

Minnesota Counties

A quarterly publication of the Association of Minnesota Counties.



In Washington County, the Minnesota Department of Transportation (MNDOT) closed Stillwater's historic lift bridge—which is now used only for pedestrian traffic. Volunteers from across the county helped to construct a temporary dike to protect the historic downtown from the St. Croix River's expected crest well above flood stage.

**SPRING
2023
April
May
June**

**VOLUME 67,
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Spring Flooding Likely to Impact County Work, Budgets Statewide

The melting of this winter's impressive statewide snowfall totals swelled Minnesota waterways in April, ending the state's draught status and moving county emergency management, engineering and sheriffs' departments to the frontlines of mitigating potential spring flooding damage and danger. From closing roads and creating alternate routes for residents, to sandbagging and building temporary dikes, counties sprung into action to prepare communities across the state for significant and potentially historic flooding.

Preparing communities for potential flooding is just the first phase of what can be a costly (and messy) situation, as counties also consider the inevitable work and costs involved with cleanup and any potential damage to roads and other structures that won't be revealed until the water recedes. Project delays and increased costs because of flooding and cleanup will also be an issue for many counties this summer.

"We graded CSAH 10 last summer with plans to pave it this summer," said Norman County Engineer Keith Berndt. "Now we're estimating about \$200,000 in spring flood damage that will need to be repaired before we can move forward with the paving project as planned."

The hard costs of flood preparation and cleanup for counties—both in physical and human resources—are hard to estimate at this point. Counties will certainly have additional work, costs and delays ahead as a result of spring flooding, but exactly what and how much remains to be seen. ■

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In Le Sueur County, the Minnesota River covered portions of Highway 19, which closed from Highway 169 into the town of Henderson. To the west, Highway 93 was closed due to the Rush River. A project that begins next year will raise four miles of Highway 93 by five to eight feet from Highway 169 into Henderson. It will take two years to complete and cost \$20 – 30 million.

Growing Together

By Mary Jo McGuire, Ramsey County Commissioner
2023 AMC President



Happy Spring! As we welcome a new season of planting and growing, I want to start with a big thank you to all of you who are farmers and growers. Thank you for keeping our state and country fed and nourished!

I was happy to attend AMC’s Leadership Summit in March and was reminded of how we each continue to grow as leaders. We learned from our speaker Brian Miller how to make more meaningful connections in our professional and personal lives. It is important to work to help others feel heard, understood, and valued. As leaders, we can cultivate deeper connections in all parts of our lives. I’m grateful to be a part of an organization where we are all committed to doing our best for the people we serve, especially when that asks us to push ourselves a little further and grow a little more.

In the winter issue of *Minnesota Counties*, I wrote briefly about the leadership moments I am integrating into AMC meetings and columns. Specifically, my column focused on the first of the *The Four Agreements* by Don Miguel Ruiz. The agreements are (1) Be impeccable with your word, (2) Don’t take anything personally, (3) Don’t make assumptions, and (4) Always do your best. Over this year, I’ll be discussing how we might use them in our work. This column will focus on the second agreement.

Don’t take anything personally. Ruiz writes that when others are rude or harsh, this is usually the result of their own issues or emotions. When events transpire in a way that leaves you disappointed, it is not necessarily about who you are. Yet, it can be easy to take things personally in a way that harms our ability to do our best as leaders.

As I reflected on this agreement, I was struck by the fact that this is something that many of us have had to learn as public servants. We are often the public face for systems and processes that are complex and sometimes unfair. And all too often, the frustration and attacks toward us are made personal.

In those moments, it can be difficult to achieve all the things we want to – managing our own emotions, reacting appropriately, making sure residents feel heard, and finding a path forward. Ruiz suggests overcoming these moments can be done by knowing who you are. When we know who we are and what our values are, we can react better and not take things (that we know to be untrue or those that we fear might be true) so personally. We can use the information at the heart of the comments without taking on whatever emotional content accompanies it. By knowing ourselves, we can also recognize when we do need to reflect on ourselves and our own behavior to make sure that we are not adding to the difficult situation. This is part of why we are spending time on leadership moments at AMC – because these leadership tools help us know who we are.

This agreement can also help us as we seek to connect across differences. By not taking things personally, we can focus fully on the mission and goals of our organizations, and it will hopefully help us move forward together. Staying mission-focused instead of self-focused helps us stay positive and sustain ourselves over time.

We all take things personally sometimes. And sometimes we need to. By knowing ourselves, we can also recognize when we do need to reflect on ourselves and our own behavior to make sure that we are not adding to the difficult situation.

Next time someone makes it personal in your work life, Ruiz would encourage us to reflect on whether it may actually be about them. It’s helpful to remember that all people view the world from a different perspective and we should recognize our own viewpoint and take responsibility for our own actions. When we don’t take things personally, it makes it easier to be empathetic and respond with kindness and understanding.

These leadership guideposts are at the heart of the work we do in our counties and at the Legislature. This session has been marked by a flurry of legislation, committee hearings, late night floor sessions, and the hard work of AMC staff through it all. Many of you have been busy testifying at the Capitol and bringing our priorities to the table and I appreciate it. Strong intergovernmental partnerships at the state level are crucial to our day-to-day work and I am grateful for the expertise and long hours put into the process by the AMC team. We are working hard to ensure that the Legislature recognizes the importance of County Government and the resources we need to do the work that they require (i.e. County Program Aid, community supervision, mental health support, housing, etc.).

Thank you for everything you do to lead in your communities through challenges and opportunities. I look forward to seeing you at this spring’s AMC District Meetings in June! It will be a great time to connect and learn from each other. I’m also looking forward to the road trips that I will be taking to get to your district meetings. I don’t want to miss seeing any specific roadside attractions in your area, so please email me at maryjo.mcguire@ramseycounty.us with your suggestions!

I’m excited to continue leading together with all of you! ■



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MCIT to Address County Boards

Starting this spring and continuing throughout the year, MCIT representatives will meet with each county board to provide a report about MCIT, highlighting key organization and program developments, trends, initiatives and services.

Representatives will also discuss how the county has contributed to the success of the program.

This year's report highlights key MCIT developments. Topics addressed include a look at the financial status of MCIT, claim trends and coverage enhancements. Services included with MCIT membership are also reviewed.

MCIT staff members look forward to these meetings with county boards. Commissioners and county staff are encouraged to engage MCIT during these sessions. It is an opportunity for members to ask questions about the program, as well as for MCIT to learn more about particular issues affecting each county member. ■

MCIT Board Welcomes New Members

All seats on the MCIT Board of Directors are now filled. The board appointed Brett Skyles, Itasca County administrator, as the representative from the Minnesota Association of County Administrators, during its Jan. 13 meeting. At its Feb. 10 meeting, the board appointed Lac qui Parle County Commissioner Todd Patzer to the open seat previously held by Felix Schmiesing, who retired as a Sherburne County commissioner last year.

Skyles serves a two-year term expiring Jan. 31, 2025, and Patzer will complete Schmiesing's four-year term, which expires at the end of 2023.

County Administrator Skyles accepted the opportunity to serve on the board saying, "I understand the value that I can bring to the MCIT board and the organization as a whole because of my knowledge about daily county government operations. I can help my fellow board members understand how decisions could affect our members in practice. I also look forward to communicating with my fellow county administrators and coordinators to understand what MCIT is and how it partners with and supports the work of local government in Minnesota."



Brett Skyles

In his application for the board seat, Patzer expressed his interest in serving MCIT because "MCIT has always been a fixture of excellence in Minnesota county government, and I would enjoy the challenge of learning, growing and serving Minnesota counties in this capacity."

Both Have Strong County Government Experience

Skyles has served as Itasca County administrator since 2016. Prior to joining the county, he was the division manager for IMCare, the health insurance plan for county residents who are eligible for medical assistance. Skyles started with IMCare in 2000 and was promoted to division manager in 2005.



Todd Patzer

Patzer has 18 years of experience as a county commissioner and has been a member of the Association of Minnesota Counties board since 2012. Last year, he served as AMC board president, and this year serves on the AMC executive committee as the past president. Patzer has also served on several other local government boards.

Each new MCIT board member participates in a full day of orientation to the organization and his role as a board member. ■

Crow Wing County Administrative Services Director Debby Erickson Elected 2023 MACO President



The Minnesota Association of County Officers (MACO) elected Debby Erickson, Crow Wing County Administrative Services Director as its president. Erickson succeeds Sharon Budin, Le Sueur County Recorder. Other newly elected members to the MACO Board of Directors representing regions of the state include the following: Sam Melbye, Polk County Director of Property Records; Sarah Green, Pope County Recorder; and Michael Stalberger, Blue Earth County Director of Property and Environmental Resources. MACO appointed Brian J. Anderson, Goodhue County, Auditor-Treasurer, to the Board to fill a one-year vacancy. Additionally, MACO appointed Karen Long, Chisago County Recorder (MCRA) and Martie Monsrud, Roseau County Auditor-Recorder (MACATFO), to fill specially designated Board seats for its association partners MCRA and MACATFO. The 2023 MACO Board of Directors was sworn in at the MACO Annual Conference on February 15, 2023.

MACO also recognized its award winners at the annual conference held on February 14-16, 2023. MACO selected MACO Government Relations Consultant Troy Olsen for its Honor Roll, the highest recognition award given by the MACO organization. MACO recognized Olsen for his dedicated service supporting the MACO legislative agenda and his outstanding advocacy for MACO at the Minnesota State Legislature. The Honor Roll has been given annually since 1996.

In addition to the Honor Roll, MACO presented awards to two outstanding members for their service in 2022. MACATFO presented its Member of the Year award to Marc Iverson, former Renville County Auditor-Treasurer and current Stearns County Land Records Coordinator. MCRA presented its Member of the Year award to Charlene Friedlein, Hennepin County Project Coordinator. Individuals receiving awards are voted on by their peers. ■

Minnesota Department of Revenue's Utility and Pipeline Valuation Workgroup

MACO members and staff representing county auditor/treasurer perspectives served on the Minnesota Department of Revenue's Utility and Pipeline Valuation workgroup. The workgroup met multiple times in 2021 and 2022, and the results of these discussions will be shared in a summary review to be released in the very near future. The group was part of a 2021 law directing the Department to review the process and rules for valuations of utility and pipeline operating property. Like all property in the state, utility and pipeline property must be valued at its market value, but utility and pipeline property is unique, and so is its valuation. The Department lists and values the personal property of these types of operations and provides them to the counties. The valuation is based on a unit-value – the value of the entirety of the business including all property. The unit-value is then allocated to the state based on the portion of the overall value located in Minnesota. The allocation is then reduced by any value that should be exempt from property tax or is locally assessed. The resulting value is finally apportioned to each of the taxing districts throughout the state where property is located.

Over the series of workgroup meetings, all stakeholders – including Department staff, local government representatives, and representatives of the utility and pipeline companies – were able to provide feedback on issues or concerns with the current valuation processes and then work collaboratively to discuss possible improvements. MACO's representatives ensured county concerns related to stability and certainty of the tax base after property taxes have been levied and collected received consideration during the workgroup's meetings. As county commissioners are aware, appeals of utility and pipeline values – and then subsequent reductions after property taxes were levied and collected – have been a significant concern. MACO looks forward to continue partnering with AMC to identify and advocate for improvements to the processes to value utility and pipeline property as this summary review is released. ■

Introducing the Next Generation to Public Health



By Mary Lyon, AmeriCorps Public Health Project Coordinator



Following the COVID-19 pandemic, the public health workforce has hit a rough patch. Across the country, public health staff are suffering from burnout, staffing shortages, and community backlash. The toll the pandemic has taken on the public health workforce is reflected in the 2021 Public Health Workforce Interests and Needs Survey (PH WINS).

The survey found that nearly one-third of state and local public health employees are considering leaving their organization in the next year, 5% to retire and 27% for other reasons. Staffing capacity is also a serious issue for public health; staffing in environmental health, communications, and chronic disease and injury all decreased from 2020 to 2021. Mental health has also been a primary issue for the public health workforce, 25% of respondents reported three or more symptoms of Post Traumatic Stress Disorder and more than one in five employees reported that their mental health was either “fair” or “poor.”

Minnesota is trying to build public a 21st century public health; a system equipped to work with communities and carry out foundational public health responsibilities effectively and efficiently. Local public health departments are also receiving grants from organizations including the CDC to build public health infrastructure and hire new employees. Many Minnesota counties have taken a step towards introducing public health to the next generation of the workforce through the AmeriCorps Public Health Corps, a program created by AmeriCorps and the CDC. 2022-2023 was the first service year for the Minnesota Public Health Corps with 58 members serving 41 counties across the state.

As a Public Health Corps member, I wanted to highlight what my colleagues and I have been working on. I joined the Public Health Corps to learn more about local public health and help inform my own career decision and was placed with the Association of Minnesota Counties as a Public Health Project Coordinator. Over the last nine months, I have assisted counties with opioid settlement logistics and best practices as well as researched

public health perspectives for state cannabis legalization. I am also researching county provision of mental health services and jail public health concerns. I have discovered a passion for working in local government, local public health, and those who want to serve their community. I love the feeling of making a local impact.

Allison Krueger, a Kanabec County Public Health Corp member, joined the program after serving in a different AmeriCorps program because she wanted to explore the field of public health. In her role, she works on the Community Health Assessment and Improvement Plan and created a mental health fair.

“The thing I like most about public health is that I am helping people that live in the community,” Allison said when asked about her future in public health. “If I were to work in public health, I would hope to do more planning projects and coordinating events. I would also like to do work in the mental health area!”

Kimberly Lanigan is serving with Carver County working on the Communities of Belonging Initiative, the Health Equity Community Engagement Committee, and implementing the Carver County Public Health Community Health Assessment survey. Kimberly is extremely passionate about advocating for health equity and have found that public health is the ideal platform to create change in her community.

“My term of service has helped to clarify that public health is where I want to have a long career,” Kimberly explained. “I enjoy all aspects of public health and believe my years of experience in health care and my passion to create change are the perfect blend of what is essential to be a public health change maker.”

Kimberly is also enrolled in a Community Health Worker certification program and hopes to earn her bachelor’s degree in public health in the future.

These are just three examples of how the Public Health Corps program has impacted the career choices of members. Introducing the Public Health Corps program to Minnesota has been a wonderful way to expose individuals to public health. This program is not only beneficial to those curious about working in public health, but also to the counties that can expose the next generation to their services and get more people interested in county work. Minnesota can continue to strengthen the public health workforce by continuing to build public health infrastructure and introducing more individuals to the public health sector. ■



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William Cherry served for 24 years as a county chief financial officer responsible for managing and investing public funds, and for 20 years as a county budget officer. He can be reached by phone at 585-484-0311, ext. 709 or by email at wec@threeplusone.us.

Lessons from Jimmy Carter's Leadership

By Michael Williams, PhD,
Stearns County Administrator



Jimmy Carter led a life of earnest labor as a student, farmer, naval officer, governor, President and former President. During the highs and lows of his career, Carter's integrity, honesty, decency, and principles were flawless.

Jimmy Carter's leadership style offered more opportunity for analysis than other presidents because his post-presidency work is admired more than his work as President of the United States. In addition, Carter had a longer post-presidency than any other President. I suggest that the contrast between his presidency and post-presidency illustrates a leader's need to apply different leadership skills to different situations, but to always rely on a solid foundation of honesty and integrity.

Jimmy Carter's appeal to the nation, in the aftermath of the Watergate scandal, was that he was an honest, common man of high integrity and personal principles. An example of this is the fact that Carter actually rode *with* Ronald Reagan to Reagan's inauguration – can you imagine such a thing happening during more recent elections? Anyway, despite Carter's positive personal characteristics, his presidency is known as lacking specificity in vision and purpose, but during his post-presidency life, Carter provided consistent vision, goals and skills to succeed in another setting.

A Solid Foundation with Vision and Goals

In his inaugural address, Jimmy Carter spoke of the United States being the first country to openly "define itself in terms of both spirituality and human liberty" and its "obligation, to take on those moral duties." Later, as a peacemaker and humanitarian and in his books, he demonstrated consistent convictions based in honesty and spirituality.

However, effective presidents, like other leaders, need to possess qualities beyond those I refer to as foundational. During his Presidency he expressed broad ideals in his speeches; but seemed to lack a specific vision, agenda, and strategy for accomplishments. **Leadership literature advises us about the need for principles, honesty, and responsibility; but we are also advised of the need for vision, goals, strategy and competence.**

Listening and the Ability to Communicate

Admirably, Carter pledged to communicate with the public through chats, town meetings, and press conferences to bring a sense of intimacy, interaction, and trust back to government. Interestingly, he even stated that he would continue to listen and then act with the people (rather than provide leadership to the people). Carter's skills in listening and communicating on a more personal level were more suited to the Carter Center Foundation's work for world peace, justice, and human rights than forming a national vision and direction for the country. Carter described his work late in life as "by far, my best years." Carter himself described his post-presidential work as unlike that of his presidency because he worked with nations that are inconsequential to the world's major issues and he was able to "work closely with local governments and many organizations" in an "intimate relationship" which is an "emotional and often spiritual relationship."

Listening is the most important component of communication. As a county commissioner or administrative staff member, we need to listen intently while fostering relationships with individuals and community partners. **At the local level, relationships are key to solving problems and our interactions are personal, requiring the self-awareness that Carter demonstrated.**

Big Picture VS. Detail

The work of a president involves a myriad of issues, and the Carter Center is focused and strategic. It has been reported that early in his political career, Carter pledged to read every bill requiring his vote which was difficult and much too time consuming. As president, Carter himself was deeply involved in many legislative issues, which diminished his ability to provide broad leadership and vision. Carter's penchant for detail may have made his political career difficult but was beneficial to the Carter Foundation. **Leaders, to have adequate influence, must prioritize their work and choose the most impactful projects and issues leaving other issues to be delegated.**

Vision and Strategy

A President's work needs the support, guidance, and collaboration of many people and entities and elected bodies, as does the work of county officials. In his book, *Lessons in Leadership from Three American Presidents*, Michael Siegel provides examples that portray Carter as lacking in vision and strategy: Early in his presidency, staff meetings lacked a person to lead the meetings; he refused to meet with Congressional leaders on the most important of issues; his filled White House aide positions predominately with fellow Georgians with little Washington experience; and Carter decided to forego having a chief of staff. These decisions created problems related to time management for the President himself, a lack of influence with Congress, and haphazard direction for key staff members. We can learn from these decisions. **Counties need commissioners to set vision and direction and empower administrative staff to make accomplishments, commissioners willing to be active in AMC and willing to communicate with Legislators, and diverse boards and committees to offer true community perspectives.**

In contrast to his presidency, Carter himself had the vision and personally led the development of mission, fundraising, construction, and start-up of the organization that would become the Carter Center. As with any start-up organization, success relied on the strategy and management efforts of the person with the original vision and mission for success – Carter himself. He managed the early years with his penchant for detail and was guided by his personal foundation for peace, justice, fairness, and honesty.

Conclusions

Carter brought to the presidency the "foundation" for leadership that the American public desired and still desire in its city and county leaders. The successes of Carter's presidency and post-presidency are largely due to his personal foundation combined with critical thinking, awareness of detail, and high proficiency in interpersonal relations. The deficiencies in his presidency were due to his unwillingness to focus those broad ideals into a focused vision and prioritized strategy and to delegate effectively.

Jimmy Carter's work for the Carter Center and Habitat for Humanity was highly successful; successful enough for Jimmy Carter to be awarded the Nobel Peace Prize in 2002 more than 20 years after his presidency ended. We should all have the foundational characteristics of Jimmy Carter--if we did, the world couldn't help but be a better place. ■

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Here are the top 5 reasons to make the switch.

#1 - Data Is Always Current

When you build your budget book in Word or Adobe, any change to the budget data ripples through the book and must be manually updated in multiple places.

A digital budget book using cloud-based software automatically pulls from a single data source. If that data changes, updates are automatically made throughout the budget book to reflect the new data.

#2 - Data Is Easy To Navigate & Understand

Scrolling through a 300-page PDF can be frustrating, especially if someone wants to find something specific. Aside from being physically overwhelming, budget data delivered as spreadsheet tables and line after line of numbers can be hard to understand for non-financial residents.

A website-based budget book features simple, intuitive navigation. Users can quickly jump to a specific department or capital project page, then drill down to get details on revenue and expenses to the line item. Automatically-generated charts and graphs help residents understand data, and the ability to toggle between chart types lets users view the data in a way that makes the most sense.

#3 - Data Is Pre-Populated Into Template-Based Pages

Building every page of your budget book from scratch is tedious and time-consuming. Every page containing tables, charts, and narrative could take hours to set up. When you manually build pages, keeping a consistent look and feel throughout the book is also challenging.

Digital budget book software uses a single data source to pre-populate many pages, like the fund summary, department, capital project, and debt pages. These pages are template-based, so everything has a consistent look. This saves you time when building the budget book and keeps the focus on the budget data, not the design choices.

#4 - Data Is ADA Accessible

As more regulations are implemented to make all government communications ADA-compliant, ensuring a PDF budget book meets the requirements is becoming more difficult. Aside from staying on the right side of the law and mitigating legal issues, counties recognize the importance of making their budget book accessible to all residents.

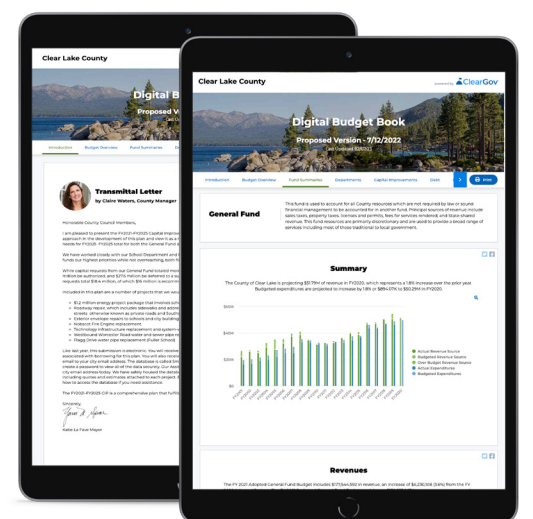
A digital budget book developed to meet ADA guidelines automatically takes the burden off of you. Your website-based budget book automatically uses approved colors, fonts, spacing, and other accessibility features to make it truly accessible to all.

#5 - Data Isn't 'Ditched'

Counties still printing budget books use many resources in paper, ink, and copying equipment or fees. And realistically, how many of those books get read, and how many get ditched in the trash?

Moving to a digital budget book shows your commitment to sustainability and that you're a responsible steward of taxpayer dollars.

A cloud-based digital budget book solution saves you time, allowing your staff to focus on more strategic initiatives instead of being buried in spreadsheets. The resulting website-based budget is easier to navigate and understand for residents, encouraging community engagement while supporting your county's commitment to transparency and excellence in budgeting. ■



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Legalized Marijuana?

By **Melanie Ault, DDA Consultant**

In anticipation of legalized recreational marijuana use, what is an employer supposed to do? Do employers have to allow employees to get high? Should employers drug test? If marijuana is illegal under federal laws, how can it be legal under state laws? The whole topic sounds rather hazy.

Federal Law

Marijuana remains a federally prohibited, Schedule I drug. Although the 2018 U.S. Farm Bill removed consumables with up to 0.3% tetrahydrocannabinol (THC) (the amount that could be in Minnesota's 2022 edibles) from the controlled substances act, it did not remove them from all agencies; the FDA maintains that all THC, and certainly recreational marijuana use, is illegal. Also, federal law overrules state law where they conflict. The federal Department of Justice (DOJ) has consistently asserted that it intends to enforce federal drug statutes regarding cannabis use, although it is up to each state's U.S. Attorney whether to prosecute.

When does federal law control? It is helpful to think of employees in two main groups:

1. Subject to special laws because of their profession
 - a. CDL holders
 - b. Employees carrying a firearm
 - c. Employees subject to a federal requirement
2. All other employees and applicants

CDL Holders

Employees holding a Commercial Driver License (CDL) are subject to the Federal Motor Carrier Safety Administration (FMCSA) drug and alcohol testing rules requiring random testing. THC shows up in DOT drug testing and no level is permitted, no matter the source. The federal DOT FMCSA regulations treat THC just like any other illicit drug, even if THC usage is allowed by the state. Therefore, CDL holders cannot use any substance that might have THC in it.

Firearms, Ammunition

Likewise, the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives regulations prohibit firearms and ammunition from being given to individuals who use or are believed to use illegal drugs, even if done off-duty, even if otherwise legal in the state. Therefore, public safety employees who are issued firearms cannot lawfully use marijuana.

Federal Funding, Grants, Licensing, Contractors

Federally funded county facilities, operations, and personnel might be subject to federal requirements. Federal funding likely requires a Drug-Free Workplace policy, where the employer certifies that it provides a drug-free workplace. Policies can specifically prohibit lawful cannabinoids. Employers decide how they will maintain a drug-free workplace and whether they will drug test.

All Other Employees

There is nothing under Minnesota law that prohibits all other employees from using cannabinoid products off-duty, if they are not impaired at work. Legalizing marijuana will probably increase the risk of an employee reporting to work impaired.

"Impairment" is the work standard to identify unacceptable drug use and is hard to prove. While it might seem like a good idea to implement a Minnesota Drug and Alcohol Testing in the Workplace (DATWA) Policy which authorizes an employer to drug test applicants and employees, there is some good sense in not having a testing policy.

Drug Testing

Unlike alcohol, drug testing is unable to show whether someone was impaired by marijuana at the time of the sample. The test result will merely show whether THC was "present" in the sample. But THC being "present" is not the same thing as being "impaired" by the substance, and THC can be present for weeks without impairing. Testing is not helpful to show impairment.

Further, a positive marijuana test result earns the employee job protection to go through drug assessment/counseling/rehabilitation. Employers cannot terminate for a first positive DATWA test and are obliged to offer drug rehabilitation.

If the desire to drug test comes from reasonable suspicion that an employee is impaired, it is safer to focus on the misconduct indicating reasonable suspicion and to not test. A test is not needed to act on unsafe or poor performance. Not having testing obligations opens the employer's options. Focusing on performance or misconduct versus a test result is simpler, expedient, and defensible by addressing unacceptable work behaviors.

Drug-Free Workplace

Simply having a drug-free workplace can be sufficient. Yes, legalized marijuana and a drug-free workplace policy do allow employees to lawfully use when off-duty, off-site, just as employees may lawfully use alcohol off-duty, off-site.

Just as for alcohol, the policy can prohibit onsite use, during work hours use, and being under the influence while at work, even where it is legal to use alcohol and marijuana. Employers can discipline employees who violate a drug-free workplace policy without having to test. ■

Stay current with our legislative observation emails at www.amcddahrsupport.com.





2023 Opioid Settlement Update

By Mary Lyon, AmeriCorps Public Health Project Coordinator

In December 2022, the Office of the Minnesota Attorney General joined five multistate settlements with opioid manufacturers Teva Pharmaceuticals and Allergan, and retail pharmacy chains Walmart, CVS, and Walgreens. These new settlements will bring approximately \$235 million dollars to Minnesota and will be paid out through the year 2036.

This is the second major round of opioid settlements Minnesota has agreed to. The first was in 2021 for a \$26 billion multistate settlement with pharmaceutical distributors McKesson, Cardinal Health, and AmerisourceBergen and manufacturer Johnson & Johnson, these four settlements will bring more than \$300 million to Minnesota over the next 18 years. Counties saw the first payments from McKesson, Cardinal Health, AmerisourceBergen, and Johnson & Johnson in the fall of 2022 and will begin to see payments from Teva, Walgreens, Walmart, CVS, and Allergan this summer.

In 2021, the Association of Minnesota Counties was able to assist in securing 75% of the settlement funding to be allocated to counties and cities, with the other 25% going to the Minnesota Department of Human Services (DHS). The allocation amounts were determined using national data on opioid use disorders, overdose deaths, and prescription opioid shipments into Minnesota, by region and community.

This agreement will remain constant moving forward with the new settlements. In order to maximize settlement funding, Minnesota needed cities with a population of 10,000+ and all 87 counties to sign on to each of the five new opioid settlements. All 87 counties signed on to the settlements with a week to go before the deadline, ensuring their part in securing the maximized amount of funding.

This spring, counties and cities signed on to the amended Minnesota State-Local Memorandum of Agreement (MOA) in addition to signing on to each of the five new settlements. The MOA outlines the allocation of funding, identifies public health departments as the chief strategist, and outlines an approved list of opioid remediation uses. These remediation uses fall under three categories: treatment, prevention, and other strategies. The MOA also outlines reporting requirements to DHS and states that counties must meet with their local municipalities at least once a year.

The opioid epidemic has proven to be an increasingly serious matter, with 978 Minnesotans losing their lives to an opioid-involved overdose in 2021, compared to 678 in 2020 and 427 in 2019. Minnesota's nonfatal overdoses also continue to rise with 4,349 nonfatal opioid overdoses (including heroin) in 2021, compared to 4,056 in 2020 and 2,821 in 2019. The opioid epidemic has disproportionately affected some communities. In 2021, black Minnesotans were three times as likely to die from a drug overdose than white Minnesotans. Native American Minnesotans were 10 times as likely to die from a drug overdose than white Minnesotans.

Minnesota counties have already begun to use their opioid settlement funding or are in the planning process of how to best address the needs of their communities. Some counties have formed Opioid Advisory Councils with key stakeholders to determine where the opioid settlement funding can be most impactful. Other advisory councils have sent out surveys to stakeholders and community members to understand where there are significant gaps in treatment, prevention, and harm reduction.

Other strategies counties have begun implementing include using funding to open naloxone vending machines, publish education materials, and engage with youth prevention. Local public health members have been meeting monthly to discuss navigating the settlements and share ideas and concerns about how to best use the settlement dollars. Counties have also been partnering with neighboring counties to pool resources to address the needs of the region. This has been a great way for counties to make the funding stretch further and collaborate with peers to understand regional needs.

Minnesota counties have been on the frontlines of the opioid epidemic as community leaders in public health opioid-use mitigation. These settlements provide ample opportunity to put funding towards evidence-based practices and work towards reducing the devastating impact opioid misuse has had on communities. The first round of settlements prepared counties to start planning how to best combat the opioid epidemic in their communities and this new round of opioid settlements will allow counties to continue to expand their efforts in opioid misuse abatement. ■



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Spring has Finally Arrived! Assess and Contact Rural Development About Your Community/County Needs

By Colleen Landkamer, Minnesota State Director, USDA Rural Development

Minnesotans are no strangers to harsh Winter conditions – heavy snowfall, frigid temperatures, and all-around weather oddities. By the end of the season, melting snow and bare ground are usually a welcomed change. However prepared, some areas of the state know to expect flooding come springtime, while others may be taken completely off guard. The damage caused can mean unexpected costs to a community for cleanup and repairs.

Whatever the circumstances, USDA Rural Development has several programs to help rural communities and counties affordably recover from natural disasters or simply make improvements to essential community facilities that they may have been delaying.

Through Rural Development's Community Facilities Technical Assistance and Training Grant program (CFTAT), public bodies and private nonprofit corporations (such as States, counties, cities, and Indian tribes) can apply to help provide technical assistance and/or training with respect to essential community facilities programs.

The technical assistance and/or training will help counties, communities, Indian Tribes, and Nonprofit Corporations to identify and plan for community facility needs that exist in their area, including those resulting from natural disasters. Once those needs have been identified, the grantee can assist in identifying public and private resources to finance those identified community facility needs. Awards are available up to \$150,000 and can be used to identify and plan for community facility needs; identify resources to finance needs from public and private resources; prepare reports and surveys necessary to request financial assistance to develop community facilities; prepare applications for agency financial assistance; improve management, including financial management, related to the operation of community facilities; and other areas of need.

The application window for this program is currently open through June 20, 2023. For more information on how to apply, view the complete stakeholder announcement or contact your local Rural Development area office.

Community Facilities Technical Assistance and Training Grants can be leveraged with financing through Rural Development's Community Facilities Direct Loan and Grant program to help better and more affordably meet the needs of Minnesota's rural communities and counties – whether it's related to disaster recovery or not. Accepting applications year-round, this program provides affordable funding to develop essential community facilities in rural areas. An essential community facility is defined as a facility that provides an essential service to the local community for the orderly development of the community in a primarily rural area, and does not include private, commercial, or business undertakings.

For example, Hubbard County DAC has utilized Community Facilities Grant funding to make improvements their Salvage Depot facility. The Salvage Depot facility houses a local thrift shop which provides retail training for clients and needed water and wastewater connection to city utilities. With help from Rural Development Community Facilities funding, Hubbard County DAC was able to install these connections and better accommodate the flow of traffic through the facility.

Whether the county library needs improvements or repairs; parks and recreation need a new facility; local county law enforcement needs new equipment; or whatever your needs may be, USDA Rural Development has funding available to assist. For larger projects, the Community Facilities Guaranteed Loan Program is also available in partnership with an eligible, local lender.

We are here to help, from the brainstorming process through project completion. Visit www.rd.usda.gov/mn to locate your local Rural Development area office and get started on your project. And remember to follow @RD_Minnesota on Twitter! ■

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BOARD OF DIRECTORS MINUTES

March 31, 2023

CALL TO ORDER

President Mary Jo McGuire called the AMC Board of Directors' meeting to order at 12:00 p.m. on Friday, March 31, 2023, in conjunction with the AMC Leadership Summit in Nisswa.

APPROVAL OF AGENDA – Commissioner Mary Jo McGuire

President McGuire noted the order of agenda items will be moved, as needed, to end the meeting at 1:30 p.m. due to potential weather and road conditions.

MOTION by Karla Bigham; seconded by Roger Imdieke to approve the March 31, 2023, AMC Board of Directors' agenda with changes. The motion carried.

PRESIDENT'S REPORT – Commissioner Mary Jo McGuire

President McGuire reported on the following:

NACo Annual Conference: Registration is open for the NACo Annual Conference. The conference will be held in Austin, Texas, July 21-24. Commissioner McGuire will be sworn in as President on the last day of the conference and MN attendees are welcome to join her on stage. Her term as president is July to July. NACo will hold its fall board meeting in Ramsey County which is held prior to AMC's Annual conference. Commissioner McGuire said an invitation with more information will be sent to AMC Board members at a later date. She noted members attending will need to pay their own mileage and hotel.

AMC Leadership Summit: Commissioner McGuire thanked members for attending the conference and Laurie Klupacs for her work on organizing a great conference.

The January 18 and February 16, AMC Executive Committee minutes were included in the Board packet.

SECRETARY/TREASURER REPORT – Commissioner Larry Lindor Approval of the Minutes

MOTION by Larry Lindor; seconded by Luke Johnson to approve the February 23, 2023, AMC Board of Directors' meeting minutes. The motion carried.

Approval of the 2023 January and February Financial Reports

MOTION by Larry Lindor; seconded by Vance Stuehrenberg to accept the 2023 January and February financial statements as presented pending the AMC 2023 annual audit. The motion carried.

EXECUTIVE DIRECTOR ITEMS – President McGuire on behalf of Julie Ring

Amicus update: Julie prepared an overview of two new cases that AMC will join with amicus briefs. AMC will be working in partnership with affiliate organizations to prepare and share the costs of the briefs in both cases. Hennepin County is the first county to request an amicus brief using AMC's newly adopted policy. A document listing updated AMICUS cases was included in the packet.

Opioid Settlement update: All cities, special districts, and counties must sign on to the new round of settlements through board action before April 18. As of earlier this week, 53 counties had signed on. AMC staff is tracking county activities closely and will be contacting counties who haven't signed on by next Tuesday.

BOARD MEMBER REPORTS

NACo Board Members: WIR Conference is scheduled May 17-19. Anyone interested in joining a NACo Policy Steering Committee, please contact Julie Ring.

GOVERNMENT RELATIONS REPORT – Matt Hilgart, Government Relations Manager

Legislative update: Matt provided an update on key issues: CPA, PILT Funding, Probation Formula Bill, Family Resource Center and Family First, Paid Family Leave, Cannabis Bill, Ranked Choice Voting and Bonding Bill.

NATIONAL CENTER FOR PUBLIC LANDS COUNTIES

Eric Bryson, Montana Association of Counties Executive Director and Greg Chilcott, Western Interstate Region Past-President and Ravalli County, Montana Commissioner joined via Zoom and provided an overview on the National Center for Public Lands Counties. A one-page document on this topic was included in the packet.

As noted in the document:

County governments are a leading voice in the intergovernmental partnership in responsible resource management. Understanding our unique role as co-regulators and conveners, Congress has consistently supported appropriations for critical programs like Payments In-Lieu of Taxes (PILT) and Secure Rural Schools (SRS) and granted new authorities to federal lands agencies to broaden the scope, pace and scale of their on-the-ground resource management work with local governments. To truly benefit from these unique opportunities and investments, counties must accelerate our evidence-based research, peer information exchanges, and overall understanding of our lessons learned, emerging trends analysis, and priority public policy issues.

NACo and WIR Boards of Directors established the National Center for Public Lands Counties (The Center) to give public lands counties an enhanced opportunity to demonstrate how prosperous public lands counties create a prosperous America. The Center will utilize traditional and new media—such as podcasts and video interviews—to tell these stories and also develop detailed, individual research and written county profiles. Information on The Center's governing board will also be empowered to develop an annual workplan based on the research priorities selected by the WIR Board of Directors and NACo Public Lands Steering Committee. At the WIR Annual Conference each May, the WIR Board of Directors and the NACo Public Lands Steering Committee will review the activities and performance of the Center and consider and adopt the proposed workplan for the next year.

For the Center to meet its mission and serve as a long-term tool for public lands counties, a voluntary investment of \$15 million over the next two years is needed to hire the necessary staff to conduct this critical research and keep the Center on a sustainable financial course. Initially, the Center will need 1-2 hard-working, passionate and talented writers who can help tell the county story. The Center will report to the NACo and WIR Board of Directors on its financial health and issue an annual report at the annual WIR Conference.

MOTION by Jeff Reinert; seconded by Vance Stuehrenberg to direct AMC to create an educational communication document regarding the National Center for Public Lands Counties to be shared with each county regarding a potential voluntary investment over the next two years using the PILT funds received by each county. The motion carried.

The AMC Board of Directors adjourned at 1:30 p.m.

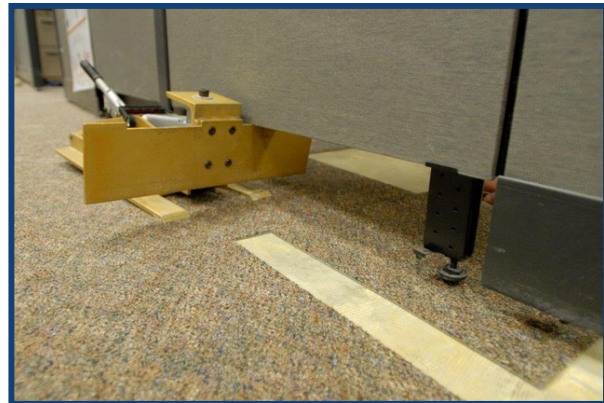
Prepared by Donna Hauptert at the direction of Laurie Klupacs, AMC Deputy Director.

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