The Association of Minnesota Counties (AMC) is pleased to announce that Lac qui Parle County Commissioner Todd Patzer was elected to serve as association President in 2022 at the AMC Annual Conference in December.

Other 2022 AMC Officers elected include:
- AMC First Vice President: Mary Jo McGuire, Ramsey County
- AMC Second Vice President: Neal Gaalswyk, Cass County
- AMC Past President: Rich Sve, Lake County
- AMC Secretary/Treasurer: Larry Lindor, Pope County

As president of AMC, Patzer will preside over board of directors meetings, be the primary spokesperson for the association and represent AMC at both state and nationwide meetings. Patzer will work with the AMC Board of Directors, which includes county commissioners from all corners of the state.

The Tribal/County Relations Training closed with a panel of elected leaders from six of the Tribal Nations in Minnesota (from left to right): Chairman Robert Deschampe, Grand Portage Band of Lake Superior Chippewa; Chairman Kevin DuPuis Sr., Fond du Lac Band of Lake Superior Chippewa; Chief Executive Officer Melanie Benjamin, Mille Lacs Band of Ojibwe; Chairwoman Cathy Chavers, Bois Forte Band of Chippewa; Vice President Shelley Buck, Prairie Island Indian Community; President Robert Larsen, Lower Sioux Indian Community.

Beltrami County Commissioner and AMC Tribal Relations Chair Tim Sumner welcomed attendees to the Tribal/County Relations Training.

The Association of Minnesota Counties and our partners from the Tribal Nations of Minnesota hosted the inaugural County/Tribal Relations Training on February 3 – 4, 2022, at Grand Casino Hinckley. Over 100 tribal and county leaders gathered to help build trust and mutual respect between tribes and counties, ultimately building stronger relationships. The training provided an overview of federal policy and law related to Tribal Nations, consultation and partnership building between counties and Tribal Nations, and offered breakout sessions on some specific areas where counties and tribes work together.

Lac qui Parle County Commissioner Todd Patzer Elected AMC President for 2022
Happy New Year and Welcome to 2022!

At least I think that’s what year it is now…

By Todd Patzer, Lac qui Parle County Commissioner and AMC President

If you are like me, it can be hard to remember when things have happened the last 22 months aside from the popular identifier of events as either “pre-COVID” or not. 2020 turned us on our heads in about a million ways, and 2021 was a blur of reactionary head spinning and political chaos. Hard as it may be to believe there was progress and success in the midst of all of that chaos. Lots of it!

So what does 2022 hold for us? Political division? New COVID variants? Economic uncertainty? A power struggle brought on by over hyped mid-term elections? Another season of Minnesota Viking mediocrity? The answer to all is nearly certainly yes. But there will be so much more than that. There will be success, victory, and joy as well. It is really just up to you how to prioritize the importance of events in your own life and the family of your communities. It all starts with you. You control how you react to the things that happen around you.

Politicians in Washington and St. Paul will fight and deal and maneuver and make decisions that have significant impact on our work and our lives. But they cannot control how you treat your fellow board members, your family, your staff, or your community unless you let them. Don’t give that power. They don’t deserve it and they can’t be trusted with it. No congress, or St. Paul legislative session will solve it, nor should they. It is human care, love, respect, and admiration, and the humility to know that we don’t understand experiences that were not our own that will light the path forward. A close and wise friend recently reminded me that times of chaos and strife are nothing new in this beautiful democracy. Civil war and social unrest and a variety of horrific events have ripped us to our core, and the American spirit rose above it. I believe it will win again, and again, and again. Don’t ever give up!

It was wonderful to see so many of you at the annual conference in Bloomington in December. It was a great reminder of the bonds we share as part of our county family. As we continue to wrestle with the realities of the pandemic and learn to operate in a world where this new challenge will be present for the foreseeable future, we were reminded of the value of in-person interaction and conversation. I look forward to a year of getting to see as many of you as possible at various events throughout the year. At the same time, I understand that some are impacted greater than others because of risk factors that vary greatly across our membership. I respect the difficult decisions that we face in charting our individual paths in these times, and the ever-changing data we must use to make those decisions. There is nothing easy about it.

As we get set to usher in a new legislative session in St. Paul Julie and our team of AMAZING staff at AMC stand ready to advocate for our priority issues in St. Paul. Under Julie’s leadership we have only cemented and enhanced our reputation as a reliable, professional, and expert organization uniting counties in our efforts not only to navigate legislative processes, but to help member counties deliver critical services to the people we serve. They need your help. Stay in touch with your legislators. Build relationships with them. E-mail them about issues important to your communities. Be ready to act if AMC calls on you to contact a key member. Our staff is supremely talented in this work. In fact, in all of my years of involvement at AMC I can confidently say the organization has never been stronger or more laden with talented people across the entire organization. That said, if you advocate along with them to your legislators the positive effects of that are increased exponentially.

It remains an absolute honor to represent you as your AMC President, and I look forward to a year of success and challenge and service. ■
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Evil is a strong word.

When I think of evil acts, people, or events, I think of moments in history that were so horrifying that descriptions like ‘wrong,’ ‘bad,’ or ‘inappropriate’ fail to convey the suffering and cruelty. ‘Evil’ is a word we use to convey these moments when the humanity of the evil-doer can’t be found; when the good of the world has been overshadowed by the loss and pain of the victims. The word used to be used sparingly. Today, however, the word ‘evil’ has become an adjective for people who disagree with us. The polarization driving this change is seeping into local government, friendships and even families.

The truth is that very few people get up in the morning wondering, “How can I make the world a worse place today than it was yesterday?” Most people, most of the time, are doing what they believe is best. Of course, people do things that are not kind, ethical, or productive. However, they generally do so not out of malfeasance, but out of a misguided attempt to solve a problem, because they are having a bad day (or decade), because they are unaware of the negative consequences of their actions, because they feel hurt, powerless or afraid, or for some other reason that is NOT that they are a terrible person with horrible motives. Yet it is extremely common for people in conflict to decide that the other is up to no good.

The good news is that new ideas are emerging on how to better handle and hopefully ‘bridge’ our growing divides. Core to these ideas is the need to recognize the humanity of those who disagree with us. We need to remove the word ‘evil’ from our description of opposing viewpoints and to recognize the intrinsic good in the vast majority of humanity. If we can stop ourselves from villainizing opposing views, we not only will feel better (research shows that hate is not good for our health) but will begin to build the foundation of mutual understanding and trust that is the foundation of healthy communities. Not only that but we may we find that this mutual understanding eventually leads us to recognize some tidbits of wisdom in opposing views and ultimately help us find a wise path forward together.

County governments are ideally positioned to model and to help their residents navigate this polarization in ways that enable their communities to take advantage of the opportunities and growth that are possible when divides are bridged. In a continuation of The State of Minnesota’s Office of Collaboration and Dispute Resolution’s partnership with AMC, we are bringing you some of the latest tools in a digital Bridging Divides Toolkit. This toolkit will enable you to lay a firm foundation for the bridges you have the opportunity to build every day.

The toolkit includes videos, podcasts, trainings, articles, opportunities to practice your bridging skills, and more. A few highlights include:

- The Culture of Contempt Article In this New York Times article, Former Executive Director of the American Enterprise Institute Arthur Brooks says the problem in America today is not incivility or intolerance. It’s something far worse. It is a Culture of Contempt.
- Bridging Differences Playbook The Greater Good Science Center studies the psychology, sociology, and neuroscience of well-being, and teaches skills that foster a thriving, resilient, and compassionate society. They have an entire program dedicated to bridging differences.
- The Psychology Traits That Shape Your Political Beliefs: An 8-minute TedX talk breaks down the link between our psychology and politics, showing how personality types largely fall into people who prioritize openness and flexibility (liberals) and those who prefer order and certainty (conservatives). Hear why both sets of traits are crucial to any society, and how differences are being dangerously exploited to divide us. ■

Check out the full Bridging Divides Digital Toolkit at: https://www.mncounties.org/meetings_and_education/bridging_divides_resources_for_counties.php

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![Image of a worker gently prying up a partition]

We gently pry up the partitions to facilitate old carpet removal.

![Image of mini-lift equipment being inserted under workstations]

Mini-lift equipment is inserted under work stations, and we slide new carpet tile underneath.

![Image of the field carpet being installed]

The field carpet is installed.

![Image of a worker rolling new carpet to ensure adhesion]

Roll the new carpet to ensure adhesion, and we are done!

We are proud members and supporters of the Association of Minnesota Counties, State Engineers Guild, Minnesota Park and Recreation Association, Minnesota Library Association, Aging Services, Minnesota Association of School Maintenance Supervisors, Minnesota Association of School Administrators, Minnesota Association of School Business Officials, and Minnesota School Boards Association.

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Windows Down, Sleeves Up: A Collaborative County Approach to Mass Vaccination - Carlton County

In July 2020, prior to a COVID-19 vaccine being authorized, multiple Carlton County Departments (Public Health & Human Services, GIS, Land Department, Sheriff’s Office, Transportation Department, County Coordinator, Maintenance Department) came together to plan and operationalize one of the first drive-thru vaccination clinics in Minnesota. This collaboration was innovative and increased efficiency for administering vaccines in Carlton County in the following ways: Carlton County GIS created a system utilizing an Esri application (Survey123) to track real time vaccines administered and expedited the process of registration using technology instead of paper, handwritten forms. The drive thru model allowed Carlton County to administer on average 100 vaccines per hour, faster than a walk thru clinic. This model allowed for better use of resources for PPE; especially when supply chain shortages were interrupted. Overall, Carlton County would not have been able to vaccinate residents as quickly without the collaboration from all of the different Departments. Each Department played a different role in operationalizing the clinic from setup of cones and signage, to administering vaccine. This partnership has changed the way Carlton County does mass vaccination and will be used as a model/plan for future mass dispensing responsibilities.

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During 1990, Kittson County along with neighboring Marshall County joined together to form the MARKIT Landfill Joint Powers Board with the initial intent of bringing the existing Anderson-Kittson Sanitary Landfill in operation since 1972 into compliance with existing solid waste regulations. Today, MARKIT accepts solid waste from Kittson and Marshall Counties as the owners of the facility and from the counties of Roseau, Lake of the Woods, Koochiching, Pennington and Red Lake on a contractual basis. MARKIT also contracts with Red Lake Indian Nation and parts of NE North Dakota. The draw to utilizing the facility by other counties is the 15-year contracts where the tonnage rate is held in place for the length of the contract. In the beginning of service, the daily tonnage was 20 tons it has grown to a daily solid waste volume of 205 tons/day based on a five-day work week.'
Schulte Receives AMC President’s Award

Anoka County Commissioner Scott Schulte received the 2021 Association of Minnesota Counties’ (AMC) President’s Award for years of dedicated service and exemplary leadership in county government. 2020-21 AMC President Rich Sve (Lake County Commissioner) selected Schulte to receive this honor.

The prestigious President’s Award is presented to an individual who has a deep history of public service to their community and to their county. As a lifelong Rotarian first elected to the Anoka County board in 2012, Schulte has served as board chair for the past 2 ½ years. A current member of the AMC Board of Directors and an AMC past president, Schulte believes that a good county commissioner is versatile, passionate, and can make decisions that benefit the most citizens possible.

County Conservation Awards

The Association of Minnesota Counties (AMC) and the Board of Water & Soil Resources (BWSR) County Conservation Awards were presented by 2021 AMC President and Lake County Commissioner Rich Sve and BWSR Executive Director John Jaschke.

Lower St. Croix Watershed Partnership of Anoka, Chisago, Isanti, Pine, and Washington Counties

Since 2017, fifteen government partners in Anoka, Chisago, Isanti, Pine, and Washington Counties have worked together to develop and implement a comprehensive watershed management plan for the Lower St. Croix Watershed. The partnership forging a relationship between counties inside and outside the metropolitan area and encourages a spirit of collaboration that encompasses more than just water quality metrics. Partners believe that the St. Croix River, groundwater, lakes, streams, rivers, wetlands, and upland habitat in the Lower St. Croix watershed sustain healthy ecosystems, recreation, public health, tourism, agriculture, the economy, and quality of life in our communities.

Crow Wing County’s Community Partnership with the Highway Department

From 2014-2021, the Crow Wing County (CWC) Highway Department partnered with the Cities of Crosslake and Manhattan Beach, Big Pine Lake Association, Minnesota Department of Natural Resources, citizen groups, and Soil and Water Conservation District to implement stormwater runoff mitigation projects along County State Aid Highway 66 and rock riffles structures. The partnership leveraged over $ 2.26 million in grant funds, reduced over 46 pounds of phosphorus to Big Trout and Island Loon Lakes, and expanded fish migration to 15 lakes and additional 12 stream miles.

Minimum Association of Professional County Economic Developers

Economic Development Award

Elevate Business Academy, an initiative of the Kandiyohi County and City of Willmar Economic Development Commission (EDC), elevates businesses for success through education and mentorship. Our guiding objective is to create economic opportunity for all, because we believe in a thriving community fueled by confident and equipped business owners. The EDC has supported 14 students that represent new or growing Kandiyohi County businesses through Elevate, and will continue to support local entrepreneurs by providing these classes twice a year in English, Spanish, and Somali. For more information, visit www.elevatebusinessacademy.com.

Outstanding Service Awards

Individuals from Anoka, Pine, Ramsey and Renville Counties received Association of Minnesota Counties’ (AMC) 2021 “Outstanding Service Awards” for exhibiting excellence, innovation and dedication to their work in county government.

Cindy Cesare - Anoka County Human Services Division Manager

Cindy Cesare was recognized for her leadership, continued drive for excellence and her dedication to the mission of serving residents in a respectful, innovative, and fiscally responsible manner. Cindy started her career with Anoka County in 1992 and is now the Human Services Division Manager. Over these past 30 years Cindy has worked in various roles and in each role, she has consistently been willing to take on added responsibilities. Her ability to work with staff and understand their work and the day-to-day challenges they face is rare in a leader. Cindy works hard, is dedicated, and stands her ground on the tough issues. She is analytical, knowledgeable, compassionate and is a team player.

Steve Hallan - Pine County Commissioner

A life of service defines Steve Hallan. He served in the Minnesota Army National Guard, worked in the local public school system and a 14-district consortium in the technical field, served on countless local boards, volunteered, and has an impressive fifteen years as a Pine County Commissioner. He has served as Board Chair six times and Vice Chair two times. While working and serving as commissioner, Steve has been involved in many volunteer endeavors. Steve has sat on thirteen Pine County boards and committees and an impressive 23 outside boards and committees. His commitment to Pine County and its citizens is evident in everything he does.

Kathy Hedin - Ramsey County Deputy Manager

Kathy Hedin has 20 years of progressive leadership experience in local government. Kathy oversees the county’s largest service team comprised of six departments, 2300 employees and nearly 40% of the county’s budget. Kathy served as the Public Health Director for Ramsey County and continues to be a key leader in the county’s continuing COVID-19 pandemic response. Her many years of public service and leadership experience include public health administration, pandemic response leadership, disease prevention, violence prevention, adolescent health, racial and health equity, and environmental health. No photo available.

Lisa Herges - Renville County Administrator

Lisa Herges, with her 16 years of experience and dedication to county government, went to work in Mille Lacs County to find efficiencies. Her philosophy is to be there for all employees to succeed to make the county run smoother. She has the ability to view all government as all connected. Lisa will always give her honest open opinion. She is professional and will advise but always remains neutral. She is willing to take on more duties to do whatever it takes to get the job done.
New MCIT Executive Director Hired

MCIT completed its search for a new executive director. Gerd W. Clabaugh assumed the leadership position in early January, succeeding Robyn Sykes who retired after 22 years.

Clabaugh is only the third executive director in the 43-year history of MCIT. He has more than 30 years of experience in organizational and financial administration, management, strategic improvement and oversight of governmental health care agencies.

Clabaugh’s most recent experience was director of the Iowa Department of Public Health. Appointed by two governors, he served in that role from 2014 to 2020 and was responsible for directing the state’s public health agency with an annual budget of $250 million and more than 425 employees.

He also served on the Johnston, Iowa, city council for 12 years, chaired the board of directors of the regional solid waste agency in the greater Des Moines area and managed Iowa’s state public employees’ health benefits and workers’ compensation programs. Clabaugh is also a frequent instructor and lecturer on public health issues.

According to MCIT Board Chair Felix Schmiesing, “MCIT is fortunate to have someone of Gerd’s professional experience and expertise join the organization. He has a reputation as a transformative leader who is well-equipped to take MCIT into the future.”

Clabaugh says, “I am excited about the opportunity to work with the MCIT Board and staff to continue the strong tradition of services to Minnesota, as well as make improvements and to meet the needs of our stakeholders in our fast-changing landscape.”

Annual Meeting Brings Members Together

Board Chair Felix Schmiesing called the 2021 annual MCIT membership meeting to order Dec. 6 at the Doubletree Hotel in Bloomington. The meeting was held in conjunction with the AMC annual conference with member representatives attending from across the state. Schmiesing welcomed attendees, commenting on the positive energy that is generated when members come together.

Financial Report

MCIT Finance Manager Cheri Donovan reported that MCIT once again received an unmodified opinion from the independent audit firm of Eide Bailly LLP for the 2020 audit. Notable elements from the financial statement include:

- Member contributions of $38.6 million represents a $4 million increase from 2019, which was influenced by an aggregate increase in property/casualty rates and an overall increase in the exposure base of members.
- 2020 revenues were $50.7 million, while expenses for the year totaled $32.9 million.
- Net investment activities were $11.8 million, which is an increase of $1.4 million from 2019.
- Claims paid and changes in reserves increased by $5.2 million to $19.1 million in 2020. The increase was a result of payments related to law enforcement claims and a larger positive adjustment required at the conclusion of the actuary’s year-end analysis.
- Reinsurance premiums paid in the amount of $6.7 million compared to $4.8 million in 2019. The increase is a result of separate specialty property reinsurance coverage secured for waste-to-energy members.
- A dividend of $10 million was returned to members.
- MCIT ended 2020 with a fund balance of $92.8 million.

Donovan also reported on the unaudited finances of MCIT as of Sept. 30, 2021, specifically:

- Member contributions of $30.3 million are $1.9 million more than at that time in 2020. The difference is again attributable to aggregate rate increases in the property/casualty division and an increase in member’s exposure base.
- Net investment activities total $2.9 million, which is comparable to earnings at the same time in 2020 of $3.5 million.
- Total paid claims of $13.9 million is $4.6 million less than at Sept. 30, 2020. Several factors account for the difference, most notably the continued delay in processing low enforcement claims because of the court system shut down necessitated by COVID-19.
- Total revenues are $28.8 million, and total expenses are $36.3 million.
- A dividend of $12 million was declared earlier in 2021 and distributed to members in November.

Winona, Lac qui Parle, Todd Counties Recognized with 2021 MCIT Annual Awards

MCIT Board Chair Felix Schmiesing announced the recipients of MCIT’s annual awards during the Trust’s 2021 Annual Membership Meeting on December 6. Every year MCIT recognizes three counties that excel at preventing and mitigating losses.

The 2021 County of the Year award recipient is Winona County. This award honors the county that has set the standard of excellence in risk management and loss control for the year. Winona County’s leaders proved to be strong in their efforts to educate staff on mitigating exposures and providing superior assistance when claims arose.

Lac qui Parle County earned the award for Outstanding Performance in the Workers’ Compensation Division. The award acknowledges the county’s efforts in reducing work-related injuries, demonstrated by the consistent improvement of its experience modification factor. The award for Outstanding Performance in the Property/Casualty Division went to Todd County. This award recognizes the efforts of the county to implement effective loss control and risk management practices that better protect member property and citizens from financial loss.

Criteria used to identify recipients include performance in risk management and loss control efforts, responsiveness to program initiatives, and property/casualty claims and workers’ compensation claims administration.

Year in Review

Chair Schmiesing commented on the work of the Trust during 2021. The last of MCIT’s staff returned to the office in April. Staff continued to adapt to delivering services virtually and when possible in person. Although MCIT continued to provide remote risk management and loss control services, in-person training sessions resumed in the fall with “Managing the Human Resource” and “How to Conduct an Employee Investigation”—both filled to capacity.

MCIT has several initiatives underway with the goal of “bending the curve” on losses that may impact the future cost of reinsurance. Claims arising out of law enforcement; particularly jail operations, continue to affect MCIT’s finances. MCIT is working closely with county sheriffs and jail administration on strategies to reduce claim frequency and severity.

Increased emphasis on cyber-security is being stressed with members as well.

Concluding his remarks, Schmiesing confirmed that MCIT’s financial position is strong. MCIT remains fully funded because of consistent rating and reserving practices coupled with diligent oversight and management of MCIT’s investment program.

But key to MCIT’s success is member loyalty. He thanked the members for their continued commitment to safety, controlling losses and participation in their program, MCIT.

Incumbents Returned to Office

Pursuant to the MCIT Bylaws, the election of board members was conducted during the 2021 annual membership meeting Dec. 6. This year two seats were up for election.

Representing the Nominating Committee, board member Kirk Pesyr, Aitkin County auditor, outlined the process to call for candidates. He reported that a call was issued Oct. 4 to all individuals eligible to serve on the MCIT Board. At the close of the Nov. 10 deadline, only the incumbents expressed interest in the positions. Pesyr placed each incumbent into nomination.

Yellow Medicine County Commissioner Ron Antony was unanimously re-elected to the board for a four-year term, expiring Dec. 31, 2025. Commissioner Antony was first elected to the MCIT Board in December 2017. He has served as the vice-chair since January 2021 and has been a member of the Claims, Governance and Personnel committees.

Becker County Commissioner Ben Grimsley was appointed to the MCIT Board in February 2021 to fill the unexpired term of former Polk County Commissioner Don Diedrich. The term expires Dec. 31, 2022. Commissioner Grimsley was unanimously elected to complete this term.
Meeting Remotely Under Open Meeting Law

Members often have questions regarding remote participation in meetings subject to the Minnesota Open Meeting Law, such as a county board of commissioners meeting.

There are two sections of the Minnesota Open Meeting Law that allow local government board members to be counted as present and participate remotely in meetings. The first, Minnesota Statutes, Section 13D.02 can be used for any meeting that would be covered by the Open Meeting Law. The second, Minnesota Statutes Section 13D.021 is limited to circumstances when an in-person meeting or a meeting conducted under Section 13D.02 is not practical or prudent because of a health pandemic or an emergency declared under Chapter 12.

Each statute has different requirements. Failure to comply with the requirements of the particular statute under which the board is meeting may mean that the remote board member is unable to be counted as part of the quorum or participate in all proceedings.

Section 13D.02: Other Entity Meetings by Interactive Technology

Section 13D.02 allows a local government board member to be considered present at the meeting for purposes of determining a quorum and participating in all proceedings from a remote location via interactive technology when certain conditions are met.

Interactive technology™ means a device, software program or other application that allows individuals in different physical locations to see and hear one another. (Minnesota Statutes, Section 13D.02, subdivision 1)

The statutory conditions for meeting via interactive technology include all of the following:

- All members of the body participating in the meeting, wherever their physical location, can hear and see one another, can hear and see all discussion and testimony presented at any location at which at least one member is present.
- Members of the public present at the regular meeting location can hear and see all discussion and testimony and all votes of all members of the body.
- At least one member of the body is physically present at the regular meeting location.
- All votes are conducted by roll call so each member’s vote on each issue can be identified and recorded.
- Each location at which a member of the body is present is open and accessible to the public.
- In addition to the requirement that the board members, regardless of the location, can be open and accessible to the public, the first applies to board members who are serving in the military and are at a required drill, deployed on active duty, or on leave.

The second condition is when a board member has been advised by a health care professional against being in a public place for personal or family medical reasons during a state of emergency declared under Minnesota Statutes, Section 12.31 or within 60 days of it ending. These limited exceptions to the open and accessible requirement can involve a board member no more than three times in a calendar year. Entities must give notice of the regular meeting location and any locations at which board members will be participating via interactive technology, unless the remote location is closed to the public under the limited exceptions. The timing and method of providing the notice must be as described in Minnesota Statutes, Section 13D.04 (which describes notice provisions for regular, special and emergency meetings).

Generally for most regular and special meetings, this means that the notice must be posted on the principal bulletin board (or on the door of its usual meeting room if there is no principal bulletin board) and mailed or otherwise delivered to each person who has written a request for copies at least three days before the date of the meeting.

To the extent practical, the government entity shall allow a person to monitor the meeting electronically from a remote location.

The minutes for a meeting conducted under Section 13D.02 must reflect the names of any members appearing by interactive technology and state the reason or reasons for the appearance by interactive technology.

Section 13D.021: Meetings During a Pandemic or Chapter 12 Emergency

Section 13D.021 permits meeting by either telephone or interactive technology when the presiding officer, chief legal counsel, or administrator for the governing body determines that an in-person meeting or a meeting conducted under Section 13D.02 is not practical or prudent because of a health pandemic or an emergency declared under Chapter 12.

Whether an in-person meeting or a meeting conducted under Section 13D.02 is not practical or prudent because of the COVID-19 health pandemic may depend on the particular circumstances of the governing body. The determination may take local public health conditions into account, as well as state and federal guidance. The board must also take a best practice to notify the public about this determination should be placed on the record at the beginning of the meeting or done by resolution. The board could also place this reasoning in its minutes.

Governing boards do want to take caution that Section 13D.021 is not inadvertently being used to avoid the more stringent requirements of Section 13D.02. For example, the Minnesota Department of Administration has opined that when a quorum of board members was able to gather in person at the regular meeting location, this contradicted the prior determination that an in-person meeting or a meeting conducted under Section 13D.02 was not practical or prudent.

In addition to the determination that an in-person meeting under Section 13D.02 is not practical or prudent, all of the following conditions must also be met:

- All members of the body participating in the meeting, wherever their physical location, can hear one another
- At least one member of the body is present at the regular meeting location
- Members of the public present at the regular meeting location can hear and see all discussion and testimony presented at any location at which at least one member is present.
- All votes are conducted by roll call so each member’s vote on each issue can be identified and recorded.
- Each location at which a member of the body is present is open and accessible to the public.
- All votes are conducted by roll call so each member’s vote on each issue can be identified and recorded.
- At least one member of the body is physically present at the regular meeting location.
- All votes are conducted by roll call so each member’s vote on each issue can be identified and recorded.
- Each location at which a member of the body is present is open and accessible to the public.
- In addition to the requirement that the board members, regardless of the location, can be open and accessible to the public, the first applies to board members who are serving in the military and are at a required drill, deployed on active duty, or on leave.

The second condition is when a board member has been advised by a health care professional against being in a public place for personal or family medical reasons during a state of emergency declared under Minnesota Statutes, Section 12.31 or within 60 days of it ending. These limited exceptions to the open and accessible requirement can involve a board member no more than three times in a calendar year. Entities must give notice of the regular meeting location and any locations at which board members will be participating via interactive technology, unless the remote location is closed to the public under the limited exceptions. The timing and method of providing the notice must be as described in Minnesota Statutes, Section 13D.04, as described above.

When all required conditions are met, remotely attending board members will be considered present at the meeting for purposes of determining a quorum and participating in all proceedings from a remote location via telephone or interactive technology.

If attendance at the regular meeting location is not feasible because of a health pandemic or an emergency declared under Chapter 12, the public body’s practice is to offer a public comment period at in-person meetings, members of the public shall be permitted to comment from a remote location during the regular public comment period of the meeting to the extent practical.

Further Information

Members continuing to hold meetings with remote participation are encouraged to review the conditions of the statutory section under which they are meeting.

The Minnesota Department of Administration, Data Practices Office, has a wealth of resources on its website. Staff are available to answer Open Meeting Law questions, as well as questions about the Minnesota Government Data Practices Act.

See Minnesota Department of Administration Advisory Opinion 21-003.

MCIT continues to develop and deliver programs to assist members with managing law enforcement exposures.

The cost of MCIT’s continued membership in CRL’s liability reinsurance program in 2022 is $1.87 million. MCIT will continue to retain the first $750,000 of a covered loss.

Skyrocketing costs and insurers’ decisions not to write certain exposures in the late 1970s gave birth to pools in the United States. Pools have weathered a variety of difficulties over the years, which can be attributed to the resilience and loyalty of its membership.

Workers’ Compensation

Unlike property and liability, Minnesota law requires all insurers and self-insurers to purchase workers’ compensation reinsurance from the Workers’ Compensation Reinsurance Association.

Factors influencing the cost of coverage include MCIT’s experience modification factor, which is derived from data related to loss experience of members, and the total premiums of all members. MCIT’s retention for 2022 remains at $500,000 per claim.

Although this year’s reinsurance increases are disheartening, it is important to acknowledge the value of being a member of MCIT. MCIT’s insurance is financially sound, fully funded public entity pool dedicated to serving Minnesota counties and their associated entities. ■
Babies: Ringing in the New Year

By Melanie Ault, DDA Human Resources, Inc.

A baby with a sash rings in the new year, and in 2022 it rings in new pregnancy and breastfeeding protections for nursing mothers in the workplace. Since 1998, state law at Minnesota Statutes, Section 181.939, has required employers to implement certain protections for nursing mothers. Those protections are growing.

Counties support families and children, and that includes pregnant and breastfeeding employees as they returned to the county’s workplace. Support strengthened when the Minnesota legislature improved protection and anti-retaliation benefits for employees who are pregnant or breastfeeding.

Supporting pregnancy and breastfeeding is not new, but there are some significant changes. We can divide them into pregnancy accommodations and nursing accommodations.

Pregnancy Accommodations

Continuing: While employers might want to get in the spirit of things and be supportive, they should not be paternalistic. Employers should not try to require an employee to accept an accommodation or to take leave. Rather, an employee may request – and the employer must provide – more frequent restroom, food, and water breaks, provide special seating or seating adjustments, and implement 20-pound lifting limits. No special medical note is needed for these accommodations.

Additional reasonable accommodations can also be included where appropriate, such as being temporarily transferred to a less demanding or less strenuous position. The employer and employee are to engage in the interactive process regarding the employee’s request for a reasonable accommodation.

New: More employees will be supported and protected because more employers are clearly subject to the statutory requirements. An employer’s threshold number of employees dropped from 21 employees at any one or more sites, to 15 or more employees no matter where they work.

Employees no longer must have been employed for at least 12 months for at least half time; employees at covered employers are now eligible on Day 1 of their employment.

Nursing Accommodations

Continuing: To enable nursing and lactating employees to continue their breastfeeding goals when returning to work, all employers have long been required to make a reasonable effort to provide a private room (that is not a bathroom or a toilet stall) that is free from intrusion (is shielded from view, lockable) to nurse or pump. The room should be close to the employee’s work area and have electrical outlet access. Many employers voluntarily provide additional amenities, like a rocker or glider chair, softer lighting from a lamp, appropriate artwork, a sink, a mini-refrigerator, and a table and chair.

In addition to providing an area, employers have been required to provide reasonable break time to an employee to express milk for her infant child. Break times to express milk each day must, if possible, run concurrently with the break times that are already provided to the employee. An employer is not required to permit the break time if it “unduly disrupts” the employer’s operations.

Returning to work can be a difficult transition after giving birth. The state surveyed and discovered that nursing mothers who returned to work experienced some common difficulties, for example, not feeling comfortable or safe in asking their employer for what they needed, not being able to take or schedule breaks at a time they needed to do so, not having adequate accommodations or a space to pump or nurse, or having to stay late to make up for additional break time used. The legislature considered that feedback and amended the law to alleviate many of those issues.

New: An employee now clearly has the right to extend or take multiple breaks each day and may do so for the 12 months following the birth of the child. The employee’s compensation cannot be reduced for the time taken to express milk. The state has defined “compensation” to include wages as well as use of accrued leave – neither are to be reduced.

Not reducing the nursing mother’s compensation for time spent expressing milk means these break times are compensable. Do not require the employee to use accrued leave for these break times, and do not require the employee to stay late to “make up for” time spent expressing milk. Employers are not, however, required to turn unpaid break times that are already provided (like an unpaid lunch period) into a paid break time simply because the employee utilizes the time to express milk.

Make sure you stay current with the new requirements.

Find helpful materials on leave benefits and other compliance topics in our Knowledge Base at www.amddahrsupport.com.

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MACO 2022 Legislative Priorities

By Troy Olsen, MACO Lobbyist, and MACO Legislative Committee Members: Michael Stalberger, Blue Earth County; Julie Hansen, Scott County; Amber Bougie, Hennepin County; Betti Kamolz, Brown County; and Debby Erickson, Crow Wing County

Legislating and influencing the legislature from a distance will again be a major challenge this year due to COVID restrictions. However, MACO will continue to be an active participant in the legislative process during the 2022 Legislative Session. The legislative team has been working with MACO members for several months on setting priorities for the 2022 Legislative Session. While being mindful of the limitations of legislating during this pandemic, here are some issues that will receive MACO’s attention:

• Change the mandate for publishing full sample ballots and election notices. Counties can reduce costs and voter confusion by modernizing how counties communicate election and ballot information.

• Appropriate funds or establish a grant program for clean-up and maintenance expenses counties are required to pay regarding abandoned tax-forfeited “orphan” sites. Counties currently must use local property tax dollars to clean up sites impacted by pollution, hazardous substances, dilapidated structures, or petroleum tanks which oftentimes results in unplanned budget issues.

• Ensure continued Department of Revenue and county cooperation when attempting to improve the administration of the property tax system. The property tax system is complex; before proposing or implementing administrative or statutory changes, the counties’ experience and knowledge should be considered.

• Allow early voting throughout the state up to 14 days prior to Election Day using the model of the current in-person seven-day absentee process. Voters are increasing their use of absentee voting prior to Election Day, and this change simplifies the process and reduces county costs while still ensuring the integrity of the election.

• Support increased fees for transactions to cover all costs for the services now being performed at the deputy registrar offices. Deputy registrars provide a valuable local service for customers throughout the state and fair compensation is needed to continue to provide these services.

• Reduce the time period for municipal holds and the DNR classification process for tax-forfeited lands. Limiting the time for municipal holds of forfeited land and setting a maximum time for the DNR to respond to classification and sale lists will speed up returning tax-forfeited property to the tax rolls or to public uses.

• Support modernization by requiring electronic submissions of well certifications through the Department of Health. Electronic submission of well certificates by the Department of Health is cost-effective and will lead to efficiencies in operations for counties, the state, and submitters.

• Eliminate felon name-change possibility through the marriage process. Allowing a name change through the marriage process requires applicants to complete additional work and may result in a potentially unauthorized change, and there are other avenues in current law for a name to be changed outside the marriage process.

• Allow local deputy registrar offices to offer expanded services to customers such as local online purchases, by-mail transactions, or kiosk services. Deputy registrars want to provide the best customer service possible by meeting customers’ needs and expanded services, such as kiosks, have been used effectively in other states.

County Recorders have been working on producing a “housekeeping” bill that will eliminate outdated statutes and bring other statutes up to modern accepted practices.

MACO has also been working toward a solution to the new Truth-in-Taxation requirements that will provide meaningful and transparent information to taxpayers with as much administrative ease as possible.

MACO supports efforts that simplify, modernize, and make more efficient the operation and administration of county government services. MACO members are committed to providing effective services related to property tax administration, elections, licenses/registrations, vital records, and recording and look for any opportunity to work towards this objective. Our members and membership represent many of the administrative sides of county government as subject matter experts and enjoy a healthy relationship with legislators. Several of our legislative priorities also overlap with the work of AMC’s Legislative Platform as well as other affiliate organizations, and our associations will continue to collaborate on those efforts. We look forward to working with AMC and other groups at the Legislature to further these important items.
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