; by the Americans With Disabilities Act of 1990; by Executive Order 11246, as amended; by 38 U.S.C. 2012, the Vietnam Era Veterans Readjustment Assistance Act of 1972, as amended; and by other applicable statutes and regulations relating to equality of opportunity.
15. This Agreement may be executed in counterparts and/or by electronic signature, each counterpart of which will be deemed an original, and all of which together will constitute one agreement. The executed counterparts of this Agreement may be delivered by electronic means, such as email and/or facsimile, and the receiving party may rely on the receipt of such executed counterpart as if the original had been received.

**IN WITNESS WHEREOF**, the parties by their respective authorized agents or officers have executed this Agreement.

**COUNTY of RAMSEY**

**Regents of the University of Minnesota**

BY: \_\_\_\_\_  
Toni Carter, Chair  
Ramsey County Board of Commissioners

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
Mee Cheng, Chief Clerk  
Ramsey County Board of Commissioners

DATE: \_\_\_\_\_

Approval Recommended:

BY: \_\_\_\_\_

Director of Communications & Public Relations

DATE: \_\_\_\_\_

Approved as to form

BY: \_\_\_\_\_

Assistant County Attorney

DATE: \_\_\_\_\_

# Board of Commissioners

## Request for Board Action

**Item Number:** 2021-642

**Meeting Date:** 11/23/2021

**Sponsor:** Safety and Justice

### Title

Amendment to the Agreement with Legal Services for Juveniles INC.

### Recommendation

1. Approve the amendment to the professional services agreement with Legal Services for Juveniles INC to provide legal representation services for proceedings in juvenile court for the period of January 1, 2022 through December 31, 2023, not to exceed the amount of \$2,550,000.
2. Authorize the Chair and Chief Clerk to execute the amendment.
3. Authorize the County Manager to approve and execute amendments to renew the term of the agreement in accordance with the provisions of the agreement, with all other terms and conditions remaining the same, in a form approved the County Attorney's Office.

### Background and Rationale

Legal Services for Juveniles INC is under contract with Ramsey County to provide professional legal services on behalf of Ramsey County. The current agreement is set to expire December 31, 2021. The Office of Safety and Justice is requesting board approval to extend the agreement for a two-year term through December 31, 2023. The amendment also adds an additional \$1,300,000 to the not to exceed amount for a new total of \$2,550,000 and updates Ramsey County and Legal Services for Juveniles INC point of contact information. All remaining terms of the agreement will remain in effect.

Pursuant to Minn. Stat. § 260C.163, subd. 3, a parent, guardian or custodian has the right to effective assistance of counsel in connection with proceedings in juvenile court. The court will appoint counsel to represent that parent, guardian, or custodian when such a person is found by the court to be in need of legal representation but without funds to retain private counsel. In this situation legal services are provided at the County's expense as required by state law. Legal Services for Juveniles INC will continue to provide legal representation services for qualified parents named in Child Protection and Permanency cases in Ramsey County for the Second Judicial District Court including but not limited to: truancy and run-away case's, child in need of protective services, termination of parental rights, transfer of legal and physical custody, permanent custody of the agency, temporary legal custody of the agency, and foster care placement.

### County Goals (Check those advanced by Action)

Well-being

Prosperity

Opportunity

Accountability

### Racial Equity Impact

Families of color are disproportionately represented in Family Court child custody cases. This agreement will continue to ensure equitable access to high quality legal services for that parent, guardian, or custodian regardless of race or economic status.

### Community Participation Level and Impact

This action is to inform the community of Ramsey County agreement and participation with the Legal Services for Juveniles INC.

Inform       Consult       Involve       Collaborate       Empower

**Fiscal Impact**

Funding for legal services for Child Protection and Permanency cases is included in the proposed 2022-23 operating budget for Office of Safety and Justice.

**County Manager Comments**

No additional comments.

**Last Previous Action**

On September 24, 2019, the Ramsey County Board approved the Single Source Agreement with Legal Services for Juveniles INC to provide legal representation services for proceedings in juvenile court for the period of January 1, 2020 through December 31, 2021, not to exceed amount of \$1,250,000 (Resolution # B2019-220).

**Attachments**

1. Amendment to the Professional Service Agreement with Legal Service for Juveniles INC



### Amendment to CRTS000036

This is an amendment to the Agreement between Ramsey County, a political subdivision of the State of Minnesota, on behalf of County Manager, 250 Courthouse, Saint Paul, MN. 55101 ("County") and LEGAL SERVICES FOR JUVENILES INC, 400 1100 W 7TH Street, Saint Paul, MN. 55102, registered as a Corporation in the State of Minnesota ("Contractor").

In this Amendment, deleted terms will be struck out and added terms will be underlined and bolded, except where described otherwise.

Sections 1, 4, and 6 of the Agreement is amended as follows:

Section 1 – Term is amended as follows:

#### 1. Term

##### 1.1

The original term of this Agreement shall be from January 1, 2020 through December 31, 2021 and ~~may be renewed for up to one (1) additional two year period(s)~~ **the renewal term of this agreement shall be from January 1, 2022 through December 31, 2023.**

The full term of this agreement (including renewals) is 4 year(s), 0 month(s) and 0 day(s).

Section 4 – Cost is amended as follows:

#### 4. Cost

##### 4.1-

The County shall pay the Contractor a not to exceed amount of \$ ~~1,250,000.00~~ **2,550,000.00** over the life of the contract according to the agreed to rates.

Section 6 – General Contract/Agreement Terms and Conditions is amended as follows:

#### 6. General Contract/Agreement Terms and Conditions

##### 6.5 Data Practices

##### 6.5.2-

The Contractor designates ~~Robert L. Lawton~~ **Kelly Rogosheske** as its Responsible Designee, pursuant to the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13.02 Subdivision 6, as the individual responsible for any set of data collected to be maintained by Contractor in the execution of this Agreement.

##### 6.10 Notices

All notices under this Agreement, and any amendments to this Agreement, shall be in writing and shall be deemed given when delivered by certified mail, return receipt

requested, postage prepaid, when delivered via personal service or when received if sent by overnight courier. All notices shall be directed to the Parties at the respective addresses set forth below. If the name and/or address of the representatives changes, notice of such change shall be given to the other Party in accordance with the provisions of this section.

**County:**

~~Sergey Kovalchuk~~ **Holly Pratt**, 15 West Kellogg Blvd, Suite 250, Saint Paul, MN, 55102

**Contractor:**

~~Robert L. Lawton~~ **Kelly Rogosheske**, 1100 W 7th Street, Saint Paul, MN, 55102

Except as modified herein, the terms of the Agreement shall remain in full force and effect.



# Board of Commissioners

## Request for Board Action

Item Number: 2021-641

Meeting Date: 11/23/2021

**Sponsor:** Safety and Justice

### Title

Reappointment of the Ramsey County Medical Examiner and Amendment to Agreement for Forensic Services

### Recommendation

1. Reappoint Kelly Mills, M.D. as the Medical Examiner of Ramsey County from January 1, 2022 through December 31, 2022.
2. Approve the amendment with Kelly Mills, 3486 Crosslough Trail, Rosemount, MN, 55068, DBA River Valley Forensic Services, PA, for a one-year period of January 1, 2022 through December 31, 2022, with up to two annual renewals by Ramsey County Board-approved amendment, in an amount of \$827,067 per year.
3. Authorize the Chair and Chief Clerk to execute the amendment.

### Background and Rationale

The agreement and appointment of Kelly Mills, M. D. as Ramsey County Medical Examiner will expire on December 31, 2021. The County Manager is requesting the board to approve the amendment and to reappoint Dr. Mills as the County Medical Examiner for the period of January 1, 2022 to December 31, 2022. The amendment includes a rate increase of 2.5 percent per the terms of the agreement and all remaining terms of the agreement will remain in effect.

Minnesota State Statute 390.005 requires Ramsey County to maintain and operate a public morgue and the Ramsey County Board of Commissioners to appoint a qualified Medical Examiner for a term not longer than four years. The Medical Examiner serves as the appointed public official with administrative control of a mandated system of death investigation. Dr. Kelly M. Mills, M.D. satisfies the qualifications, certifications and licensing requirements to serve as a Medical Examiner for Ramsey County.

River Valley Forensic Services, PA. is an incorporated professional association of Dr. Kelly Mills and three forensic pathologists, who all maintain the required qualifications for Medical Examiner services. Dr. Mills will be responsible for investigations, autopsies, toxicological and laboratory analysis for Ramsey County. Dr. Mills is also responsible for the work of non-medical personnel employed by the county and assigned to the Medical Examiner's Office.

### County Goals (Check those advanced by Action)

Well-being       Prosperity       Opportunity       Accountability

### Racial Equity Impact

The Medical Examiner's Office participates in the Safety and Justice Race Equity Action Team and is committed to finding ways for inclusive, effective and meaningful community engagement with Ramsey County's diverse, cultural and communities. In partnering with the Race Equity Action Team the Medical Examiner's Office is able to reach out to the community to answer questions regarding investigations or provide information regarding services provided by the Medical Examiner's Office for the different cultures

within Ramsey County.

**Community Participation Level and Impact**

The Medical Examiner is an independent official of the county and is subject only to appointment, removal, and budgeting by the Ramsey County Board.

- Inform       Consult       Involve       Collaborate       Empower

**Fiscal Impact**

This renewal is a rate-setting agreement with no maximum value and funding for contracted Medical Examiner services is included in the proposed 2022-23 operating budget.

**County Manager Comments**

No additional comments.

**Last Previous Action**

On December 22, 2020, the Ramsey County Board reappointed Kelly Mills, M. D. as Medical Examiner for a term ending on December 31, 2021 and authorized the Medical Examiner to appoint a First Assistant Medical Examiner (Resolution B2020-273).

On December 17, 2019, the Ramsey County Board appointed Kelly Mills, M. D. as Medical Examiner for a term ending on December 31, 2020, approved an amendment with River Valley Forensic Services R.A. who purchased M. B. McGee, P.A. and agreed to fulfill the remaining terms of the contract, and authorized the Medical Examiner to appoint a First Assistant Medical Examiner (Resolution B2019-309).

**Attachments**

1. Amendment to the Professional Services Agreement with Kelly Mills dba River Valley Forensic Services, PA



### Amendment to MEDEX000065

This is an Amendment to the Agreement between Ramsey County, a political subdivision of the State of Minnesota, on behalf of Medical Examiner, 338 13th St, Saint Paul, MN 55101 ("County") and Kelly Mills, 3486 Crosslough Trail, Rosemount, MN, 55068, doing business as (DBA) River Valley Forensic Services, PA, registered as a S Corporation in the State of Minnesota ("Contractor")

In this Amendment, deleted terms will be struck out and added terms will be underlined and bolded, except where described otherwise.

Section 1 and 4 of the Agreement are amended as follows:

Section 1 – Term is amended as follows:

#### 1. Term

##### 1.1.

The ~~original~~ term of this Agreement shall be from January 1, 2021 through December 31, ~~2021~~ 2022 and may be renewed for up to ~~three (3)~~ two (2) additional one year period(s).

The full term of this agreement (including renewals) is 4 year(s), 0 month(s) and 0 day(s).

Section 4 – Cost is amended as follows:

#### 4. Cost

##### 4.1. -

The County shall pay the Contractor the following unit rates:

- a. For the period of January 1, 2021 through December 31, 2021, the County shall compensate River Valley Forensic Services, PA. in the amount of \$806,895 on a semi-monthly pro-rata basis for the services of Kelly Mills, M.D. and all Assistant Medical Examiners. Each subsequent year during the term of this Agreement, beginning on January 1st, the annual compensation shall increase by 2.5%.

**For the period of January 1, 2022 through December 31, 2022, the County shall compensate River Valley Forensic Services, PA. in the amount of \$827,067 on a semi-monthly pro-rata basis for the services of Kelly Mills, M.D. and all Assistant Medical Examiners. Each subsequent year during the term of this Agreement, beginning on January 1st, the annual compensation shall increase by 2.5%.**

Except as modified herein, the terms of the Agreement shall remain in full force and effect.

Item Number: 2021-638

Meeting Date: 11/23/2021

**Sponsor:** Public Works

### Title

Public Works Construction Quarterly Report for July 1, 2021 through September 30, 2021

### Recommendation

Accept the Public Works Construction Quarterly Report for the period of July 1, 2021 through September 30, 2021.

### Background and Rationale

A quarterly report of Public Works' construction contract modifications, such as quantity changes, change orders and supplemental agreements authorized by the Administrative Code 3.40.27(i) is required to be provided to the Ramsey County Board by County Board Resolutions 91-061, 2001-93 and B2021-040.

The attached report summarizes authorized changes for the period July 1, 2021 through September 30, 2021. All are within the limits established by Resolutions 2001-93 and B2021-040. Resolution B2021-040 adopted the 2021-2025 Transportation Improvement Plan (TIP). The following link provides more detailed information on the TIP and links to current and future construction projects -

<https://www.ramseycounty.us/residents/roads-transit/transportation-improvement-program>  
<http://www.ramseycounty.us/residents/roads-transit/transportation-improvement-program>

### County Goals (Check those advanced by Action)

Well-being       Prosperity       Opportunity       Accountability

### Racial Equity Impact

Any racial equity impacts would have been identified during the project delivery phase prior to construction.

### Community Participation Level and Impact

Each project had gone through the appropriate level of community engagement prior to and during construction. The quarterly construction report is for information and made available to the public through this board agenda item.

Inform       Consult       Involve       Collaborate       Empower

### Fiscal Impact

Funding for these projects comes from various sources as identified and approved in the five-year TIP and are accounted for in the Public Works budget on a project basis at the time of contract award. Change orders and supplemental agreements are approved by participating funding agencies prior to execution.

### County Manager Comments

No additional comments.

### Last Previous Action

On February 16, 2021, the Ramsey County Board adopted the Public Works 2021 - 2025 Transportation

Improvement Program (Resolution B2021-040).

**Attachments**

1. Public Works Construction Quarterly Report

PUBLIC WORKS CONSTRUCTION QUARTERLY REPORT SUMMARY  
For 7/1/2021 - 9/30/2021

NOTE: The changes identified below are those which occurred only during the third quarter of 2021.

Contract Number	Amendment Number	Contractor's Name	Date Approved	Amount of Contract	Project	Purpose of Contract Changes	Authority
CC003008	2	Redstone Construction LLC	7/26/2021	\$ 40,004.17	Dale Street Reconstruction between Iglehart Avenue and University Avenue	Supplemental Agreement 3 - Construction of custom concrete barrier alongn the median of I-94 to match the existing barrier.	4.63.40a
CC003008	2	Redstone Construction LLC	7/26/2021	\$ 16,874.46	Dale Street Reconstruction between Iglehart Avenue and University Avenue	Supplemental Agreement 4 - Law enforcement to prevent motorists from entering project during removal of bridge.	4.63.40a
CC003008	2	Redstone Construction LLC	7/26/2021	\$ 3,546.00	Dale Street Reconstruction between Iglehart Avenue and University Avenue	Supplemental Agreement 5 - Compensation for trainees provided from a MnDOT On-The-Job-Training Program.	4.63.40a
CC003037	4	Shafer Contracting Co Inc	8/10/2021	\$ (3,240.00)	Lexington Parkway Realignment Project	Change Order 4 - Deduction for fine filter aggregate used within the small tree trench on Old Lexington did not meet specs.	4.63.40a
CC003037	4	Shafer Contracting Co Inc	8/10/2021	\$3,680.78	Lexington Parkway Realignment Project	Supplemental Agreement 10 - Shallow electrical line discovered that was not in plan. Required extra work (ie: hand digging, hadnled as part of street section construction).	4.63.40a

PUBLIC WORKS CONSTRUCTION QUARTERLY REPORT SUMMARY  
For 7/1/2021 - 9/30/2021

CC003037	4	Shafer Contracting Co Inc	8/10/2021	\$2,180.70	Lexington Parkway Realignment Project	Supplemental Agreement 11 - ADA push button stations were not completed last fall due to winter weather conditions. Temporary push button stations were needed during the winter.	4.63.40a
CC003037	7	Shafer Contracting Co Inc	9/27/2021	\$3,231.61	Lexington Parkway Realignment Project	Supplemental Agreement 12 - Adjustments to existing handholes were necessary to pour sidewalk to appropriate ADA grades.	4.63.40a
CC003075	1	Bituminous Roadways, Inc.	9/27/2021	\$35,517.50	2021 Pavement Preservation Project	Change Order 1 - Installation of pedestrian ramps on Minnehaha Avenue for the safety of pedestrians along the project.	4.63.40a



# Board of Commissioners

## Request for Board Action

15 West Kellogg Blvd.  
Saint Paul, MN 55102  
651-266-9200

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**Item Number:** 2021-643

**Meeting Date:** 11/23/2021

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**Sponsor:** Workforce Solutions

**Title**

Presentation: Funding for Workforce Programs through the American Rescue Plan Act

**Recommendation**

None. For information and discussion only.

**Background and Rationale**

Workforce Solutions Director Ling Becker will present an update on funding for workforce programs through the American Rescue Plan Act.

**Attachments**

1.Presentation



# American Rescue Plan Act Funds for Workforce Initiatives

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November 23, 2021

## Goals for Today

- Introduce proposed American Rescue Plan Act (ARPA) investments Workforce Initiatives
- Share details on two specific requests for board action coming forth in December 2021
- Lay foundation for future discussion

## Background

- Past CARES and ARPA investments.
- Partnership with Saint Paul to leverage in funding in workforce supports.
- Aligns with County Tier 1 identified priorities.
- Policy Link's *10 Priorities for Advancing Racial Equity Through the American Rescue Plan A Guide for City and County Policymakers*: “Every city and county in this country faces the challenge of eliminating racial inequities, and every city and county should use these recovery resources to remove barriers to full participation and proactively advance racial equity and inclusion.”
  - Connect unemployed and low-wage workers with good jobs
  - Invest in frontline, Covid-impacted, and disinvested communities

## Why These Initiatives?

- Ramsey County residents have been disproportionately impacted by COVID-19 in employment by factors of race/ethnicity, age and education level.
- Alignment with labor market statistics data and the future economic needs of our community.
- Ramsey County's residents as an economic asset for investment.
- Moves toward achieving outcomes identified in the Economic Competitiveness and Inclusion Plan.

## Workforce Priority Projects

- Disproportionately impacted populations
- Investing in Earn and Learn Models
- Supporting Youth and Young Adult Ecosystem
- Addressing Childcare workers and childcare shortages
- Collaborating with Saint Paul, suburban partners and other stakeholders.

## Two Immediate Requests

- Ramsey County Early Childhood Academy
- Ramsey County Public Health Career Pathways

# Ramsey County Early Childhood Academy Workforce Needs

- Early Childhood Policy Action Group identified this area as a funding gap in ARPA or any other COVID-19 relief funding.
- Recommendation creates a Ramsey County Early Childhood Academy for early childhood worker training and small business support.

## Childcare Worker Need and Impacts

- National data shows that 46% of childcare program and 54% of minority-owned programs are on the verge of closing without assistance.
- 1:3 U.S. workers have children, with 75% requiring childcare services.
- Childcare Workers are disproportionately **female** (93%) and **young** (31% 16-24 years), with a **high school diploma or less** (32%), and **Black** (15%) or **Hispanic** (10%).
- Average wage for the more than 23,000 childcare workers in Minnesota is little more than \$12/hr.
- On November 1st, there were almost 100 childcare jobs in Ramsey County posted on Indeed.com.



# Ramsey County Early Childhood Academy

- **Workforce Retention and Development**
  - Retention bonuses, training, and Child Development Associate credential
  - Wage subsidy pilot and opportunity to gain work experiences in variety of settings.
- **Child Care Business Startup Support**
  - Business start-up and management support, matched with an experienced, Parent Aware-rated childcare
  - Stipend for teaching, trainings required for licensing and for Parent Aware participation.
- Cost: \$750,000 over three years.
  - Participants served: 300
  - Total Slots Created: 420
  - Slots Saved: 975

# Public Health Career Pathways

- Registered nurses and Community Health Workers are needed for the **Health, Safety and Well-Being** of community due to the declining public health workforce infrastructure.
- Program designed for County front-line staff in entry level positions as an **Opportunity** to connect them with good jobs, wages and cultivate **Prosperity**.
- Aligns with our **Talent Attraction, Retention and Promotion** work to retain and promote a diverse and talented workforce to meet the evolving demographics and changing workforce needs of our community.

## Public Health Workforce Need

During the past decade, nationally the Public Health Workforce has shrunk by 56,000.

The United States will need 1.1 million new registered nurses by 2022 to avoid a nation-wide nursing shortage and according to Minnesota Department of Employment and Economic Development (DEED) registered nursing is the most in demand job in the state.

In Ramsey County, there is a shortage of registered nurses in many areas including correctional health and detox.

The U.S. Bureau of Labor Statistics reported last year, about 16,000 openings for health education specialists/community health workers are projected each year, on average, over the next ten years.

# Program Design

- Three Public Health Career Pathways are being created:
  - Registered Nurse
  - Community Health Worker/Health Educator
- Pathways lead to an Associate Nursing Degree or Community Health Worker Certificate.
- Community Health Worker track will launch January 2022 and Nursing track Fall 2022.
- Plan to support ten staff on the nursing track and twenty staff on the community health worker track.
- Cost: \$1.1M

## Next Steps

- Expected funding request for ARPA workforce investments of \$9.5M.
- Request for board action before end of 2021 for:
  - Ramsey County Early Childhood Academy
  - Public Health Career Pathways
- Board workshop or presentation in early 2022 to discuss details of remainder of \$9.5M request.
- WFS also partnering with City of Saint Paul, City of Minneapolis and Hennepin County on EDA Good Jobs Challenge grant opportunity.
  - Tech, Healthcare and Green Construction Sector Partnerships being developed.

# Discussion and Questions

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**Item Number:** 2021-559

**Meeting Date:** 11/23/2021

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**Sponsor:** Public Health

**Title**

Amendments to the Ramsey County Administrative Ordinance

**Recommendation**

Adopt amendments to the Ramsey County Administrative Ordinance, that provides authority for departments to issue administrative citations.

**Background and Rationale**

Public Health is proposing amendments to the Ramsey County Administrative Ordinance to authorize the use of administrative (civil) citations as an alternative to the use of misdemeanor (criminal) citations. Section 6.00 of the Ramsey County Administrative Ordinance authorizes various enforcement tools that county departments may use when county ordinances are violated. They include misdemeanor citations, license suspension or revocation, injunctive relief, or civil action to recovery costs. Except for misdemeanor citations, the enforcement mechanisms are typically long and drawn out, and are costly to both the county and entity in violation. Section 6.02 authorizes “any person charged with the responsibility of administration and enforcement of any Ramsey County Ordinance shall have the power to issue [misdemeanor] citations for violations thereof.”

The use of misdemeanor citations is a problem for two reasons. First, it makes the violator a criminal and the process takes the violator through the state’s criminal court system. For many violations this is a severe option. Second, the Minnesota Bureau of Criminal Apprehension revised the citation administration process in recent years, making it an electronic system, and restricting access (and, hence, the ability to issue citations) to licensed law enforcement officers. This means that county departments that administer various ordinances cannot have staff issue citations but must request local law enforcement to do so. This is an impractical method of enforcement.

The proposed amendments create an administrative citation process that is very similar to the use of misdemeanor citations but decriminalizes the citations and takes the violator through a county administrative appeals process rather than the courts. Other local jurisdictions in Ramsey County already use this enforcement mechanism, including Maplewood, Roseville, Shoreview and White Bear Lake.

The Environmental Health Division of Public Health administers ordinances to which this authority would apply, including ordinances for Food Protection, Public Swimming Pools, Lodging Establishments, Manufactured Home Park, Ramsey County Clean Indoor Air, Public Health Nuisance, Youth Camp, Solid Waste Management and Hazardous Waste Management.

Departmental procedures are in place to assure compliance with ordinances, the last step of which is enforcement action. In Public Health, for example, the department’s compliance policy requires several steps to work with licensees to come into compliance before enforcement action is taken. The focus of enforcement is to provide guidance to compliance. When operators refuse or fail to make corrections, enforcement options are evaluated for each situation, and action is taken only after management approval.

The proposed amendments create the steps for issuing and processing administrative citations, how a person receiving an administrative citation can respond (pay a penalty or seek a hearing to appeal), refers to a penalty schedule (adopted in separate action by the county board), and outlines the process for hearings. An ordinance summary is part of this request for board action.

Public Health has conducted community engagement in developing these amendments and used the feedback provided to shape the proposed changes and inform internal policy and procedure development. The community engagement work is described in the attached Community Engagement Compilation & Analysis document.

The Ramsey County Administrative Ordinance was first adopted on February 23, 1981 (Resolution #81-166) and has been amended three times, with the most recent being in 2009 (Resolution #2009-362).

**County Goals** (Check those advanced by Action)

- Well-being
- Prosperity
- Opportunity
- Accountability

**Racial Equity Impact**

Once approved, this action will provide a decriminalized penalty for violation of county ordinances as an alternative to misdemeanor citations. Because of the existing racial inequities inherent to the criminal justice system, creating a decriminalized ordinance enforcement option gives Public Health a tool that can be used to protect public health, while minimizing regulatory enforcement impacts on regulated businesses that are owned or operated by people from racially and ethnically diverse backgrounds.

There are instances where community members from racially and ethnically diverse backgrounds have been issued misdemeanor citations for county ordinance violations in the past. This change would have provided the business owners from racially and ethnically diverse backgrounds who were impacted at that time with another chance for compliance before they were charged with a misdemeanor citation.

**Community Participation Level and Impact**

Stakeholders were identified by regulated activity group, with an emphasis on identifying and successfully reaching out to small/locally owned license holders and non-native English speakers/writers. An online and mailed survey was the primary engagement tool chosen, plus the option to participate in one of three virtual listening sessions with identical content. Regulatory staff also identified businesses with potential language barriers; those were contacted directly to determine whether they needed additional support to participate. Two requested materials in their home language (Spanish and Chinese) and those were provided.

There were 186 responses to the online survey (out of 1428 invited by email) and one mailed survey response (out of 11 invited by mail); no stakeholders chose to provide feedback at any of the virtual listening sessions. Responses were collected August 10 through September 6, 2021.

More information about the community engagement efforts by Public Health is included in attached documents and can be found online at:

<https://www.ramseycounty.us/your-government/ordinances-regulations/public-health-ordinance-changes>

- Inform
- Consult
- Involve
- Collaborate
- Empower

**Fiscal Impact**

Payments of penalties for administrative citations would accrue to the county, but it is expected that few citations would be issued, and the fiscal impact would be minimal.



Fees related to this were \$0 in 2020.

Any future civil penalty revenue would be deposited into the Ramsey County general fund, violations account.

**County Manager Comments**

No additional comments.

**Last Previous Action**

On November 9, 2021, the county board waived the second reading of the proposed amendments (Resolution B2021- 243) and held a public hearing.

**Attachments**

1. Summary of Amendments to the Ramsey County Administrative Ordinance
2. Redlined amendments to the Ramsey County Administrative Ordinance
3. Clean Amendments to the Ramsey County Administrative Ordinance
4. Summary of Community Engagement by Public Health
5. Schedule of Events

## Summary of Amendments to the Ramsey County Administrative Ordinance

- The Ramsey County Administrative Ordinance is a general ordinance that applies to various activities that Ramsey County regulates. It provides a framework for licensing procedures, variances, inspections, enforcement, and hearings.
- The proposed amendments introduce a new enforcement tool for use by county departments.
- The amendments to the Administrative Ordinance would authorize the use of administrative (civil) citations as an alternative to the use of misdemeanor (criminal) citations.
- Section 6.00 of the Administrative Ordinance authorizes various enforcement tools currently available to county departments to use when county ordinances are violated.
  - They include misdemeanor citations, license suspension or revocation, injunctive relief, or civil action to recover costs.
  - Except for misdemeanor citations, the enforcement mechanisms are typically long and drawn out, and are costly to both the county and violator.
- The use of misdemeanor citations is a problem for two reasons.
  - First, it makes the violator a criminal and the process takes the violator through the state’s criminal court system. For many violations this is a severe option.
  - Second, the state Bureau of Criminal Apprehension revised the citation administration process in recent years, making it an electronic system, and restricting access and the ability to issue citations. This is an impractical method of enforcement.
- The proposed amendments create an administrative citation process that is very similar to the use of misdemeanor citations but decriminalizes the citations and takes the violator through county administrative process rather than the state court system.
- The proposed amendments create the steps for issuing and processing citations, how a person receiving an administrative citation can respond (pay a penalty or seek a hearing), refers to a penalty schedule (adopted in separate action by the county board), and outlines the process for appealing the citation through a hearing process.
- Other local jurisdictions in Ramsey County already use this enforcement mechanism, including the cities of Maplewood, Roseville, Shoreview, and White Bear Lake.
- It is expected that these amendments would be used mostly by the Public Health Department, which has procedures in place to assure compliance with ordinances, the last step of which is enforcement action.
- A specific ordinance summary follows:

**Section 6.02.A Misdemeanor Citations** – misdemeanor citations separated into a standalone category.

**Section 6.02.B Administrative Citations** – an administrative citation option for ordinance enforcement is added.

**Section 6.02.B.1 Purpose and Findings** – explanation of the purpose for adding administrative citation:

- While criminal fines and penalties have been the most typical enforcement mechanism, there are certain negative consequences for both the County and the accused.
- The delay inherent in that system does not ensure prompt resolution.
- Some administrative regulation violations need not always be treated as a criminal offense.
- The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations.
- The criminal process does not always regard Ramsey County Ordinance violations as being important.

**Section 6.02.B.2 Administrative Citations and Civil Penalties** – identifies which sections of the administrative ordinance cover administrative citations and civil penalties.

**Section 6.02.B.3 General provisions** – A violation of county ordinance is subject to administrative citation and civil penalties. Each separate day a violation takes place is considered a unique violation, and subject to a new administrative citation.

**Section 6.02.B.4 Civil Penalties** – penalties, or the payment for a citation for a violation, are established by the Ramsey County Board by resolution and will be submitted for annual review and approval.

**Section 6.02.B.5 Administrative Citation** – specifies who can issue an administrative citation, what information must be included with the citation, and how it must be delivered to the person cited.

**Section 6.02.B.5.a Response to Citation** – provides options a cited person has for responding to a citation. There are two options:

- Admit the violation stated in the citation and agree to pay the fine.
- Deny the violation stated in the citation and request a hearing.

**Section 6.02.B.6 Administrative Citation Hearing** – title added; the details in this section describe how hearings are held.

**Section 6.02.B.6.a Hearing Officers** – the county must create a list of hearing officers to which a hearing request will be assigned, hearing officers must not be employees of the county and must be evaluated for their performance by persons cited and county staff, and reports on hearing officers must be provided to the County Board.

**Section 6.02.B.6.a.I Removal of Hearing Officer** – creates a system to replace a hearing officer if there are concerns about the assigned hearing officer by the person cited or by the county.

**Section 6.02.B.6.b Request for Hearing** – the county must respond to a hearing request within two business days, assign the case to a hearing officer, notify the person cited and the hearing

officer it has been assigned, and the hearing officer has up to 20 business days to schedule the hearing meeting.

**Section 6.02.B.6.c Citation Materials** – the county must send information about the citation to the hearing officer when the case is assigned to them, and the hearing officer must be send that information to the person cited at least three business days before the hearing meeting.

**Section 6.02.B.6.d Notice of Hearing** – the hearing officer must provide at least 10 business days of notice to the county and cited person before the scheduled hearing meeting date.

**Section 6.02.B.6.e Hearing** – specifies the hearing meeting procedures and hearing officer responsibilities during the hearing meeting.

**Section 6.02.B.6.f Decision/Findings** – the hearing officer must decide the case and notify parties about the findings within five business days after the hearing meeting and provides references to other state laws that a cited person may follow to continue a judicial appeal if desired.

**Section 6.02.B.6.g** – describes consequences if a cited person fails to attend a hearing and provides certain reasons that missing a scheduled hearing meeting may be excused.

**Section 6.02.B.7 Payment Following Finding of Violation** – the civil penalty must be paid within 20 business days after a hearing officer’s finding of a violation and the hearing officer cannot adjust civil penalties in the case of a violation.

**Section 6.02.B.8 Recovery of Civil Penalties** –the ways the county may collect a civil penalty include a property lien, collections, and late fees for non-payment.

**Section 6.02.B.9 Criminal Penalties** – establishes two reasons that an administrative citation may become a crime: 1) not attending a requested hearing and 2) not paying a civil penalty. This section also establishes that if a hearing officer found that no violation occurred, the county cannot continue with criminal prosecution for the same issue.

**Section 6.02.C Issuance** – adds the two types of citations (administrative and criminal) to the existing language describing to whom a citation is to be issued.

# RAMSEY COUNTY ADMINISTRATIVE ORDINANCE

"The County Board of Ramsey County ordains:"

## 1.00 APPLICATION OF ORDINANCE

- 1.01 Application: The provisions of this Ordinance shall apply to all activities, conditions, premises and persons within the County of Ramsey, which are regulated by Ramsey County.
- 1.02 Other Provisions: If provisions of a Ramsey County Ordinance conflict with provisions of this Ordinance, the more restrictive provisions shall prevail. If neither provision is more restrictive, the provision in the program-specific Ordinance shall prevail.

## 2.00 DEFINITIONS

The following words and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

- 2.01 County: shall mean the County of Ramsey.
- 2.02 County Board: shall mean the Board of Ramsey County Commissioners and their authorized representatives.
- 2.03 Department: shall mean a separate part, division, bureau, sub-unit or branch of Ramsey County authorized by the County Board to carry out or enforce any provision of a County Ordinance.
- 2.04 Fees: shall mean any and all fees assessed by the Department for the regulated activity, including, but not limited to: license fees, application fees, penalties for late renewals, state program fees, review fees and mandated surcharges.
- 2.05 License: shall mean the whole or part of any permit, certificate, approval, registration, or similar form of permission or renewal required by a County Ordinance or State Law administered by the County for the operation of any business, service or facility. The term "license" shall not include any license, lease or permit issued by any County Department solely for the use of any County property or facility by the licensee.
- 2.06 Licensee: shall mean the person who has been given the authority by the issuance of a license by the Department to establish, operate, and/or maintain a facility or activity regulated by County Ordinances.
- 2.07 Person: shall mean any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, employee, or other legal representative of any of the foregoing, or any other legal entity.

## 3.00 UNLAWFUL ACTIVITIES

- 3.01 It is unlawful for any person:
  - A. To engage in any activity, trade, profession, business, or privilege or to operate any site, facility or establishment for which a license is required by any provision of a County Ordinance unless such person has first obtained such license.
  - B. To engage in any activity, trade, profession, business or privilege or operate any site, facility, or

establishment in Ramsey County for which a license is required by any provision of a County Ordinance when any license granted for the conduct of such activity, trade, profession, business or privilege or operation of such site, facility or establishment has been revoked or suspended.

- C. Who possesses a valid license issued pursuant to County Ordinance to engage in any such activity, or operate any such licensed facility, establishment, profession, business, or privilege in such a way as to knowingly violate any requirement of any Ramsey County Ordinance applicable to such activity, trade, profession, business, privilege, site, facility or establishment.
- D. To fail or refuse to correct any condition or method of operation, which violates any Ramsey County Ordinance applicable to the conduct of any licensed activity, trade, profession, business, privilege, site, facility, or establishment after being ordered to do so by the County.

#### 4.00 LICENSING PROCEDURES

Unless provided for by other County Ordinances, the procedure for application for issuance, denial, suspension, or revocation of any license required by County Ordinance shall be as set forth herein.

- 4.01 Application: Application for a license or license renewal shall be made to the Department and shall be on forms furnished by the Department. The application shall not be considered complete until the Department has received all information required.
- 4.02 Financial Assurance and Insurance: Issuance of any license pursuant to the provisions of any County Ordinance shall be contingent upon the applicant furnishing to the County financial assurance in a form and amount to be determined by the County. The applicant shall also furnish to the County certificates of insurance issued by insurers duly licensed with the State of Minnesota in the types and amounts specified by the County.
- 4.03 Payment of Fee: The fees required for a license shall be paid to the County in the manner specified by the Department. Unless otherwise provided by the County Board, no license fee shall be prorated for a portion of a year and no license fee shall be refunded. No license shall be issued until all required fees have been paid in full.
- 4.04 Penalty for Late Payment: Every person who submits payment for an initial or renewal license after the due date specified by the Department shall be subject to the following penalty:
  - A. If the payment is submitted one to thirty days late, a twenty-five percent (25%) penalty, with a minimum penalty of twenty-five dollars (\$25.00).
  - B. If the payment is submitted more than thirty days from the due date,
    - 1. the license application may be denied,
    - 2. the activity for which a license is required shall cease, and
    - 3. if a new license is approved within one calendar year of the denial date, the fee shall consist of the amount set forth for new licenses, plus the late penalty fee that was not paid for the previous application.
- 4.05 Issuance or Denial of License: Unless otherwise provided in the Ordinance under which a license is issued, and except in the initial licensing of solid waste transfer stations as provided herein, the Department shall have thirty (30) days after receipt of a complete application to grant or renew a license.
  - A. When a license is denied, the Department shall state the basis for its decision and the notice of its decision shall be served on the applicant either personally or by certified mail at the address designated in the license application. The denial shall become effective on the eleventh (11<sup>th</sup>) County working day

after service of the notice unless prior to that date the applicant has either paid the required fees or requested a hearing. Any request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance and any such hearing shall be conducted pursuant to Section 7.00 of this Ordinance.

- B. Prior to issuing an initial license for a solid waste transfer station the Department shall commence a 30-day public comment period, seeking written comments from the public. A comment period shall begin only after the Department has determined that the license application is complete. The Department shall notify the appropriate local government and landowners within 350 feet of the property boundary of the proposed transfer station. The applicant must include the names of landowners within 350 feet of the property boundary in the license application. If requested by members of the public to hold a public meeting or the municipality or planning district council in which the proposed facility is located, and if the municipality or Minnesota Pollution Control Agency does not hold a public meeting, then, following the 30-day comment period, the Department will host a public meeting for the purpose of taking comments on the application. Following the comment period the Department will prepare a written summary of the comments. The Department will issue or deny the license within thirty days of the later of the close of the comment period or the date of the hearing.

4.06 Suspension: Any license required under County Ordinance may be suspended by the Department for violation of any provision of any County Ordinance.

- A. Upon written notice to the licensee said license may be suspended by the Department until the violation is corrected but in no event for longer than sixty (60) days.
- B. Such suspension shall not occur earlier than ten working days after written notice of suspension has been served on the licensee either personally or by certified mail at the address designated in the license application. The notice shall contain the effective date of the suspension, the nature of the violation or violations constituting the basis for the suspension, the facts which support the conclusion that a violation or violations have occurred, and that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.

4.07 Summary Suspension: If the Department finds that there is an imminent risk of substantial harm to the public health, safety, or welfare it may summarily suspend a license.

- A. Written notice of such summary suspension shall be served on the licensee personally or by certified mail at the address designated in the license application. In addition, the Department may post copies of the notice of summary suspension of the license on the licensed facility or property being used for the licensed activity. Said posting shall constitute the notice required under this section.
- B. The notice shall state the nature of the violation requiring emergency action, the facts which support the conclusion that a violation or violations have occurred, and a statement that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.
- C. The summary suspension shall not be stayed pending review by the Department or an appeal to the County Board.

4.08 Suspensions, Re-inspections: Upon written notification from the licensee that all the violations for which a license was suspended have been corrected, the Department shall re-inspect the facility or activity within a reasonable length of time. If the violations constituting the grounds for the suspension have been corrected, the Department shall immediately dismiss the suspension by written notice, which shall be served upon the licensee either personally or by certified mail at the address designated in the license application.

4.09 Revocation: Any license granted pursuant to a County Ordinance may be revoked by the Department for violation of a material provision of any County Ordinance.

- A. Revocation shall not occur earlier than ten (10) County working days from the time that written notice

of revocation is served on the licensee or, if a hearing is requested, until written notice of the County Board action has been served on the licensee.

- B. The notice shall state the violation(s) constituting the basis for the revocation, the facts which support the conclusion that a violation or violations have occurred, and a statement that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.

#### 4.10 Variance

- A. Variance Permitted: If, because of exceptional circumstance, the strict enforcement of any provision of a Ramsey County Ordinance would cause unnecessary hardship, or that strict conformity with an Ordinance would be unreasonable, impractical, or not feasible a variance may be granted by the Department.
- B. Variance Conditions: A variance may be granted upon findings by the Department that:
  1. The conditions causing the hardship are unique to the property, applicant, or licensee.
  2. The variance is proved necessary in order to secure for the applicant a right or rights enjoyed by other persons in the same area or district.
  3. Granting the variance will not be contrary to public interest or adverse to the rights of other persons similarly situated or properties in the same area or district.
  4. Granting the variance will not be detrimental to the public health, safety, and welfare.
  5. No variance shall be granted simply because there are no objections, because those who do not object outnumber those who do, or for any reason other than a proved hardship.
- C. Informal Administrative Hearing: Unless otherwise provided, the Department shall conduct an informal administrative hearing within thirty (30) days of receipt of an application for variance. The applicant or his/her designated representative shall attend the hearing and present the facts or conditions upon which the application for variance is based. The Department shall prepare a written decision, with its reasons therefore, and serve it on the applicant personally or by certified mail by the close of business on the tenth (10<sup>th</sup>) County working day following the hearing.
- D. Request for Formal Hearing: In the event that the Department decides to deny the application for variance, the applicant may request a formal hearing. The request shall be in writing stating the grounds upon which the request is based and served personally or by certified mail on the Department by the close of business on the tenth (10<sup>th</sup>) County working day after the Department's decision was placed in the United States mail or personally served upon the applicant. The hearing shall be conducted pursuant to Section 7.00 of this Ordinance.

#### 5.00 INSPECTION

5.01 Routine Inspections: Routine inspection and evaluation of activities, trades, professions, businesses, privileges, sites, facilities and establishments shall be made by the Department with such frequency as to insure consistent compliance by the applicant or licensee with the provisions of the County Ordinance. Inspections consist of the physical presence of Department staff at a site or facility for the purpose of observing and evaluating existing conditions and past occurrences, in order to determine the degree of compliance with existing Ordinances, rules, regulations and standards. As deemed necessary by staff, the scope of an inspection may include, but is not limited to the following:

1. reviewing files, records, plans, and other documents, in both paper and electronic form;
2. physical access to all areas of a site or facility;



3. collecting environmental samples, including, but not limited to, samples of air, water, food, soil, products, bi-products, and wastes; and
4. taking photographs and recording by video, audio, or other electronic means.

The licensee shall allow free access to authorized representatives of the County or any other governmental agency at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of County Ordinances, or any other applicable statute, Ordinance, or regulation. Failure of the applicant or licensee to permit such inspection shall be grounds for revocation, suspension, or denial of a license. The licensee shall be provided with written and documented notice of any deficiencies, requirements for their correction, and the date when the corrections shall be accomplished.

- 5.02 **Right of Entry:** Whenever necessary to make an inspection to enforce any provision of a County Ordinance, the Department or its authorized agent may enter any building, premises, or property in or upon which a regulated activity takes place at all reasonable times to inspect the same or to perform any duty incumbent upon the Department, provided that if such building, premises, or property be occupied, the authorized agent shall first present proper credentials and request entry; and if such building, premises, or property be unoccupied, the Department shall first make a reasonable effort to locate the owner or other persons having charge or control thereof and request entry. If such entry is refused, the Department shall have recourse to every remedy provided by law to secure entry, including administrative warrants.
- 5.03 **Authorization to Issue Orders:** Whenever the Department or its authorized agents find any unlawful or dangerous condition or activity it may issue such orders as may be necessary to protect the public health, safety, or welfare.
- 5.04 **Compliance Required:** The owner, operator, or other person responsible for the condition or violation to which the order or notice pertains shall comply with any order issued by the Department within such time as determined by the Department. If the building, premises, or property is owned by one person and occupied by another and the order or notice requires immediate compliance such order or notice shall be served on the owner and occupant and both the owner and the occupant shall ensure compliance with the order or notice.

6.00 **ENFORCEMENT**

- 6.01 **Misdemeanor:** Any person who violates a Ramsey County Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- 6.02 **Citations:** Any person charged with the responsibility of administration and enforcement of any Ramsey County Ordinance shall have the power to issue citations for violations thereof.

A. ~~Form of Misdemeanor~~ **Citations:** Misdemeanor Citations shall be in a form as may be approved from time to time by the Judges of the Second Judicial District.

B. Administrative Citations:

1. **Purpose and Findings.** The County Board finds that there is a need for alternative methods of enforcing the provisions of Ramsey County Ordinances. While criminal fines and penalties have been the most typical enforcement mechanism, there are certain negative consequences for both the County and the accused. The delay inherent in that system does not ensure prompt resolution. Some administrative regulation violations need not always be treated as a criminal offense. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard Ramsey County Ordinance violations as being important. Accordingly, the County Board finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for Ramsey County Ordinance violations.

- 2. Administrative Citations and Civil Penalties.** This Section governs administrative citations and civil penalties for violations of Ramsey County Ordinances.
- 3. General provisions.** A violation of Ramsey County Ordinances is subject to administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.
- 4. Civil Penalties.** Penalties for violation of County Ordinances shall be established by resolution of the County Board. A schedule of civil penalties for violation of specific provisions within county Ordinances shall be presented to the Board annually upon its consideration of County fees, and initially upon adoption of amendment to the Administrative Ordinance establishing authority for Administrative Citations.
- 5. Administrative Citation.** The Department may issue an administrative citation upon the finding that an Ordinance violation has occurred. The citation must be issued in person or by U.S. mail to the property owner and/or person responsible for the violation offense at the last known address. The citation must state the date, time, and nature of the offense, the name of the issuing person, the amount of the scheduled civil penalty, and the manner for paying the civil penalty or appealing the citation.

  - a) Response to Citation.** A recipient shall respond to the citation within fifteen (15) County working days of receipt. The recipient may:

    - I. Admit the violation stated in the citation and agree to pay the fine. Payment of the civil penalty constitutes admission of the violation.**
    - II. Deny the violation stated in the citation and request a hearing.**
- 6. Administrative Citation Hearing.**

  - a) Hearing Officers.** The County shall maintain a list of hearing officers under contract and available to conduct hearings on the merits of an administrative citation, if requested by a recipient. A Hearing Officer is a public officer as those terms are defined by Minnesota Statutes Chapter 609.415. The hearing officer must not be a County employee. The Ramsey County Manager or their designee must establish a procedure for evaluating the competency of the hearing officers, including comments from accused violators and County staff. These reports must be provided to the County Board.

    - I. Removal of Hearing Officer.** The recipient will have the right to request, no later than five (5) days before the date of the hearing, that the assigned hearing officer be removed from the case. One request for each case will be granted automatically by the Ramsey County Manager or their designee. A subsequent request must be directed to the assigned hearing officer who will decide whether he or she can fairly and objectively review the case. The Ramsey County Manager or their designee may remove a hearing officer only by requesting that the assigned hearing officer find that he or she cannot fairly and objectively review the case. If such a finding is made, the officer shall remove himself or herself from the case, and the Ramsey County Manager or their designee will assign another hearing officer.
  - b) Request For Hearing.** If the recipient responds by requesting a hearing, the Department shall acknowledge receipt of the request for hearing to the recipient within two (2) County working days, and shall also request that the recipient indicate the preferred manner to receive future notices and material, either by U.S. mail or e-mail. The Department shall assign the case to a hearing officer on the list. The Department shall notify the hearing officer, the recipient, and the issuing person of the assignment in writing. The hearing officer shall schedule a hearing within twenty (20) County working days of receiving the notice. Any delays in holding the hearing

by the hearing officer shall be reported to the Department by the hearing officer.

- c) **Citation Materials.** At assignment, the Department shall transmit a copy of the citation and all materials relating to the citation to the hearing officer. The hearing officer shall transmit a copy of any materials received to the recipient at the earliest opportunity but no later than three (3) County working days in advance of the hearing.
- d) **Notice of Hearing.** Notice of the hearing must be served on the person responsible for the violation at least ten (10) County working days in advance, unless a shorter time is accepted by all parties. Service of the Notice will be by the method preferred by the recipient and will be complete upon mailing.
- e) **Hearing.** At the hearing, the hearing officer shall receive the testimony of any witnesses, witness statements, and comments presented by the person cited. The hearing officer will consider these items alongside the materials submitted by the issuing person and may weigh the evidence and make credibility determinations to the best of the hearing officer's ability. The hearing officer is not required to apply the rules of evidence in making determinations about the evidence presented. The issuing person is not required to attend the hearing.
- f) **Decision/Findings.** After considering all of the evidence submitted, the hearing officer shall determine, by a preponderance of the evidence, whether the person cited did or did not violate the Ordinance identified in the citation. The hearing officer shall make written findings supporting the determination and transmit them to the cited person and the Department within five (5) County working days of closing the hearing. The decision of the hearing officer is final without any further right of administrative appeal. Upon exhaustion of county administrative appeal rights, the cited person may pursue judicial appellate rights as allowed by Minnesota Statutes Chapter 606 or other applicable law.
- g) Failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of "good cause" are: death or incapacitating illness of the accused; a court order requiring the accused to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. "Good cause" does not include: forgetfulness and intentional delay.

- 7. **Payment Following Finding of Violation.** If the hearing officer finds a violation, the civil penalty for the Ordinance Violation is due within twenty (20) County working days of the date the findings are sent to the recipient. The hearing officer may not alter or reduce the civil penalty for any offense or combine multiple offenses into a single civil penalty. Payment of civil penalties due shall be made in the manner specified by the Ramsey County Manager or their designee.
- 8. **Recovery of Civil Penalties.** If a civil penalty is not paid within the time specified, the County has the authority to take the following actions:
  - a) A lien may be assessed against the property and collected in the same manner as taxes.
  - b) A personal obligation may be collected by appropriate legal means.
  - c) A late payment fee of 10 percent of the civil penalty may be assessed for each 30-day period, or part thereof, that the fine remains unpaid after the due date.
- 9. **Criminal Penalties.** The following are misdemeanors, punishable in accordance with State Law: (i) failure, without good cause, to appear at a hearing that was scheduled under Ramsey County Administrative Ordinance, Section 6.02 (B)(5) (d); (ii) failure to pay a civil penalty

imposed by a hearing officer within twenty (20) County working days after it was imposed, or such other time as may be established by the hearing officer.

If the final adjudication in the administrative penalty procedure is a finding of no violation, then the Department may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the Department from pursuing a criminal conviction for a violation of the same provision based on a different set of facts. A different date of violation will constitute a different set of facts.

C. Issuance: ~~The Administrative or Criminal Citations~~ shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or implicitly authorized to accept such issuance.

6.03 Other Actions: Other actions may be taken as follows:

A. In the event of a violation or a threat of violation of any Ramsey County Ordinance, the Ramsey County Attorney may take appropriate action to enforce the Ordinance including application for injunctive relief or other appropriate action to prevent, restrain, correct, or abate violations or threatened violations.

B. If a licensee, owner, or operator of any activity, trade profession, business, privilege, site, facility or establishment fails to comply with an applicable Ramsey County Ordinance, the County may take the necessary steps to correct such violations. The costs thereof may be recovered in a civil action or may be certified, at the discretion of the County Board, to the Director of the Department of Property Taxation as a special assessment against the real property on which the violation occurred.

## 7.00 HEARINGS

7.01 Right to a Hearing: A licensee or applicant may contest the following Departmental actions by requesting a hearing: denial of a license; denial of renewal of a license; suspension of a license; summary suspension of a license; revocation of a license; or denial of a request for variance.

7.02 Request for a Hearing: The request for a hearing shall be in writing and specifically state the grounds for appeal. The request shall be served personally or by certified mail on the Department by the close of business on the tenth (10<sup>th</sup>) County working day following service of the notice of the Departmental action by the County on the applicant or licensee. Failure to request a hearing in a timely manner will result in a forfeiture of the right to appeal or seek review of the County's action.

7.03 Public Hearings to be Held: The hearing shall be held before the County Board, or a hearing examiner as provided below, and shall be open to the public.

7.04 Timelines for Holding Hearings: Requests for extensions of time must be in writing and directed to the Chair of the County Board. Unless an extension is granted, the hearing will commence no later than forty-five (45) calendar days after the date of service of the request for a hearing on the County, exclusive of the date of service.

7.05 Hearing Notice: Notice of the time and place of hearing shall be mailed to the applicant or licensee at least fifteen (15) working days prior to the hearing.

7.06 Hearing Examiner: The County Board may appoint a hearing examiner to conduct the hearing and to make proposed findings of fact, conclusions, and recommendations to the County Board, which shall be submitted in a written report. The County Board may adopt, modify, or reject the recommendations.

7.07 Conduct of Hearing: The applicant or licensee may be represented by counsel. All parties shall have an opportunity to respond to and present evidence, cross-examine witnesses, and present argument. The County Board or hearing examiner may also examine witnesses.

- 7.08 Burden of Proof: The Department shall have the burden of proving its position by a preponderance of the evidence, unless a different burden is established by law.
- 7.09 Evidence: All evidence which possesses probative value, including hearsay, may be admitted if it is the type of evidence on which prudent persons are accustomed to relying upon in the conduct of their serious affairs.
- 7.10 Failure to Appear: If the applicant or licensee fails to appear at the hearing in person or by counsel, the right to a hearing shall be forfeited.

8.00 SEVERABILITY

It is hereby declared to be the intention of the County Board that the several provisions of this Ordinance be severable in accordance with the following:

- 8.01 If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of the Ordinance not specifically included in said judgment.
- 8.02 If any court of competent jurisdiction shall adjudge the application of any provision of this Ordinance to a particular person, site, facility or operation, such judgment shall not affect the application of said provision to any other person, site, facility, or operation not specifically included in said judgment.

9.00 PROVISIONS ACCUMULATIVE

The provisions of the Ordinance are cumulative and are additional limitations upon all other laws and Ordinances heretofore passed or which may be passed hereafter covering any subject matter in this Ordinance.

10.00 NO CONSENT

Nothing contained in the Ordinance shall be deemed to be consent, license, or permit to locate, construct, or maintain any site, facility, or establishment, or carry on any activity, trade, or profession.

11.00 EFFECTIVE DATE

This Ordinance shall be effective upon passage by the County Board and its publication in accordance with law.

FURTHER RESOLVED, That the foregoing Administrative Ordinance supersedes the original Administrative Ordinance passed by the County Board on February 23, 1981 (Resolution #81-166) and amended by the County Board on September 17, 1991 (Resolution #91-531), December 10, 1996 (Resolution #96-521), and March 13, 2001 (Resolution #2001-79), and October 20, 2009 (Resolution #2009-362).

~~Adopted by the Board of Ramsey County Commissioners this 20th day of October 2009, by Resolution #2009-362.~~

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DATE OF PUBLIC HEARING:  
 DATE OF PASSAGE BY COUNTY BOARD:  
 DATE OF PUBLICATION:  
 EFFECTIVE DATE OF ORDINANCE:

# RAMSEY COUNTY ADMINISTRATIVE ORDINANCE

"The County Board of Ramsey County ordains:"

## 1.00 APPLICATION OF ORDINANCE

- 1.01 Application: The provisions of this Ordinance shall apply to all activities, conditions, premises and persons within the County of Ramsey, which are regulated by Ramsey County.
- 1.02 Other Provisions: If provisions of a Ramsey County Ordinance conflict with provisions of this Ordinance, the more restrictive provisions shall prevail. If neither provision is more restrictive, the provision in the program-specific Ordinance shall prevail.

## 2.00 DEFINITIONS

The following words and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

- 2.01 County: shall mean the County of Ramsey.
- 2.02 County Board: shall mean the Board of Ramsey County Commissioners and their authorized representatives.
- 2.03 Department: shall mean a separate part, division, bureau, sub-unit or branch of Ramsey County authorized by the County Board to carry out or enforce any provision of a County Ordinance.
- 2.04 Fees: shall mean any and all fees assessed by the Department for the regulated activity, including, but not limited to: license fees, application fees, penalties for late renewals, state program fees, review fees and mandated surcharges.
- 2.05 License: shall mean the whole or part of any permit, certificate, approval, registration, or similar form of permission or renewal required by a County Ordinance or State Law administered by the County for the operation of any business, service or facility. The term "license" shall not include any license, lease or permit issued by any County Department solely for the use of any County property or facility by the licensee.
- 2.06 Licensee: shall mean the person who has been given the authority by the issuance of a license by the Department to establish, operate, and/or maintain a facility or activity regulated by County Ordinances.
- 2.07 Person: shall mean any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, employee, or other legal representative of any of the foregoing, or any other legal entity.

## 3.00 UNLAWFUL ACTIVITIES

- 3.01 It is unlawful for any person:
  - A. To engage in any activity, trade, profession, business, or privilege or to operate any site, facility or establishment for which a license is required by any provision of a County Ordinance unless such person has first obtained such license.
  - B. To engage in any activity, trade, profession, business or privilege or operate any site, facility, or

establishment in Ramsey County for which a license is required by any provision of a County Ordinance when any license granted for the conduct of such activity, trade, profession, business or privilege or operation of such site, facility or establishment has been revoked or suspended.

- C. Who possesses a valid license issued pursuant to County Ordinance to engage in any such activity, or operate any such licensed facility, establishment, profession, business, or privilege in such a way as to knowingly violate any requirement of any Ramsey County Ordinance applicable to such activity, trade, profession, business, privilege, site, facility or establishment.
- D. To fail or refuse to correct any condition or method of operation, which violates any Ramsey County Ordinance applicable to the conduct of any licensed activity, trade, profession, business, privilege, site, facility, or establishment after being ordered to do so by the County.

#### 4.00 LICENSING PROCEDURES

Unless provided for by other County Ordinances, the procedure for application for issuance, denial, suspension, or revocation of any license required by County Ordinance shall be as set forth herein.

- 4.01 Application: Application for a license or license renewal shall be made to the Department and shall be on forms furnished by the Department. The application shall not be considered complete until the Department has received all information required.
- 4.02 Financial Assurance and Insurance: Issuance of any license pursuant to the provisions of any County Ordinance shall be contingent upon the applicant furnishing to the County financial assurance in a form and amount to be determined by the County. The applicant shall also furnish to the County certificates of insurance issued by insurers duly licensed with the State of Minnesota in the types and amounts specified by the County.
- 4.03 Payment of Fee: The fees required for a license shall be paid to the County in the manner specified by the Department. Unless otherwise provided by the County Board, no license fee shall be prorated for a portion of a year and no license fee shall be refunded. No license shall be issued until all required fees have been paid in full.
- 4.04 Penalty for Late Payment: Every person who submits payment for an initial or renewal license after the due date specified by the Department shall be subject to the following penalty:
  - A. If the payment is submitted one to thirty days late, a twenty-five percent (25%) penalty, with a minimum penalty of twenty-five dollars (\$25.00).
  - B. If the payment is submitted more than thirty days from the due date,
    - 1. the license application may be denied,
    - 2. the activity for which a license is required shall cease, and
    - 3. if a new license is approved within one calendar year of the denial date, the fee shall consist of the amount set forth for new licenses, plus the late penalty fee that was not paid for the previous application.
- 4.05 Issuance or Denial of License: Unless otherwise provided in the Ordinance under which a license is issued, and except in the initial licensing of solid waste transfer stations as provided herein, the Department shall have thirty (30) days after receipt of a complete application to grant or renew a license.
  - A. When a license is denied, the Department shall state the basis for its decision and the notice of its decision shall be served on the applicant either personally or by certified mail at the address designated in the license application. The denial shall become effective on the eleventh (11<sup>th</sup>) County working day

after service of the notice unless prior to that date the applicant has either paid the required fees or requested a hearing. Any request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance and any such hearing shall be conducted pursuant to Section 7.00 of this Ordinance.

- B. Prior to issuing an initial license for a solid waste transfer station the Department shall commence a 30-day public comment period, seeking written comments from the public. A comment period shall begin only after the Department has determined that the license application is complete. The Department shall notify the appropriate local government and landowners within 350 feet of the property boundary of the proposed transfer station. The applicant must include the names of landowners within 350 feet of the property boundary in the license application. If requested by members of the public to hold a public meeting or the municipality or planning district council in which the proposed facility is located, and if the municipality or Minnesota Pollution Control Agency does not hold a public meeting, then, following the 30-day comment period, the Department will host a public meeting for the purpose of taking comments on the application. Following the comment period the Department will prepare a written summary of the comments. The Department will issue or deny the license within thirty days of the later of the close of the comment period or the date of the hearing.

4.06 Suspension: Any license required under County Ordinance may be suspended by the Department for violation of any provision of any County Ordinance.

- A. Upon written notice to the licensee said license may be suspended by the Department until the violation is corrected but in no event for longer than sixty (60) days.
- B. Such suspension shall not occur earlier than ten working days after written notice of suspension has been served on the licensee either personally or by certified mail at the address designated in the license application. The notice shall contain the effective date of the suspension, the nature of the violation or violations constituting the basis for the suspension, the facts which support the conclusion that a violation or violations have occurred, and that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.

4.07 Summary Suspension: If the Department finds that there is an imminent risk of substantial harm to the public health, safety, or welfare it may summarily suspend a license.

- A. Written notice of such summary suspension shall be served on the licensee personally or by certified mail at the address designated in the license application. In addition, the Department may post copies of the notice of summary suspension of the license on the licensed facility or property being used for the licensed activity. Said posting shall constitute the notice required under this section.
- B. The notice shall state the nature of the violation requiring emergency action, the facts which support the conclusion that a violation or violations have occurred, and a statement that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.
- C. The summary suspension shall not be stayed pending review by the Department or an appeal to the County Board.

4.08 Suspensions, Re-inspections: Upon written notification from the licensee that all the violations for which a license was suspended have been corrected, the Department shall re-inspect the facility or activity within a reasonable length of time. If the violations constituting the grounds for the suspension have been corrected, the Department shall immediately dismiss the suspension by written notice, which shall be served upon the licensee either personally or by certified mail at the address designated in the license application.

4.09 Revocation: Any license granted pursuant to a County Ordinance may be revoked by the Department for violation of a material provision of any County Ordinance.

- A. Revocation shall not occur earlier than ten (10) County working days from the time that written notice



of revocation is served on the licensee or, if a hearing is requested, until written notice of the County Board action has been served on the licensee.

- B. The notice shall state the violation(s) constituting the basis for the revocation, the facts which support the conclusion that a violation or violations have occurred, and a statement that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.

#### 4.10 Variance

- A. Variance Permitted: If, because of exceptional circumstance, the strict enforcement of any provision of a Ramsey County Ordinance would cause unnecessary hardship, or that strict conformity with an Ordinance would be unreasonable, impractical, or not feasible a variance may be granted by the Department.
- B. Variance Conditions: A variance may be granted upon findings by the Department that:
  - 1. The conditions causing the hardship are unique to the property, applicant, or licensee.
  - 2. The variance is proved necessary in order to secure for the applicant a right or right enjoyed by other persons in the same area or district.
  - 3. Granting the variance will not be contrary to public interest or adverse to the rights of other persons similarly situated or properties in the same area or district.
  - 4. Granting the variance will not be detrimental to the public health, safety, and welfare.
  - 5. No variance shall be granted simply because there are no objections, because those who do not object outnumber those who do, or for any reason other than a proved hardship.
- C. Informal Administrative Hearing: Unless otherwise provided, the Department shall conduct an informal administrative hearing within thirty (30) days of receipt of an application for variance. The applicant or his/her designated representative shall attend the hearing and present the facts or conditions upon which the application for variance is based. The Department shall prepare a written decision, with its reasons therefore, and serve it on the applicant personally or by certified mail by the close of business on the tenth (10<sup>th</sup>) County working day following the hearing.
- D. Request for Formal Hearing: In the event that the Department decides to deny the application for variance, the applicant may request a formal hearing. The request shall be in writing stating the grounds upon which the request is based and served personally or by certified mail on the Department by the close of business on the tenth (10<sup>th</sup>) County working day after the Department's decision was placed in the United States mail or personally served upon the applicant. The hearing shall be conducted pursuant to Section 7.00 of this Ordinance.

#### 5.00 INSPECTION

- 5.01 Routine Inspections: Routine inspection and evaluation of activities, trades, professions, businesses, privileges, sites, facilities and establishments shall be made by the Department with such frequency as to insure consistent compliance by the applicant or licensee with the provisions of the County Ordinance. Inspections consist of the physical presence of Department staff at a site or facility for the purpose of observing and evaluating existing conditions and past occurrences, in order to determine the degree of compliance with existing Ordinances, rules, regulations and standards. As deemed necessary by staff, the scope of an inspection may include, but is not limited to the following:
  - 1. reviewing files, records, plans, and other documents, in both paper and electronic form;
  - 2. physical access to all areas of a site or facility;

3. collecting environmental samples, including, but not limited to, samples of air, water, food, soil, products, bi-products, and wastes; and
4. taking photographs and recording by video, audio, or other electronic means.

The licensee shall allow free access to authorized representatives of the County or any other governmental agency at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of County Ordinances, or any other applicable statute, Ordinance, or regulation. Failure of the applicant or licensee to permit such inspection shall be grounds for revocation, suspension, or denial of a license. The licensee shall be provided with written and documented notice of any deficiencies, requirements for their correction, and the date when the corrections shall be accomplished.

- 5.02 **Right of Entry:** Whenever necessary to make an inspection to enforce any provision of a County Ordinance, the Department or its authorized agent may enter any building, premises, or property in or upon which a regulated activity takes place at all reasonable times to inspect the same or to perform any duty incumbent upon the Department, provided that if such building, premises, or property be occupied, the authorized agent shall first present proper credentials and request entry; and if such building, premises, or property be unoccupied, the Department shall first make a reasonable effort to locate the owner or other persons having charge or control thereof and request entry. If such entry is refused, the Department shall have recourse to every remedy provided by law to secure entry, including administrative warrants.
- 5.03 **Authorization to Issue Orders:** Whenever the Department or its authorized agents find any unlawful or dangerous condition or activity it may issue such orders as may be necessary to protect the public health, safety, or welfare.
- 5.04 **Compliance Required:** The owner, operator, or other person responsible for the condition or violation to which the order or notice pertains shall comply with any order issued by the Department within such time as determined by the Department. If the building, premises, or property is owned by one person and occupied by another and the order or notice requires immediate compliance such order or notice shall be served on the owner and occupant and both the owner and the occupant shall ensure compliance with the order or notice.

## 6.00 ENFORCEMENT

- 6.01 **Misdemeanor:** Any person who violates a Ramsey County Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- 6.02 **Citations:** Any person charged with the responsibility of administration and enforcement of any Ramsey County Ordinance shall have the power to issue citations for violations thereof.
- A. **Misdemeanor Citations:** Misdemeanor Citations shall be in a form as may be approved from time to time by the Judges of the Second Judicial District.
  - B. **Administrative Citations:**
    1. **Purpose and Findings.** The County Board finds that there is a need for alternative methods of enforcing the provisions of Ramsey County Ordinances. While criminal fines and penalties have been the most typical enforcement mechanism, there are certain negative consequences for both the County and the accused. The delay inherent in that system does not ensure prompt resolution. Some administrative regulation violations need not always be treated as a criminal offense. The higher burden of proof and the potential of incarceration do not appear appropriate for most administrative violations. The criminal process does not always regard Ramsey County Ordinance violations as being important. Accordingly, the County Board finds that the use of administrative citations and the imposition of civil penalties is a legitimate and necessary alternative method of enforcement. This method of enforcement is in addition to any other legal remedy that may be pursued for Ramsey County Ordinance violations.

2. Administrative Citations and Civil Penalties. This Section governs administrative citations and civil penalties for violations of Ramsey County Ordinances.
3. General provisions. A violation of Ramsey County Ordinances is subject to administrative citation and civil penalties. Each day a violation exists constitutes a separate offense.
4. Civil Penalties. Penalties for violation of County Ordinances shall be established by resolution of the County Board. A schedule of civil penalties for violation of specific provisions within county Ordinances shall be presented to the Board annually upon its consideration of County fees, and initially upon adoption of amendment to the Administrative Ordinance establishing authority for Administrative Citations.
5. Administrative Citation. The Department may issue an administrative citation upon the finding that an Ordinance violation has occurred. The citation must be issued in person or by U.S. mail to the property owner and/or person responsible for the violation offense at the last known address. The citation must state the date, time, and nature of the offense, the name of the issuing person, the amount of the scheduled civil penalty, and the manner for paying the civil penalty or appealing the citation.
  - a) Response to Citation. A recipient shall respond to the citation within fifteen (15) County working days of receipt. The recipient may:
    - I. Admit the violation stated in the citation and agree to pay the fine. Payment of the civil penalty constitutes admission of the violation.
    - II. Deny the violation stated in the citation and request a hearing.
6. Administrative Citation Hearing.
  - a) Hearing Officers. The County shall maintain a list of hearing officers under contract and available to conduct hearings on the merits of an administrative citation, if requested by a recipient. A Hearing Officer is a public officer as those terms are defined by Minnesota Statutes Chapter 609.415. The hearing officer must not be a County employee. The Ramsey County Manager or their designee must establish a procedure for evaluating the competency of the hearing officers, including comments from accused violators and County staff. These reports must be provided to the County Board.
    - I. Removal of Hearing Officer. The recipient will have the right to request, no later than five (5) days before the date of the hearing, that the assigned hearing officer be removed from the case. One request for each case will be granted automatically by the Ramsey County Manager or their designee. A subsequent request must be directed to the assigned hearing officer who will decide whether he or she can fairly and objectively review the case. The Ramsey County Manager or their designee may remove a hearing officer only by requesting that the assigned hearing officer find that he or she cannot fairly and objectively review the case. If such a finding is made, the officer shall remove himself or herself from the case, and the Ramsey County Manager or their designee will assign another hearing officer.
  - b) Request For Hearing. If the recipient responds by requesting a hearing, the Department shall acknowledge receipt of the request for hearing to the recipient within two (2) County working days, and shall also request that the recipient indicate the preferred manner to receive future notices and material, either by U.S. mail or e-mail. The Department shall assign the case to a hearing officer on the list. The Department shall notify the hearing officer, the recipient, and the issuing person of the assignment in writing. The hearing officer shall schedule a hearing within twenty (20) County working days of receiving the notice. Any delays in holding the hearing

by the hearing officer shall be reported to the Department by the hearing officer.

- c) Citation Materials. At assignment, the Department shall transmit a copy of the citation and all materials relating to the citation to the hearing officer. The hearing officer shall transmit a copy of any materials received to the recipient at the earliest opportunity but no later than three (3) County working days in advance of the hearing.
  - d) Notice of Hearing. Notice of the hearing must be served on the person responsible for the violation at least ten (10) County working days in advance, unless a shorter time is accepted by all parties. Service of the Notice will be by the method preferred by the recipient and will be complete upon mailing.
  - e) Hearing. At the hearing, the hearing officer shall receive the testimony of any witnesses, witness statements, and comments presented by the person cited. The hearing officer will consider these items alongside the materials submitted by the issuing person and may weigh the evidence and make credibility determinations to the best of the hearing officer's ability. The hearing officer is not required to apply the rules of evidence in making determinations about the evidence presented. The issuing person is not required to attend the hearing.
  - f) Decision/Findings. After considering all of the evidence submitted, the hearing officer shall determine, by a preponderance of the evidence, whether the person cited did or did not violate the Ordinance identified in the citation. The hearing officer shall make written findings supporting the determination and transmit them to the cited person and the Department within five (5) County working days of closing the hearing. The decision of the hearing officer is final without any further right of administrative appeal. Upon exhaustion of county administrative appeal rights, the cited person may pursue judicial appellate rights as allowed by Minnesota Statutes Chapter 606 or other applicable law.
  - g) Failure to attend the hearing constitutes a waiver of the violator's rights to an administrative hearing and an admission of the violation. A hearing officer may waive this result upon good cause shown. Examples of "good cause" are: death or incapacitating illness of the accused; a court order requiring the accused to appear for another hearing at the same time; and lack of proper service of the citation or notice of the hearing. "Good cause" does not include: forgetfulness and intentional delay.
7. Payment Following Finding of Violation. If the hearing officer finds a violation, the civil penalty for the Ordinance Violation is due within twenty (20) County working days of the date the findings are sent to the recipient. The hearing officer may not alter or reduce the civil penalty for any offense or combine multiple offenses into a single civil penalty. Payment of civil penalties due shall be made in the manner specified by the Ramsey County Manager or their designee.
8. Recovery of Civil Penalties. If a civil penalty is not paid within the time specified, the County has the authority to take the following actions:
- a) A lien may be assessed against the property and collected in the same manner as taxes.
  - b) A personal obligation may be collected by appropriate legal means.
  - c) A late payment fee of 10 percent of the civil penalty may be assessed for each 30-day period, or part thereof, that the fine remains unpaid after the due date.
9. Criminal Penalties. The following are misdemeanors, punishable in accordance with State Law: (i) failure, without good cause, to appear at a hearing that was scheduled under Ramsey County Administrative Ordinance, Section 6.02 (B)(5) (d); (ii) failure to pay a civil penalty imposed by a hearing officer within twenty (20) County working days after it was imposed, or

such other time as may be established by the hearing officer.

If the final adjudication in the administrative penalty procedure is a finding of no violation, then the Department may not prosecute a criminal violation in district court based on the same set of facts. This does not preclude the Department from pursuing a criminal conviction for a violation of the same provision based on a different set of facts. A different date of violation will constitute a different set of facts.

- C. Issuance: Administrative or Criminal Citations shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or implicitly authorized to accept such issuance.

6.03 Other Actions: Other actions may be taken as follows:

- A. In the event of a violation or a threat of violation of any Ramsey County Ordinance, the Ramsey County Attorney may take appropriate action to enforce the Ordinance including application for injunctive relief or other appropriate action to prevent, restrain, correct, or abate violations or threatened violations.
- B. If a licensee, owner, or operator of any activity, trade profession, business, privilege, site, facility or establishment fails to comply with an applicable Ramsey County Ordinance, the County may take the necessary steps to correct such violations. The costs thereof may be recovered in a civil action or may be certified, at the discretion of the County Board, to the Director of the Department of Property Taxation as a special assessment against the real property on which the violation occurred.

7.00 HEARINGS

- 7.01 Right to a Hearing: A licensee or applicant may contest the following Departmental actions by requesting a hearing: denial of a license; denial of renewal of a license; suspension of a license; summary suspension of a license; revocation of a license; or denial of a request for variance.
- 7.02 Request for a Hearing: The request for a hearing shall be in writing and specifically state the grounds for appeal. The request shall be served personally or by certified mail on the Department by the close of business on the tenth (10<sup>th</sup>) County working day following service of the notice of the Departmental action by the County on the applicant or licensee. Failure to request a hearing in a timely manner will result in a forfeiture of the right to appeal or seek review of the County's action.
- 7.03 Public Hearings to be Held: The hearing shall be held before the County Board, or a hearing examiner as provided below, and shall be open to the public.
- 7.04 Timelines for Holding Hearings: Requests for extensions of time must be in writing and directed to the Chair of the County Board. Unless an extension is granted, the hearing will commence no later than forty-five (45) calendar days after the date of service of the request for a hearing on the County, exclusive of the date of service.
- 7.05 Hearing Notice: Notice of the time and place of hearing shall be mailed to the applicant or licensee at least fifteen (15) working days prior to the hearing.
- 7.06 Hearing Examiner: The County Board may appoint a hearing examiner to conduct the hearing and to make proposed findings of fact, conclusions, and recommendations to the County Board, which shall be submitted in a written report. The County Board may adopt, modify, or reject the recommendations.
- 7.07 Conduct of Hearing: The applicant or licensee may be represented by counsel. All parties shall have an opportunity to respond to and present evidence, cross-examine witnesses, and present argument. The County Board or hearing examiner may also examine witnesses.

- 7.08 Burden of Proof: The Department shall have the burden of proving its position by a preponderance of the evidence, unless a different burden is established by law.
- 7.09 Evidence: All evidence which possesses probative value, including hearsay, may be admitted if it is the type of evidence on which prudent persons are accustomed to relying upon in the conduct of their serious affairs.
- 7.10 Failure to Appear: If the applicant or licensee fails to appear at the hearing in person or by counsel, the right to a hearing shall be forfeited.

8.00 SEVERABILITY

It is hereby declared to be the intention of the County Board that the several provisions of this Ordinance be severable in accordance with the following:

- 8.01 If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of the Ordinance not specifically included in said judgment.
- 8.02 If any court of competent jurisdiction shall adjudge the application of any provision of this Ordinance to a particular person, site, facility or operation, such judgment shall not affect the application of said provision to any other person, site, facility, or operation not specifically included in said judgment.

9.00 PROVISIONS ACCUMULATIVE

The provisions of the Ordinance are cumulative and are additional limitations upon all other laws and Ordinances heretofore passed or which may be passed hereafter covering any subject matter in this Ordinance.

10.00 NO CONSENT

Nothing contained in the Ordinance shall be deemed to be consent, license, or permit to locate, construct, or maintain any site, facility, or establishment, or carry on any activity, trade, or profession.

11.00 EFFECTIVE DATE

This Ordinance shall be effective upon passage by the County Board and its publication in accordance with law.

FURTHER RESOLVED, That the foregoing Administrative Ordinance supersedes the original Administrative Ordinance passed by the County Board on February 23, 1981 (Resolution #81-166) and amended by the County Board on September 17, 1991 (Resolution #91-531), December 10, 1996 (Resolution #96-521), March 13, 2001 (Resolution #2001-79), and October 20, 2009 (Resolution #2009-362).

###

- DATE OF PUBLIC HEARING:
- DATE OF PASSAGE BY COUNTY BOARD:
- DATE OF PUBLICATION:
- EFFECTIVE DATE OF ORDINANCE:

# Proposed Administrative Ordinance Change Community Engagement and Racial Equity Summary

## PARTICIPATION SUMMARY

Stakeholders were identified by regulated activity group, with an emphasis on identifying and successfully reaching out to small/locally owned license holders and non-native English speakers/writers. Based on regulatory staff's experience working with these organizations over the years, a straightforward online survey was the primary engagement tool chosen, plus the option to participate in one of three virtual listening sessions with identical content.

To encourage and support participation, all licensees or regulated businesses with an email address on file were invited by, or on behalf of, their Ramsey County inspector; this group included 1428 unique invitees. Eleven licensees did not have an address on file and were sent surveys by mail along with a self-addressed stamped envelope. Unique survey response collectors were set up for each group of licensees, and response numbers were actively tracked so staff could do additional outreach as needed. Regulatory staff also identified businesses with potential language barriers; those were contacted directly to determine whether they needed additional support to participate. Two requested materials in their home language (Chinese and Spanish) and those were provided.

Three listening sessions were held on August 17 at 6pm, August 18 at 2pm, and August 19 at 9am. Information to be presented and questions asked during the listening sessions were identical to the online survey. No stakeholders attended any of these listening sessions.

There were 186 responses to the online survey and one mailed survey response. Responses were collected August 10 through September 6, 2021.

## ENGAGEMENT SUMMARY ANALYSIS

Some clear themes emerged from the community engagement results:

- There was overwhelming support for the proposed change to add a civil citation before the misdemeanor criminal citation; commonly cited reasons included the following:
  - The civil (non-criminal) enforcement tool better aligns with the nature of the regulations.

- This approach is more likely to motivate compliance by regulated entities, thus reducing risk to the public.
- A wider range of enforcement options may increase county education and enforcement efforts.
- A general desire for more information and education about county rules, enforcement processes and potential fine amounts from a civil citation.
- More and clearer opportunities to correct violations before enforcement, and clearer guidance from county staff on how to do that.
- An appeals request timeframe longer than the proposed 10 days.
- Assurance that the appeals hearing officer would be unbiased, knowledgeable about the regulated businesses, and selected with consideration to racial diversity and professional background.

Some of these are already addressed by existing county enforcement policies, while others provide useful guidance to refine the proposed ordinance and improve the county's regulatory education and outreach processes.

## RACIAL EQUITY CONSIDERATIONS

Because of the existing racial inequities inherent to the criminal justice system, creating a decriminalized ordinance enforcement option gives the Public Health Department a tool that can be used to protect public health, while minimizing regulatory enforcement impacts on regulated businesses that are owned or operated by people from racially and ethnically diverse backgrounds.

There are instances where community members from racially and ethnically diverse backgrounds have been issued misdemeanor citations for county ordinance violations in the past. This change would have provided the business owners from racially and ethnically diverse backgrounds who were impacted at that time with another chance for compliance before they were charged with a misdemeanor citation.

The public health regulations in Ramsey County ordinances provide protections for the health of the community and the natural environment. The proposed changes strike a reasonable balance between fair and equitable enforcement of ordinances and adequate protection of our community's health and environment.

## MORE INFORMATION

A copy of the complete community engagement compilation and analysis report and details about the proposed ordinance revisions can be found here: <https://www.ramseycounty.us/your-government/ordinances-regulations/public-health-ordinance-changes>



PROPOSED SCHEDULE OF EVENTS  
Public Health Department

October 19, 2021	First Reading of Ordinance Set Date for Public Hearing
November 09, 2021	Second Reading of Ordinance Hold Public Hearing
November 23, 2021	Action on Ordinance Adoption
January 07, 2022	Effective date of Ordinance (45-day referendum periods ends)



# Board of Commissioners

## Request for Board Action

15 West Kellogg Blvd.  
Saint Paul, MN 55102  
651-266-9200

**Item Number:** 2021-656

**Meeting Date:** 11/23/2021

**Sponsor:** Finance

**Title**

2022 Capital Improvement Bond Ordinance

**Recommendation**

Approve the 2022 Capital Improvement Program Bond Ordinance, which sets forth a procedure for issuance of said bonds.

**Background and Rationale**

The proposed 2022 Capital Improvement Program Bond Ordinance authorizes the issuance of general obligation bonds to finance Ramsey County Board approved capital projects and sets the maximum amount of bond issuance at \$39,000,000. The total amount of bonds issued may be less, but cannot be more, than the maximum set in this proposed Ordinance. At a future date, the Ramsey County Board will be requested to approve the actual amount of bonds issued and to award the sale of bonds to the best bidder.

Project financing included in the proposed 2022 CIP Bond Ordinance:

Proposed 2022 Proposed CIP Regular Projects	\$ 6,000,000
Proposed 2022 Proposed CIP Major Projects	<u>\$ 33,000,000</u>
2022 CIP Bond Ordinance amount	<u>\$ 39,000,000</u>

The proposed 2022 Capital Improvement Program Bond Ordinance includes bond financing for \$6,000,000 of Regular projects and \$33,000,000 of Major projects, as included in the proposed 2022 Capital Improvement Program Budget and Plan.

Ramsey County will issue bonds in accordance with Ordinance 93-292, adopted on July 29, 1993, which sets forth the procedure for issuing bonds via ordinance in compliance with the Ramsey County Home Rule Charter.

On November 16, 2021, a public hearing was held to afford an opportunity for the public to comment on the proposed 2022 Capital Improvement Program Bond Ordinance. No public comments were brought forth. With board approval on November 23, 2021, the ordinance will become effective January 14, 2022, after which the Ramsey County Board will be requested to authorize the bond sale on January 18, 2022, including approval of the final amount of bonds to be sold and setting the bond sale date. The Finance department anticipates a February 14, 2022 bond sale date and the award of the bonds considered by the Ramsey County Board on February 15, 2022.

**County Goals** (Check those advanced by Action)

- Well-being     
 Prosperity     
 Opportunity     
 Accountability

**Racial Equity Impact**

This action by itself does not have a measurable racial equity impact, as the action is just one step in the ordinance process required by the Ramsey County Home Rule Charter to issue bonds. The county plans to issue bonds to finance numerous capital improvement projects, each of which provides programs and services to the community. The racial equity impact should be considered by the county departments during the development of the associated programs and services for each capital project.

**Community Participation Level and Impact**

Ramsey County issues bonds to finance capital improvements identified in its annual capital improvement plan which is developed with public participation through the Capital Improvement Program Citizens' Advisory Committee (CIPAC), an advisory committee composed of up to 14 residents, appointed by the Ramsey County Board, to assure public participation in the decision-making process. The Ramsey County Board also holds a public hearing as part of the Bond Ordinance to afford the public an opportunity to comment on each proposed project. Direct community participation should be incorporated through county departments in the development of the program and services associated with each capital project.

Inform       Consult       Involve       Collaborate       Empower

**Fiscal Impact**

The proposed 2022 Capital Improvement Program Bond Ordinance authorizes a maximum amount of bond issuance to finance the capital improvements identified in the county's 2022 Capital Improvement Program Budget and Financing Plan, subject to Ramsey County Board approval.

**County Manager Comments**

No additional comments.

**Last Previous Action**

On November 16, 2021, the Ramsey County Board waived the second reading of the 2022 Capital Improvement Program Bond Ordinance (Resolution B2021-247) and held a public hearing.

On October 26, 2021, the Ramsey County Board waived the first reading of the proposed 2022 Capital Improvement Program Bond Ordinance (Resolution B2021-236) and set the date of the Public Hearing for November 16, 2021 (Resolution B2021-237).

**Attachments**

1. Proposed 2022 Capital Improvement Program Bond Ordinance
2. Proposed Schedule of Events - 2022 Capital Improvement Program Bond Sale

1  
2  
3  
4  
5  
6  
7  
8  
9  
10 OFFICIAL SUMMARY OF ORDINANCE  
11 AUTHORIZING THE ISSUANCE OF  
12 GENERAL OBLIGATION CAPITAL IMPROVEMENT BONDS  
13 IN AN AGGREGATE AMOUNT NOT TO EXCEED \$39,000,000  
14

15 This ordinance authorizes the issuance of bonds, notes or other obligations, in one or more series in  
16 an aggregate principal amount not to exceed \$39,000,000 for capital improvement needs.  
17  
18

19  
20 ORDINANCE NO. \_\_\_\_\_  
21

22 AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION CAPITAL  
23 IMPROVEMENT BONDS IN AN AGGREGATE AMOUNT NOT TO EXCEED \$39,000,000  
24  
25

26 A. WHEREAS, since 1989, Ramsey County, Minnesota (the “County”), has issued  
27 bonds to finance capital improvements identified in a capital improvement plan developed with  
28 citizen participation; and  
29

30 B. WHEREAS, the Home Rule Charter of the County (the “Home Rule Charter”) is a  
31 desirable source of authority for the issuance of such bonds; and  
32

33 C. WHEREAS, the County’s proposed capital improvement budget for 2022  
34 contemplates undertaking capital improvements financed in part by bonds, notes or other  
35 obligations, in one or more series, in an estimated aggregate amount of \$39,000,000; and  
36

37 NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE COUNTY OF  
38 RAMSEY DOES ORDAIN as follows:  
39

- 40 1. Authorization of Bonds - The bonding and borrowing of money by the issuance of general  
41 obligation bonds, notes or other obligations, in one or more series from time to time as needed,  
42 in an aggregate principal amount not to exceed \$39,000,000 plus the amount of any premium  
43 paid with respect thereto (the “Bonds”) is hereby authorized to finance (1) the costs of  
44 improvements set forth in the 2022 capital improvement budget of the County, as approved and  
45 amended, (2) the costs of any other improvements set forth in the County’s capital  
46 improvement budgets of any year and any other capital expenditures authorized by the County,

47 to the extent proceeds of the Bonds are not expended on improvements set forth in the 2022  
48 capital improvement budget, as approved and amended. The amount authorized under this  
49 Ordinance is in addition to amounts previously authorized under prior ordinances of the  
50 County.

51  
52 2. Bonding Procedure and Terms - The Bonds shall be scheduled for sale and awarded for sale by  
53 resolutions. The specific amount, maturities, interest rates and other terms and conditions of  
54 the Bonds and covenants with respect to the Bonds shall be set or made by resolution.

55  
56 3. Taxes - The Bonds shall be general obligations to which the full faith and credit and taxing  
57 powers of the County are pledged. The Bonds may also be paid from interest earnings on the  
58 debt service account, and from any other moneys appropriated by the County Board. The taxes  
59 levied for the payment of the Bonds shall not limit or reduce the ability of the County to levy  
60 taxes for the payment of the costs of other capital improvements or obligations issued to  
61 finance the payment of such costs

62  
63 4. Authorization of Refunding Bonds - The bonding or borrowing of money by the issuance of  
64 bonds or other obligations to refund the Bonds is hereby authorized on the same basis as set  
65 forth in paragraphs 4 and 5 of Ordinance No. 93-292, authorizing the refunding of bonds issued  
66 prior to November 6, 1992. Further proceedings to schedule such refunding bonds for sale, to  
67 set the terms and conditions thereof, to make covenants with respect thereto and to award the  
68 sale thereof may be, and are hereby authorized to be, done or taken by resolution.

69  
70 5. Referendum Upon Petition - This ordinance is subject to the ordinance procedure of the  
71 County's Home Rule Charter, including the holding of a referendum if a sufficient petition is  
72 filed within forty-five (45) days after its publication. Among other conditions to be met, a  
73 sufficient petition must be signed by registered voters of the County equal in number to ten  
74 percent (10%) of those who voted in the County for the office of President of the United States  
75 in the last general election.

ESTIMATED SCHEDULE OF EVENTS  
2022A CIP BOND SALE

Date

<b>October 26</b>	First Reading of Ordinance Set Date for Public Hearing (No sooner than 10 days after first reading)
<b>November 16</b>	Second Reading of Ordinance Hold Public Hearing
<b>November 23</b>	Action on Ordinance
November 30	Publication of Ordinance Forty-five (45) day Referendum Petition waiting period starts
January 14	Ordinance becomes effective Referendum period closes 45 days after Ordinance Publication
<b>January 18</b>	Resolution authorizing bond sale
January 25	Post final Official Statement on internet Final Preliminary Official Statement delivered to rating agencies
Jan. 31- Feb. 4	Rating conferences conducted
February	Rating determination by Moody's and Standard & Poor's
February 14	Take bids on bonds
<b>February 15</b>	Board considers awarding the sale of bonds
March 16	Bond Proceeds Received

Bold dates are Board Actions