

CHAPTER 383A

RAMSEY COUNTY

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|----------|---|----------|--|
| 383A.01 | Boundaries. | 383A.296 | Misconduct. |
| 383A.02 | Powers and duties. | 383A.297 | Political activity. |
| 383A.03 | Taxation. | 383A.298 | Transitional provisions. |
| 383A.04 | Tax anticipation warrants. | 383A.299 | Penalties. |
| 383A.05 | Assessment. | 383A.301 | Status of present employees. |
| 383A.06 | Welfare. | 383A.32 | Purchasing. |
| 383A.07 | Parks and recreation. | 383A.321 | Definitions. |
| 383A.08 | Detention and corrections. | 383A.322 | Small business set-aside. |
| 383A.09 | Detention facilities. | 383A.33 | Assessor. |
| 383A.10 | Addition to St. Paul-Ramsey hospital planning. | 383A.34 | Auditor. |
| 383A.11 | Morgue. | 383A.35 | Court commissioner. |
| 383A.12 | Health department. | 383A.36 | Coroner. |
| 383A.13 | Paramedics. | 383A.37 | Sheriff; fees. |
| 383A.14 | Air quality. | 383A.381 | Abstract clerk. |
| 383A.15 | County nursing home bonds. | 383A.39 | Courthouse and city hall. |
| 383A.16 | Highway improvements. | 383A.40 | Welfare department; welfare board. |
| 383A.165 | Seasonal highway load restrictions. | 383A.404 | Community corrections department. |
| 383A.17 | Capitol approach. | 383A.405 | Corrections. |
| 383A.18 | Soldiers' rest. | 383A.411 | Medical facility water system. |
| 383A.19 | Codification of special laws. | 383A.42 | County surveyor; approval of plat. |
| 383A.20 | Government administration. | 383A.421 | Surveyor fees. |
| 383A.201 | Officials not to be interested in contracts. | 383A.43 | Legislative research committee. |
| 383A.21 | Fees of the court administrator of district court, coroner and county recorder. | 383A.44 | Local government study commission. |
| 383A.22 | Fee system. | 383A.45 | Budget. |
| 383A.23 | Commissioners; composition; redistricting. | 383A.46 | Capital program. |
| 383A.24 | Terms. | 383A.47 | Reduction of appropriations. |
| 383A.25 | Compensation. | 383A.48 | Appropriations and tax levy. |
| 383A.26 | Organization. | 383A.49 | Amendments after adoption. |
| 383A.27 | Procedure. | 383A.50 | Administration of budget. |
| 383A.281 | Definitions. | 383A.551 | Ramsey county; charter commission. |
| 383A.282 | County board responsibilities. | 383A.552 | Charter commission; nominations and appointments. |
| 383A.283 | Personnel department. | 383A.553 | Charter commission; terms; chair; expenses and administration. |
| 383A.284 | General; personnel powers of department and county board. | 383A.554 | Powers and duties. |
| 383A.285 | Classified service. | 383A.555 | Election; ballot. |
| 383A.286 | Unclassified service. | 383A.556 | Effective date. |
| 383A.287 | Personnel review board. | 383A.601 | Legislative findings. |
| 383A.288 | Competitive examinations. | 383A.602 | Definitions. |
| 383A.289 | Eligible lists. | 383A.603 | District erosion and sediment control program. |
| 383A.291 | Certification of eligibles. | 383A.604 | Organization soil erosion and sediment control programs. |
| 383A.292 | Noncompetitive appointments. | 383A.605 | Compliance. |
| 383A.293 | Probationary period. | | |
| 383A.294 | Grievances. | | |
| 383A.295 | Conditions of employment. | | |

383A.01 BOUNDARIES.

The county of Ramsey is established and bounded as follows:

(a) Beginning at the northwest corner of town thirty north, of range twenty-three west of the fourth principal meridian; thence east, on the line between townships thirty and thirty-one, to the northeast corner of town thirty of range twenty-two; thence south, on the line between ranges twenty-one and twenty-two, to the southeast corner of section twenty-four, in town twenty-eight, of range twenty-two; thence west, on the section line, to the middle of the main channel of the Mississippi river; thence up the middle of said channel to the mouth of the Minnesota river; thence following the western channel of said Mississippi river, so as to include in Ramsey county the islands in said Mississippi river at and above the mouth of the said Minnesota river, to the line between sections thirty-one and thirty-two of town twenty-nine, in range twenty-three; thence north, on the section line, to the northwest corner of section five in said town; thence west, on the north line of said town, to the northwest corner thereof; thence north, on the line between ranges twenty-three and twenty-four, to the place of beginning.

(b) That all of that part of Dakota county lying north of the south boundary line of sections seven and eight and nine, of township number twenty-eight, range twenty-two west, and section twelve of township twenty-eight, range twenty-three west, are detached from the county of Dakota, and attached to the county of Ramsey, for all purposes whatsoever. The southwest quarter of the southeast quarter of section seven, town twenty-eight, range twenty-two west, is excepted from the provisions of this subsection, and remains a part and portion of Dakota county.

History: 1974 c 435 s 1.01

383A.02 POWERS AND DUTIES.

In addition to the powers and duties that Ramsey county has under the general laws of the state of Minnesota, Ramsey county has the following powers and duties.

History: 1974 c 435 s 1.02

383A.03 TAXATION.

Subdivision 1. **Hospital.** (a) **Operations.** Ramsey county may levy, annually, a tax for the operation and maintenance of Saint Paul-Ramsey Hospital, and for its construction as provided in Laws 1957, Chapter 938.

(b) **Bonds.** Ramsey county may levy annually upon all taxable property in the county the ad valorem tax that is necessary to pay the interest on bonds for the construction of Saint Paul-Ramsey Hospital as it accrues and to pay the principal thereof in full at maturity. The board of county commissioners of Ramsey county shall levy a tax for this purpose.

(c) **Financing.** Notwithstanding any law to the contrary, Ramsey county may provide all funds, except those required for the purpose of funding prior construction indebtedness which shall be as heretofore provided, that it approves pursuant to requests duly submitted to it by the Ramsey county hospital and sanitarium commission. Ramsey county may also provide emergency funds for the commission for the purpose of operating facilities when operational income is insufficient to meet operational expenses.

Subd. 2. **Detention and correction.** Ramsey county may levy, annually, a tax for the operation and maintenance of detention and correction facilities.

Subd. 3. **Parks and open space.** Ramsey county shall levy a tax sufficient to pay the principal and interest on the bonds issued for the park and open space system as they become due.

Subd. 4. **Ice arenas and Gall's golf course.** Ramsey county may levy, annually, a tax not to exceed 0.02418 percent of taxable market value for the acquisition and construction of nine artificial ice arenas and a golf course, to pay the interest on the bonds as it accrues and to pay the principal thereof in full at maturity, and not to exceed 0.01209 percent of taxable market value to provide for the operation of these facilities. The board of county commissioners shall levy a tax for this purpose.

Subd. 5. **Aldrich arena.** Ramsey county may levy, annually, a tax to operate and maintain Aldrich arena.

Subd. 6. **Arts and sciences.** (a) Ramsey county may levy a tax and appropriate money in the amount it finds appropriate to support educational, artistic and scientific interests inside the county of Ramsey.

(b) Upon appropriation and establishment of an account pursuant to statute, Ramsey county may distribute the appropriation authorized herein, in the proportion and in the amount as it decides, to an existing Minnesota nonprofit corporation organized to further the arts and sciences in Ramsey county, which corporation is authorized by its articles of incorporation to use and distribute its income and property exclusively for charitable, educational, scientific and literary purposes, and no substantial part of the activities of which consists of carrying on propaganda and otherwise attempting to influence legislation.

(c) To qualify as a recipient for assistance under the provisions of this subdivision, a Minnesota nonprofit corporation must possess and file with the county auditor an income tax exempt certificate from the state of Minnesota and the United States, which certificate indicates the tax exempt status of the corporation.

(d) The county board shall provide, by rule, for reasonable regulations that it considers proper to control the expenditure of the appropriations made under this subdivision. It may require the reports and controls that are reasonably necessary to insure the protection of the public interest in the expenditure of the funds appropriated.

Subd. 7. Health. Ramsey county shall include in its annual levy of county taxes the amount that is necessary for health department purposes. The amount so levied for the health department shall only be expended for the operation and maintenance of the department.

Subd. 8. Group insurance for retired employees. Ramsey county may levy a tax upon all taxable property in the county for the purpose of providing to each employee, including an elected official, who retires, or to the surviving spouse of such an employee, insurance protection, in the amount that the county considers proper, providing medical and surgical benefits and hospitalization benefits, for the employee and dependent spouse, subject to the limitations as to premium amounts as hereinafter set forth.

History: 1974 c 435 s 1.0201; 1989 c 277 art 4 s 35

383A.04 TAX ANTICIPATION WARRANTS.

Ramsey county may issue and sell certificates of indebtedness of Ramsey county in anticipation of tax revenue from taxes levied but not collected. The total amount of the certificates outstanding at any time may not exceed 80 percent of the taxes levied by the county for the year before the one in which the certificates are issued. The certificates shall become due in the year in which issued, shall be negotiable and shall bear interest before and after maturity at the rate that the county sets.

History: 1974 c 435 s 1.0202

383A.05 ASSESSMENT.

Subdivision 1. Appropriation for assessment. Ramsey county may, each year, appropriate enough money to defray the expense of making a proper assessment of all property in the county for the purpose of general taxation.

Subd. 2. Expenditures; experts. Ramsey county shall appropriate and expend, in the manner and in the amount that it considers necessary, the money needed to defray the expense of properly conducting the office of the county assessor; the expenditure to include the hiring of experts upon property values for any period considered necessary, the payment of the transportation expense of these experts or other employees in traveling from place to place in the county, and generally any expense reasonably and directly tending to the procurement of a fair and true assessment of property inside the county; but all expenses of this kind shall be made under the supervision of, and with the consent of, the county assessor.

History: 1974 c 435 s 1.0203

383A.06 WELFARE.

Subdivision 1. Financing. Ramsey county shall pay all of the costs of relief of the poor therein and be responsible for all welfare programs within the county, the cost of which is not met from federal, state or private sources.

Subd. 2. Borrowing. (a) **Authority.** Ramsey county is granted authority to borrow funds and pledge the credit of the county for repayment of the funds for the support of the poor; the governing body of Ramsey county may issue bonds or other evidences of indebtedness to pay therefor when authorized to do so as provided in this subdivision. If the board of commissioners of Ramsey county decides to issue bonds for the relief of the poor, the board shall first submit the question of the issuance of the bonds

to a referendum of the voters of the county at a special election called for that purpose, or at a general election. No bonds of this type may be issued unless a majority voting on the question at the election vote in favor thereof.

(b) **Bonds.** All bonds issued pursuant to this subdivision are to be sold in the manner prescribed by chapter 475, and mature serially, the first installment of which becoming due in not more than three years and the last of which becoming due and payable in not more than ten years from the date of issue. These bonds shall bear interest at an annual rate of not to exceed six percent, payable semiannually, and the governing body of Ramsey county shall provide for the payment thereof in the manner prescribed by chapter 475, and the governing body of Ramsey county shall negotiate and sell the bonds, from time to time, in the amounts that the board of county commissioners sees fit.

While any of these bonds are outstanding and unpaid, there shall be annually levied and collected a tax upon all real and personal property in Ramsey county, sufficient to pay the principal and interest of these bonds as they respectively become due and payable.

(c) **Emergency borrowing.** The provisions of this subdivision requiring the submission of the question of issuing bonds for the relief of the poor to a vote of the people does not supersede any law of the state, or charter provision, permitting, in cases of emergency, the issuance of bonds or the borrowing of funds for the relief of the poor without obtaining such a vote.

Subd. 3. Services of Saint Paul corporation counsel. Ramsey county may pay the sums that it considers reasonable to the city of Saint Paul to defray the expenses of its corporation counsel in prosecuting violations of the laws relating to nonsupport and welfare that are within the corporation counsel's jurisdiction.

History: 1974 c 435 s 1.0204; 1978 c 743 s 1

383A.07 PARKS AND RECREATION.

Subdivision 1. Parks and open space system. Ramsey county may acquire real and personal property within or without the county by purchase, lease, gift, condemnation, option, contract or otherwise including any estate, interest, easement or right, and subject to any estate, interest, easement or right. The county shall hold, improve, maintain, supervise, control and operate the property so acquired for park, open space or recreational purposes.

Subd. 2. Existing areas. All areas that Ramsey county has acquired under any other law for public park and open space purposes, public access to waters or recreational purposes are subject to subdivisions 1 to 15.

Subd. 3. Forest reserves. The county may acquire lands for conversion into forest reserves and for the conservation of natural resources of the state, including streams, lakes, submerged lands, and swamp lands, and to these ends may create parks, parkways, forests and other reservations, and develop and improve, protect and promote the use of this land in a manner conducive to the general welfare.

Subd. 4. Public use facilities, accommodations and services, public or private operation. The county may provide for the construction, installation, maintenance, and operation of suitable facilities, accommodations and services in the park and open space system for public use for the purposes of subdivisions 1 to 15 or may authorize private persons or corporations to do so. The county may not acquire a right, title or interest in or to real property or develop real property pursuant to subdivisions 1 to 15 without the approval of the governing body of the municipality in which the property is located; provided further that no such property situated in any other county shall be acquired without the approval by resolution of the county board thereof.

Subd. 5. Surveys and plans. The county may provide for surveys to determine the needs of the park and open space system and the location and suitability of areas available therefor, for general plans for the park and open space system and for plans for the improvement of any park or the construction or installation of facilities, accommodations or services for public use therein.

Subd. 6. Sale or disposal of surplus tracts. The county may sell, lease or otherwise dispose of property acquired under or subject to the provisions of subdivisions 1 to 15 upon such terms as it considers best in the public interest, but the use of real property so disposed of must remain consistent with the purposes of subdivisions 1 to 15.

Subd. 7. Cooperation with other agencies. Ramsey county shall cooperate with a public or municipal corporation, governmental body, or with a private or public organization engaged in conservation, recreational activities, pollution, sanitation, mosquito abatement or a constructive purpose consistent with the county park and open space system.

Subd. 8. Financing. The county may fix, alter, charge and collect fees for the use of the facilities of the park and open space system or for facilities, accommodations or services provided for public use therein.

Subd. 9. Contributions from other departmental subdivisions. A city, town or school district inside or outside Ramsey county or another county may make contributions of funds to Ramsey county for the purposes of subdivisions 1 to 15 with respect to a county park or other unit of the park and open space system. These contributions may be made out of the general funds of the contributing government subdivision or out of funds raised or designated for park and open space purposes or out of funds raised expressly for the purpose of these contributions. The governing body of a government subdivision making such a contribution may specify the particular purpose for which it is to be used, and these contributions shall be paid into the general fund of Ramsey county and used for the purposes herein authorized.

Subd. 10. Gifts, grants and loans. The county may accept a gift, grant, or loan of money or other property from the United States, the state, or any other source for any purpose under subdivisions 1 to 15, enter into an agreement required in connection therewith, and may hold, use, and dispose of this money or property for the purposes of subdivisions 1 to 15 in accordance with the terms and conditions of the gift, grant, loan or agreement relating thereto.

Subd. 11. Bonds. The county may borrow not more than \$15,000,000 for the purposes of subdivisions 1 to 15. The county may issue and sell bonds from time to time without submitting the question of their issuance to a vote of the people. The payment of these bonds shall be secured by pledging the full faith and credit of Ramsey county. The county shall prescribe the form of these bonds and their interest rate and shall sell them to the highest bidder after publication of the notice of the time and place for receiving of bids. These bonds shall be issued to mature serially, the first installment of which shall become due and payable in not more than three years and the last of which shall become due and payable in not more than 30 years from their date. In all other particulars, the applicable provisions of Minnesota Statutes, Chapter 475, shall control these bonds and their issuance and payment. The proceeds from the sale of these bonds shall be disbursed in the same manner as other county funds for the purposes specifically expressed in subdivisions 1 to 15.

Subd. 12. Ordinances; enactment. The county may enact the ordinances relating to the county park and open space system and recreational areas. The county may regulate, by ordinance, the use of any park, open space, or recreational area subject to the provisions of subdivisions 1 to 15, including waters and public lakeshore within the system and not more than 300 feet of the waterfront immediately abutting this lakeshore.

Subd. 13. Police power. The county may designate employees as police officers within the park and open space system to exercise police power within the system under the jurisdiction and control of the board. The county may contract with municipalities for the policing of park and open space properties.

Subd. 14. County park commission. The county may create a county park and open space commission with such provisions for membership, terms of office and other requirements that the board may prescribe, and may delegate to this commission authority to exercise any of the powers conferred on the county by this section, except the power to acquire or dispose of real property, to levy taxes, and to appropriate and borrow money. The commission may make recommendations to the county board concerning matters relating to the county park and open space system.

Subd. 15. Negative referendum. A resolution of the county board pursuant to subdivisions 1 to 15 shall not be effective until 45 days from the date of publication; however, if a petition asking for an election on the proposition signed by voters equal to five percent of the number of voters at the last regular election is filed with the county auditor within 30 days following publication of the resolution, the resolution shall not be effective until it has been approved by a majority of the votes cast on the question at a regular or special election.

Subd. 16. Park and recreational areas. Ramsey county may acquire by gift, purchase, or condemnation, and may improve and maintain public parks, bathing beaches and other recreational areas.

The county may by ordinance provide for the use, government and protection of these public parks, bathing beaches and other recreational areas.

Subd. 17. Navigable lakes; improvement and recreation grounds. Ramsey county may appropriate and expend moneys for the improvement of navigable lakes lying wholly or partly inside the county.

Ramsey county may acquire land inside the county by gift, lease, purchase or condemnation, in the vicinity of a lake of this kind, for a public recreational purpose, and may acquire, improve, equip and maintain these recreational grounds.

Subd. 18. Soil and water conservation. Notwithstanding the provisions of Minnesota Statutes, Section 375.19, Ramsey county may make annual expenditures from its general revenue fund for soil and water conservation purposes in an amount to be determined by the county board.

Subd. 19. White Bear and Goose Lakes. White Bear Lake, in the counties of Ramsey and Washington and Goose Lake, in the county of Ramsey, adjacent to White Bear Lake, are declared to be public waters of the state of Minnesota, and shall forever remain free and open for the common and public use of all citizens of this state.

The waters of these lakes shall never be lowered or diminished by any artificial means, nor shall they or any of them ever be connected with, used, or applied to a use or purpose, public or private, by a person, persons, or corporation public or private.

Subd. 20. Fish hatcheries. In Ramsey county the county may locate, equip, develop, and maintain, inside the county, a fish hatchery for the propagation and cultivation of fish to be known as the county fish hatchery of Ramsey county.

The county of Ramsey may acquire by gift, lease, purchase, or condemnation in the name and on behalf of the county, real property, lands, premises, right of way, or easement, public or private, to establish and equip and develop a fish hatchery and grounds and to receive and conduct to and from the hatchery waters necessary or desirable for the use of the hatchery, in the manner that the county considers fit; if the owner of any real property, land, or premises and the county cannot agree as to the value of the premises taken or so to be taken for this use, the value thereof and the price to be paid therefor shall be determined by the appraisal of three competent disinterested persons, residents of the county commissioned to ascertain the amount to be paid by the county to the owner, the appraisers to be appointed on application of the county by the district court under chapter 117, so far as reasonably applicable, which shall apply to and govern the proceedings.

The county of Ramsey has full management and control of the fish hatchery and may hire the help that is necessary to establish and care for the fish hatchery.

To carry out the provisions of this subdivision the county may make an annual appropriation of not more than \$5,000.

Subd. 21. Artificial ice arenas and golf course. Ramsey county may acquire from any source, including but not limited to public agencies, by purchase, gift, lease or condemnation, sites for nine artificial ice arenas and a golf course to construct recreational facilities, to be maintained and operated by the county, and may construct these facilities.

Subd. 22. Bonds, issuance by county. The county may borrow a sum not to exceed \$3,000,000, or so much thereof as the county considers necessary, to defray the cost

and expenses to acquire land to erect and equip the recreational facilities provided under subdivision 21. Ramsey county may issue and sell from time to time, and without submitting the question of the issuance of the bonds to a vote of the people, the bonds of Ramsey county in the sum of \$3,000,000, or the part thereof that the county considers necessary, the proceeds of the sale of the bonds to be used for the purposes specified herein, and to secure the payment of these bonds by pledging the full faith and credit of the county therefor. These bonds shall be in such form and bear interest at the rate that the county prescribes and shall be sold by the county to the highest bidder therefor, after notice of the time and place for the receiving of the bids has been published according to law. These bonds shall be issued to mature serially, the first installment of which shall become due and payable in not more than three years and the last of which shall become due and payable in not more than 30 years from their date. The proceeds received from the sale of these bonds shall be deposited by the county in a fund to be designated as recreation facility fund, and the moneys shall be disbursed therefrom in the same manner as other funds the county has disbursed, but only for the purposes herein expressed, and according to such other procedural requirements in reference thereto as are set out specifically in subdivisions 21 to 28.

Subd. 23. Additional bonding authorization. In addition to and not in substitution for any other powers granted to Ramsey county by the above paragraph, Ramsey county may issue in one or more series general obligation bonds of the county in a total aggregate amount not to exceed \$750,000 for the acquisition, construction and equipping of the recreation facilities authorized to be acquired, constructed and equipped under subdivisions 21 to 28. This additional sum shall be spent to buy the golf course, and a balance remaining thereafter of the additional sum may be used to construct and equip the artificial ice arenas. The county shall pledge its full faith and credit and taxing powers for the payment of the bonds and shall provide for the issuance and sale and for the security of the bonds in the manner provided in Minnesota Statutes, Chapter 475, except that no election shall be required and the bonds shall not be included in computing the net debt of the county under any law or amount.

Subd. 24. Further additional bonding. In addition to and not in substitution for any other powers granted to the county of Ramsey by laws heretofore enacted, the county of Ramsey may issue in one or more series general obligation bonds of the county in a total aggregate amount not to exceed \$715,000, for the acquisition, construction and equipping of any and all of the recreation facilities authorized to be acquired, constructed and equipped under subdivisions 21 to 28. This additional sum shall be used to construct and equip the artificial ice arenas. The board shall pledge its full faith and credit and taxing powers for the payment of such bonds and shall provide for the issuance and sale and for the security of such bonds in the manner provided in Minnesota Statutes, Chapter 475, except that no election shall be required and such bonds shall not be included in computing the net debt of the county under any law; and taxes required to be levied for the payment of such bonds shall not be subject to any limitation of rate or amount.

Subd. 25. Location of arenas. Seven of the artificial ice arenas shall be constructed inside the city of Saint Paul, one or more of which shall be inside the boundaries of each legislative district inside the city, and two of the artificial ice arenas shall be constructed outside the city of Saint Paul inside the county of Ramsey, one of which shall be located in each of the legislative districts outside the city of Saint Paul. The golf course shall be located inside the city of White Bear Lake and inside the county of Ramsey.

Subd. 26. Operation. Ramsey county shall prescribe rules and regulations relating to the use, operation, maintenance and control of the arena facilities and golf course. It shall prescribe fees for the use of the facilities and charges for services performed in connection therewith which shall be reasonable and proper. It shall extend the use of the facilities free of charge to teams and groups that it authorizes and sanctions. Ramsey county shall maintain and operate the arenas and golf course in the manner that will best provide for the equitable and fair use of the facilities by the public, schools and other agencies of the county.

Subd. 27. **Employees.** Ramsey county may employ the employees that in its opinion are necessary and proper to the efficient and effective functioning of the arenas and golf course and activities. These employees are subject to the laws relating to the civil service of the county and their compensation is in accordance with the rules provided for the civil service of the county.

Subd. 28. **Special fund.** Any income accruing to the county from the operation of the ice arenas and golf course shall be placed in the county treasury and credited to a special fund known as the public ice arena-golf course account.

Subd. 29. **Aldrich arena.** Ramsey county may acquire in the name of the county by purchase, lease or condemnation a site for the purpose of erecting thereon a recreational building.

The county may allocate to this purpose any real estate which it presently controls and which is not needed or necessary for other county purposes.

Ramsey county may construct, equip, operate and maintain a building suitable for use as a sports and recreational arena providing for the facilities necessary in its opinion to accommodate the public and educational interest in sports and recreation.

The county shall prescribe rules and regulations relating to the use, operation, maintenance and control of the arena facility erected by the county pursuant to this subdivision. It shall prescribe fees for the use of the facilities and charges for services performed in connection therewith which shall be reasonable and proper. The county shall maintain and operate the arena facility in the manner that will best provide for the equitable and fair use of the facilities by the public, school districts and other agencies of the county.

Income accruing to the county from the operation of the arena facility shall be placed in the county treasury, and credited to a special fund known as the recreation arena account.

The recreation arena erected, operated and maintained under the provisions of this subdivision shall be known as the Aldrich recreation arena; and a suitable plaque shall be placed at a conspicuous place within the building commemorating the services and devotion to public duty displayed by Mr. Eugene E. Aldrich while serving as director of athletics for the Saint Paul public high schools for the people of Ramsey county.

History: 1974 c 435 s 1.0205; 1977 c 425 s 1

383A.08 DETENTION AND CORRECTIONS.

Subdivision 1. **Authority.** Ramsey county may maintain, operate and manage a detention facility, workhouse, workfarm or juvenile detention facility, or a combination of them.

Subd. 2. The county has the exclusive power to construct, maintain, operate and administer, or combine or abolish, the county home schools for boys and girls existing under Minnesota Statutes 1971, Section 260.094.

Subd. 3. **Acquisition of land.** The county shall bear the cost and expense of acquiring land for erecting, equipping and furnishing a facility.

Subd. 4. **Education.** The board of education, commissioner of education, or others having charge of the public schools where a juvenile detention facility is located may furnish the necessary instructors, school books and school supplies for the boys and girls placed in the juvenile detention facility.

Subd. 5. **Detention of minors.** No sheriff, municipal police officer or other person having charge of a minor under the age of 18 years chargeable with a crime may detain the minor in a public facility other than a county juvenile detention facility.

Subd. 6. **Rules and regulations.** The county may promulgate rules and regulations for the proper operation and maintenance of each facility and the proper care and discipline of inmates detained in the facility. These rules and regulations may, among other things, provide for the diminution of sentences of inmates for good behavior, but in no event to exceed a total of five days for each 30 day sentence.

Subd. 7. Confinement of inmates from other counties. The county may accept an inmate for confinement at a county correction facility when the inmate is committed to the facility by order of a judge of a municipality or county outside Ramsey county if the county is paid the amount of compensation for board, confinement and maintenance of the inmate that it determines. No compensation of this kind may be in an amount less than the actual per diem cost per person confined. A county outside Ramsey county or a municipality outside Ramsey county may enter into and agree with Ramsey county for the incarceration of prisoners.

History: 1974 c 435 s 1.0206

383A.09 DETENTION FACILITIES.

Subdivision 1. Adult detention center; bonds. The board of county commissioners of Ramsey county is authorized to sell general obligation bonds of the county in an amount not to exceed \$7,500,000 for the costs of construction, including land acquisition, architectural, and other professional fees, of an adult detention center.

Subd. 2. Juvenile center; bonds. The board of county commissioners of Ramsey county is authorized to sell general obligation bonds of the county in an amount not to exceed \$3,700,000 for the costs of construction equipment and furnishings, including land acquisition, architectural, and other professional fees, of a juvenile center.

Subd. 3. Full faith and credit; no election. The full faith and credit and taxing powers of the county shall be pledged for the payment of such bonds and interest thereon, and they may be issued in one or more series and shall be secured in accordance with chapter 475, except that no election shall be required.

Subd. 4. Interest on bond proceeds. Any other law to the contrary notwithstanding, interest earned from the investment of proceeds of these obligations as the term is defined in Minnesota Statutes 1974, section 475.51, subdivision 3 are authorized to be used for remodeling the jail annex of the Ramsey county sheriff's office and, may, at the discretion of the governing body of Ramsey county, be used either to pay any costs payable from the proceeds from which the interest is derived or, if the proceeds are not held in a sinking fund account established for the obligations, to pay any costs payable from the sinking fund account; provided the use is consistent with the covenants made with the holders of the obligations to secure payment.

Subd. 5. Referendum. The provisions contained in subdivision 1 or 2 and a decision by the board to sell bonds for either the adult detention center or the juvenile center shall not become operative if, within 30 days after the county board by resolution indicates its intention to sell the first series of bonds, under subdivision 1 or 2, there shall be filed with the auditor of Ramsey county a petition or petitions, signed by not less than 20 percent of the qualified voters of the county requesting that a referendum be held to determine the question of the issuance of bonds by the county. The signer's signature and permanent address shall be affixed to the petition by each signer, and each shall swear that the signer is a resident of Ramsey county and qualified to vote at a general election therein. Any petition or petitions demanding a referendum under this act shall refer to this act by its chapter number, title, the date of passage and its subject matter. If a petition or petitions containing not less than the minimum number of signatures as designated above, are filed and the signatures are genuine and the petition or petitions answer completely the requirements as set out in this subdivision, the board shall fix a time for the holding of a referendum, which shall be not less than 30 days and not more than 180 days after the petition or petitions are filed and the signatures thereon are found to be genuine and sufficient by the board. The election shall be held at a time and at places within Ramsey county as the board shall designate.

In submitting the question to the voters in said referendum, there shall be used a ballot in the following form:

COUNTY BALLOT

For the issuance of not to exceed \$..... of bonds of Ramsey county and the expen-

diture of such sum in order to acquire land for, erect, equip and furnish a (adult detention center or juvenile center, as appropriate), according to the provisions of Laws 1975, Chapter (Chapter number of this act to be here inserted).

Yes.....

No.....

If a majority of the voters voting on the question submitted to the voters of Ramsey county shall vote in the affirmative, all sections of this act immediately preceding this section shall take effect and be in force immediately. A negative vote by the voters in a referendum on bonds for the adult detention center or juvenile center pursuant to this subdivision shall apply to the entirety of the bonds able to be sold for the adult detention center or juvenile center, as appropriate.

History: 1975 c 258 s 7; 1984 c 655 art 1 s 62; 1986 c 444

383A.10 ADDITION TO ST. PAUL-RAMSEY HOSPITAL PLANNING.

Ramsey county may issue and sell general obligation bonds of the county in an amount not to exceed \$400,000 to plan and design an addition to St. Paul-Ramsey hospital in conjunction with the Gillette hospital authority. The county shall pledge its full faith and credit and taxing powers for the payment of the bonds in accordance with chapter 475, except that no election shall be required and these bonds shall not be included in computing the net debt of the county under any laws; and taxes required to be levied for the payment of the bonds shall not be subject to any limitation of rate or amount.

History: 1974 c 435 s 1.0207

383A.11 MORGUE.

Ramsey county shall construct or otherwise provide, equip, maintain and operate a public morgue.

History: 1974 c 435 s 1.0207; 1978 c 743 s 2

383A.12 HEALTH DEPARTMENT.

Subdivision 1. Establishment. It is the purpose of this subdivision to provide enabling authority for Ramsey county to establish a comprehensive health department and to provide coordinated public and mental health services to the residents of Ramsey county. The term "department" means the comprehensive health department established in Ramsey county. This subdivision is in addition to any statutory authority now existing for the establishment of a health department for Ramsey county.

Ramsey county may create a county health department which is under the supervision and control of the county board.

Subd. 2. Powers and responsibilities. (1) The responsibilities assigned to the department shall include but not be limited to all or some of the responsibilities as set forth in clauses 2 to 13.

(2) The powers and duties vested in or imposed upon a local health board as provided in Minnesota Statutes 1969, Chapter 145, for the area of all of Ramsey county.

(3) The powers and duties imposed upon a board of county commissioners to employ public health nurses as provided in Minnesota Statutes 1969, chapter 145.

(4) Health services for school children vested in or imposed upon a school district when the board of education of the school district petitions the county to provide the services by contract or otherwise for its district.

(5) The powers and duties vested in or imposed upon the agent of a board of health as authorized under section 145A.04 of a city inside the county of Ramsey who has elected to maintain local registration of vital statistics and the powers and duties of the court administrator of the district court of Ramsey county as local registrar of vital statistics.

(6) The county may authorize the health department to operate a mental health

program and may utilize the authorities of the community mental health boards as set forth in Minnesota Statutes, sections 245.61 to 245.68. When so authorized, the county board shall suffice to function in lieu of the community mental health board provided for in section 245.66.

(7) Prepare and have published an annual report of the work of the health department.

(8) Recommend to the governing body of a governmental unit inside the county of Ramsey local legislation pertaining to public health.

(9) The department may be authorized to provide other health services as may be directed by the county board if the services are authorized by law to be provided by the county or by any agency or department thereof.

(10) The department may be authorized to buy services from other agencies, public or private, that are providing services consistent with health department purposes.

(11) The department may be authorized to establish fee schedules based on ability to pay for services rendered.

(12) The county may adopt and enforce rules for the preservation of public health applicable to the whole or a part of the county, but no rule may supersede higher standards established by statute, the rules of the commissioner of the state department of health, or provisions of the charter or ordinances of a municipality inside the county pertaining to the same subject. Nothing in this clause shall prohibit a municipality from adopting ordinances or resolutions for the regulation of the public health setting higher standards than those of the commissioner of the state department of health, the county board, or state law.

(13) The health department shall cause all laws and rules relating to public health to be obeyed and enforced inside its jurisdictional area.

Subd. 3. Funding. The health department shall be operated and maintained from funds appropriated for and fees collected by the department together with the state, federal, and private grants that are made available to it or to any of the local governmental units in the county of Ramsey for health purposes.

The county shall annually prepare and approve a budget of the department's proposed expenditures for the ensuing fiscal year.

Subd. 4. Transfer of functions. Upon assignment by the county board of the responsibilities under subdivision 2, the powers and duties of a department board, agency, governmental subdivision, or bureau whose powers and duties have been placed in the health department shall end and its records and personnel relating to the powers and duties are transferred to the health department.

Subd. 5. Authorized agent. The county shall appoint an authorized agent who shall be designated the director of public health and who shall be responsible for the operation of the department. The county shall fix the officer's salary.

The authorized agent must be a licensed physician experienced or trained in public health administration, or instead a person, other than a physician with training or experience in public health administration. If the appointee is not a physician, the county board shall provide, in addition, the services of a licensed physician that are necessary on either a part time or full time basis and provide reasonable compensation therefor. The director of the department shall select subordinate personnel subject to the approval of the county board.

Subd. 6. Employees. Each person transferred to the health department by this subdivision and each employee under a merit system governing public employees is considered to have qualified for a permanent position of similar class and grade in the classified civil service of Ramsey county, without reduction in pay or seniority, and without examination. Each other person so transferred who is a full time officer or employee shall take, within six months after the organization of the health department, and subject to civil service rules of Ramsey county, a noncompetitive, practical, qualifying examination. The qualifying examination may involve only the duties of the position occupied immediately prior to the organization of the health department or the

position occupied on the date the examination is given, whichever examination the officer or employee elects to take. A person taking the qualifying examination who possesses the ability and capacity to perform the duties of the position, in a reasonably efficient manner, shall be given a permanent civil service status in the Ramsey county civil service. A person who willfully refuses to take the examination when offered without reasonable excuse shall be removed from the position held immediately. A person taking the examination who fails to pass shall be removed from the position held at the end of 60 days after receipt of notice of failure to pass. A person required to take a qualifying examination shall not be laid off, suspended, discharged, or reduced in pay or position except in accordance with the provisions of laws applicable to members of the classified Ramsey county civil service having civil service status without having completed the qualifying examination and being notified of the result thereof.

A part time officer or employee of a department, board, agency, governmental subdivision or bureau whose powers and duties are placed in the health department may be transferred upon the organization of the health department and may become officers or employees thereof.

Subd. 7. Resolution, approval. No resolution adopted by the board of county commissioners of Ramsey county establishing a county health department is effective inside each of the following governmental units unless approved by the governing body of the particular unit, namely: city of Saint Paul; city of White Bear Lake; cities of Arden Hills, Blaine, Falcon Heights, Gem Lake, Little Canada, Lauderdale, Maplewood, Mounds View, New Brighton, North Oaks, North Saint Paul, Roseville, Saint Anthony, Shoreview, Spring Lake Park, Vadnais Heights; town of White Bear. The resolution is effective in a unit upon the approval of that unit's governing body.

Subd. 8. Health service. The Ramsey county nursing service presently existing shall not be discontinued unless the discontinuance is approved by two-thirds of the governing bodies of the governmental units listed in subdivision 7.

No governmental unit listed in subdivision 7 shall pay for any services provided by this section until its governing body has approved the resolution as provided in subdivision 7.

None of the functions of the presently-existing city health departments in the county of Ramsey may be abandoned by the county health department without proper provision for the exercise of the function by some agency of government.

History: 1974 c 435 s 1.0207; 1978 c 743 s 2; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1987 c 309 s 24

383A.13 PARAMEDICS.

Subdivision 1. Definitions. As used in this subdivision, "paramedic" means a person who:

- (1) Is an employee of the county of Ramsey;
- (2) Has been specially trained in emergency cardiac and noncardiac care by a licensed physician in a training program certified by the commissioner of the state department of health or the state board of medical examiners and is certified as qualified to render the emergency lifesaving services enumerated in this section.

Subd. 2. The county of Ramsey may maintain a staff of paramedics.

Subd. 3. Paramedics may do any of the following:

- (A) Perform regular rescue, first aid and resuscitation services;
- (B) During training administer parenteral medications under the direct supervision of a licensed physician or a registered nurse;
- (C) Perform cardiopulmonary resuscitation and defibrillation in a pulseless, non-breathing patient;
- (D) Administer intravenous saline or glucose solutions;
- (E) Administer parenteral injections in any of the following classes of drugs;
 - (i) antiarrhythmic agents;

- (ii) vagolytic agents;
- (iii) chronotropic agents;
- (iv) analgesic agents;
- (v) alkalizing agents;
- (vi) vasopressor agents;
- (vii) diuretics;

(F) Administer, perform and apply all other procedures, drugs and skills in which they have been trained and are certified to give, apply and dispense.

Subd. 4. At all times before undertaking the actions authorized by clauses (C), (D), (E) and (F), paramedics shall try and, during the course of an emergency, continue to try to establish voice communications with and receive instructions from a licensed physician who has been associated with the dispensing of emergency cardiac and non-cardiac medical care. Additionally, during the course of what the paramedics believe to be a cardiac emergency, they shall try to telemeter an electrocardiogram of the person being treated to a licensed physician, who has been associated with the dispensing of cardiac medical care.

Subd. 5. Nothing contained in this section changes existing law as it relates to delegation by a licensed physician of acts, tasks or functions to persons other than paramedics.

Subd. 6. No licensed physician or registered nurse, who in good faith and in the exercise of reasonable care gives emergency instructions to a certified paramedic at the scene of an emergency, or while in transit to and from the scene of such emergency, shall be liable for any civil damages as a result of issuing such instructions.

Subd. 7. No certified paramedic, who in good faith and in the exercise of reasonable care renders emergency lifesaving care and treatment as set forth in this section, is liable for any civil damages because of rendering such care and treatment.

History: 1974 c 435 s 1.0207; 1975 c 426 s 2; 1978 c 743 s 2

383A.14 AIR QUALITY.

Subdivision 1. **Appropriation.** Ramsey county may appropriate and spend money in each year for the improvement and preservation of the purity and quality of the air.

Subd. 2. **Joint powers.** Ramsey county may enter into contractual agreements with another governmental unit, body or group of bodies inside or outside the county without regard to whether the other governmental unit, body or group of bodies be a unit of state, county or municipal government or a school district, authority, or special district to perform on behalf of that unit, body or group of bodies the improvement and preservation of the purity and quality of the air.

Subd. 3. **Ordinance.** Ramsey county may, by ordinance, enact and enforce rules controlling the purity and quality of the air. No rule adopted by the county pursuant to this subdivision is effective within a governmental unit until ratified by the governing body of the governmental unit affected.

History: 1974 c 435 s 1.0207; 1978 c 743 s 2

383A.15 COUNTY NURSING HOME BONDS.

Subdivision 1. **Authorization.** Ramsey county may issue general obligation bonds of the county in an amount not to exceed \$4,000,000 for the acquisition and betterment of nursing home facilities in Ramsey county.

Subd. 2. **Full faith and credit; no election.** The county shall pledge its full faith and credit and taxing powers for the payment of these bonds and interest thereon, and they may be issued in one or more series and shall be secured in accordance with chapter 475, except that no election shall be required.

Subd. 3. **Negative referendum.** The resolution of the county board, pursuant to this section and Minnesota Statutes, Section 475.57, shall not be effective until it has been

approved by a majority of the votes cast on the question at a regular or a special election if a petition asking for an election on the proposition signed by voters equal to five percent of the number of voters at the last regular election is filed with the county within 30 days following publication of the resolution.

History: 1978 c 484 s 1

383A.16 HIGHWAY IMPROVEMENTS.

Subdivision 1. Power to appropriate for Saint Paul streets. (a) **Appropriation.** Ramsey county shall annually appropriate to the city of Saint Paul an amount of money to assist in the construction, improvement and maintenance of roads and streets, and bridges thereon, inside the limits of the city of Saint Paul where the roads and streets, and bridges thereon, connect with, and are extensions of, roads in the county outside of the city, but leading into the city. In no year shall the amount appropriated be less than \$1,300,000. The moneys so appropriated shall be paid to the city of St. Paul in two equal amounts, one to be paid by June 15, and one by November 15 of each year.

(b) **City to control expenditure.** Moneys so appropriated shall be spent under the direction of the city.

Subd. 2. Duty to appropriate for municipal streets; formula for appropriation. Ramsey county shall appropriate \$100,000 annually and pay it to the municipalities in the county, outside the city of Saint Paul, to aid the municipalities in the construction and maintenance of municipal roads, streets or bridges, appropriate traffic control devices and lighting, and this appropriation shall be apportioned in the following manner:

(a) 70 percent to be prorated to the municipalities in proportion as the number of miles of roads inside, and maintained exclusively by each municipality bears to the total number of miles of roads inside the county and maintained exclusively by all the municipalities; and

(b) 30 percent thereof to the municipalities, proportionately, according to the net tax capacity of all property for taxation in the municipalities, and shall be spent on municipal roads, streets, or bridges by the governing body of each municipality.

Subd. 3. Certificate. On or before March 15 of each year, the county engineer shall certify the actual number of miles of roads inside and maintained exclusively by the municipalities outside the city of Saint Paul. The mileage so certified shall not include undeveloped roads, even though the plat thereof may have been filed for record.

Subd. 4. (a) In Ramsey county, the governing body of a city, village or town therein may authorize the county to construct and maintain any or all of its highways without advertising for bids.

(b) The construction that is referred to in paragraph (a) is only to be performed as part of a maintenance job, and, the cost of the construction shall not exceed \$2,500 for a project.

Subd. 5. Lexington avenue; old trunk highway no. 10. (a) That part of Lexington avenue in Ramsey county from Larpenteur avenue to the northerly boundary of county road E and that part of county road E from Lexington avenue to trunk highway marked No. 51, are a part of the county state-aid system of highways. Section 161.082, applies to this section of highway.

(b) Notwithstanding any law or rule to the contrary, that part of Lexington avenue in Ramsey county from Larpenteur avenue to the northerly boundary of county road E and that part of county road E from Lexington avenue to trunk highway marked No. 51, being a part of the county state-aid system of highways pursuant to chapter 161, shall remain eligible for county turnback funds currently available pursuant to section 161.082, until September 7, 1978. No county turnback funds shall be disbursed until a plan is approved by the department of transportation.

History: 1974 c 435 s 1.0209; 1975 c 426 s 5; 1977 c 402 s 1; 1988 c 719 art 5 s 84; 1989 c 329 art 13 s 20

383A.165 SEASONAL HIGHWAY LOAD RESTRICTIONS.

Despite section 169.87, subdivision 2, seasonal load restrictions from March 20 to May 15 of each year do not apply to county highways and county state-aid highways in Ramsey county unless otherwise restricted and posted by the appropriate Ramsey county authority as provided in section 169.87, subdivision 1.

History: 1985 c 29 s 1

383A.17 CAPITOL APPROACH.

Ramsey county shall withdraw from repurchase each parcel of land within the capitol area that has been forfeited to the state for taxes.

History: 1974 c 435 s 1.0210

383A.18 SOLDIERS' REST.

Subdivision 1. **Authority to buy cemetery lots.** Ramsey county may purchase a plot of ground in an organized cemetery lying, in whole or in part, in the county, or in a contiguous county, to be used as a soldiers' rest for the interment of honorably discharged deceased military veterans of the United States and their spouses and minor children.

Subd. 2. **Authority to hire an agent.** Ramsey county may compensate the expenses of an agent, who must be a veteran, to care for the soldiers' rest and to issue permits for burial in it.

History: 1974 c 435 s 1.0212; 1981 c 42 s 1

383A.19 CODIFICATION OF SPECIAL LAWS.

Ramsey county may collect and publish the special laws pertaining to Ramsey county.

History: 1974 c 435 s 1.0213; 1978 c 743 s 5

383A.20 GOVERNMENT ADMINISTRATION.

Subdivision 1. **Reorganization, boards and commissions.** (a) Ramsey county may abolish or consolidate or otherwise restructure agencies, boards and commissions of the county when their existence is provided by law before June 27, 1971, the effective date of Laws 1971, chapter 611, and the agencies, boards and commissions are funded wholly by countywide tax levies; the abolition or consolidation or restructuring does not alter the obligation of the county to continue to provide the services previously provided by the abolished or consolidated or restructured agency, board or commission.

(b) Ramsey county may place supervision of the services provided by the abolished, consolidated or otherwise restructured agency, board or commission directly under the county board, a new agency or another department of county government.

(c) Nothing in this section may be construed as giving the county authority to abolish, consolidate or otherwise restructure an agency, board or commission which by statute is jointly funded and organized as between any city or town in Ramsey county and the county of Ramsey.

(d) Any Ramsey county employee who is holding a position which is in the classified service is subject to and protected under the civil service laws relating to Ramsey county.

Subd. 2. **Auditor, treasurer, court commissioner and county recorder.** (a) In the county of Ramsey, the offices of county auditor, county treasurer, court commissioner, and county recorder are not elective but filled by appointment by the Ramsey county board of commissioners as provided in subdivisions 1 and 2, unless the office is abolished pursuant to a reorganization or consolidation under clause (b).

(b) The duties, functions and responsibilities which are required by statute to be performed by the various elected officials whose offices are by subdivisions 1 and 2 made appointive are vested in and performed by Ramsey county. Ramsey county may initiate and direct a reorganization, consolidation, reallocation or delegation of these

duties, functions, or responsibilities to promote efficiency in county government, and may make the other administrative changes, including the abolishing of the offices of auditor, treasurer and county recorder or the transfer of personnel that the county considers necessary for this purpose. The reorganization, reallocation, or delegation or other administrative change or transfer does not diminish, prohibit or avoid those specific duties required by statute to be performed by those officials whose office is now made appointive.

(c) The elected county auditor, county treasurer, court commissioner, and county recorder shall serve as the heads of departments created by Ramsey county to perform the functions performed by their offices and shall serve until their terms of office expire; or upon the expiration of their terms until successors are appointed and duly qualify; and shall not prior to age 70 be disqualified from reappointment by reason of age.

Subd. 3. Group insurance for retired employees. Ramsey county shall provide to each employee, including an elected official, who retires, during retirement or to the surviving spouse of the employee, insurance protection in the amount that the county considers proper, providing medical, surgical and hospitalization benefits for the employee and dependent spouse. These benefits may not exceed benefits of similar nature existent and authorized for employees of the county. For these benefits for each retired employee, the average monthly premium cost is limited to \$14 and for the spouse of the employee the monthly premium cost is limited to \$10. If the revised consumers' price index, as published by the United States department of labor, bureau of labor statistics, for the city of Minneapolis, Minnesota (or if no index is published for the city of Minneapolis, for the nearest city to Minneapolis for which an index is published), as of January 15 of each year (or for the date nearest to January 15 if no index is published as of January 15), shall be above 119 (using the average for the year 1967 as a base), the total maximum amounts for average monthly premium cost shall be increased by one percent for each point increase in the index above 119. For purposes of this computation, a fractional point increase shall be disregarded if less than one-half point and treated as one full point if one-half point, or more.

Subd. 4. Eligibility. The benefits provided in subdivision 3 are available at normal retirement to each employee or elected official who retires at normal retirement; at age 65 to each employee or elected official who retires after 55 years of age or older and has at least 20 years of county service; and at age 62 to each employee or elected official who retires after 62 years of age or older and has at least 30 years of county service.

Subd. 5. Workers' compensation for sheriff's personnel. Ramsey county may insure with an insurance carrier its liability to pay workers' compensation with respect to personnel subject to the authority of its sheriff who are engaged in the furnishing of police service to a city or town pursuant to the provisions of section 436.05. This insurance shall be governed by the provisions of chapter 176. The failure of the county of Ramsey to insure with an insurance carrier its liability to pay workers' compensation to any other employee or group of employees shall not preclude exercise of the authority conferred by this subdivision.

Subd. 6. Fidelity bonds; blanket bond. In Ramsey county, the county, or an agency supported in whole or in part by county funds, may secure, and pay for a corporate surety bond covering all county employees or employees of the agency, who are not required by law to furnish an individual bond to qualify for office, for an aggregate sum to be determined by the county or the body governing the agency in lieu of individual or other bonds.

This bond shall be conditioned that each employee shall in all things during continuance in office, faithfully and impartially perform the duties thereof without fraud, deceit or oppression, and pay over without delay to the officer entitled by law thereto, all money which comes into the employee's hands by virtue thereof.

The attorney general shall prescribe the form of the bond; it shall be approved by the county or the governing body of the agency, recorded with the county recorder and filed with the secretary of state.

Subd. 7. Premiums. (a) In Ramsey county when a corporate surety bond is fur-

nished by a county officer or employee pursuant to statute or resolution of the county board, the county shall pay the premium if the county may designate the surety.

(b) The county shall have a notice for bids for the furnishing of these bonds published in its official publication, and shall award a contract to the lowest responsible bidder.

(c) In lieu of the individual bonds required to be furnished by employees, a schedule or position bond or undertaking may be given by the employees of each county office or department, or a single corporate surety fidelity, schedule or position bond or undertaking covering all the employees of the county may be furnished, in the respective amounts fixed by law, or by the person or board authorized by law to fix the same, conditioned substantially as provided in section 574.13, and upon a form to be prescribed by the commissioner of administration.

Subd. 8. County commissioners' bond. In Ramsey county, each county commissioner, before entering upon duties, shall give bond to the state in the sum of \$10,000 with a legally-authorized surety company as surety conditioned upon the faithful performance of official duties. A judge of the district court shall approve the bond. The bond and the commissioner's oath of office and certificate of election shall be filed with the secretary of state. The county shall pay the bond premium which may not exceed that prescribed by law for county treasurers.

Subd. 9. Treasurer's bond. (a) Amount and conditions. In Ramsey county, before entering upon the duties of office, the county treasurer, every deputy county treasurer and every employee of the office of the county treasurer, shall give bond, to be approved by the county board, and in the sum that the board directs. The bond of the county treasurer shall not be less than \$500,000, unless the surety is a corporation duly authorized by law to be surety, in which case it shall be not less than \$250,000. The bond shall be payable to the state, conditioned that the bonded person shall faithfully execute the duties of office, and for the safekeeping and paying over according to law of all moneys which come into the bonded person's hands for state, county, town, school, road, bridge, poor and all other purposes.

(b) **Blanket bond.** In lieu of the individual bonds required for deputies and employees in the office of the county treasurer, a schedule or position bond or undertaking may be given in the respective amounts so required, conditioned as above and upon a form to be prescribed by the commissioner of taxation.

(c) **Premiums.** The county board shall pay the premiums upon these bonds or undertakings out of the treasury of the county in cases where the surety is a corporation duly authorized by law to be surety.

Subd. 10. Automobile mileage. (a) Generally. Ramsey county may provide for the payment of an automobile allowance to a county officer or employee who officially uses a personal automobile in the performance of public duties. The authorization shall include any limitations as to amount and persons qualified for the automobile allowance, the formula to be used for the allowance, and other limitations or safeguards that the county considers to be expedient in the public interest.

(b) **Definition.** Automobile allowance is defined as the payment of compensation or reimbursement made by the county, through the use of a formula decided upon by the county, to an officer or employee for the use of a personal automobile in the performance of public duty.

(c) **Limitations.** Ramsey county shall have full authority and control, free from other limitations except as provided in this subdivision, to provide the method of payment, the formula for payment and the amount of the automobile allowance to be paid. This subdivision, insofar as the county of Ramsey is concerned, is paramount to any other statute of the state of Minnesota now existing.

Subd. 11. Office space. (a) Abstract clerk. Ramsey county shall provide the necessary office and vault space for the county abstract clerk in the courthouse of the county, with suitable furniture therefor, and shall provide heating, lighting and maintenance of these offices. The county shall furnish the abstract clerk with the books, stationery,

letterheads, envelopes, telephone service, office equipment and supplies necessary for the discharge of duties.

(b) **Court commissioner.** Ramsey county shall supply the court commissioner with a suitable office and the clerical help that the county considers necessary.

(c) **Legislative research committee.** Ramsey county shall provide suitable quarters in Ramsey county for the use of the Ramsey county legislative research committee.

Subd. 12. **Cash over and short account of imprest cash fund.** The county may establish a cash over and short account within each of its imprest cash funds and cash receipt accounts. This account shall be used to record on a daily basis overages and shortages of cash receipts.

At the end of each fiscal year, the county shall credit or debit the overage or shortage from each imprest cash fund and cash receipt account to the county revenue fund.

In the instance of a debit balance remaining in the cash over or short account, the county may transfer money sufficient to offset the debit balance from any available fund.

The county budget director shall make the appropriate adjustments and entries on the general books of the county.

History: 1974 c 435 s 1.0214; 1978 c 743 s 6; 1986 c 444

383A.201 OFFICIALS NOT TO BE INTERESTED IN CONTRACTS.

No Ramsey county official or the official's deputy, clerk, or employee and no commissioner for tax-forfeited lands or the commissioner's assistants, may have a personal financial interest (1) in a contract, work, labor, or business to which the county is a party or in which it is or may be interested, (2) or in the furnishing of an article to, or the purchase or sale of any real or personal property by the county, or of which the consideration, price, or expense is payable from the county treasury. A violation of this section is a gross misdemeanor.

History: 1988 c 500 s 2

383A.21 FEES OF THE COURT ADMINISTRATOR OF DISTRICT COURT, CORONER AND COUNTY RECORDER.

The board of county commissioners shall set the fees to be charged and collected for the services of the court administrator of district court, coroner and county recorder. These officers shall file schedules of the fees in their offices.

History: 1978 c 743 s 7; 1986 c 444; 1Sp1986 c 3 art 1 s 82

383A.22 FEE SYSTEM.

Subdivision 1. The board of county commissioners, after a public hearing, may establish a system of fees or charges for recording, filing, certification or providing copies of an instrument, document or other paper, or for the services of a county office, official, department, or employee thereof, or a court system located entirely inside the county.

Subd. 2. Subdivision 1 does not apply to a fee or charge concerning a service, license, permit or document established by law as uniformly applicable to all counties of the state. Subdivision 1 does not amend any law that provides that a charge or fee is returnable in whole or part to the state, or any of its subdivisions or any other agency.

Subd. 3. When a service is requested of a county office or agent, beyond that which would normally be provided in the ordinary course of business of the office or agent, the board of county commissioners, after a public hearing, may establish a fee or charge for it based upon the cost of providing the service.

History: 1978 c 743 s 8

383A.23 COMMISSIONERS; COMPOSITION; REDISTRICTING.

Subdivision 1. **Composition.** The Ramsey county board of commissioners shall consist of seven members.

Subd. 2. [Repealed, 1Sp1986 c 3 art 1 s 48]

Subd. 3. [Repealed, 1Sp1986 c 3 art 1 s 48]

Subd. 4. [Repealed, 1Sp1986 c 3 art 1 s 48]

Subd. 5. **Future redistricting.** The redistricting of Ramsey county is governed by section 375.025.

History: 1977 c 291 s 1; 1Sp1986 c 3 art 1 s 49

383A.24 TERMS.

In Ramsey county, each county commissioner shall be elected at the general election for a term of four years.

History: 1977 c 291 s 2

383A.25 COMPENSATION.

(a) Each member of the board of county commissioners of Ramsey county shall receive an annual salary as fixed by the county board by resolution.

(b) The resolution shall not be effective until the first business day of January next following and if a petition asking for an election on the proposition signed by voters equal to five percent of the number of voters at the last regular election is filed with the county auditor within 30 days following its publication, the resolution shall not be effective until it has been approved by a majority of the votes cast on the question at a regular or special election.

(c) Salaries thus fixed by resolution shall remain in effect until changed by similar action, except that the board may by resolution fix such salaries in a smaller amount for any year.

History: 1974 c 435 s 2.03

383A.26 ORGANIZATION.

In addition to the election of a vice-chair as prescribed by the general laws of this state, the county board shall elect a second vice-chair, who shall perform the duties of the chair and vice-chair in their absence.

History: 1974 c 435 s 2.04; 1986 c 444

383A.27 PROCEDURE.

Subdivision 1. **Meetings.** In addition to meeting on the days prescribed by the general laws of this state, the board of county commissioners of Ramsey county shall meet at least twice each month at the times and dates established by the board at its first meeting in January of each year to transact any business that may properly come before the board.

Subd. 2. **Rules; journal.** The board shall determine its own rules and order of business and shall provide for keeping a journal of its official proceedings. This journal shall be a public record and shall be published according to section 375.12, in a newspaper having in the county its own office of issue and doing its typographic composition and presswork in the county.

History: 1974 c 435 s 2.05; 1977 c 291 s 3; 1979 c 313 s 1; 1984 c 543 s 45

383A.28 [Repealed, 1985 c 89 s 23]

383A.281 DEFINITIONS.

Subdivision 1. **Interpretation.** Unless the language or context indicates that a different meaning is intended, the following terms, for the purpose of sections 383A.281 to

383A.301 and rules adopted under sections 383A.281 to 383A.301, have the meanings given them in this section:

Subd. 2. Allocation. "Allocation" means the assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work performed in the position.

Subd. 3. Applicant. "Applicant" means a person who has completed an application for employment and has submitted it to the department of personnel or other appointing authority who has been delegated the authority to recruit and examine individuals for positions in the county personnel system.

Subd. 4. Appointing authority. "Appointing authority" means an elected official, the head of a board, department, division, or commission, or person or group of persons who by law, rule, or resolution of the county board has been granted the authority to make appointments to positions in the county personnel system.

Subd. 5. Appointment. "Appointment" means the act of filling a vacancy by placement of a person in the county personnel system through selection from an eligible list or a noncompetitive or qualifying process including transfer, demotion, or reinstatement.

Subd. 6. Certification. "Certification" means the referral of names from an eligible list to an appointing authority to fill vacant positions in the classified service.

Subd. 7. Class. "Class" means one or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with clarity to designate each position allocated to the class, that the same general qualifications are needed for performance of the duties of the class, that the same tests of fitness may be used to recruit employees, and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

Subd. 8. Classification. "Classification" means the process of grouping positions into classes with respect to similar duties and responsibilities of the positions.

Subd. 9. Classified service. "Classified service" means all positions existing on the effective date of sections 383A.281 to 383A.301 or subsequently created in the county personnel system and not specifically designated as unclassified positions pursuant to section 383A.286.

Subd. 10. Competitive open examination. "Competitive open examination" means that eligibility to compete in an examination is extended to all interested qualified persons.

Subd. 11. Competitive promotional examination. "Competitive promotional examination" means that eligibility to compete in an examination is limited to qualified county employees by department.

Subd. 12. County board. "County board" means the Ramsey county board of commissioners.

Subd. 13. County personnel system. "County personnel system" means all employees in the departments or agencies of county government or joint city and county agencies which receive their funding in whole or in part from the county board, including employees of:

- (a) elected officials;
- (b) the Saint Paul-Ramsey medical center commission; and
- (c) the court administrator of district court;

but not including:

- (1) district and municipal court judges;
- (2) court reporters, law clerks, referees employed by the district and municipal courts, employees of the municipal court, and the second judicial district administrator's office;
- (3) court commissioners;

(4) the public defender;

(5) employees of the examiner of titles, agricultural extension service, humane society, historical society, and soil and water conservation district; and

(6) other employees not subject to a county personnel system because of state law.

Subd. 14. **Director.** "Director" means the director of the department of personnel or the director's delegated representative.

Subd. 15. **Eligible.** "Eligible" means a person whose name is on an eligible list.

Subd. 16. **Eligible list.** "Eligible list" means a list of candidates eligible for employment in a specific class.

Subd. 17. **Employee.** "Employee" means any person currently occupying, or on leave from, a county personnel system position.

Subd. 18. **Layoff list.** "Layoff list" means an eligible list by class of former permanent or probationary employees who have been terminated from positions in the class because of a shortage of funds or curtailment of service or for any other reason beyond their control not reflecting discredit on the employee.

Subd. 19. **Permanent status.** "Permanent status" means the state or condition achieved by an employee in the classified service who has successfully completed an initial probationary period or a probationary period required following reinstatement or reemployment.

Subd. 20. **Personnel department.** "Personnel department" means the department charged with the administration of the county personnel system under the supervision of the personnel department director.

Subd. 21. **Personnel review board.** "Personnel review board" means the body charged with review responsibilities pursuant to section 383A.287.

Subd. 22. **Position.** "Position" means a group of duties and responsibilities assigned or delegated by the appointing authority, requiring the full-time or less than full-time employment of one person.

Subd. 23. **Probationary period.** "Probationary period" means a period of time following appointment to a position in the classified service, during which the employee is required to demonstrate ability to perform the duties and fulfill the responsibilities of the position.

Subd. 24. **Reclassification.** "Reclassification" means changing the allocation of a position to a different class.

Subd. 25. **Reemployment list.** "Reemployment list" means an eligible list by class of current or former permanent or probationary employees laid off, demoted in lieu of layoff, or separated in good standing from the class, and whose written applications for consideration for reemployment in the class have been approved by the personnel director.

Subd. 26. **Transfer.** "Transfer" means a change of an employee in one position within a department to a position of comparable class in another department.

Subd. 27. **Unclassified service.** "Unclassified service" means all positions which are not within the classified service as defined by section 383A.285.

Subd. 28. **Permanent tenure.** "Permanent tenure" means the state or condition achieved by an employee in the classified service who has successfully completed an initial probationary period.

Subd. 29. **Protected groups.** "Protected groups" means the groups defined by section 43A.02, subdivision 33.

History: 1985 c 89 s 1; 1Sp1986 c 3 art 1 s 82

383A.282 COUNTY BOARD RESPONSIBILITIES.

Subject to sections 383A.281 to 383A.301 and other law, the county board shall fix the annual salary of county officials and determine the number and compensation of all employees in the county personnel system.

History: 1985 c 89 s 2

383A.283 PERSONNEL DEPARTMENT.

Subdivision 1. **Creation.** The personnel department is created under the supervision of the director of personnel.

Subd. 2. **Director.** The director shall be appointed by the Ramsey county executive director, on the basis of merit and fitness as a result of a competitive examination, subject to the approval of the county board. The director shall be in the classified service and shall report directly to and be supervised by the Ramsey county executive director.

Subd. 3. **Responsibilities.** The personnel director shall provide personnel management services and assistance to all county departments, enforce any personnel rules and regulations adopted by the county board, and carry out the responsibilities set forth in sections 383A.281 to 383A.301.

History: 1985 c 89 s 3

383A.284 GENERAL; PERSONNEL POWERS OF DEPARTMENT AND COUNTY BOARD.

Subdivision 1. **Rulemaking.** The personnel director shall prepare rules to implement the provisions of sections 383A.281 to 383A.301. The rules shall be effective upon approval by the county board. Prior to approval, the county board shall hold a public hearing on the proposed rules after giving notice to county departments, employees, affected labor organizations, and the public. The rules approved by the county board shall have the force and effect of law. The rules may be amended or repealed in the same manner as originally adopted.

Subd. 2. **Collective bargaining.** The executive director or the director's designee shall be the chief labor negotiator for the county. The executive director may, as necessary and at discretion, include department heads of affected departments in the labor negotiation process. The executive director shall recommend to the county board for its final approval all collective bargaining agreements. To the extent they are covered by a collective bargaining agreement, the compensation, term, and conditions of employment for all employees represented by an exclusive representative certified pursuant to chapter 179A shall be governed by the collective bargaining agreement executed by the county board and the parties and it shall supersede any rule or administrative procedure adopted pursuant to sections 383A.281 to 383A.301, unless a provision of the agreement is found to violate other state or federal law.

Subd. 3. **Payroll voucher certification.** The director of personnel or the director's authorized agent shall be responsible for certification of the payroll vouchers that the persons named in them have been appointed and employed in accordance with the provisions of sections 383A.281 to 383A.301 and the rules under sections 383A.281 to 383A.301. No Ramsey county disbursing or auditing officer shall make or approve or take part in making or approving payment for personal service to a person holding a position in county service unless the payroll voucher or account for the amount bears the certification of the director or the authorized agent.

Subd. 4. **Evaluation; report.** The county board shall establish performance indicators and annually monitor the performance of the personnel management system in the county. The personnel director shall periodically review and evaluate current and future staff needs of all county departments, job classes and descriptions, training and development, and internal and market comparability of all classification and salary schedules and report to the county board on these and other personnel management areas, as requested.

Subd. 5. **Review appointments.** Prior to each new appointment to the county personnel system, the personnel director shall certify that the person has been appointed in accordance with sections 383A.281 to 383A.301 and applicable rules and regulations.

History: 1985 c 89 s 4

383A.285 CLASSIFIED SERVICE.

Subdivision 1. **General.** (a) All appointments to the classified service shall be based upon merit, fitness, and ability to perform the duties of the position and needs of the appointing authority, including the need to achieve and maintain a representative work force.

(b) The classified service is a permanent service to which this law applies and comprises each tenured position in the public service existing on, or established after, the effective date of sections 383A.281 to 383A.301.

Subd. 2. **Classification plan.** The personnel director shall maintain, revise, and administer a classification and salary plan.

Subd. 3. **Classification of positions.** The personnel director shall place each position in the classified service in an appropriate class in the classification plan or in a new class to be created, if appropriate. If a class is unique to a department, the personnel director shall consult the head of that department before classifying the unique positions.

Subd. 4. **Appeal from classification or reclassification.** An appointing authority or an employee affected by a classification or reclassification of a position may protest the action in writing to the personnel director. The personnel director shall review the classification or reclassification and may change the decision. Neither the appointing authority nor the employee shall have any further right to appeal a decision regarding a classification or reclassification to the personnel review board.

Subd. 5. **Study; implementation.** The personnel director shall complete a reclassification study within 60 days after receiving a reclassification request. The appointing authority shall implement the personnel changes required by the reclassification decision in a timely manner and qualifications for reclassified positions shall be reasonably commensurate with the requirements of the position.

Subd. 6. **Incumbents.** The incumbent of a position which has been reclassified shall continue in the position if the employee is eligible for the position in the new class in accordance with sections 383A.281 to 383A.301, and rules adopted under sections 383A.281 to 383A.301. An incumbent who is ineligible to continue in the reclassified position, shall be transferred, promoted, or demoted. The incumbent's salary shall not be less than it was in the former classified position but it may be frozen at the level of the former classified position until it is commensurate with the class and grade of the position to which the incumbent was transferred or demoted.

Subd. 7. **Examinations; incumbents.** An employee with permanent or probationary status whose position is reclassified shall be considered eligible to compete in any examination held to fill the reclassified position as provided in the rules or administrative procedures.

Subd. 8. **Reinstatement.** (a) An employee who is granted a leave of absence from a position in the classified service to accept a position in the unclassified service, upon request, shall, during the unclassified appointment or within 60 days after the end of the unclassified appointment, be reinstated to the department from which the employee was granted a leave, to a classified position comparable to that which was held immediately prior to being appointed to the unclassified position.

(b) At the discretion of the appointing authority, any employee who without fault or delinquency has resigned or been demoted, within one year after leaving the position in the classified service, may be appointed or reinstated to a classified position within the same department which is comparable to the position held previously. An employee may be reinstated from a leave of absence as determined by the rules and regulations adopted by the county board pursuant to sections 383A.281 to 383A.301.

Subd. 9. **Classifying positions.** An employee in an unclassified position on the effective date of sections 383A.281 to 383A.301 which becomes classified by sections 383A.281 to 383A.301 shall continue to serve in the classified position and have all the benefits of classified service notwithstanding any other provision of sections 383A.281 to 383A.301.

Subd. 10. Unclassifying positions. An employee in the classified service with permanent tenure, who is an incumbent of a position which becomes unclassified and is not appointed to or is removed from the unclassified position, shall be transferred by the personnel director to a classified position within the same department comparable to the unclassified position. If a comparable position is unavailable, the person shall be transferred by the director to a classified position comparable to that held immediately prior to being appointed to the position which was unclassified. If the employee held an unclassified position with the same agency before being appointed to the classified position that is unclassified, the person shall be transferred by the director to a classified position comparable to the classified position next in rank below the position that is unclassified. The employee's salary shall not be less than it was in the position which was unclassified, but it may be frozen until it is commensurate with the class and grade of the position to which the employee was transferred.

History: 1985 c 89 s 5; 1986 c 444

383A.286 UNCLASSIFIED SERVICE.

Subdivision 1. General. An appointing authority may appoint employees to the unclassified service in accordance with this section. Positions in the unclassified service shall not be required to be filled by competitive examination, but shall be subject to an open application and screening process. The appointing authority may discharge employees in the unclassified service with or without cause. Employees in the unclassified service have no right to a grievance appeal from discharge or other disciplinary action under sections 383A.281 to 383A.301. An employee in an unclassified position shall not have tenure but shall be entitled to all benefits associated with tenure such as vacation leave, sick leave, health insurance, and other benefits as determined by the county board.

Subd. 2. Unclassified positions. The following positions shall be in the unclassified service:

- (a) positions held by elected officials or persons appointed to fill an elected office;
- (b) one assistant for each elected official;
- (c) the director or principal administrative officer of a department of county government or agency created by law, except that the affirmative action officer, personnel director, internal auditor, and director of budgeting and accounting shall be positions in the classified service;
- (d) doctors, residents, and student nurses employed by the county or county agency;
- (e) members of a board or commission appointed by the county, or the county and the city, and acting in an advisory capacity;
- (f) weed inspectors, election judges, or election clerks;
- (g) special police officers or special deputy sheriffs serving without pay;
- (h) judges, court administrators, court reporters, receivers, referees, the examiner or assistant examiners of titles, public defenders, arbiters, jurors, court administrator of district court, or persons appointed by the district court to make or conduct a special inquiry of a judicial or temporary character;
- (i) all positions in the municipal court of Ramsey county and the second judicial district administrator's office;
- (j) the executive director and eight principal assistants;
- (k) the chief executive officer of the medical center and seven principal assistants;
- (l) interns, student workers, law clerks, or other employees employed for a limited duration as determined by the county board;
- (m) positions designated by the county board as unclassified pursuant to subdivision 3;
- (n) the sheriff, the sheriff's chief deputy, three principal assistants, and a personal secretary; and

(o) the county attorney, the county attorney's first assistant, one principal assistant, and a personal secretary.

Subd. 3. **Unclassified positions authorized by county board.** The county board may designate additional positions in the unclassified service if the following criteria are met:

(a) designation of the position is not contrary to the provisions of other law relating specifically to that department;

(b) the person occupying the position of supervisor or a department assistant would report directly to the department head and would be designated as part of the department head's management team; and

(c) the duties of the position involve significant discretion and substantial involvement in the development, interpretation, and implementation of department policy.

The personnel director shall certify whether the designation is consistent or inconsistent with the standards and criteria in this section. The county board may appeal certification decisions to the personnel review board.

History: 1985 c 89 s 6; 1Sp1986 c 3 art 1 s 82

383A.287 PERSONNEL REVIEW BOARD.

Subdivision 1. **Creation.** The Ramsey county personnel review board is created to review disciplinary appeals and conduct performance reviews of the personnel department.

Subd. 2. **Organization.** The county board, by a majority vote, shall appoint seven persons to the personnel review board to serve four-year staggered terms. Any vacancies shall be filled by a majority vote of the county board for the unexpired term. Each member shall hold office until a successor has been appointed. Membership on the personnel review board shall be limited as follows:

(a) each member shall take an oath of office before assuming the duties of office;

(b) no person shall be a member of the personnel review board while holding a public office, or while holding office in a political party above the state legislative district level, nor for two years after having held that kind of public or political office; and

(c) each member shall be a resident of the county and if a member becomes a non-resident, the member forfeits the office.

Subd. 3. **Removal from office.** A personnel review board member may be removed from office by the county board for cause, after a copy of the charges has first been given to the member and opportunity of being publicly heard before the county board, upon not less than ten days' written notice. A majority vote of the county board shall be required for removal.

Subd. 4. **Compensation.** Compensation for members of the personnel review board shall be set by resolution of the county board.

Subd. 5. **Responsibilities.** (a) **Nondisciplinary appeals.** The personnel review board shall hear all nondisciplinary personnel appeals as defined in the rules adopted by the county board pursuant to section 383A.284, subdivision 1.

(b) **Grievances and disciplinary appeals.** All appeals or grievances relating to discharge, suspension, demotion for cause, salary decrease, or other disciplinary action shall be heard by an administrative law judge appointed pursuant to section 14.55. The administrative law judge shall hear the grievance or appeal and report a recommendation to the personnel review board in a timely manner consistent with section 383A.294 and the rules and regulations promulgated by the county board.

(c) **Review of personnel department performance.** Periodically, as requested by the county board, the personnel review board shall review, report, and make recommendations to the county board regarding personnel department services, procedures, and practices.

History: 1985 c 89 s 7; 1986 c 444; 1989 c 162 s 1

383A.288 COMPETITIVE EXAMINATIONS.

Subdivision 1. **General.** Entrance to the classified service shall be through successful competition in an examination and certification and appointment from an eligible list except as provided in this section.

Subd. 2. **Types of examinations.** All examinations for positions in the classified service shall be job related, nondiscriminatory, and designed to fairly assess ability to perform the duties of the class for which the examination is given. The examination may consist of, but shall not be limited to, one or more of the following:

- (a) written subjective or objective tests;
- (b) physical tests;
- (c) practical or demonstration tests;
- (d) evaluation of training and experience;
- (e) oral subjective or objective tests in the form of question and answer;
- (f) interviews; or
- (g) a supervisory evaluation of job performance.

Subd. 3. **Eligibility for competitive open examinations.** (a) Competitive open examinations shall, upon public notice, be open to all applicants who meet reasonable job related requirements fixed by the personnel department.

(b) Employees in the classified service with permanent tenure who pass an open competitive examination shall have added to their final examination score one point for each year of permanent tenure up to a maximum of ten points. This credit shall not be used for examinations for supervisory positions.

Subd. 4. **Eligibility for competitive promotional examinations.** Competitive promotional examinations shall be open only to permanent and probationary employees of the classified service. The personnel department may limit competition to employees of one or more departments, or to employees meeting specified employment requirements.

Subd. 5. **Waiver of competitive examinations.** The personnel director shall establish a procedure and a definition of the criteria for the selection and referral of qualified applicants to fill positions in routine service classifications involving unskilled tasks. Applicants to fill vacancies in the classifications shall be exempt from ranking and certification. The director shall refer all qualified applicants to the appointing authority having vacancies in the appropriate classifications.

History: 1985 c 89 s 8

383A.289 ELIGIBLE LISTS.

Subdivision 1. **General.** The personnel director shall prepare eligible lists as provided in this section.

Subd. 2. **Rank.** On competitive open and competitive promotional lists eligibles shall be ranked according to their ratings in examinations and any veteran's preference required by law.

Subd. 3. **Term of eligibility.** The term of eligibility of eligibles on lists shall be determined by the personnel director but shall not be less than six months.

History: 1985 c 89 s 9

383A.29 [Repealed, 1985 c 89 s 23]**383A.291 CERTIFICATION OF ELIGIBLES.**

Subdivision 1. **General.** The personnel director, upon the request of the appointing authority, shall certify, for both competitive open and competitive promotional positions, the first five eligibles on the eligible list and all other eligibles having the same score as the fifth eligible on the list.

Subd. 2. **Expanded certification.** The personnel director shall expand the certifica-

tion beyond the first five eligibles to contain a member of not more than three underrepresented protected groups, in highest ranking order, on determining that all of the following conditions are met:

(a) the vacancy to be filled occurs in a job classification which is underrepresented by one or more protected groups, based on affirmative action goals;

(b) the first five eligibles do not contain the name of a member of a protected group which is underrepresented for the job classification; and

(c) the protected group eligibles to be certified have achieved a minimum passing score on the competitive examination, if one has been given.

Subd. 3. Refusal to certify. The personnel director may refuse to certify an eligible who:

(a) is found to lack any of the requirements established for the examination for which the eligible has applied;

(b) has been dismissed from the public service for delinquency or misconduct;

(c) has been dismissed from the same or a similar classification within the civil service for unsatisfactory job performance;

(d) has, directly or indirectly, given or promised to give anything of value to any person in connection with the eligible's examination, appointment, or proposed appointment; or

(e) has made a false statement of any material fact or practiced or attempted to practice any deception or fraud in the application or examination or in securing eligibility or appointment.

On refusing to certify an eligible, the director shall, upon request of the eligible refused, furnish the eligible a statement of the reasons for the refusal. Upon receipt of relevant information from the eligible refused, the personnel director shall reconsider the refusal and may certify the eligible. An eligible shall have no further right to appeal the personnel director's decision to refuse to certify the eligible.

History: 1985 c 89 s 10; 1986 c 444

383A.292 NONCOMPETITIVE APPOINTMENTS.

Subdivision 1. Temporary appointments. The personnel director may authorize the appointing authority to make a temporary appointment of not more than six months in any 12-month period. When practicable, the personnel director may certify any qualified eligible from an eligible list for the temporary appointment, but may authorize the appointment of any person deemed qualified by the appointing authority.

Subd. 2. Provisional appointments. The personnel director may authorize the appointing authority to make a provisional appointment for a position for which there is no eligible list for a period of time determined by the personnel director not to exceed six months.

History: 1985 c 89 s 11

383A.293 PROBATIONARY PERIOD.

Subdivision 1. General. All appointments to positions in the classified service shall be for a probationary period which shall be not less than three months of full-time equivalent service nor more than one year of full-time equivalent service as determined by the personnel department or through collective bargaining agreements. An appointing authority may require a probationary period for interdepartmental transfers, reemployments, reinstatements, voluntary demotions, and appointments from layoff lists or of former employees of a different appointing authority. For employees in a collective bargaining unit the requirement of a probationary period shall be subject to applicable provisions of collective bargaining agreements.

Subd. 2. Termination during probationary period. There is no presumption of continued employment during a probationary period. Terminations or demotions may be made at any time during the probationary period with or without cause and employees

terminated during a probationary period shall have no further right to appeal. If during the probationary period an employee with permanent status is dismissed, the employee shall be restored to a position in the employee's former class and department.

History: 1985 c 89 s 12; 1986 c 444

383A.294 GRIEVANCES.

Subdivision 1. Discharge; suspension; demotion for cause; salary decrease. No permanent employee in the classified service shall be discharged, suspended without pay, or reduced in pay or position, except for just cause.

Subd. 2. Just cause. For purposes of this section, just cause includes, but is not limited to, failure to perform assigned duties, substandard performance, misconduct, insubordination, and violation of written policies and procedures.

Subd. 3. Notice of disciplinary action. The appointing authority shall give a permanent classified employee written notice of the discharge, suspension without pay, or reduction in pay or position. The written notice shall include a statement of the nature of the disciplinary action, the specific reasons for the action, the effective date of the action, and a statement informing the employee of the employee's right to reply within ten working days of receipt of the notice in writing or, upon request, in person, to the appointing authority or the authority's designee. The notice shall also include a statement of the employee's right to appeal to the personnel review board within 30 days of the effective date of the disciplinary action, but an employee who elects to reply to the appointing authority may appeal within ten working days of the receipt of the authority's response to the reply. If the appointing authority has not responded within 30 days of receipt of the employee's reply, the appointing authority shall be deemed to have replied unfavorably to the employee. A copy of the disciplinary action notice and the employee's reply shall be filed with the personnel department.

Subd. 4. Appeal process. (a) **Hearing.** Within ten days of receipt of the employee's written notice of appeal, the personnel review board shall request the chief administrative law judge to assign an administrative law judge to hear the appeal. The hearing shall be conducted as a contested case and both the employee and appointing authority shall be entitled to present facts at the hearing. The burden of proof shall be on the appointing authority to establish the basis for its disciplinary action by a preponderance of the evidence. A record shall be kept of the hearing at the expense of the personnel review board. The administrative law judge may subpoena and require the attendance of witnesses and the production of any relevant documents and may administer oaths to witnesses.

(b) **Hearing report.** Within 30 days after the close of the hearing record, the administrative law judge shall recommend to the personnel review board an appropriate disposition of the grievance which shall be in writing and contain findings of fact and conclusions.

(c) **Decisions of personnel review board.** Within 30 days of receipt of the administrative law judge's recommendation, the personnel review board shall act to modify, reject, or accept the recommendation. If the personnel review board fails to act within 30 days after receipt of the recommendation, it shall be deemed to have accepted the recommendation of the administrative law judge recommending final disposition of the grievance. The personnel review board shall not conduct a hearing prior to modifying, accepting, or rejecting the recommendation of the administrative law judge but shall confine its review to the record established before the administrative law judge and no party to the appeal shall have a right to a hearing de novo before the personnel review board.

(d) **Appeal of personnel review board decision.** The decision of the personnel review board shall be the final decision regarding the employee's grievance appeal. The decision may be appealed to district court within 30 calendar days after its receipt, by the appointing authority or by the employee. The appeal shall be decided by the court upon the board's record. The decision of the board may be reversed if the hearing

record contains no evidence upon which the personnel review board could have reached its decision or if the personnel review board abused its discretion.

(e) **Effect of personnel review board decision.** The personnel review board decision shall be binding on both the employee and the appointing authority unless on appeal the decision is stayed, modified, or reversed by the district court.

(f) **Proper party to litigation.** Ramsey county and not the personnel review board, shall be a proper party to an appeal or any litigation arising out of sections 383A.281 to 383A.301.

The personnel review board shall have no right to sue or be sued under sections 383A.281 to 383A.301. The county attorney shall represent the county in any litigation arising out of sections 383A.281 to 383A.301.

An employee may not use both the procedure provided by this section and the grievance procedure provided by chapter 179A.

Subd. 5. Collective bargaining agreements. Procedures for discipline and discharge of employees covered by collective bargaining agreements shall be governed by the agreements, to the extent that the agreements are inconsistent with sections 383A.281 to 383A.301.

Subd. 6. Production of documents. The personnel director may make a written request to an employee to produce relevant documents or to a person to appear for the purpose of giving relevant oral statements or testimony relating to a disciplinary action of an employee. An employee who is the subject of a disciplinary action may make a written request to the personnel director for the production of relevant documents or for the appearance of a person to give relevant oral statements or testimony relating to the disciplinary action. The request for the appearance of a person may be to appear and testify at a hearing of the personnel review board or to appear at a specified place to give an oral statement prior to a hearing of the personnel review board. The personnel director, or the employee upon receipt of a request for production of relevant documents, shall furnish the requesting party the documents within ten days of receipt of the written request. A person to whom a request for an appearance has been made shall appear at the time and place designated in the request. If a party to whom a request for relevant documents has been made fails to furnish the documents to the requesting party within ten days of receipt of the request, the requesting party may make an application to the district court for a determination that the refusal to produce the documents was unreasonable. If a person to whom a request for appearance has been made fails to appear at the time and place designated in the request, the party making the request for appearance may make an application to the district court for a determination that the failure to appear was unreasonable. If the district court determines that a failure to produce requested documents or to appear was unreasonable, it may assess costs not exceeding \$100 to the requesting party against the refusing party or person.

History: 1985 c 89 s 13; 1989 c 162 s 2

383A.295 CONDITIONS OF EMPLOYMENT.

Subdivision 1. Benefits. The personnel director shall have the authority to set hours of employment, sick leave, vacation leave, leave of absence without pay, health insurance, life insurance, and other fringe benefits for employees in the classified and unclassified service subject to the approval of the county board and in accordance with the law.

Subd. 2. Layoffs. The personnel director shall adopt rules and regulations providing for the layoff and reemployment of employees on the basis of the employee's seniority.

Subd. 3. Retirement. Employees in the classified and unclassified service, except for elected officials, shall be retired no later than the first day of the month after the month in which the employee reached the age of 70.

History: 1985 c 89 s 14

383A.296 MISCONDUCT.

No person shall interfere with the rights of any person in the examination process, or falsely mark, grade, or report the examination or standing of any person examined, or aid in so doing, or furnish to any person, except in answer to inquiries of the personnel review board, any information for the purpose of changing the rating of any person. No applicant or employee shall falsify an application or record for the purpose of improving prospects for employment. No person shall by means of threats or coercion induce or attempt to induce any person holding a position in the classified service to resign. A violation of this section is cause for dismissal, other discipline, or disqualification from the classified service of the county. In addition to other legal remedies, violations may be enjoined.

History: 1985 c 89 s 15

383A.297 POLITICAL ACTIVITY.

No employee in the classified service shall be under any obligation to contribute to a political service or fund to any person, body, or committee, and no employee in the classified service may be discharged, suspended, demoted, or otherwise disciplined or prejudiced for refusal to do so. All employees in the classified and unclassified service shall be subject to the prohibition on political activities set forth in section 211B.09.

History: 1985 c 89 s 16; 1988 c 578 art 1 s 4

383A.298 TRANSITIONAL PROVISIONS.

All employees of the civil service department shall be transferred to the personnel department. All members of the civil service commission shall be members of the personnel review board and serve until their current term expires and a successor is appointed.

History: 1985 c 89 s 17

383A.299 PENALTIES.

A person who willfully violates a provision of sections 383A.281 to 383A.301 is guilty of a misdemeanor.

History: 1985 c 89 s 18

383A.30 [Repealed, 1985 c 89 s 23]**383A.301 STATUS OF PRESENT EMPLOYEES.**

Each person holding a position with the county of Ramsey who has acquired permanent tenure or who was serving a probationary period on the effective date of sections 383A.281 to 383A.301 retains the position, seniority date, and accrued benefits.

History: 1985 c 89 s 19; 1986 c 444

383A.31 [Repealed, 1985 c 89 s 23]**383A.32 PURCHASING.**

Subdivision 1. Joint city-county purchasing. (a) Joint program. Notwithstanding a charter provision, city ordinance, or prior law to the contrary pertaining to buying by the city of Saint Paul or the county of Ramsey, and to promote competitive bidding, effect economies in volume buying, and provide better service, the city of Saint Paul and the county of Ramsey shall establish a joint buying program.

(b) Saint Paul purchasing department to be used. The county of Ramsey shall buy, or contract for, the supplies, materials, equipment and contractual services required by each department or agency of the county government through the facilities of the city of Saint Paul purchasing department and, for this service, shall pay to the city the cost incurred in providing the service. The cost is determined through an analysis and evalu-

ation of all purchases processed through December 31, 1959, and thereafter through each succeeding year. The manner and method of computing this cost is the joint responsibility of the county and the city.

(c) **Saint Paul city charter provisions reserved.** All of the charter provisions of the city of Saint Paul pertaining to the procedures, rules, and regulations in the field of buying goods, wares, and merchandise are in their entirety reserved in full.

(d) **Standardization committee.** A permanent committee on standardization of purchases for the city of Saint Paul and the county of Ramsey is established, to be composed, on an equal basis, of representatives of the city of Saint Paul, the county of Ramsey, and other governmental units permitted to buy through the city purchasing department. The city council shall choose the members of the committee on standardization for the city, and the board of county commissioners, for the county. The committee shall agree on single specifications for each item commonly used in each of the governmental units to combine their purchasing power.

(e) **Central stock room.** As soon as practical after the establishment of the central purchasing program, the city of Saint Paul and the county of Ramsey shall establish a central office supply stock room. The permanent committee on standardization of purchases shall provide for inventory control procedures and the method and manner of distribution of supplies and materials from the central stock room. Each of the governmental units participating in the central buying program shall contribute the amount that is jointly agreed upon into a revolving fund established for the operation of the central stock room, and shall pay, from time to time, into the revolving fund the money required to cover overhead, in addition to the cost of materials and supplies obtained therefrom. The city of Saint Paul and its purchasing department shall administer and account for the revolving fund.

(f) **Warehouse.** The city of Saint Paul and the county of Ramsey shall provide adequate warehouse and storage space for each item that is practical to store and the buying of which, in quantities greater than current needs, will secure a distinct financial advantage to these governmental subdivisions.

Subd. 2. **Patented article.** (a) Ramsey county may buy articles or supplies that are sold at a uniform price, by reason of a patent, copyright, or exclusive franchise, without advertisement and competitive bids, where no advantage can be secured by advertisement and competitive bidding.

(b) Before making such a purchase, the county board shall adopt a finding to the effect that the particular purchase is made pursuant to this subdivision.

Subd. 3. **Waiver of performance bonds.** Notwithstanding the charter of the city of Saint Paul or prior statutory enactments relating to buying by the city of Saint Paul and the county of Ramsey to the contrary, the council of the city of Saint Paul, the Ramsey county board of commissioners, and the governing body of any municipal subdivision governed by this section may waive the requirements for a performance bond on each purchase of materials and supplies. For bids requiring labor and material or labor alone, and bid in accordance with section 471.345, subdivision 4 or 5, performance bonds may be waived. For bids requiring labor and material or labor alone, and bid in accordance with section 471.345, subdivision 3, performance bonds or equivalent financial security shall be required.

History: 1974 c 435 s 3.05; 1978 c 743 s 4; 1990 c 470 s 1

383A.321 DEFINITIONS.

Subdivision 1. For purposes of this section, the following terms have the meanings given them, unless the language or context clearly indicates that a different meaning is intended.

Subd. 2. "Small business" means a business entity organized for profit, including an individual, partnership, corporation, joint venture, association or cooperative which has its principal place of business in Minnesota, and which

(a) Is not dominant in its field of operation, and

(b) Is not an affiliate or subsidiary of a business dominant in its field of operations.

If a federal or state program prohibits any geographical limitation on the principal place of business of an eligible business in order for the county to be eligible for funds, the federal or state requirement shall prevail.

Subd. 3. "Dominant in its field of operation" means exercising a controlling or major influence in a business activity in which a number of businesses are engaged. In determining whether a business is dominant, the following criteria, among others, shall be considered: number of employees; volume of business; financial resources; competitive status or position; ownership or control of materials, processes, patents, license agreements and facilities; sales territory; and nature of business activity. The following businesses shall be deemed dominant in their field of operation:

(a) Manufacturing businesses which employ more than 100 persons and have in the preceding three fiscal years exceeded a total of \$15,000,000 in gross receipts for the three-year period;

(b) General construction businesses which in the preceding three fiscal years have exceeded a total of \$6,000,000 in gross receipts for the three-year period;

(c) Specialty construction businesses which in the preceding three fiscal years have exceeded a total of \$3,000,000 in gross receipts for the three-year period; and

(d) Nonmanufacturing businesses which employ more than 25 persons and have in the preceding three fiscal years exceeded a total of \$3,000,000 in gross receipts for the three-year period.

Subd. 4. "Affiliate or subsidiary of a business dominant in its field of operation" means a business which is at least 20 percent owned by a business dominant in that field of operation, or by partners, officers, directors, majority stockholders, or their equivalent, of a business dominant in that field of operation.

History: 1982 c 626 s 1

383A.322 SMALL BUSINESS SET-ASIDE.

Nothing in section 471.345 shall be construed to prohibit Ramsey county from adopting a resolution, rule, regulation or ordinance which on an annual basis sets aside for awarding to small businesses a percentage of the value of the county's anticipated total procurement of goods and services, including construction, otherwise subject to that section, and which uses either a negotiated price or bid contract procedure to award a procurement contract under a set-aside program allowed in this section. Any award based on a negotiated price shall not exceed by more than five percent the county's estimated price for the goods and services if they were purchased in the open market and not under the set-aside program.

History: 1982 c 626 s 2

383A.33 ASSESSOR.

Subdivision 1. **Appointment.** The board of Ramsey county commissioners shall select and appoint the county assessor under section 273.061, subdivision 1.

Subd. 2. **Term.** The first county assessor so appointed starts the term of office on March 10, 1973, and shall hold office for a term of four years, and until a successor is appointed and qualifies. The next term begins on March 10, 1977, and ends on December 31, 1980. Each succeeding term is four years.

Subd. 3. **Vacancy.** The board of Ramsey county commissioners may fill each vacancy in the office of county assessor occasioned by death, or otherwise and remove the assessor from office at any time, on proven charges of inefficiency, or neglect of duty by the commissioner of taxation, affirmed by the board of Ramsey county commissioners after hearing.

Subd. 4. **Powers and duties.** The assessor, personally or with the aid of assistant assessors, shall assess all property subject to taxation under the general laws of this state, inside Ramsey county, including the city of Saint Paul, and has, inside Ramsey

county, including the city of Saint Paul, all the powers, rights and privileges allowed, and all the duties of assessors required by the general laws of this state, relative to taxes or otherwise, whether for state, county, city, town or other taxes, assessable under the general laws of this state, and shall proceed in the manner prescribed by the general laws of this state, relative to assessments.

History: 1974 c 435 s 3.06; 1986 c 444

383A.34 AUDITOR.

Subdivision 1. Upon a judgment being entered for personal property taxes in the district court for Ramsey county, the court administrator of the district court shall certify a list of judgments to the county auditor, who shall indicate in the personal property tax duplicate book containing the tax that it has been reduced to judgment, the district court file number, and the date of judgment.

Subd. 2. At the end of 20 years from the date of judgment, the county auditor shall cancel from the personal property tax duplicate book each tax for which judgment is entered which has not been paid or otherwise satisfied; at the same time the auditor shall cancel in the tax duplicate book for the same year each delinquent tax contained therein for which no judgment was entered.

Subd. 3. All taxes on which judgment was entered in the district court for Ramsey county more than 20 years before December 31, 1959, which are unpaid, together with all delinquent personal property taxes not reduced to judgment covering the same year or years, shall be canceled from the tax duplicate book.

History: 1974 c 435 s 3.07; 1986 c 444; 1Sp1986 c 3 art 1 s 82

383A.35 COURT COMMISSIONER.

The Ramsey county court commissioner may take acknowledgments of deeds and other written instruments and has the powers conferred upon a court commissioner by section 253B.23.

Except as provided above, the Ramsey county court commissioner shall not have any of the powers provided in section 489.02.

History: 1974 c 435 s 3.08; 1983 c 216 art 1 s 65

383A.36 CORONER.

In Ramsey county, the coroner must be a duly licensed and practicing physician and surgeon.

History: 1974 c 435 s 3.09

383A.37 SHERIFF; FEES.

Subdivision 1. **Schedule.** The fees charged and collected for the services listed by the sheriff of Ramsey county shall be set by the Ramsey county board and a schedule of those fees shall be filed with the sheriff's office.

Subd. 2. **Additional fee; summons and complaint.** In Ramsey county, the sheriff shall charge an additional fee to be set by the county board for receiving, indexing and putting in line for service each summons and complaint left with the sheriff for service. This fee is in addition to other fees now provided by law, and is to be absorbed by the plaintiff in the action. It is not to be charged to or taxed as costs against the defendant in the action or any proceedings ancillary thereto.

History: 1974 c 435 s 3.10; 1976 c 13 s 1; 1986 c 444

383A.38 [Repealed, 1986 c 370 s 4]

383A.381 ABSTRACT CLERK.

In Ramsey county the office of abstract clerk shall not be elective but be filled by procedures adopted by the county personnel department and shall discharge the func-

tions provided by the county. The last abstract clerk elected shall serve in a position created by the county to perform the functions of the office until the elected term expires or, upon the expiration of the term, until a successor is appointed and qualified and shall not before age 70 be disqualified from appointment because of age.

History: 1986 c 370 s 1

383A.39 COURTHOUSE AND CITY HALL.

Subdivision 1. Courthouse and city hall administration. (1) The Saint Paul city hall and Ramsey county court house building is in charge of a joint committee of seven members appointed as follows:

(a) the mayor of the city of Saint Paul is ex officio a member of and the chair of the committee;

(b) three members of the committee are appointed annually by the president of the Saint Paul city council from the members of the council, and three members are appointed annually by the chair of the board of county commissioners from the members of the board.

(2) The committee has entire charge of the building and may appoint the janitor, custodian and other employees that it considers necessary for the proper care and management of the building and at the compensation that the committee determines.

(3) The expense of keeping the building in repair and the necessary expense of heating and maintaining it shall be paid equally by the city and county; one-half thereof out of the treasury of the city, and one-half out of the treasury of the county.

Subd. 2. Saturday closing. (1) **Authority.** Ramsey county and the city of Saint Paul may jointly, by resolution adopted by both the board of commissioners and the city council, close the building containing the principal offices of the city and the county, known as the city hall and court house, on Saturday.

(2) **Effect of closing.** An act authorized, required or permitted by law or contract to be performed at or in the city hall and court house on Saturday may be performed on the next succeeding regular business day and no liability or loss of rights on the part of any person shall result from the closing.

(3) **Open, additional hours.** The city hall and court house may be kept open for the transaction of business on the next business day following each Saturday until 9:00 p.m.

Subd. 3. Rooms for law library. In Ramsey county, the court house and city hall committee may provide rooms in the court house and city hall for the use of a law library and the committee may install its library therein by purchase, leasing or securing it from an individual or association upon the terms and conditions that to it is for the interest of the people.

History: 1974 c 435 s 3.12

NOTE: The amendment to this section by Laws 1981, chapter 292, section 1, required local approval by both the city council of the city of St. Paul and the board of county commissioners of Ramsey county. The city council has not approved the amendment.

383A.40 WELFARE DEPARTMENT; WELFARE BOARD.

In the county of Ramsey, the board of county commissioners is the county welfare board.

History: 1974 c 435 s 3.13; 1978 c 743 s, 9

383A.404 COMMUNITY CORRECTIONS DEPARTMENT.

Subdivision 1. Establishment. There is established, in Ramsey county, a community corrections department in connection with the courts of the second judicial district. The department is in the charge of a director who shall be appointed by and serve at the pleasure of a corrections management committee comprised of three judges of the second judicial district appointed by the chief judge of the district and three mem-

bers of the board of county commissioners appointed by the chair of the board. The director shall have full authority and responsibility for the administration, operation, and supervision of all functions and services of the department, and shall carry out that authority and responsibility within the organizational structure and reporting relationship that is in accord with county board and judicial district administrative policies. Salary of the director shall be set by the county board of commissioners upon recommendation of the corrections management committee.

Subd. 2. Officers, employees. The director may employ an assistant director, a superintendent, and assistant superintendent for each correctional facility in the county, and three principal assistants or division supervisors, all of whom shall serve at the pleasure of the director in the unclassified service. The director shall define the duties of these employees and may delegate powers, duties and responsibilities to them. Any officer or employee of the department shall exercise delegated powers under the control of and subject to conditions prescribed by the director. The salaries shall be set by the Ramsey county board of commissioners.

Subd. 3. Office room and records. Ramsey county shall provide the director and department personnel with suitable furnished office rooms, record books, stationery, postage, expenses of investigation and visitation ordered by the court, and the other actual expenses as are required for the proper execution of their duties.

Subd. 4. Official attendance at court. The director or a department person designated by the director shall be present in the municipal courts in each subdivision of Ramsey county and in the juvenile court of the county at each regular session, and shall be present in the district court, the probate court of the county and any other court now or hereafter established in the county when so requested by a judge of that court.

Subd. 5. Duties of department. The duties of the department are:

(1) To supervise persons placed on probation by any of the judges of any of the courts of Ramsey county, to keep accurate records of this supervision, and to make reports thereon.

(2) To make investigations with regard to a child or person as may be ordered by the court before, during, or after the trial or hearing of the child or person, and shall furnish to the court the information, recommendations, and assistance as may be required.

(3) To inquire into the nature of every juvenile delinquency or criminal matter in any court where authorized to appear and have supervision of the child or person during the continuance or suspension of sentence or order of commitment, and in general, perform the acts with reference thereto as the court may direct. In the execution of official duties, the department personnel shall have all the power of a peace officer.

(4) To perform the duties required of probation officers by law, including but not limited to, Minnesota Statutes, chapter 260, and acts amendatory thereof, and the criminal code of 1963, and acts amendatory thereof.

(5) To provide for psychiatric, psychological, and medical diagnosis or services for a person when directed or ordered by a court of the county, or when the services are part of the probation and investigation process.

(6) To make collections of support money in divorce and other actions when ordered by a judge of a court of the county and to make collections of money and property when ordered to be paid as restitution or reimbursement and to turn over the money or property to the person or persons entitled thereto as directed by the court.

(7) To make investigations both as to custody and other matters and provide counseling in domestic relation cases as required and to exercise supervision over children and other persons in the cases that the court directs.

(8) To perform other duties for the protection of children and parents as a court of the county directs.

(9) To provide services as marital counseling, taking of wage assignments, financial reports, marriage consent investigations, and other duties as a court of the county directs.

(10) To make all necessary inquiries and prepare petitions for withdrawals from minor trust funds when directed by the judge of the district court.

(11) To perform other acts in relation to the above listed duties and any other services as the courts of the district direct.

Subd. 6. Annual report. The director shall report, annually, to the district court of the second judicial district with reference to the conditions and disposition and other pertinent facts relative to the work of the department and shall furnish a copy of the report to the board of county commissioners, the commissioner of human services, and to the commissioner of corrections.

Subd. 7. Salaries payable out of Ramsey county treasury. All annual salaries for the community corrections department shall be payable out of the Ramsey county treasury.

History: 1923 c 289 s 1,2-4,6,11,13; 1949 c 61 s 1; 1953 c 593 s 2; 1965 c 469 s 1-5,7,9; 1974 c 322 s 11-17; 1983 c 274 s 16,17; 1986 c 444; 1987 c 384 art 1 s 37

383A.405 CORRECTIONS.

Subdivision 1. Director of community corrections. The management and control of the operations of any correctional, juvenile detention, or home school facility within Ramsey county shall be the responsibility of the director of the department of community corrections. All of the employees of these correctional facilities except the superintendent and the first assistant or chief deputy of the facility shall be in the classified service of the county civil service and subject to sections 383A.281 to 383A.301.

Subd. 2. Home school superintendent. Notwithstanding section 260.094, or other law, in Ramsey county, the superintendent or matron and the assistant superintendent or matron of any county home school shall be appointed and removed by the director of the county community corrections department. The county board of commissioners shall set all salaries of employees at the school subject to sections 383A.281 to 383A.301.

Subd. 3. Detention home staff. Notwithstanding section 260.101, or other law, in Ramsey county, staff for detention homes shall be appointed and removed by the director of the community corrections department. Salaries for all employees shall be set by the county board of commissioners subject to sections 383A.281 to 383A.301.

History: 1983 c 274 s 13; 1985 c 89 s 20

383A.41 [Repealed, 1986 c 462 s 32]

383A.411 MEDICAL FACILITY WATER SYSTEM.

Subdivision 1. [Repealed, 1983 c 2 s 6]

Subd. 2. [Repealed, 1983 c 2 s 6]

Subd. 3. [Repealed, 1983 c 2 s 6]

Subd. 4. Ramsey county may issue and sell from time to time general obligation bonds of the county in an aggregate principal amount not to exceed \$5,000,000 to finance the construction, installation, modification, or improvement of heating, cooling, and domestic hot water systems serving buildings owned in whole or part, operated, or maintained by the county or the Ramsey county medical center commission. The county shall pledge its full faith and credit and taxing powers for the payment of the bonds. Except as provided in this section, the bonds shall be issued in accordance with chapter 475. The bonds may be issued and sold without submitting the question of the issuance of the bonds to a vote by the people. The bonds shall be in a form and bear interest at the rate that the county prescribes and shall be sold by the county to the bidder with the most favorable bid, after notice of the time and place for the receiving of the bids has been published according to law. The bonds shall not be included in computing the net debt of the county under any law, and the taxes required for payment of the bonds and interest on them shall not be subject to any limitation provided by other law.

Subd. 5. In substitution of, but not in addition to, powers granted to Ramsey county in subdivision 4, Ramsey county may levy and collect a tax, not to exceed the lesser of \$5,000,000 or 0.04835 percent of taxable market value to finance the construction, installation, modification, or improvement of heating, cooling, and domestic hot water systems serving buildings owned in whole or part, operated, or maintained by the county or Ramsey county medical center commission.

Subd. 6. The bonds described in subdivision 4 may not be issued and the tax described in subdivision 5 may not be levied until construction is commenced on a district heating system in St. Paul which is designed for heating or cooling or domestic hot water service to one or more buildings owned in whole or part, operated, or maintained by the county or the Ramsey county medical center commission.

History: 1982 c 626 s 4; 1983 c 2 s 3-5; 1989 c 277 art 4 s 36

383A.42 COUNTY SURVEYOR; APPROVAL OF PLAT.

Subdivision 1. **Appointment.** The Ramsey county board of county commissioners shall appoint a county surveyor.

Subd. 2. **Duties.** In addition to duties provided by general law, the county surveyor shall approve each tentative plat, subdivision plat and registered land survey before recording.

Subd. 3. **Fees.** The board of county commissioners shall establish the fees, to be paid by the proprietor of a plat or survey, for the approval of the plat or survey by the county surveyor.

History: 1976 c 7 s 1; 1986 c 444

383A.421 SURVEYOR FEES.

The board of county commissioners, after a public hearing, may establish a system of fees to be charged for inspection services by the county surveyor. The fees collected shall be for the use of the county and placed in the county treasury.

History: 1990 c 470 s 2

383A.43 LEGISLATIVE RESEARCH COMMITTEE.

Subdivision 1. **Research committee.** In Ramsey county, there is created a legislative research committee. The committee consists of all the legislative members in the county.

Subd. 2. **Powers, duties.** The committee may investigate and study, accumulate, compile, analyze and report on information concerning policies, plans, programs and procedures relating to or affecting the fiscal and legislative needs of the county and the governmental or political subdivisions therein, including school districts and any metropolitan or district authority having jurisdiction in an area of the county. The prime motive of the committee is to gather information and provide material to be used by the delegation in the legislature from the county in its work while the legislature is in session and in connection with legislative proposals affecting the county and local subdivisions.

Subd. 3. **Cooperate with other agencies.** The committee may assign the research director and staff to the house and senate delegations from the county in the legislature during each regular legislative session to explain the work of the committee and develop additional data with reference thereto. Each department, board, commission, agency, officer and employee in the county government and those in local government in the county, including school districts and metropolitan or district authorities having jurisdiction over an area of the county shall furnish the information and render the assistance to the committee that it, from time to time, requests.

Subd. 4. **Meetings.** The committee or a subcommittee that it appoints may sit at the time and place as it considers advisable but the committee shall meet at least once in each quarter and shall meet at any time upon the call of the chair. At a meeting of

the committee eight members constitute a quorum and a majority of the quorum may act in a matter falling within the jurisdiction of the committee.

Subd. 5. Organization. The committee shall select a chair and a vice-chair from its own members and may prescribe its own rules of procedure. It may appoint a secretary who need not be a member. The committee may employ the other persons and obtain the assistance of research agencies that it considers necessary.

Subd. 6. Reports to legislature. The committee shall keep minutes of its meetings which are open to the public. It shall make a periodic report to members of the delegation from the county in the legislature and shall keep them fully informed on each matter that comes before the committee, the action taken thereon, and the progress made in relation thereto. At least 30 days before each biennial legislative session, the committee shall make a written report summarizing its activities, investigations, surveys and findings of facts to the members of the legislature from the county and to the public.

Subd. 7. Proposed legislation. The committee may require that suggested legislation to be presented by a department, board, commission, agency, officer, official or employee of the county and its local subdivisions, desiring the consideration of the committee, be presented to it at least 60 days before a regular session.

Subd. 8. Expenses, compensation. The members of the committee and the members of a committee appointed as a subcommittee are entitled to be compensated for their expenses necessarily incurred in attending meetings and in the performance of their official duties and shall be paid mileage at the rate of ten cents for each mile necessarily traveled in attending meetings and in the performance of these duties.

Subd. 9. Appropriations. The county shall appropriate \$5,000 each year from the county general revenue fund for the use of the committee. For the payment of the expenses of the committee, it shall draw its warrants upon the county treasurer. These warrants shall be signed by the chair and one other member of the committee and approved by the county auditor. The county treasurer shall pay them as and when presented but not exceeding in the aggregate the amount herein provided in any one year.

History: 1974 c 435 s 3.16; 1986 c 444

383A.44 LOCAL GOVERNMENT STUDY COMMISSION.

Subdivision 1. Commission established; named. There is created in Ramsey county a commission to study the structure, functions and operations of all governmental units and bodies located within the said county including the county government, the municipal governments, public bodies corporate, and all offices, agencies, commissions, boards, authorities and other subdivisions thereof. Such commission shall be known as the "Local government study commission of Ramsey county," and shall be hereinafter referred to as "the commission."

Subd. 2. Duties. The commission shall conduct research and study to determine the need, if any, for the consolidation, separation, addition, removal or other revision of the aforementioned local governmental structures, functions and operations, and to determine whether moneys can be saved and whether efficiency can be gained through revision of such structures, functions and operations.

It shall be the further function and duty of the commission to draft a plan or plans for the solution of any problem disclosed as a result of such research and study, which it deems to be feasible and desirable and to submit such plan or plans to the members of the Ramsey county delegation of the Minnesota legislature.

Subd. 3. Members. The commission shall be composed of 38 members appointed by the Ramsey county delegation of the Minnesota legislature.

A senator, whose district is situated such that a portion of Ramsey county comprises 50 percent or more of that district, shall appoint from among the residents of the district two members.

A senator, whose district is situated such that a portion of Ramsey county comprises less than 50 percent of that district, shall appoint from among the residents of the district one member.

A representative, whose district is situated such that a portion of Ramsey county comprises 50 percent or more of that district, shall appoint from among the residents of the district one member.

A representative, whose district is situated such that a portion of Ramsey county comprises less than 50 percent of that district, shall appoint from among the residents of the district one member.

Commission members shall be residents of Ramsey county.

Commission members shall not be elected officials.

When a vacancy shall occur on the commission, a person shall be appointed by the senator or representative who appointed that person's predecessor to fill the vacancy until such time as the duty of the commission shall terminate.

A temporary chair shall be appointed by the chair of the Ramsey county delegation of the Minnesota legislature.

Subd. 4. Directives to commission. The commission as constituted shall meet and organize within 30 days of May 10, 1974. The commission shall elect from among its members a permanent chair and shall adopt rules.

The commission shall file an interim report on its activities on January 15, 1974, and its final report on November 15, 1974. Such reports and the plan or plans resulting from the commission's research and study shall, when signed by a majority of the commission, be filed with the members of the Ramsey county delegation of the Minnesota legislature. This authorization of the commission shall expire on January 31, 1975.

Subd. 5. Assistance provided. In making its study, the commission is authorized to call upon the state of Minnesota or any of its agencies or institutions for any aid or assistance which can be rendered it and to call upon the various departments and subdivisions of Ramsey county and the municipalities therein for assistance.

Public officials of the county, cities and towns located within Ramsey county are directed to cooperate with the commission by making available to the commission any public records which it requires.

The commission may make such investigations, conduct such hearing, and employ such special, technical, clerical and legal assistance as may be necessary to assemble the required data and information upon which to base its opinions, to analyze the same, and to draft a plan or plans for the commission.

Subd. 6. Appropriation. The board of commissioners of Ramsey county shall appropriate \$20,000 from the general fund for use by the commission in carrying out the purposes of this section.

History: 1974 c 435 s 3.17; 1986 c 444

383A.45 BUDGET.

Subdivision 1. Each year the board of commissioners of Ramsey county shall prepare a budget for the ensuing fiscal year. The budget is to provide a complete financial plan of all county funds and activities for the ensuing fiscal year and be in the form that the county board considers desirable. In organizing the budget, the board is to utilize the most feasible combination of expenditure classification by fund, including a contingent fund, organization unit, program, purpose or activity, and object. The budget is to begin with a clear general summary of its contents; show, in detail, all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and be arranged so as to show comparative figures for actual and estimated income and expenditures. It is to indicate in separate sections:

(a) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs;

(b) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure.

Subd. 2. The board of commissioners may create a tort liability fund by carrying forward any unexpended liability appropriation balance from one fiscal year to the next.

Subd. 3. The total of proposed expenditures shall not exceed the total of estimated income.

History: 1974 c 435 s 4.01

383A.46 CAPITAL PROGRAM.

The board of commissioners may also prepare a five year capital program to include:

- (1) A clear, general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the next five fiscal years next ensuing, with appropriate supporting information as to the necessity for these improvements;
- (3) Cost estimates, method of financing and recommended time schedules for each of these improvements; and
- (4) The estimated cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

History: 1974 c 435 s 4.02

383A.47 REDUCTION OF APPROPRIATIONS.

If the maximum rate of taxation for the various purposes mentioned in the budget, for which the county may levy taxes, together with the estimated amount of the revenues of the county for the ensuing year, exclusive of those derived from taxation does not equal the total amount mentioned in the budget, or amendment thereof, the county shall reduce, proportionately, the several funds mentioned in the budget, except that the items for bonds, interest on bonds, salaries, and other items, the charges for which are fixed by law, shall remain at the full amount that the law requires.

History: 1974 c 435 s 4.03

383A.48 APPROPRIATIONS AND TAX LEVY.

Adoption of the budget by the county board constitutes appropriations of the amounts specified therein as expenditures from the funds indicated and constitutes a levy of the tax therein proposed.

History: 1974 c 435 s 4.04

383A.49 AMENDMENTS AFTER ADOPTION.

Subdivision 1. **Supplemental appropriations.** The board of county commissioners of Ramsey county upon recommendation of the Ramsey county auditor may make a supplemental appropriation of funds to a county departmental budget during the course of a budget year. This appropriation shall authorize the use and expenditure of funds accruing to the county of Ramsey which were not derived from taxation by the county board and not anticipated in the budget as estimated receipts.

Subd. 2. **Emergency appropriations.** To meet a public emergency affecting life, health, property or the public peace, and to the extent that there are no available unappropriated revenues to meet the emergency, the board may, by unanimous vote, authorize the issuance of emergency notes. These notes may be renewed from time to time but the emergency notes and renewals in a fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made. The issuance and payment of these notes is subject to the limits on taxing power established by law for Ramsey county.

Subd. 3. **Emergency borrowing; bonds.** Ramsey county may borrow funds and pledge the credit of the county to meet an emergency arising inside the county and may make these loans either from the state of Minnesota, the federal government, or from private sources in an amount not exceeding \$1,000,000.

Bonds or other evidences of indebtedness may be issued pursuant to the authority granted to the county and for the purposes specified herein. If the county is required by statute to submit the question of the issuance of bonds or other evidences of indebtedness to a referendum vote, it may issue and sell these bonds or other evidences of indebtedness without submitting the question of the issue to a referendum vote, by the following procedure:

(i) **Procedure.** Before any bonds or other evidences of indebtedness may be issued hereunder by Ramsey county without submitting the proposal to make the issue to a referendum vote of the electors of the county, the board of county commissioners of Ramsey county shall first adopt a resolution, by unanimous vote of all of its members, declaring an emergency to exist making it necessary to borrow in the specified amount without submitting the question of issuance of bonds or other evidences of indebtedness to a vote of the electors of the county.

(ii) **Sale.** Upon the passage of this resolution, the board of commissioners of the county may proceed to issue and sell its bonds or other evidences of indebtedness covering these loans, in the manner prescribed by Minnesota Statutes 1971, section 475.60, subdivisions 1, 2, 3, 5 and 6, and they shall be valid legal obligations of the county without the referendum vote of the electors. These bonds or evidences of indebtedness shall become due and payable in not more than five years from the date of issue.

These bonds or other evidences of indebtedness are subject to the provisions of the laws of the state that govern the county in making loans in regard to the levy of a tax for interest and principal and for the payment thereof. No provisions of an act passed during the 1953 session of the legislature, limiting the tax which may be levied in the county, may in any way limit the tax to be levied for the payment of the principal or interest of these bonds.

All laws or parts of law inconsistent herewith are suspended, but this action does not repeal or suspend any other law authorizing Ramsey county to issue bonds.

Subd. 4. **Transfer of appropriation.** The Ramsey county board may, by resolution, transfer part of all of any unencumbered appropriation balance or unappropriated funds from one department, office or fund to another department, office or fund.

History: 1974 c 435 s 4.05; 1989 c 277 art 4 s 37

383A.50 ADMINISTRATION OF BUDGET.

Subdivision 1. **Payment of obligations.** Ramsey county shall pay for obligations in accordance with appropriations duly made and payment shall be made in accordance with methods and procedures that the county board sets up and approves.

Subd. 2. **Warrant-check.** (a) On each warrant that Ramsey county draws on the county treasury, the county shall state the purpose for which it is issued. The warrant may be so designed that it becomes a check on the county depository and may be known as a "warrant-check."

(b) The warrant-check need not show the fund from which drawn.

Subd. 3. **Payments and obligations prohibited.** (a) No payment shall be made or obligation incurred against an allotment or appropriation except in accordance with appropriations duly made and unless the county budget director first certifies that there is a sufficient unencumbered balance in the allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable.

(b) An authorization of payment or incurring of obligation in violation of the provisions of this article is void and a payment so made illegal.

Subd. 4. **Illegal expenditure; gross misdemeanor.** A county commissioner who

knowingly authorizes or makes a payment or incurs an obligation in violation of the provisions of sections 383A.45 to 383A.50 is guilty of a gross misdemeanor.

Subd. 5. Lapse of appropriations. (a) Each appropriation, except an appropriation for a capital expenditure, lapses at the close of the fiscal year to the extent that it has not been expended or encumbered.

(b) An appropriation for a capital expenditure continues in force until the purpose for which it was made has been accomplished or abandoned; the purpose of appropriation of this kind is abandoned if three years pass without a disbursement from or encumbrance of the appropriation.

Subd. 6. Joint city-county liabilities. The city of Saint Paul and the county of Ramsey may agree to provide for a mutually satisfactory method of paying for services, materials or supplies for which they are jointly charged under law. Either the city or the county may pay for these services made from a joint fund established under the exclusive control of either the city or the county. If the agreement provides that one subdivision of government shall pay a joint obligation in full, it may provide that the other subdivision shall discharge its part of the joint obligation by paying its share of the obligation to the subdivision first paying the obligation in full.

History: 1974 c 435 s 4.06

383A.551 RAMSEY COUNTY; CHARTER COMMISSION.

Subdivision 1. Ramsey county legislative delegation. For purposes of sections 383A.551 to 383A.556, the Ramsey county legislative delegation means all elected members of the state house of representatives and state senate whose legislative district includes a portion of Ramsey county.

Subd. 2. Chair of delegation. The chair of the Ramsey county state house of representatives delegation and the chair of the Ramsey county state senate delegation shall act as co-chairs of the Ramsey county legislative delegation.

History: 1987 c 103 s 1

383A.552 CHARTER COMMISSION; NOMINATIONS AND APPOINTMENTS.

Within 30 days of the effective date of Laws 1987, chapter 103, the Ramsey county legislative delegation shall nominate 41 persons as candidates for appointment to a charter commission to frame a charter to provide for the form of government for Ramsey county. Five persons who reside in the district shall be nominated for each of the county commissioner districts in the county. Six persons who reside in the county shall also be nominated without regard to county commissioner districts. Within 30 days of the selection of nominees the judges of the second judicial district shall appoint the charter commission of 17 members consisting of two appointees for each county commissioner district selected from those nominated from each county commissioner district and three appointees from those nominated at large to serve at large. The commission members must be qualified voters in Ramsey county. No person shall be disqualified from serving on the charter commission because of holding an elective or appointive office.

History: 1987 c 103 s 2

383A.553 CHARTER COMMISSION; TERMS; CHAIR; EXPENSES AND ADMINISTRATION.

Subdivision 1. Terms. Members of the charter commission shall hold office until December 31, 1990. Vacancies shall be filled by the appointing authority. Appointments shall be made by filing with the board of county commissioners. An appointee shall file acceptance of the appointment with the board of county commissioners within ten days or be considered to have declined the appointment. If a charter is adopted at the November 1990 election, the members shall continue to serve until a new commission is appointed or until the effective date of the charter in 1992, whichever occurs first.

Subd. 2. **Chair; rules.** The charter commission shall meet within 30 days after the initial appointment, elect a chair from their number, and establish rules, including quorum requirements for its operation and procedures.

Subd. 3. **Expenses and administration.** The members of the charter commission shall receive no compensation except reimbursement for expenses they actually incur in the course of their duties. The board of county commissioners may make an appropriation to the charter commission to be used to employ research and clerical assistance, for supplies, and to meet expenses considered necessary by the charter commission. Employees of the charter commission shall be in the unclassified service of the county. The charter commission shall have the right to request and receive assistance from any county official. If requested, the personnel director shall assist the charter commission to test and hire employees. The county attorney shall provide legal services as may be requested.

History: 1987 c 103 s 3; 1990 c 609 s 1

383A.554 POWERS AND DUTIES.

Before December 31, 1989, the charter commission shall deliver to the board of county commissioners either (1) its report determining that the present form of county government is adequate for the county and that a charter is not necessary or desirable, or (2) a draft of a proposed charter. The report must be signed by a majority of the members of the charter commission. The proposed charter may provide for any form of government consistent with the constitution of the state of Minnesota. It may provide for the establishment and administration of all departments of a county government and for the regulation of all local county functions. It may abolish or consolidate any department or agency. The charter commission is required to hold at least one public hearing in each of the county commissioner districts.

It shall provide for present functions to be assumed by new elective or appointive officers as shall be provided for in the charter and may provide for other powers consistent with other law. It shall provide methods of procedure in respect to the operation of the government created and the duties of all officers. It shall provide for a home rule charter commission consistent with article XII, section 5, of the constitution of the state of Minnesota and may provide for alternative methods for amending or abandoning the charter consistent with the constitution. The county may be authorized to acquire by gift, devise, purchase, or condemnation or sell or lease any property needed for the full discharge of its duties and powers. All special and general laws authorizing the county to incur indebtedness or issue bonds shall be subject to the charter, provided that the charter provisions are not in conflict with general laws relating to public indebtedness. The county shall continue to have all the powers granted by law.

Personnel matters relating to Ramsey county employees shall continue to be governed by sections 383A.281 to 383A.301 and sections 197.455 to 197.48. A charter proposed for adoption under sections 383A.551 to 383A.556 shall not apply to personnel matters.

History: 1987 c 103 s 4; 1988 c 622 s 3

383A.555 ELECTION; BALLOT.

Subdivision 1. **Procedure; notice.** Upon delivery of the proposed charter to the board of county commissioners, the board shall submit it to the voters at the general election in 1990. The election shall be conducted as nearly as possible in accordance with chapter 372, provided that the polls shall remain open until 8:00 p.m. The notice of election must contain the complete charter and must be published once a week for two successive weeks in a qualified newspaper of general circulation within the county.

Subd. 2. **Ballot form.** The ballot must be in the following form:

“Shall the proposed new county charter be adopted?

Yes
No”

The voter shall place an "X" after one of the last two words to express the voter's choice.

History: 1987 c 103 s 5

383A.556 EFFECTIVE DATE.

If 51 percent of the votes cast on the proposition are in favor of the proposed charter, it shall be considered adopted. The charter shall take effect two years after the election. At that time the courts shall take judicial notice of the new charter and upon the election or appointment of officers under the charter the former officials of Ramsey county shall deliver to them all records, money, and other public property under their control.

History: 1987 c 103 s 6; 1990 c 609 s 2

383A.601 LEGISLATIVE FINDINGS.

The legislature finds that the lands and waters of Ramsey county are great natural resources; that as a result of erosion of lands and sediment deposition in waters of the region, waters are being polluted and despoiled to a degree that fish, aquatic life, recreation, and other uses of lands and waters are being adversely affected; that the rapid shift in land use from agricultural to nonagricultural uses has accelerated the processes of soil erosion and sedimentation. Implementation of the metropolitan surface water planning act in Ramsey county requires a coordinated effort in that county, and the state of Minnesota may benefit from a pilot program within that county. The legislature further finds it is necessary to establish and implement through the soil and water conservation district in cooperation with water management organizations, cities, towns, and other public and private entities in that county, a countywide coordinated erosion and sediment control pilot program to conserve and to protect the land, water, and other natural resources of Ramsey county.

History: 1988 c 497 s 1

383A.602 DEFINITIONS.

Subdivision 1. **Applicability.** The definitions in this section apply to sections 383A.601 to 383A.604.

Subd. 2. **Conservation specifications.** "Conservation specifications" means management procedures, techniques, and methods to control soil erosion and sedimentation.

Subd. 3. **District.** "District" means the soil and water conservation district operating under chapter 103C.

Subd. 4. **Land disturbance activity.** "Land disturbance activity" means land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands of Ramsey county, including clearing, grading, excavating, transporting, and filling of land. Land disturbance activity does not mean:

(1) minor land disturbance activities such as home gardens and individual home landscaping, repairs, and maintenance work;

(2) construction, installation, maintenance of electric and telephone utility lines or individual service connection to the utility lines;

(3) septic tank lines or drainage fields unless included in an overall plan for a land disturbance activity relating to construction of a building to be served by the septic tank system;

(4) tilling, planting, or harvesting of agricultural, horticultural, or silvicultural crops;

(5) preparation for single-family residences separately built, unless in conjunction with multiple construction in subdivision development;

(6) disturbance of land areas of less than 10,000 square feet for commercial or non-commercial uses, except that the governing body of the statutory or home rule charter city, town, or organization may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception applies;

(7) installation of fence, sign, telephone, and electric poles and other kinds of posts or poles; and

(8) emergency work to protect life, limb, or property and emergency repairs.

Subd. 5. **Organization.** "Organization" means a watershed management organization as defined in section 103B.205 that has more than 25 percent of its area within Ramsey county.

History: 1988 c 497 s 2; 1990 c 391 art 8 s 40,41

383A.603 DISTRICT EROSION AND SEDIMENT CONTROL PROGRAM.

Subdivision 1. **Establishment.** The district shall develop a pilot program that contains a model ordinance and conservation specifications for the effective control of soil erosion and sediment deposition. To assist in the development of the pilot program, the district shall seek the advice of appropriate state and federal agencies, local units of government, and representatives of interests such as residential development and nonresidential development.

Subd. 2. **Program contents.** The district pilot program shall contain:

(1) relevant physical and developmental information concerning the region, including data relating to land use, soils, hydrology, geology, size of land area being disturbed, proximate water bodies and their characteristics, transportation, and public facilities and services;

(2) a model ordinance;

(3) principles for protecting existing vegetation, adequate revegetation schedules, and run-off control measures; and

(4) conservation specifications and alternative methods for the control of erosion and sediment resulting from land disturbance activities.

Subd. 3. **Program adoption; implementation.** The district shall adopt and implement the program by January 1, 1989. The district may revise its pilot program as necessary. The district shall give due notice and conduct at least one public hearing on the proposed pilot program before adoption or revision.

Subd. 4. **Inspection of program.** The program shall be made available for public inspection at the office of the district.

History: 1988 c 497 s 3

383A.604 ORGANIZATION SOIL EROSION AND SEDIMENT CONTROL PROGRAMS.

Subdivision 1. **Adoption.** Each organization must, within one year after the adoption of the district program under section 383A.603, develop and adopt an organization soil erosion and sediment control program as part of its watershed plan under section 103B.231. The organization program must be consistent with the district program and must be submitted to the district for approval or disapproval. Upon written request of an organization, the district shall assist in the preparation of the organization program. The organization may choose to implement the program throughout its area of jurisdiction or only within the territory of the district.

Subd. 2. **Failure to adopt an organization program.** After adoption of the district program under section 383A.603, the board of water and soil resources may not approve a watershed plan until the organization has included an organization program in accordance with this section. A watershed plan approved by the board before the adoption of the district program must be amended and submitted to the board of water and soil resources for approval within one year after the adoption of the district program. If the amendment is not submitted, plan approval must be withdrawn until the amendment is submitted.

Subd. 3. **Hearing requirement.** Organizations that choose to adopt conservation specifications or an ordinance that are more stringent than the district program must conduct a public hearing after due notice.

History: 1988 c 497 s 4; 1990 c 391 art 8 s 42

MINNESOTA STATUTES 1990

8775

RAMSEY COUNTY 383A.605

383A.605 COMPLIANCE.

Plans, rules, and ordinances adopted under sections 383A.601 to 383A.604 must be consistent with any applicable rules promulgated by the board of water and soil resources.

History: *1988 c 497 s 5*

383A.65 [Repealed, 1990 c 604 art 3 s 65]