

Carver County Board of Commissioners
July 17, 2007
County Board Room
Carver County Government Center
Human Services Building
Chaska, Minnesota

County Board Work Session Agenda

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4:00 p.m.	1. ATTORNEY	
	1.1 Proposed Carver County Social Host Ordinance No. 59-2007.....	1-4
4:30 p.m.	2. SHERIFF	
	2.1 Re-alignment of job duties and responsibilities.....	5
	2.2 .8 Part-time Sheriff's Office 9-1-1 Dispatcher	6
5:00 p.m.	3. ADMINISTRATIVE SERVICES	
	3.1 Information Services Department Re-organization	7-8
6:00 p.m.	Board and Administrator Reports	

David Hemze
County Administrator



REQUEST FOR BOARD ACTION

AGENDA ITEM: Proposed Carver County Social Host Ordinance No. 59-2007

Originating Division: Attorney

Meeting Date: July 17, 2007

Amount of Time Requested: 10 minutes

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM:

The Carver County Attorney's Office, with the support of the Sheriff's Office and the Chaska Police Department, is seeking Board approval of an ordinance which imposes criminal responsibility for hosting an event where underage drinking or possession of alcohol occurs. Currently law enforcement can charge an individual with underage consumption, underage possession and furnishing alcohol. This ordinance would give law enforcement another tool to combat underage drinking by allowing law enforcement to charge a person hosting an event (or anyone who assists another in hosting an event), even if the person does not supply the alcohol. The ordinance will likely have a deterrent effect on individuals who consider hosting such events.

ACTION REQUESTED:

Discussion of the ordinance to address any concerns or amendments before the matter is set on for public hearing and final Board approval.

FUNDING

County Dollars =	\$0
Other Sources & Amounts =	= \$
TOTAL	= \$0

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other: No immediate fiscal impact. Ordinance may result in more citations being issued and prosecuted. No additional staff is necessary or anticipated. Fine revenue may increase.

Related Financial Comments:

Reviewed by Division Director

Date: July 9, 2007

ORDINANCE NO. 59-2007

CARVER COUNTY, STATE OF MINNESOTA

SOCIAL HOST ORDINANCE

This ordinance prohibits, and establishes penalties for, any person hosting an event or gathering where alcohol is present and being possessed or consumed by persons under twenty-one (21) years of age.

Be it enacted by the Board of Commissioners of Carver County, State of Minnesota, as follows:

Subd. 1. Purpose and Findings. The Board of Commissioners of Carver County intend to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intend to hold persons criminally responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Board of Commissioners of Carver County finds that:

- (a) Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one is harmful to those persons and constitutes a potential threat to public health requiring prevention or abatement.
- (b) Prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.
- (c) Alcohol is an addictive drug which, if used irresponsibly, could have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.
- (d) Often, events or gatherings involving underage possession and consumption occur outside the presence of parents. However, there are times when the parent(s) is/are present and, condone the activity, and in some circumstances provide the alcohol.
- (e) Even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.
- (f) A deterrent effect will be created by holding a person criminally responsible for hosting an event or gathering where underage possession or consumption occurs.

Subd. 2. **Authority.** This ordinance is enacted pursuant to Minn. Stat. §145A.05 subdivision 1.

Subd. 3. **Definitions.** For purposes of this ordinance, the following terms have the following meanings:

- (a) Alcohol. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
- (b) Alcoholic beverage. "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine, or beer, and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed, or combined with other substances.
- (c) Event or gathering. "Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.
- (d) Host. "Host" means to aid, conduct, allow, entertain, organize, supervise, control, or permit a gathering or event.
- (e) Parent. "Parent" means any person having legal custody of a juvenile:
 - (1) As natural, adoptive parent, or step-parent;
 - (2) As a legal guardian; or
 - (3) As a person to whom legal custody has been given by order of the court.
- (f) Person. "Person" means any individual, partnership, co-partnership, corporation, or any association of one or more individuals.
- (g) Residence or Premises. "Residence" or "premises" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, park, or any other place of assembly, public or private, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented, or used with or without permission or compensation.
- (h) Underage Person. "Underage person" is any individual under twenty-one (21) years of age.

Subd. 4. **Prohibited Acts.**

- (a) It is unlawful for any person(s) to;
 - (1) host or allow an event or gathering;
 - (2) at any residence, premises, or on any other private or public property;
 - (3) where alcohol or alcoholic beverages are present;
 - (4) when the host knows or reasonably should know that an underage person will or does
 - (i) consume any alcohol or alcoholic beverage; or

- (ii) possess any alcohol or alcoholic beverage with the intent to consume it; and
- (5) the host fails to take reasonable steps to prevent possession or consumption by the underage person(s).

(b) A person is criminally responsible for violating Subdivision 4(a) above if the person intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit the prohibited act.

(c) A person who hosts an event or gathering does not have to be present at the event or gathering to be criminally responsible.

Subd. 5. Exceptions.

(a) This ordinance does not apply to conduct solely between an underage person and his or her parents while present in the parent's household.

(b) This ordinance does not apply to legally protected religious observances.

(c) This ordinance does not apply to retail intoxicating liquor or 3.2 percent malt liquor licensees, municipal liquor stores, or bottle club permit holders who are regulated by Minn. Stat. §340A.503 Subd.1(a)(1).

(d) This ordinance does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

Subd. 6. Enforcement. This ordinance can be enforced by any police officer or sheriff's deputy in the county.

Subd 7. Severability. If any section, subsection, sentence, clause, phrase, word, or other portion of this ordinance is, for any reason, held to be unconstitutional or invalid, in whole, or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

Subd. 8. Penalty. Violation of Subdivision 4 is a misdemeanor.

Subd. 9. Effective Date. This ordinance shall take effect thirty (30) days following its final passage and adoption.



REQUEST FOR BOARD ACTION

AGENDA ITEM : Re-Alignment of Job Duties and Responsibilities

Originating Division: Sheriff

Meeting Date: July 17, 2007

Amount of Time Requested: 15 Minutes

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: With the retirement of our Administrative Services Manager, we are looking at ways to redistribute a heavy work load assigned to this position. We are also responding to the changing needs of our Emergency 9-1-1 system by creating a management position that will be directly responsible for our Emergency Communications Center.

Since 1999, each time a vacancy occurs in the Sheriff's Office we evaluate the need for the position, the work load of the position, and the needs of the Office. We have routinely requested changes to our table of organization to meet the work load needs of the daily operations. This re-alignment is consistent with our internal process.

ACTION REQUESTED: Future Board Action to adopt our re-alignment.

FUNDING

County Dollars = \$
Other Sources & Amounts = \$
= \$
TOTAL = \$

FISCAL IMPACT

None
 Included in current budget
 Budget amendment requested
 Other:

Related Financial Comments:

Reviewed by Division Director

Date: July 10, 2007



REQUEST FOR BOARD ACTION

AGENDA ITEM : .8 Part Time Sheriff's Office 9-1-1 Dispatcher

Originating Division: Sheriff

Meeting Date: 07-17-07

Amount of Time Requested: 10 minutes

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: Currently the Sheriff's Office 9-1-1 Communications Center utilizes On Call personnel to assist in coverage of the dispatch center. We are working with Employee Relations regarding the Public Employee Labor Relations Act (PELRA) and are requesting a .8 Part Time 9-1-1 Dispatcher to be added effectively immediately due to service demands being placed on the center.

ACTION REQUESTED:

FUNDING

County Dollars = \$14,999

Other Sources & Amounts =

= \$

TOTAL = \$14,999

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: In the past we have utilized dollars allocated for Sheriff's Office FTE's not filled to accommodate the on call personnel expenditures in Communications. The designated .8 PT would be funded beginning July 30, 2007 for a cost of \$14,999 through these resources.

Reviewed by Division Director

Date: 07-10-07



REQUEST FOR BOARD ACTION

AGENDA ITEM : Information Services – Information Services Department Reorganization

Originating Division: Administrative Services

Meeting Date: 7/17/2007

Amount of Time Requested: 30 minutes

Attachments for packet: Yes No

Item Type: Consent Regular Session Closed Session Work Session Ditch/Rail Authority

BACKGROUND/EXPLANATION OF AGENDA ITEM: Information Services requests approval of recommended Information Services Reorganization as presented by Sharp Sky Consulting.

Details – Sharp Sky Consulting was contracted to meet with Information Services Staff and various County Division Directors and/or Divisional employees. The purpose of that contract was to understand County Division service needs, determine gaps in ability of Information Services to meet current and growing service demands, and recommend Information Services Department Design. Part of the recommendations made by Sharp Sky is in the early phase of implementation.

The next phase involves the reorganization of Information Services Department and to then apply market adjustments as recommended by Employee Relations.

The result of the Sharp Sky recommendation is a staff increase of .7 (from 18.30 to 19FTE). The .7 FTE is funded from various on-call clerical support that will be eliminated. The 2007 market adjustment is realized from vacancies not filled and no addition County revenue dollars are required in 2007.

The restructuring of the I.S. Department comes at an opportune time as there are currently three vacancies and several new critical technologies have either been rolled out or are on the immediate horizon. The success of these proposed changes will partially hinge on the ability to support additional I.S. resources in 2008 as technology projects become more numerous and sophisticated.

ACTION REQUESTED:

FUNDING

County Dollars = \$

Other Sources & Amounts =
= \$

TOTAL = \$

FISCAL IMPACT

None

Included in current budget

Budget amendment requested

Other:

Related Financial Comments: Part of 2007 budget.

Reviewed by Division Director

Date: 07/09/2007

