



Association of
Minnesota Counties

Fall Policy Conference

September 13 – 15, 2023

Arrowwood Conference Center – Alexandria

Special Thanks to Our
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Welcome & Introductions



**AMC President
Mary Jo McGuire
Ramsey County
Commissioner**



Pledge of Allegiance



Special Thanks to Our PREMIER Partners for Their Commitment to AMC and Counties!





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General Session Panel



Solutions for the County Dispatch Workforce Shortage

Jill Bondhus, Emergency Communication Networks 9-1-1 Operational Coordinator

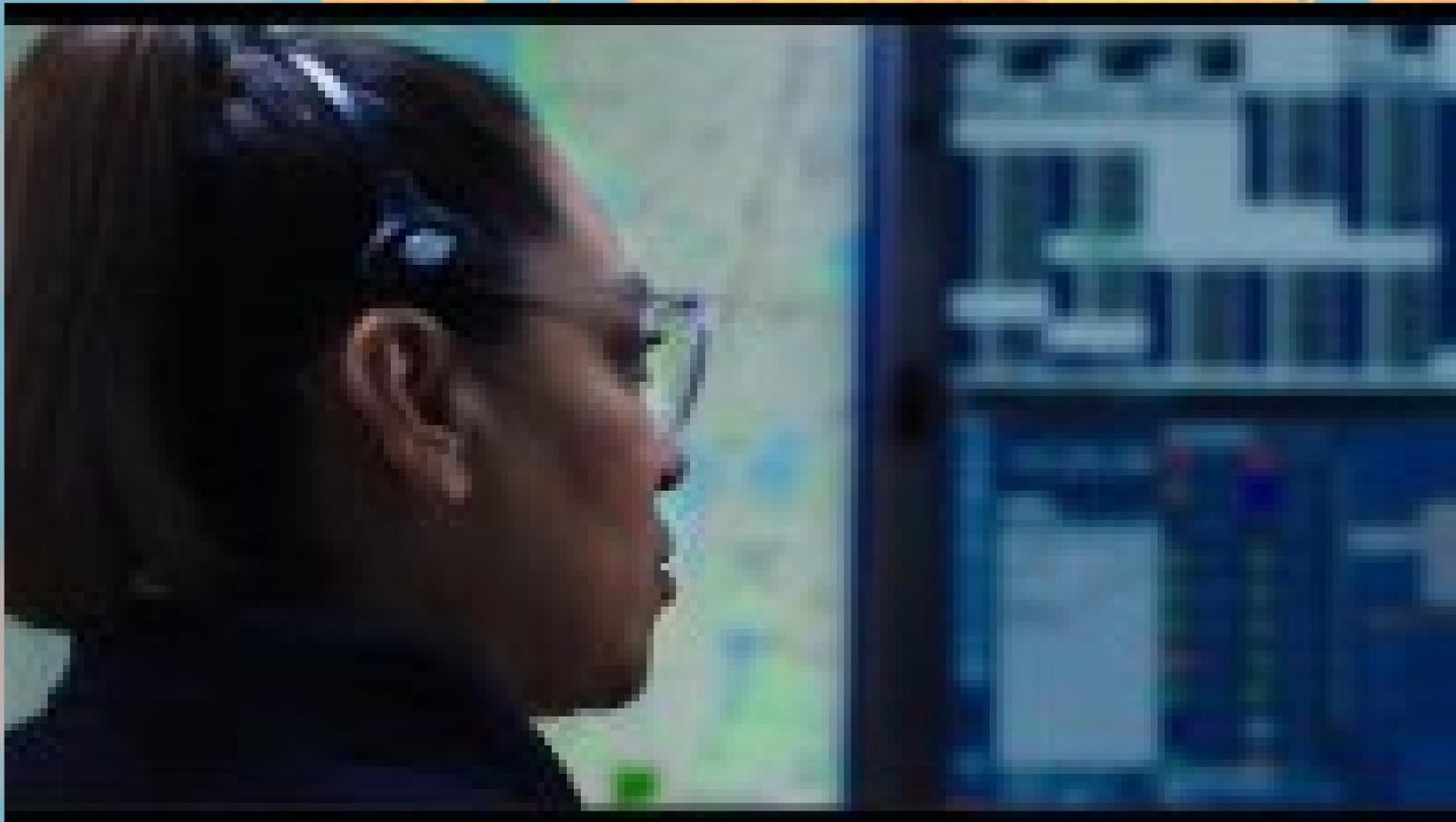
Valerie Sprynczynatyk, Anoka County Emergency Communications Center Director

Sheriff Mark Brown, Big Stone County

Sheriff Eric Tollefson, Kandiyohi County

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AMC Tax Forfeiture Update

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Commissioner Paul McDonald, St. Louis County

Julie Marinucci, Land and Minerals Director, St. Louis County

Daniel Rogan, Senior Assistant Attorney, Hennepin County



Tyler v. Hennepin County

Decision and Implications

Tyler v. Hennepin County

- Tyler's condo forfeited after and was sold for \$40,000. Only \$15,000 in tax was owing.
- 2019 putative class action filed in state court
 - Hennepin County removed to federal court
 - District court dismissed for failure to state a claim
 - Eighth Circuit Court of appeals unanimously affirmed
 - SCOTUS granted certiorari
 - Argued April 26, 2023
 - Decided May 25, 2023



Holding

The retention of value in excess of the lien amount is a Taking.

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

TYLER *v.* HENNEPIN COUNTY, MINNESOTA, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE EIGHTH CIRCUIT

No. 22–166. Argued April 26, 2023—Decided May 25, 2023

Geraldine Tyler owned a condominium in Hennepin County, Minnesota, that accumulated about \$15,000 in unpaid real estate taxes along with interest and penalties. The County seized the condo and sold it for \$40,000, keeping the \$25,000 excess over Tyler’s tax debt for itself. Minn. Stat. §§281.18, 282.07, 282.08. Tyler filed suit, alleging that the County had unconstitutionally retained the excess value of her home above her tax debt in violation of the Takings Clause of the Fifth Amendment and the Excessive Fines Clause of the Eighth Amendment. The District Court dismissed the suit for failure to state a claim, and the Eighth Circuit affirmed.

Held: Tyler plausibly alleges that Hennepin County’s retention of the excess value of her home above her tax debt violated the Takings Clause. Pp. 3–14.

(a) Tyler’s claim that the County illegally appropriated the \$25,000 surplus constitutes a classic pocketbook injury sufficient to give her standing. *TransUnion LLC v. Ramirez*, 594 U. S. ___, ___. Even if there are debts on her home, as the County claims, Tyler still plausibly alleges a financial harm, for the County has kept \$25,000 that she could have used to reduce her personal liability for those debts. Pp. 3–4.

(b) Tyler has stated a claim under the Takings Clause, which provides that “private property [shall not] be taken for public use, without just compensation.” Whether remaining value from a tax sale is property protected under the Takings Clause depends on state law, “traditional property law principles,” historical practice, and the Court’s precedents. *Phillips v. Washington Legal Foundation*, 524 U. S. 156, 165–168. Though state law is an important source of property rights, it cannot be the only one because otherwise a State could “sidestep the

Policy considerations to monitor

- Conservation
 - Will government acquire the parcels it desires through the judicial foreclosure sale?
- Distressed properties
 - Will buyers at the foreclosure sale remediate distressed properties?
 - If government is the default buyer, how will it fund expensive cleanup?
- Administratively efficiency
 - Will the new process administratively efficient and transparent for all parties involved?
- Revenue for local government
 - Will taxes collected through the foreclosure sale equal or exceed disbursements from the “old” TFL sale fund?
- Fairness
 - How do we balance private interest along with the public’s interest?

Perspective from the North

The unique nature of tax-forfeited lands & minerals in NE Minnesota

Early History



pre-1920

White Pine & Norway in high demand to feed the sawmills



1900-1920

Mills shut down, Settlement of cut-over lands promoted, regardless of location & adaptability



1920-1935

Agriculture did not have a market and a global recession coupled with property tax assessment issues led to massive tax delinquency



1935

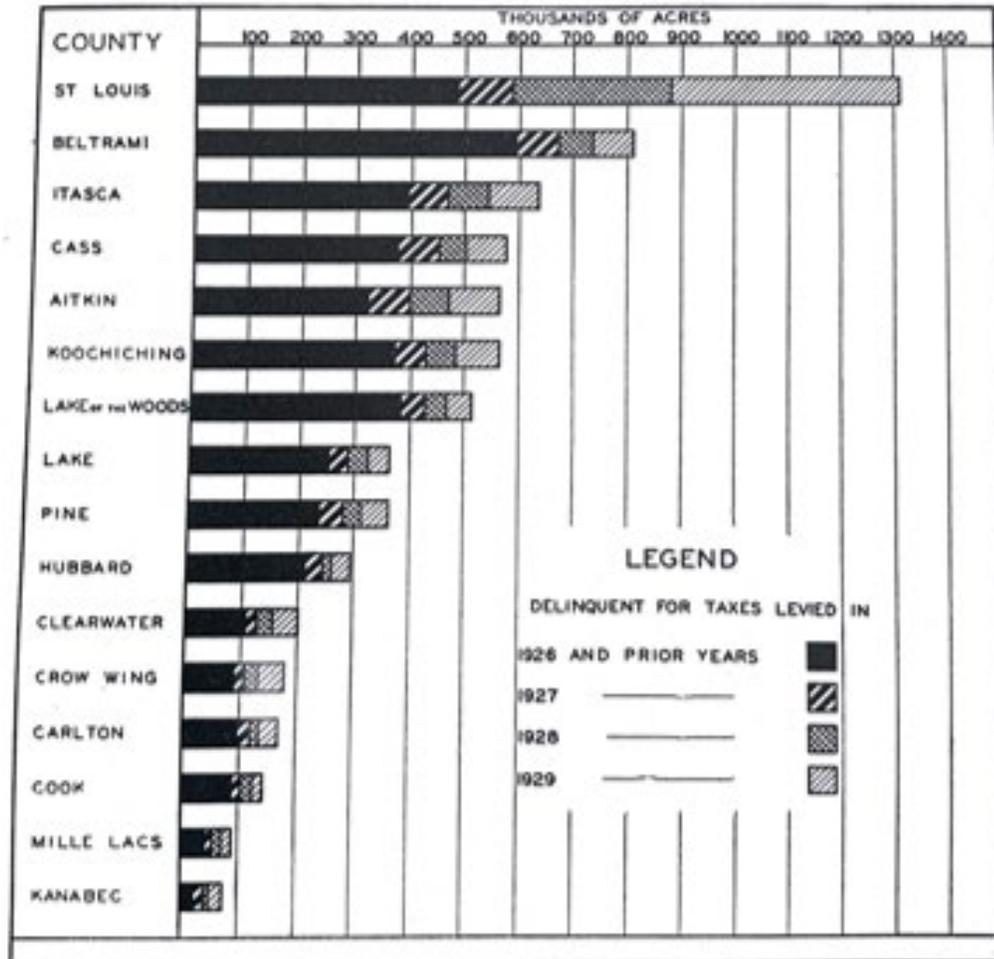
Enactment of first Tax-Forfeiture Law with the objective to put lands to best use. Chapter 278, Session Laws of 1935



1936-1937

First lands coming into full forfeiture after being tax delinquent back to 1926. The first sale of forfeited lands was in 1939.

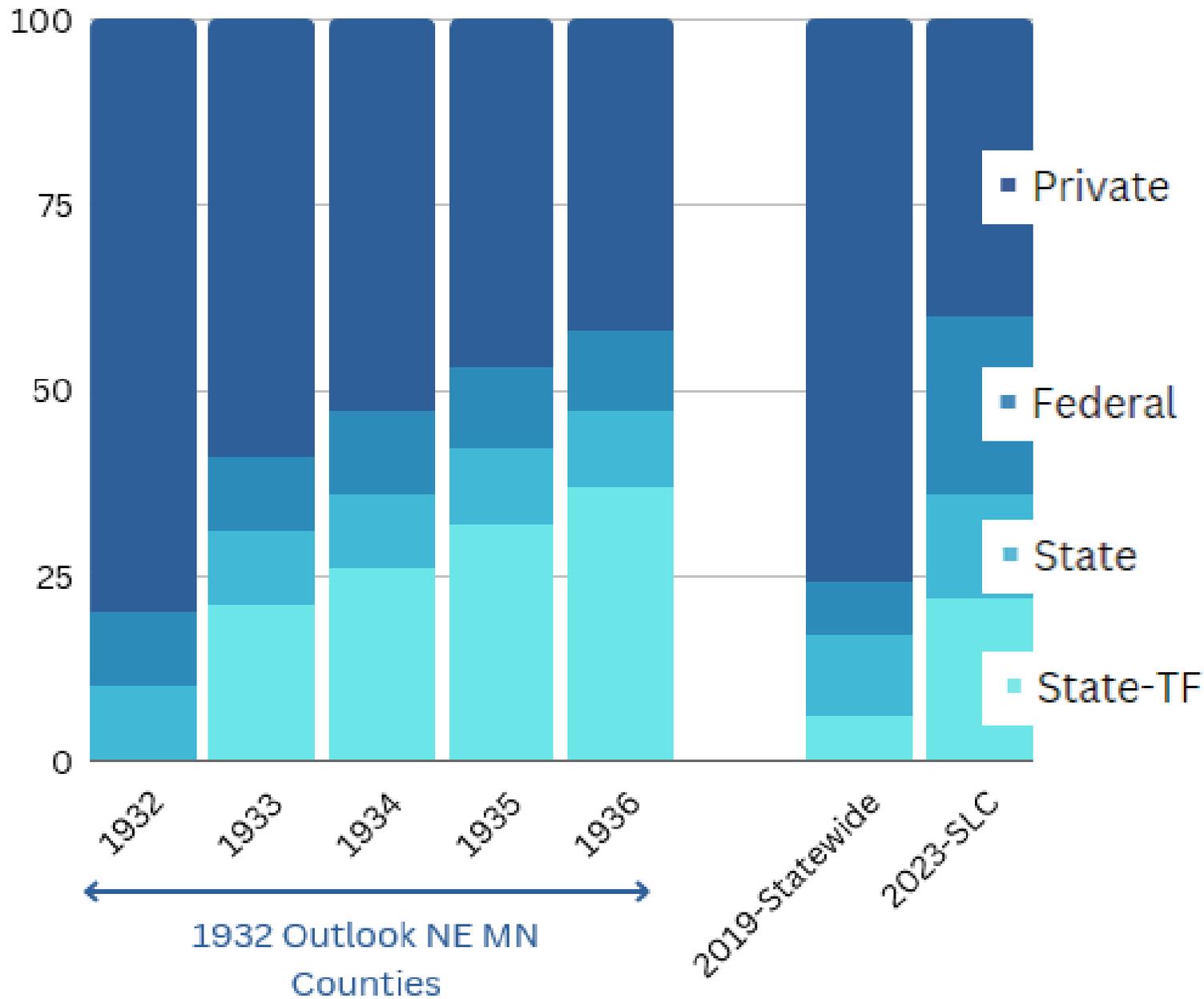
FIGURE 4. — ACREAGE TAX DELINQUENT IN SIXTEEN NORTHEASTERN COUNTIES, JANUARY 1, 1931



Uncollected Taxes,
1930 & before

16 NE Counties
\$21,874,033

Remaining 71 Counties
\$22,829,111



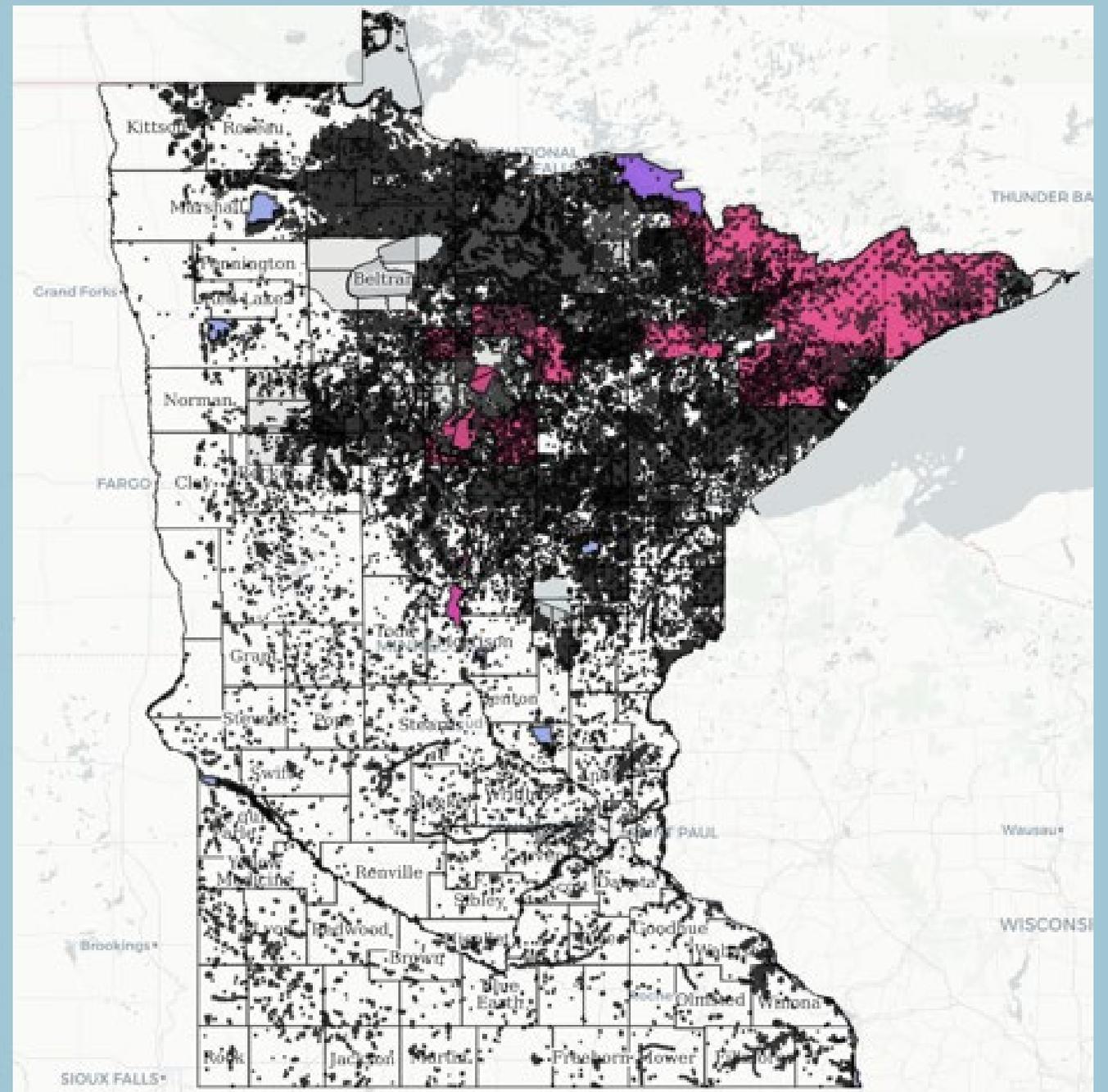
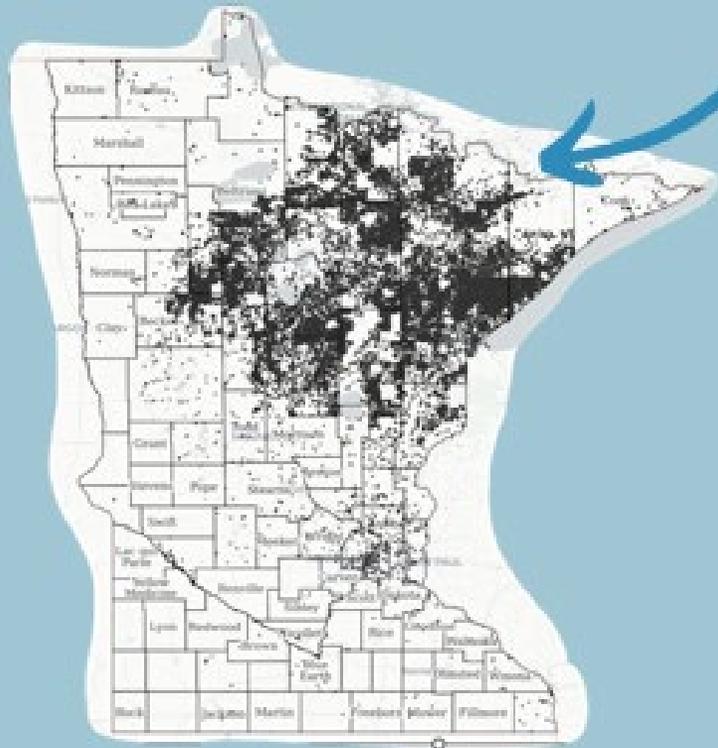
Ownership Trends in NE MN & Beyond

Tax Delinquency and Forfeiture remained high into the 1960's and continues today to a much lesser degree.

2.8 million acres of Tax-Forfeited land is managed by the 15 northern counties today

Public Land

The concentration of Public Lands: Federal, Tribal, State and Tax Forfeited Trust lands is highly concentrated in N/NE Minnesota





Timber

Sustainably manage the forest for economic and ecological benefit



Mineral Development

Development and protection of the state mineral interests



Recreation

Public access to the abundant natural landscapes of NE MN



Environmental

Protection of natural landscapes, watershed and research of the natural environments

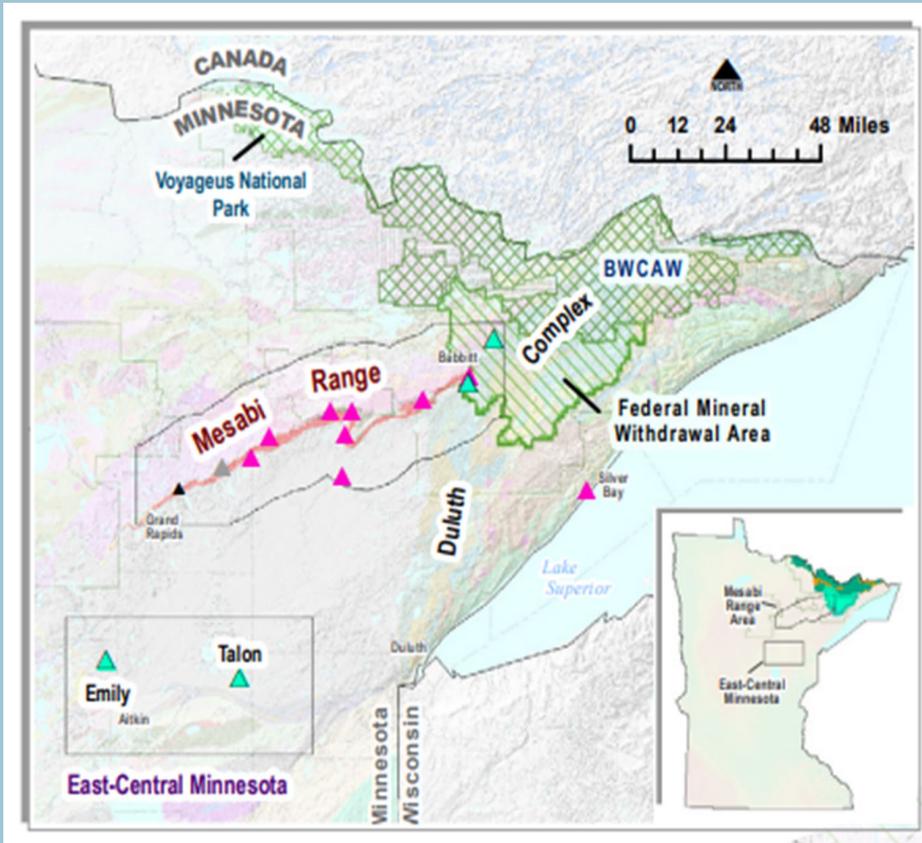
Value of the Trust land base in NE MN



Sustainably Managed Forestland

- Professional Forest Staff
- 3rd Party Certified
- Follow Site Level Guidance, MFRC
- Reforestation through planting 2.3 million tree seedlings, direct seeding 4,300 acres along with natural regeneration
- 24% of annual stumpage on county lands
- 17,504 direct jobs, \$1.13 billion in labor income
- \$28 Million generated on county lands

Mineral Development



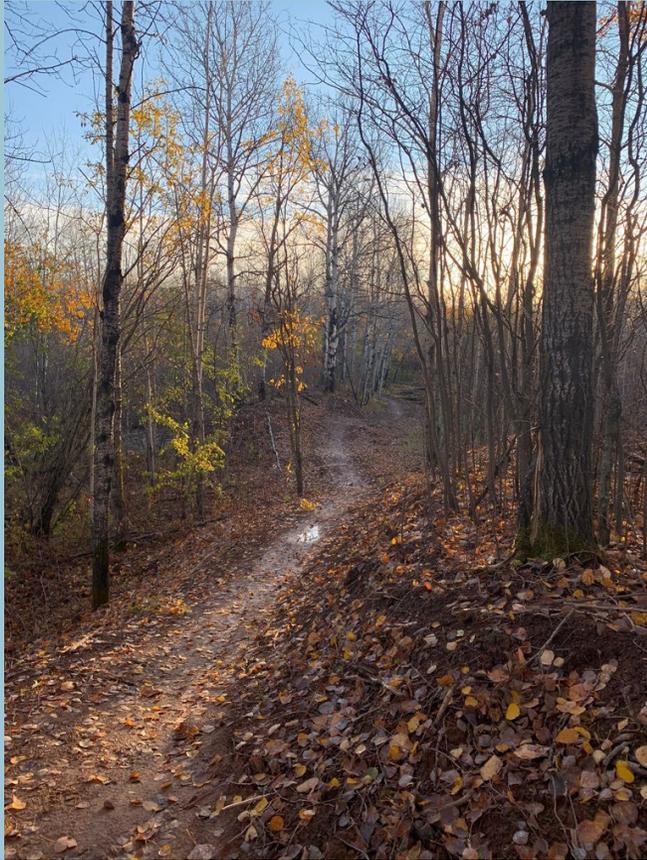
Impact of the Surface Estate

- Land base in and around existing and future mining projects provides key access
- Surface leasing provides revenue to the Tax-Forfeited Trust
- Protected access to severed minerals

Severed Mineral Estate

- Failure to claim and pay taxes on deeded severed minerals allows the forfeiture of the severed minerals.
- State of MN retains all forfeited mineral interests & severed minerals and the MNDNR manages these interests.
- Mineral interest have paid over \$45M over the last ten years.

Recreation



Access & Protection

Connected public lands provide access and protection to much of the unique beauty of NE Minnesota to be explored on foot, bike, ski or ATV.

9,186 miles of locally sponsored grant-in-aid trail systems

Economic Driver

Outdoor recreation generates 2.4% of the state's GDP (\$9.9 billion) in 2021.



Environmental

Natural Habitat

Provide acres of natural habitat to benefit game & non-game wildlife, critical and sensitive habitats, wildfire mitigation

Protect watersheds through good forest management

Protect resources essential for tribal communities to exercise their treaty rights

Management Challenges

Blight

Significant lack of funding to address extremely blighted properties

Environmental Cleanup

Many sites require extensive environmental remediation



December 2018



October 2019

Complicated Ownership

Ability to determine property interest at the time of forfeiture

Operational Funding

Ability to recoup the expenses to manage these lands.

Apportionment

Surface Estate:

5 Year Total: \$28,985,713

5 Year Average: \$5,797,142

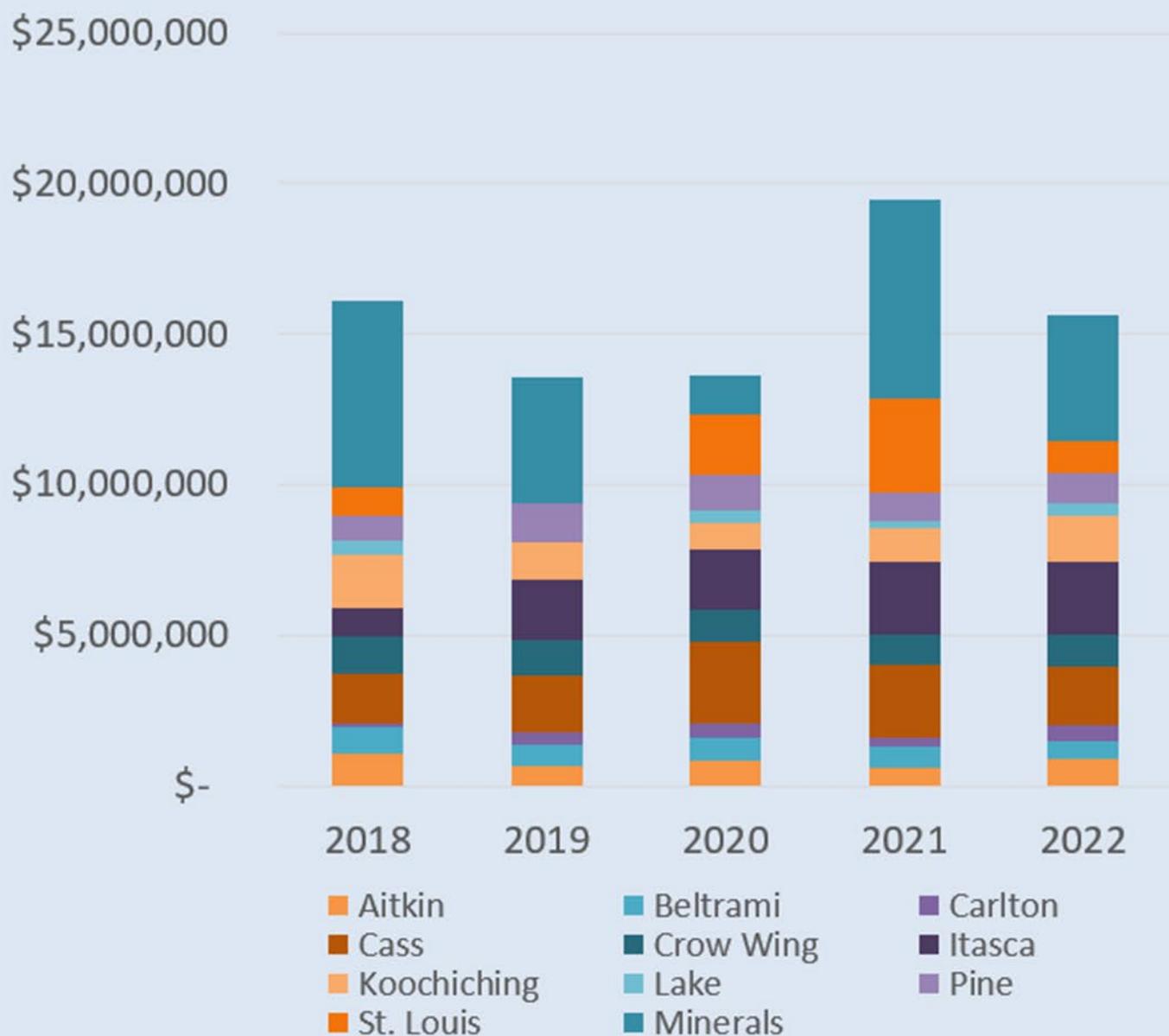
Apportionment of Tax-Forfeited Revenue:
30% Memorial Forest, 20% Recreation
Remaining: 40% County
40% School
20% Town or City

Mineral Estate:

5 Year Total: \$22,435,000

5 Year Average: \$4,487,000

Apportionment of Tax-Forfeited Revenue:
20% MNDNR Mineral Management Account
Remaining: 3/9 County
4/9 School
2/9 Town or City



Northern Considerations

Retain historic land base for timber, mining, recreation and environment

Ability to sustainably manage our timber programs

Protection of the Mineral Estate

Sustainable funding for blight, land sale, and department as a whole



AMC TAX FORFEITURE GROUP VALUES

- **Create a system centered on fairness. Keeping a broad sense of fairness center of any legislative solution, particularly as it relates to other property taxpayers.** For example, if we use county resources free of charge to improve a property and the excess goes back, is that fair to other property taxpayers?
- **Create a system that is administrative and budgetarily efficient, transparent, and accessible/understandable for a person going through it.**
- **Create a system that provides local governments flexibility to protect the public interest.** There is a critical need to provide certain counties that deal with large natural resources/mineral holdings the ability to manage those critical resources in a way that benefits the public at large. Furthermore, all counties have an interest in remediating and ensuring the redevelopment of distressed properties.
- **Protect and enhance landowners' ample/robust opportunities to reclaim their property.**
- **Create a process that is effective in enhancing title ownership while meeting the constitutional requirements set by the Courts.**

POTENTIAL LEGISLATIVE BUCKETS

- Bucket 1: Retroactivity timeline, statute of limitations, class action lawsuit fund
- Bucket 2: New Surface Estate Scheme
- Bucket 3: New Minerals Estate Scheme
- Bucket 4: Protection of Memorial Lands & Minerals
- Bucket 5: Tax Foreclosure Resources—more deed/registry tax sharing for management activities
- Bucket 6: Home Ownership Preservation/Hardship Assistance Fund

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General Session Panel



Family and Community Resource Centers in Minnesota

Barb Weckman Brekke, Scott County Commissioner
Terry Lovgren, Pine County Commissioner
Becky Foss, Pine County Health and Human Services Director
Brenda Mahoney, MACSSA Project Coordinator

FAMILY RESOURCE CENTERS





AGENDA

Introduction

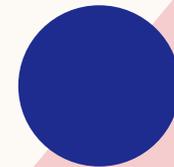
County Experience

Community Experience

Family Resource Center Foundation

Opportunities

Question/Answer



LEADING THE WAY **SCOTT COUNTY'S EXPERIENCE**

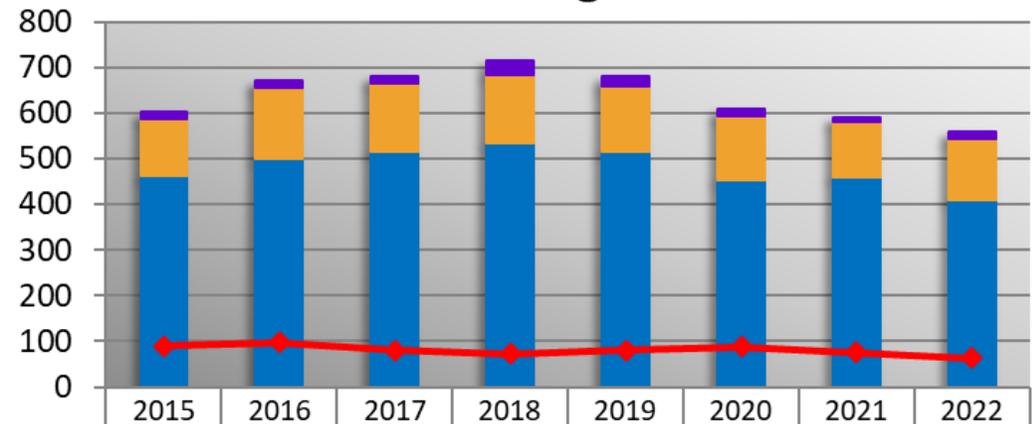


SCOTT COUNTY'S EXPERIENCE



SCOTT COUNTY'S EXPERIENCE

Number of Initiated Child Maltreatment Assessments and Investigations



Facility Investigations	14	15	16	32	21	17	9	16
Family Investigations	126	156	148	150	145	140	121	134
Family Assessments	461	499	516	533	514	453	459	410
Total	601	670	680	715	680	610	589	560
Case Management Cases Opened	89	98	80	73	80	88	75	63

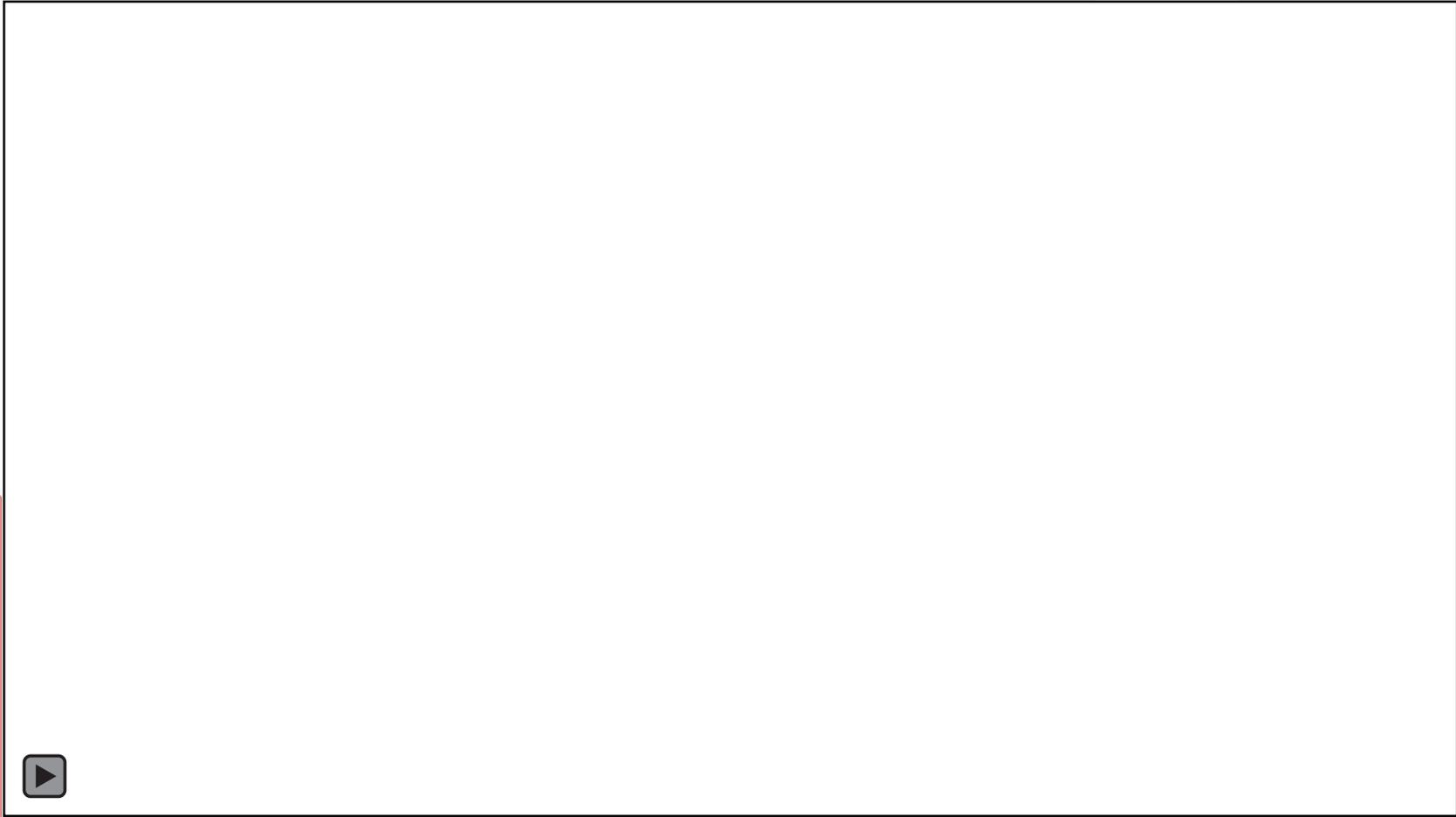


Parent Advisory Council Member

Margareth Gurreonero



Margareth and family!



With Love, Mauricio!

LEADING THE WAY PINE COUNTY'S EXPERIENCE

Weekly CALENDAR

September 4th - 8th

ACTIVITIES	TUESDAY	WEDNESDAY	THURSDAY	THIS WEEK'S PROVIDERS
<p>PARENT/CHILD ACTIVITY: SCHOOL BUSESSES</p> <p>PARENT DISCUSSION GROUP</p> <p>YOUTH GAMES CREATIVE PROJECT IDEA SHARE</p>	<p>PINE CITY EAST CENTRAL REGIONAL LIBRARY</p> <p>1 - 5 PM</p> <p>300 5TH STREET SE</p>	<p>HINCKLEY COMMUNITY CENTER</p> <p>1 - 5 PM</p> <p>102 DUNN AVE N.</p>	<p>COMING SOON!!</p> <p>SANDSTONE 1 - 5PM</p> <p>EAST CENRAL REGIONAL LIBRARY NEW LOCATION</p> <p>106 MAIN STREET</p>	<p>HAVE QUESTIONS OR NEED ASSISTANCE WITH AN ISSUE? THE FOLLOWING PROVIDERS WILL BE AVAILABLE</p> <p>FAMILY PATHWAYS COMMUNITY ADVOCATES</p> <p>AANJIBIMAADIZING - HINCKLEY</p> <p>WELLNESS IN THE WOODS PEER SUPPORT - HINCKLEY</p> <p>PINE COUNTY ELIGIBILITY/MA RENEWAL</p>



“Family Resource Centers are designed to support communities and East Central is looking forward to working collaboratively to bring this opportunity to Pine County.”

Stefanie Youngerberg, East Central School Superintendent.

“Pine County is a large, very rural county which makes knowing where and how to get services very difficult for many of our residents. We were recently blessed with a grant which will allow us to serve our residents, your residents better with FRC’s. I can’t wait to see the benefits this will give to so many!”

Pine County Commissioner Terry Lovgren

PINE COUNTY'S TIMELINE

PINE COUNTY FRC ROADMAP

2

July 2022

Commissioner Lovgren tours Colorado FRCs

4

Summer and Fall 2022 - Reviewed Data and Community Health Assessment

6

November 2022

Approved for SFF Grant to hire an FRC Coordinator and begin implementation

Today!!

Two sites open, third one to open soon; over 70 participants in August 2023

Late 2021/early 2022

1

FRC Convos

MACSSA and Scott County's work

Spring/Summer Early Fall 2022

3

Convos with community partners and internal workgroups

5

Wrote SFF Grant - September 2022

7

February 2023

FRC Coordinator began her work; continued with community partnerships and found family friendly locations to launch FRC

LEADING THE WAY **PINE COUNTY'S** **EXPERIENCE**



FAMILY RESOURCE CENTERS

Protective Factors (Center for the Study of Social Policy):

- Parental resilience
- Social connections
- Knowledge of parenting and child development
- Concrete support in times of need
- Social and emotional competence of children

FAMILY RESOURCE CENTERS

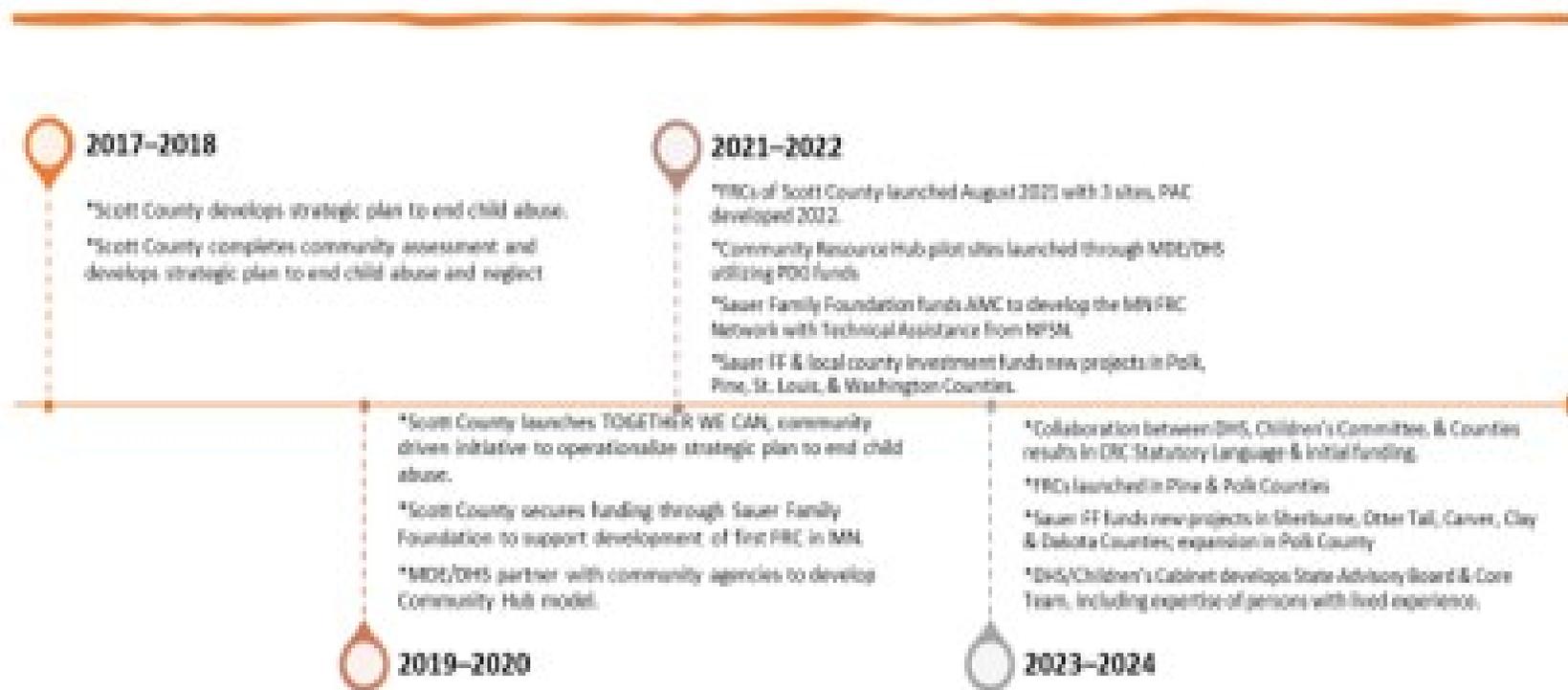
Key components:

- Geoflexible
- Adaptable
- Community and Lived Expertise Leadership
- Sustainable

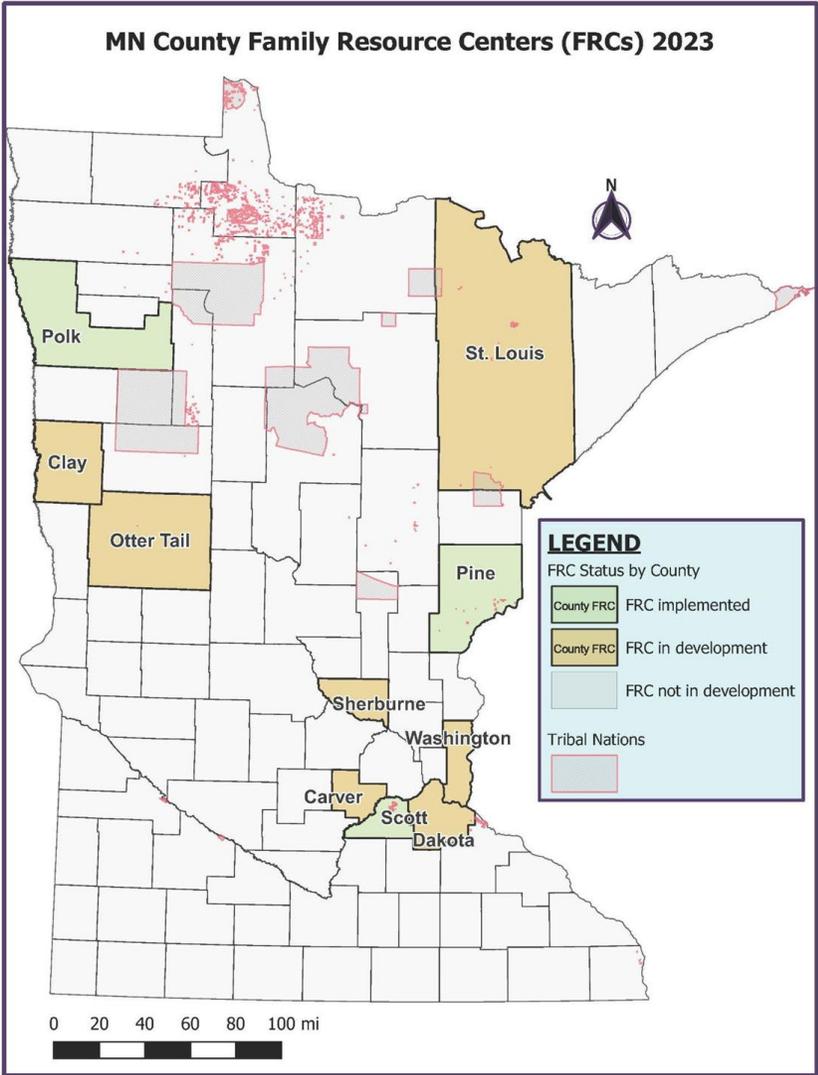
FAMILY RESOURCE CENTERS

- In 2023, over 10 counties alongside community partners sought funding through the Sauer Family Foundation to pursue Family Resource Centers.
- Secured legislation that authorizes a statewide advisory council and provides one time grant funding at \$5.7 through 2027
- Additionally, AMC sought funding to provide a central point for support, including technical assistance, training, development and a learning collaborative
- Continued Growth and Development

Evolution of CRCs in MN



FAMILY RESOURCE CENTERS



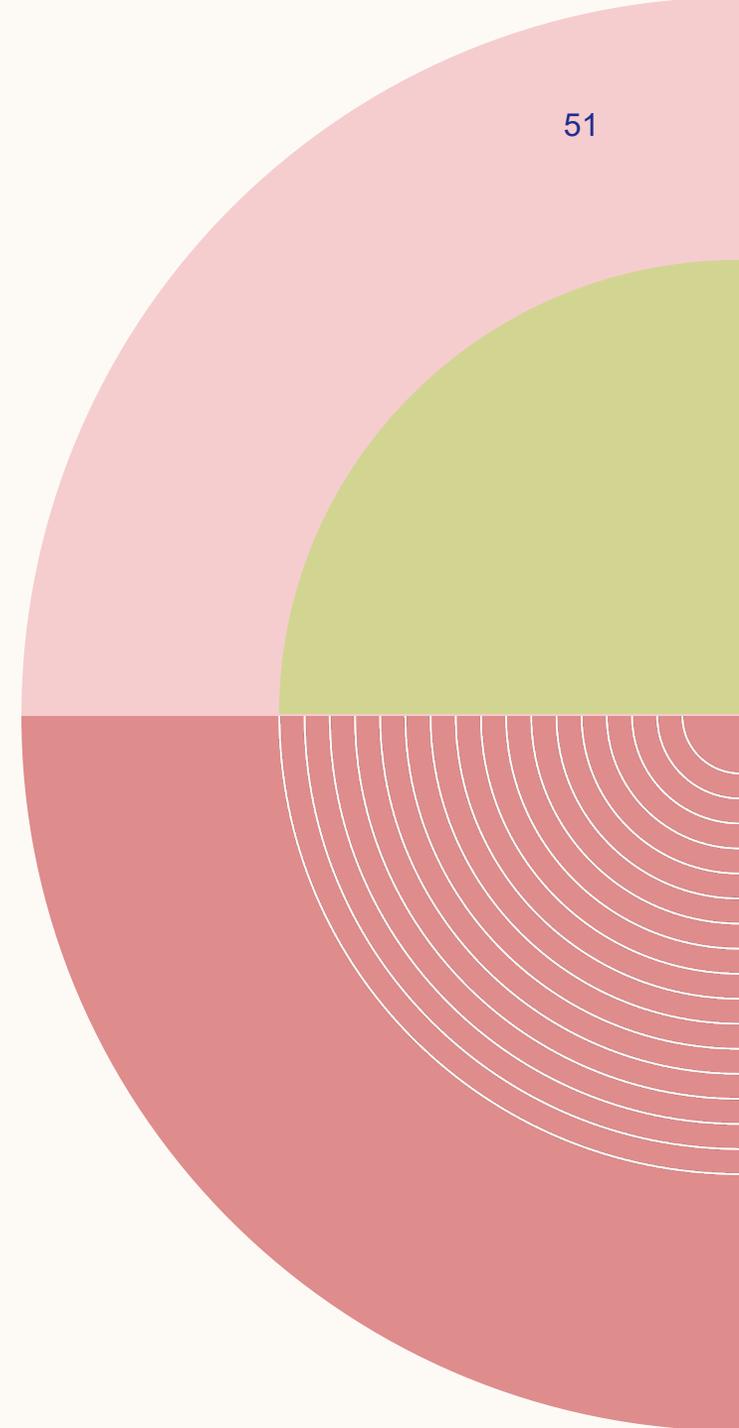
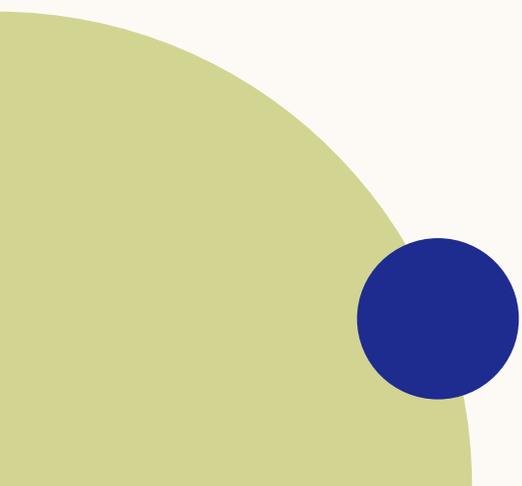
FAMILY RESOURCE CENTERS

ON THE HORIZON

- Networking Minnesota FRC sites
- Continued Support through AMC in partnership with Sauer Family Foundation, Casey Family Programs and the National Family Support Network (NFSN)
- Collaboration and Partnership with the Department of Human Services (DHS) to shape and implement the Community Resource Center Advisory Council and grant funding
- Continue to promote the work of FRC's and educate policy makers at the local, state and federal level
- Continue to identify and elevate the voice of community and lived expertise



THANK YOU!!!



THANK YOU

Angie Thies – athies@mncounties.org

Brenda Mahoney – bmahoney@macssa.org

Suzanne Arntson – sarntson@co.scott.mn.us

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Today's Events



1:00 – 4:00 p.m. **Policy Committee Meetings**

4:30 p.m. **Social Hour**
Tennis Center

5:00 p.m. **Minnesota Counties Foundation**
Bean Bag Tournament & Wine Pull
Tennis Center

6:30 p.m. **Dinner**
Tennis Center

**Special Thanks to the
AMC Board of Directors and**



**their generous donations to the
Wine Pull.**



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