



Carver County Board of Commissioners
 February 21, 2012
 Regular Session
 County Board Room
 Carver County Government Center
 Human Services Building
 Chaska, Minnesota

PAGE

4:00 p.m.	1.	<ul style="list-style-type: none"> a) CONVENE b) Pledge of allegiance c) Public comments (limited to five minutes) d) Introduction of New Employees 	
	2.	Agenda review and adoption	
	3.	Approve minutes of February 7, 2012, Regular Session	1-3
	4.	Community Announcements	
4:00 p.m.	5.	CONSENT AGENDA	
		<i>Connections: Develop strong public partnerships and connect people to services and information</i>	
		5.1 Charitable gambling application for exempt permit – Carver County Ducks Unlimited Chapter 128	4
		5.2 Charitable gambling application from Ridgeview Foundation	5
		5.3 Microsoft Enterprise Agreement-Countywide Microsoft Licensing Agreement.....	6
		5.4 Sheriff’s Office donations	7
		<i>Growth: Manage the challenges and opportunities resulting from growth and development</i>	
		5.5 Professional service agreement – Bulwark Coatings – jail flooring	8-9
		5.6 Approval of 2012 Board of Water & Soil Resources Natural Resource Block grant	10-11
		<i>Finances: Improve the County’s financial health and economic profile</i>	
		5.7 Community Social Services warrants	NO ATT
		5.8 Commissioners’ warrants.....	SEE ATT
4:05 p.m.	6.	CONNECTIONS: Develop strong public partnerships and connect people to services and information	
		6.1 Joint powers agreement between Carver County and Cities of Carver and Victoria for the purchase and operation of two road sweepers	12
4:15 p.m.	7.	GROWTH: Manage the challenges and opportunities resulting from growth and development	
		7.1 Negative declaration Resolution on the need for an EIS on the CSAH 11 (SP 10-611-06) roadway project.....	13-14

4:30 p.m. **8. COMMUNITIES: Create and maintain safe, healthy and livable communities**
8.1 Amendment to 2012 Legislative Platform – Court security fee 15-17

4:50 p.m. ADJOURN REGULAR SESSION

4:50 p.m. **BOARD REPORTS**
1. Chair
2. Board Members
3. Administrator
4. Adjourn

David Hemze
County Administrator

UPCOMING MEETINGS

February 28, 2012	9:00 a.m. Board Meeting
March 6, 2012	9:00 a.m. Board Meeting
March 13, 2012	9:00 a.m. Work Session
March 20, 2012	4:00 p.m. Board Meeting

A Regular Session of the Carver County Board of Commissioners was held in the County Government Center, Chaska, on February 7, 2012. Chair James Ische convened the session at 9:14 a.m.

Members present: James Ische, Chair, Gayle Degler, Vice Chair, Tim Lynch, Randy Maluchnik and Tom Workman.

Members absent: None.

Under public comments, Tom Redman, Chaska, stated he was representing the Bountiful Baskets Food Shelf that has been serving the community for 14 years. He stated they served 1,300 individuals the month of January and noted the food shelf is run by all volunteers. He explained they would be moving to their new permanent site on Bavaria Road shortly and invited the public to assist with the move on February 18th.

Degler moved, Lynch seconded, to approve the agenda. Motion carried unanimously.

Workman moved, Maluchnik seconded, to approve the minutes of the January 24, 2012, Regular Session. Motion carried unanimously.

Community announcements were made by the Board.

Maluchnik moved, Degler seconded, to approve the following consent agenda items:

Accepted FEMA grant funds in the amount of \$92,224.75 via the Metro Region Homeland Security and Emergency Management Committee with Washington County as its fiscal agent to fund the Carver County ARMER/Fiber Optic Connection project and related budget amendment.

Approved host County contract with MR Welty Homes.

Resolution #10-12, Appointing Tom Workman to the Metro Alliance for Healthy Families Joint Powers Board.

Resolution #11-12, 2012 Seasonal Road Restrictions.

Resolution #12-12, In Support of Utilizing Local Road Improvement Program Funding for Carver County Road Improvements.

Authorized the Sheriff's Office acceptance of \$100 donation.

Resolution #13-12, MnDOT Cooperative Construction Agreement No. 00135 for Culvert Lining on TH 41 and related Public Works budget amendment.

Adopted the Findings of Fact and Order PZ20110052 for the issuance of Conditional Use Permit #PZ2011052, M&P-P, LLC/Carver County Public Works.

Adopted the Findings of Fact and Order #PZ20110051 for the issuance of Interim Use Permit, Thomas and Penny Rice.

Approved the following abatements:

08.0060210	Troy Galles
25.8890050	Grace Cramond
40.1120220	Andrew Meeks
30.3250140	Chad Palm
30.9510032	Roberto Medina
09.9510001	James Schwalbe
30.0044940	West Suburban Housing Ptrshp.

Community Social Services' actions.

Approved payment of the following Commissioners' warrants:

INSERT

Motion carried unanimously.

Gary Bork, Community Social Services, requested approval to hire temporary staff to implement electronic medical records. He indicated they would transfer funds within the department to fund this. He pointed out the requirement to have all medical records electronic by 2014 and they have purchased the system to allow them to do this. Bork stated they have decreased staff over the last two budget cycles and while they are able to handle the day to day operations, they do not have staff to handle this project.

Maluchnik moved, Degler seconded, to authorize the Social Services Division to hire or contract for temporary staff to scan behavioral health medical records. Motion carried unanimously.

Bill Weckman, Public Works, requested the Board approve an agreement for right of way negotiations for the CSAH 11 roadway project. In order to do the project, he stated they needed to acquire property and easement rights from 14 different property owners. He indicated acquisition of these properties is complicated, would be a very time consuming process and they have elected to negotiate a contract with Dan Wilson to do the negotiations.

Workman clarified he would be abstaining as he had relatives living along the corridor.

Degler moved, Lynch seconded, to authorize the Chair and Administrator to sign the professional services agreement with Wilson Development Services contingent on approval of the County Attorney and Risk Management. Degler, Ische, Lynch, Maluchnik voted aye. Workman abstained. Motion carried.

Weckman requested the Board adopt an eminent domain Resolution for construction of CSAH 11

from CSAH 61 to CSAH 10. He stated offers for right of way have been sent out and they are trying to get the project on track to start construction this spring. He indicated they needed to be assured access to the properties and they were asking for approval to have the County Attorney to begin putting together the papers for acquisition of the property. Weckman stressed they will continue to negotiate with the property owners and have as many negotiated settlements as they can. He clarified the project included three million in federal funds and reviewed the timelines they must follow.

Workman clarified he would again be abstaining.

Maluchnik offered the following Resolution, seconded by Degler:

Resolution # 14-12
Eminent Domain – SP 10-611-06

On vote taken, Degler, Ische, Lynch, Maluchnik voted aye. Workman abstained.

Martin Walsh, Parks, requested approval to authorize bids for phase II of the Dakota Rail Regional Trail. He stated phase 1 was completed last year and phase II was 5 ½ miles extending from Mayer further to the West.

He pointed out federal funding that was received and the projected costs of the project. He reviewed possible funding sources to cover the cost above the identified funding and ways they would be looking to bring the project costs down. He pointed out the favorable bid climate to move the project forward. Walsh noted the bids would be brought back to the Board and the Board could chose to reject them.

Degler moved, Lynch seconded, to authorize Phase II of the Dakota Trail Regional Trail to be advertised for bid. Motion carried unanimously.

Degler moved, Maluchnik seconded, to go into closed session at 9:40 a.m. according to Minnesota Statutes Section 13D.05 in order to discuss confidential appraisal data for property located at 809 Old Beach Lane. Motion carried unanimously.

The Board adjourned the closed and Regular Session at 10:38 a.m.

David Hemze
County Administrator

(These proceedings contain summaries of resolutions. The full text of the resolutions are available for public inspection in the office of the county administrator.)

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Charitable Gambling Application for Exempt Permit - Carver County Ducks Unlimited Chapter 128

Primary Originating Division/Dept: <u>Property Records & Taxpayer Services</u>	Meeting Date: <u>2/21/2012</u>
Contact: <u>Lisa Dreier</u> Title: <u>Taxpayer Services Clerk</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

Strategic Initiative:

Connections: Develop strong public partnerships and connect people to services and information.

BACKGROUND/JUSTIFICATION:

A Charitable Gambling application for Exempt Permit was received from Carver County Ducks Unlimited Chapter 128. They plan to hold a raffle on Friday, April 20, 2012 at Lake Waconia Event Center located at 8155 Paradise Lane, Waconia, MN.

ACTION REQUESTED:

Carver County Ducks Unlimited Chapter 128 seeks approval of a gambling application to hold a raffle at Lake Waconia Event Center located at 8155 Paradise Lane, Waconia, MN.

FISCAL IMPACT: None
If "Other", specify:

FUNDING

County Dollars =	<input style="width: 100%;" type="text"/>
<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
Total	\$0.00

FTE IMPACT: None

Related Financial/FTE Comments:

Office use only:
RBA 2011- 991

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Charitable Gambling Application from Ridgeview Foundation

Primary Originating Division/Dept: <u>Property Records & Taxpayer Services</u>	Meeting Date: <u>2/21/2012</u>
Contact: <u>Lisa Dreier</u> Title: <u>Taxpayer Services Clerk</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

Strategic Initiative:

Connections: Develop strong public partnerships and connect people to services and information.

BACKGROUND/JUSTIFICATION:

A Charitable Gambling Application for Exempt Permit was received from Ridgeview Foundation. They plan to hold a raffle on Monday, June 25, 2012 at Island View Country Club located at 7795 Laketown Parkway, Waconia, MN 55387.

ACTION REQUESTED:

Ridgeview Foundation seeks approval of a gambling application to hold a raffle at Island View Country Club located at 7795 Laketown Parkway, Waconia, MN 55387.

FISCAL IMPACT: None

If "Other", specify:

FUNDING

County Dollars =	<input type="text"/>
	<input type="text"/>
Total	\$0.00

FTE IMPACT: None

Related Financial/FTE Comments:

Office use only:
RBA 2011- 996

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Microsoft Enterprise Agreement - Countywide Microsoft Licensing Agreement

Primary Originating Division/Dept: <u>Administrative Services - IT</u>	Meeting Date: <u>2/21/2012</u>
Contact: <u>Rhonda Lynch</u> Title: <u>11-333 - Microsoft Agreement</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

Strategic Initiative:

Connections: Develop strong public partnerships and connect people to services and information.

BACKGROUND/JUSTIFICATION:

Renewal of Microsoft Enterprise Licensing Agreement beginning 1/2012 ending 12/2017. Total cost for 6 year contract is \$1,344,036.00 (annual cost is \$224,006). This renewal Microsoft Enterprise Licensing agreement includes both desktop and data center software and data center technology software utility tool licensing. The Enterprise License Agreement includes all standard annual software license requirements, upgrades, patches, and, fixes.

In an attempt to work collaboratively and reduce the cost of licensing the Metro IT Directors met with a Microsoft Representative to discuss a joint purchase option. At this time Microsoft does not offer reduced pricing for joint purchases. However, if that situation would change during the life of our contract with Microsoft, our contract will be prorated to reflect any savings.

The Microsoft Enterprise License Agreement has been reviewed and approved by the County Attorney Office and Risk Management. Detailed Licenses are;

Office Applications Licenses	625
Windows Client Licenses	625
Servers Licenses	130
CAL Licenses (client licenses)	1,293

The annual financial obligation is part of Information Technology recurring annual operations budget.

ACTION REQUESTED:

Motion to have Board Chair sign the 6 year Microsoft Software Enterprise License Agreement in the amount of \$1,344,036.00 which covers the years 01/2012 through 12/2017.

FISCAL IMPACT: Included in current budget

If "Other", specify:

FUNDING

County Dollars = **\$1,344,036.00**

<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>
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FTE IMPACT: None

Total **\$1,344,036.00**

Related Financial/FTE Comments:

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Donations

Primary Originating Division/Dept: <u>Sheriff</u>	Meeting Date: <u>2/21/2012</u>
Contact: <u>Leslie Michel</u> Title: _____	Item Type: <u>Consent</u>
Amount of Time Requested: _____ minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: _____ Title: _____	

Strategic Initiative:

Connections: Develop strong public partnerships and connect people to services and information.

BACKGROUND/JUSTIFICATION:

Donation of \$100.00 from RMG refer a friend - Kevin Brill and Sarah Tscherne.
 Donation of \$35.00 from Kirk and Teresa Douglas in honor of Sgt. David Potts retirement.

ACTION REQUESTED:

Approval of \$100.00 donation to the Sheriff's Office to use at the Sheriff's discretion.
 Approval of \$35.00 donation to the Sheriff's Office K9 Program.

FISCAL IMPACT: Other

If "Other", specify:

Donation _____

FUNDING

County Dollars =	
Total	\$0.00

FTE IMPACT: None

Related Financial/FTE Comments:

Donation total of \$135.00 to 02-201-000-0000-5756

Office use only:

RBA 2011- 1...

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Professional Service Agreement - Bulwark Coatings - Jail Flooring

Primary Originating Division/Dept:

Meeting

Date: 2/21/2012

Contact: Kevin Maas

Title:

Item Type:

Consent

Amount of Time Requested: minutes

Presenter: Title:

Attachments: Yes No

Strategic Initiative:

Growth: Manage the challenges and opportunities resulting from growth and development

BACKGROUND/JUSTIFICATION:

The majority of the Jail day rooms & facility flooring is 15 years old and has exceeded its useful life. On grade flooring has experienced moisture issues; mainly due to variable ground water elevations.

Federal and State Inspectors have inquired and noted the flooring deteriorations as part of ICE inspections.

Portions of the facility have been replaced with sheet vinyl products including the 1300 Unit (Women's) unit. However the sheet vinyl installation became flawed within 12 months and the contractor has committed to a warranty replacement.

With these conditions present on the grade levels, alternative products were sought, analyzed and visited in order to recommend a long-term solution. Staff is recommending a full chip; polyurea floor covering with a hydro-stop primer for all grade levels. Polyurea is used as a new thin coat liner in pick up truck beds. It is hard, strong and was recently developed into flooring surfaces. Staff has viewed installations and obtained a custom sample to be similar to the sheet vinyl recently installed. Sheet vinyl pricing was obtained and was over \$11.00 square foot.

Quotes are as follows: Per Sq.Ft.

1. Dynamic Concrete Resurfacing	\$88,117	\$8.06
2. Diversified Coatings	\$95,650	\$8.74
3. Bulwork Coatings	\$83,121	\$7.60

Consistent with the MN Statute governing contracts, staff has negotiated a contract amount \$59,105. This reduced scope from the quotes eliminates the upper level flooring. Upper level floors, not requiring water proofing underlayment, are expected to be recommended through the Administrative contract process for early fall. The recommended contract amount will allow the entire ground floor of the Jail requiring new flooring to be completed. Funds are recommended through a budget amendment and include the balance of 2011 rollover funds from the Facilities Budget.

This project is a priority for the Sheriff's Department and is expected to start in March, pending approval.

A small amount of contingency (\$3,395.00) is required for new electrical outlets that will accommodate machinery and

ACTION REQUESTED:

Move approval of the Professional Services Contract with Bulwark Coatings and an initial project budget of \$62,500 (includes bid of \$59,105 and \$3,395.00 in contingency) consistent with the budget amendment.

FISCAL IMPACT:
If "Other", specify:

FUNDING

FTE IMPACT: <input type="text" value="None"/>	County Dollars =	\$62,500.00
	Total	\$62,500.00
Related Financial/FTE Comments: Budget Amendment		

Office use only:

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Carver County Board of Commissioners Request for Board Action



Agenda Item:

Approval of 2012 Board of Water & Soil Resources (BWSR) Natural Resource Block Grant (NRBG)

Primary Originating Division/Dept: <u>Public Health & Environment - Planning/Water</u>	Meeting Date: <u>2/21/2012</u>
Contact: <u>paul moline</u> Title: <u>pwm manager</u>	Item Type: <u>Consent</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input type="radio"/> Yes <input checked="" type="radio"/> No
Presenter: <input type="text"/> Title: <input type="text"/>	

Strategic Initiative:
Growth: Manage the challenges and opportunities resulting from growth and development.

BACKGROUND/JUSTIFICATION:

Each year the County receives a block grant from BWSR for the following programs:

Water Plan Implementation (LWP): grant amount = \$8,904 ;
 required match = \$27,879

Wetland Conservation Act: grant amount = \$31,599 (\$10,000 to the SWCD) ;
 required match = \$31,599

Shoreland Management: grant amount = \$ 2,615 ;
 required match = \$2,615

Feedlot Management: grant amount = \$23,509 ;
 required match = \$16.456

Subsurface Sewage Treatment Systems (SSTS) Management: grant amount = \$18,941 ;
 required match = \$0.00

The match is provided by the staff time (SWCD included) expended in the normal operation of the program areas and by Carver County WMO watershed expenditures. The LWP & Shoreland funds are used to support the monitoring program and small conservation projects such as tile inlets, streambank restoration and lakescaping. The other funds are used to offset program costs of operating the Wetland Conservation Act (WCA), Feedlot and SSTS programs.

The grant total is \$84,758 and it is effective Sep 1, 2011 or upon signature through June 30,2013.

ACTION REQUESTED:

Motion to approve the 2012 BWSR Natural Resource Block Grant, authorizing the Board Chair to sign the grant agreement, accepting \$84,758 in grant funds.

FISCAL IMPACT: Included in current budget
 If "Other", specify:

FUNDING

County Dollars =	\$78,549.00
State BWSR funds	\$84,758.00

FTE IMPACT: None

Total

\$163,307.00

Related Financial/FTE Comments:

Required match is provided by the staff time expended in the normal operation of the program areas and by Carver County WMO expenditures.

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RBA 2011- NaN

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Negative Declaration Resolution on the Need for an EIS on the CSAH 11 (SP 10-611-06) Roadway Project

Primary Originating Division/Dept: <u>Public Works - Engineering</u>	Meeting Date: <u>2/21/2012</u>
Contact: <u>Scott A. Smith</u> Title: <u>Project Engineer</u>	Item Type: <u>Regular Session</u>
Amount of Time Requested: <input type="text"/> minutes	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Presenter: <u>Lyndon Robjent</u> Title: <u>Public Works Director / Count...</u>	

Strategic Initiative:
Growth: Manage the challenges and opportunities resulting from growth and development.

BACKGROUND/JUSTIFICATION:

The CSAH 11 roadway construction project from CSAH 61 to CSAH 10 requires that an Environmental Assessment (EA) be done and a determination made as to the need to have a public hearing and/or to do an Environmental Impact Statement (EIS). The process to help determine the need for a public hearing includes a 30 day comment period on the EA that was done by SRF for this project on behalf of the county.

The comment period was closed on Monday, January 30, 2012 from which we received four comment letters. These comments were from the MN Dept. of Ag, Met Council, MPCA, and Mn/DOT. All the comments and concerns will be addressed, but none of the comments and concerns indicate the need for a public hearing or require us to proceed with an EIS.

The above documents along with this resolution will be sent to state and federal entities so that we can receive a Finding of No Significant Impact (FONSI). This FONSI is a necessary determination to allow this project to move forward.

ACTION REQUESTED:

Approve and sign the attached Resolution indicating a Negative Declaration on the need for an EIS on the CSAH 11 (SP 10-611-06) Roadway Project

<p>FISCAL IMPACT: <u>Included in current budget</u> If "Other", specify: <input style="width: 200px; height: 15px;" type="text"/></p>	<p>FUNDING</p> <table style="width: 100%;"> <tr> <td style="width: 80%;">County Dollars =</td> <td style="width: 20%; text-align: right;">\$0.00</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$0.00</td> </tr> </table>	County Dollars =	\$0.00	Total	\$0.00
County Dollars =	\$0.00				
Total	\$0.00				

FTE IMPACT: None

Related Financial/FTE Comments:

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BOARD OF COUNTY COMMISSIONERS CARVER COUNTY, MINNESOTA

Date: _____

Resolution No: _____

Motion by Commissioner: _____

Seconded by Commissioner: _____

RESOLUTION NEGATIVE DECLARATION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS) FOR THE COUNTY STATE AID HIGHWAY (CSAH) 11 RECONSTRUCTION PROJECT AND APPROVAL OF THE DISTRIBUTION OF RECORD OF DECISION

WHEREAS, Under Minnesota Rules, Carver County is the Responsible Governmental Unit (RGU) for the CSAH 11 Reconstruction Project; and

WHEREAS, Minnesota Rule 4410.4300 Subp. 22 requires an Environmental Assessment Worksheet (EAW) be prepared for the project; and

WHEREAS, a combined Environmental Assessment/Environmental Assessment Worksheet (EA/EAW) has been prepared to fulfill the requirements of both Federal and State Regulations as a part of the National Environmental Policy Act and fulfills the requirements of 42 U.S.C. 4332 and M.S. 116D, and has been circulated for review and comment; and

WHEREAS, based on the information contained in the CSAH 11 EA/EAW and public and agency comments received, the Finding of Facts and Conclusions include:

The type and extent of environmental effects are similar to effects associated with other road construction projects and the project does not have the potential for significant environmental effects.

No cumulative potential effects of related or future projects exist that would pose significant environmental effects. The anticipated environmental effects are subject to mitigation by ongoing regulatory authorities.

The extent of environmental effects can be anticipated and controlled as a result of experience with other similar highway improvement projects with similar environmental effect; and

WHEREAS, no regulatory reviewing agencies indicate a need for an EIS; and

WHEREAS, based on criteria in Minnesota Rule 4410.1700 the project does not have significant environmental effects.

NOW THEREFORE, BE IT RESOLVED, that the EA for the CSAH 11 Reconstruction Project is adequate and a Negative Declaration is made on the need for an EIS.

BE IT FURTHER RESOLVED, that the Carver County Board of Commissioners approves the distribution of decision.

YES	ABSENT	NO
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

STATE OF MINNESOTA
COUNTY OF CARVER

I, Dave Hemze, duly appointed and qualified County Administrator of the County of Carver, State of Minnesota, do hereby certify that I have compared the foregoing copy of this resolution with the original minutes of the proceedings of the Board of County Commissioners, Carver County, Minnesota, at its session held on the _____ day of _____, 2012, now on file in the Administration office, and have found the same to be a true and correct copy thereof.

Dated this _____ day of _____, 2012.

Dave Hemze

County Administrator

Carver County Board of Commissioners Request for Board Action



Agenda Item:

Amendment to 2012 Legislative Platform - Court Security Fee

Primary Originating Division/Dept: <u>Administration (County)</u>	Meeting Date: <u>2/21/2012</u>
Contact: <u>David Hemze</u> Title: <u>County Administrator</u>	Item Type: <u>Regular Session</u>
Amount of Time Requested: <u>20</u> minutes	Attachments: <input checked="" type="radio"/> Yes <input type="radio"/> No
Presenter: <u>David Hemze</u> Title: <u>County Administrator</u>	

Strategic Initiative:

Communities: Create and maintain safe, healthy, and livable communities

BACKGROUND/JUSTIFICATION:

While Carver County has made a variety of security improvements to its facilities over the past several years, there are a number of significant changes that are still required. An internal task force is in the process of developing security recommendations and an architect has been hired to assist in this analysis.

A significant concern related to making any security improvements is the lack of funding allocated toward either capital upgrades or ongoing operational expenses. This agenda item requests the Board support a legislative change to add a Court Security fee as a revenue source.

Related legislation currently proposed in the house is attached. That specific legislation proposes a fee not-to-exceed \$15 is added in criminal and civil manners at the discretion of the County Board. The estimated annual revenue from this fee is \$123,000.

Court fines and fees are divided between a number of jurisdictions and amounts vary depending upon the type of crime. The following is an example of how a current fine is calculated for a petty misdemeanor moving violation.

Base fine =	\$ 40
Surcharge =	\$ 75
<u>Law library fee =</u>	<u>\$ 15</u>
Total fine =	\$130

The surcharge goes to the State of Minnesota's general fund. The law library fee goes to Carver County and is dedicated to cover expenses related to the law library. Base fines are split between jurisdictions depending upon the charging entity as follows.

- City charge: 2/3 to city and 1/3 to State
- State highway patrol charge: 2/3 to State highway patrol and 1/3 to State
- County charge in a non-contracting township: 100% to State
- County charge in a contract township: 2/3 to contract township and 1/3 to State

ACTION REQUESTED:

Motion to amend Carver County's legislative priorities to support legislation which provides County Board's the discretion of to adding a Court Security Fee to criminal and civil cases.

FISCAL IMPACT: Other

If "Other", specify:

FUNDING

County Dollars =

See comment below.

FTE IMPACT: None

Total

\$0.00

Related Financial/FTE Comments:

A \$15 fee would generate approximately \$123,000 annually. Estimates are currently being developed for anticipated security related capital and operational expenses, but these are expected to be well in excess of that number.

Office use only:

RBA 2011 - NaN

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2000

01/30/2012 Authored by Johnson and Slocum

The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance

1.1 A bill for an act
1.2 relating to courts; authorizing county boards to set and impose court security
1.3 fee in civil and criminal matters; allotting fee for court security equipment and
1.4 personnel; amending Minnesota Statutes 2010, section 357.021, by adding a
1.5 subdivision.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2010, section 357.021, is amended by adding a
1.8 subdivision to read:

1.9 Subd. 8. Court security fees. (a) The county board may establish a court security
1.10 fee and set the amount, not to exceed \$15, to be collected for civil and criminal matters,
1.11 including petty misdemeanor cases, in the district and conciliation courts of the county.
1.12 The fee shall be set on July 1 each year and remain in effect until changed. All court
1.13 security fees shall be published in the State Register.

1.14 (b) In each county that approves a court security fee, the court administrator shall
1.15 collect in each civil suit, action, or proceeding filed in the district and conciliation courts,
1.16 in the manner in which other fees are collected, a court security fee from:

1.17 (1) the plaintiff, petitioner, or other person instituting the suit, action, or proceeding
1.18 at the time of the filing of the first paper; and

1.19 (2) each defendant, respondent, intervenor, or other party who appears, either
1.20 separately or jointly, to be collected at the time of the filing of the first paper by
1.21 the defendant, respondent, intervenor, or other party, or at the time when the party's
1.22 appearance is entered in the case.

1.23 (c) In each county that approves a court security fee, the court shall impose and
1.24 the court administrator shall collect a court security fee on every person convicted of
1.25 any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense. When a

2.1 defendant is convicted of more than one offense in a case, the court security fee shall be
2.2 imposed only once in that case. The fee shall be imposed whether or not the person is
2.3 sentenced to imprisonment or the sentence is stayed. The fee shall not be imposed when a
2.4 person is convicted of a petty misdemeanor for which no fine is imposed or in cases in
2.5 which a fine is paid without a court appearance.

2.6 (d) The court security fee is a cost in the action and taxable as such, and is allotted
2.7 for the following security purposes:

2.8 (1) purchase, repair, upgrades, and maintenance of:

2.9 (i) x-ray machines and conveying systems;

2.10 (ii) handheld or walk-through metal detectors;

2.11 (iii) identification cards and systems;

2.12 (iv) electronic locking and surveillance equipment;

2.13 (v) computer systems and hardware;

2.14 (vi) security signage;

2.15 (vii) confiscated weapon inventory and tracking systems;

2.16 (viii) bullet-proof glass and bullet-resistant soft body armor;

2.17 (ix) locks, chains, alarms, or similar security devices; and

2.18 (x) any other security equipment approved by the county board; and

2.19 (2) personnel and training expenses related to court security.

2.20 (e) The court security fee shall be paid to the county treasurer or county auditor who
2.21 shall issue a receipt. The county treasurer or county auditor may disburse these funds at
2.22 the direction of the county board. Funds generated from the fee must not supplant existing
2.23 budgets for bailiffs or court facility operating expenses.

2.24 **EFFECTIVE DATE.** This section is effective August 1, 2012, and applies to civil
2.25 actions filed on or after that date and to offenses committed on or after that date.