

## CHAPTER 383D

### DAKOTA COUNTY

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#### 383D.05 COMMISSIONERS' EXPENSE.

Each member of the board of county commissioners shall be allowed an annual sum as determined by the county board as and for expense account.

*History: 1961 c 249 s 2; 1965 c 629 s 2; 1980 c 519 s 5*

#### 383D.09 AUDITOR; TREASURER; RECORDER.

Subdivision 1. The Dakota county board of commissioners may, by resolution, merge the offices of county treasurer and county auditor. The board may provide, by resolution, that the office of county recorder shall not be elective but shall be filled by appointment by the county board as provided in this section. These offices will be referred to as treasurer/auditor and property records.

Subd. 2. As provided by a resolution by the Dakota county board of commissioners and subject to subdivisions 3 and 4, the duties of the elected county treasurer and county auditor required by statute shall be combined and performed by one elected official to be referred to as the county treasurer/auditor. The treasurer/auditor shall perform all duties required by statute to be performed by either a county treasurer or auditor and shall be elected in the manner as provided by statute for those officials. A vacancy in the office of treasurer/auditor shall be filled in accordance with section 375.08.

Upon adoption of a resolution by the Dakota county board of commissioners and subject to subdivisions 3 and 4, the duties of the elected county recorder whose office is made appointive under this section shall be discharged by the board of commissioners acting through a department head appointed by the board for that purpose. The appointed department head shall serve at the pleasure of the board. The board may reorganize, consolidate, reallocate, or delegate the duties to promote efficiency in county government. A reorganization, reallocation, or delegation or other administrative change or transfer shall not impair the discharge of duties required by statute to otherwise be performed by a county recorder.

Subd. 3. The persons elected to be county treasurer, county auditor, and county recorder at the last county general election preceding action under this section shall serve in those capacities and perform their duties, functions, and responsibilities until the completion of the term of office to which each was elected, or until a vacancy occurs in the office, whichever occurs earlier.

Subd. 4. The county board, before action as permitted by subdivision 2 and before any appointment permitted by subdivision 1 or 2, but after adopting a resolution permitted by subdivision 1 or 2, shall publish the resolution once each week for two con-

secutive weeks in the official publication of the county. The resolution may be implemented without the submission of the question to the voters of the county, unless within 21 days after the second publication of the resolution a petition requesting a referendum, signed by at least 15 percent of the voters in the county voting in the last general election, is filed with the county auditor. If a petition is filed, the resolution may be implemented unless disapproved by a majority of the voters of the county, voting on the question at a regular or special election.

**History:** 1991 c 338 s 1

### **383D.15 COUNTY EXTENSION; FUNDING.**

Notwithstanding any provisions of section 38.36, to the contrary, the board of county commissioners of the county of Dakota may provide funds for the purposes of the county extension committee, not to exceed an amount of \$50,000.

**History:** 1971 c 464 s 1

### **383D.17 ROAD AND BRIDGE AIDS.**

The county board of Dakota county may appropriate from its road and bridge fund to any town, statutory city, or home rule charter city of the second, third, or fourth class in the county such sums of money as are available and which it deems advisable to aid such towns, statutory cities, or home rule charter cities of the second, third, or fourth class in the construction and maintenance of roads, streets, or bridges therein, and such appropriations may be directly expended by the county board upon such roads, streets, or bridges as shall be designated by the governing bodies of such towns, statutory cities, or home rule charter cities of the second, third, or fourth classes. The county board shall determine the amount to be appropriated to such town, statutory city, or home rule charter city of the second, third, or fourth class, notwithstanding any limitation to the contrary.

**History:** 1959 c 457 s 1; 1973 c 123 art 5 s 7

### **383D.21 PERSONNEL ADMINISTRATION SYSTEM; RESOLUTION TO ESTABLISH SYSTEM.**

The Dakota county board may establish a county personnel administration system by a resolution creating an employee relations department, establishing its effective date and appointing a personnel board of appeals pursuant to section 383D.30.

**History:** 1987 c 74 s 1

### **383D.22 DEFINITIONS.**

Subdivision 1. For the purpose of sections 383D.21 to 383D.35, unless the context clearly indicates that a different meaning is intended, the terms defined in this section have the following meanings.

Subd. 2. "Appointing authority" means an official, employee, board, or commission, or other person or body empowered by law, ordinance, or resolution to make an appointment to a position as a county employee within the scope of sections 383D.21 to 383D.35.

Subd. 3. "Director" means the director of the employee relations department.

Subd. 4. "Employee relations department" means the employee relations director and the employees engaged in the administration of the employee relations department.

Subd. 5. "Board of appeals" means the personnel board of appeals established pursuant to section 383D.30.

Subd. 6. "Classified service" means all positions existing on July 2, 1987, or subsequently created that are under the jurisdiction of the employee relations department pursuant to section 383D.23, subdivision 1.

Subd. 7. "Unclassified service" means all positions that are not in the classified service.

**History:** 1987 c 74 s 2

**383D.23 JURISDICTION.**

Subdivision 1. Except for the positions excluded under subdivisions 2 and 3, the jurisdiction of a department created pursuant to section 383D.21 shall include every county public employment position for which the appointing authority is:

- (a) the county board;
- (b) the county welfare board;
- (c) the county human services board;
- (d) an elected county official;
- (e) an appointed county department head; or
- (f) a commission or board appointed by the county board. All positions within the jurisdiction of the department are classified.

Subd. 2. The following are excluded from the jurisdiction of the department and are unclassified:

- (a) positions filled by election;
- (b) positions for which a county or district court judge is the appointing authority;
- (c) positions designated by the county board or by law as department heads and filled by the county board;
- (d) positions designated by the county board or by law as department heads and filled by a board or commission appointed by the county board;
- (e) one chief or principal assistant designated by each department head;
- (f) one personal secretary designated by each elected department; and
- (g) assistant county attorneys, student law clerks, or special investigators in the employ of the county attorney.

Subd. 3. At the option of the county board, the following may be excluded from the jurisdiction of the department:

- (a) any positions subject to merit systems established or authorized pursuant to sections 12.22, subdivision 3, 144.071, 256.012, and 387.31 to 387.45 or federal law;
- (b) positions designated as temporary or seasonal;
- (c) special deputies and volunteers serving without pay;
- (d) students in training; and
- (e) positions that meet the following criteria:
  - (i) exclusion is consistent with other law relating specifically to that department;
  - (ii) the position is that of a supervisor or department assistant who would report directly to the department head or the chief deputy or principal assistant of the department head and be a part of the department head's management team; and
  - (iii) the duties of the position involve significant discretion and substantial involvement in the development, interpretation, and implementation of department policy.

The employee relations director shall certify whether the designation is consistent with the standards and criteria in this section. The county board may appeal certification decisions to the personnel board of appeals.

Subd. 4. An appointing authority may appoint an employee to the unclassified service in accordance with this subdivision. Positions in the unclassified service are not required to be filled by competitive examination but shall be subject to an open application and screening process. An employee in the unclassified service is entitled to all fringe and compensation benefits afforded to similarly situated employees in the classified service such as, but not limited to, vacation leaves, holiday leave, health care insurance, and other benefits as determined by the county board.

Subd. 5. **Certain juveniles.** An appointing authority may employ on a temporary basis juveniles who have been ordered by the juvenile court to make monetary restitution or pay a fine as a condition of probation without complying with this section.

**History:** 1987 c 74 s 3; 1989 c 143 s 1

**383D.24 EMPLOYEE RELATIONS DIRECTOR APPOINTMENT.**

After the county board has adopted the resolution authorized in section 383D.21, it shall promptly appoint an employee relations director or assign the function of employee relations director to an existing officer or employee. If Dakota county elects to operate under an optional form of government pursuant to sections 375A.01 to 375A.13, the authority to appoint the employee relations director shall be the same as for the appointment of other department heads. The terms and conditions of employment of the person appointed as director or assigned the function of director shall be established by the county board.

**History:** 1987 c 74 s 4

**383D.25 DUTIES AND POWERS OF THE DIRECTOR.**

Subdivision 1. **Personnel administration rules.** The director shall prepare personnel rules, which shall be effective upon approval by the county board, to carry out sections 383D.21 to 383D.35. The rules shall provide, among other things, for:

(a) A classification plan and classification of positions within the jurisdiction of the employee relations department in accordance with the plan;

(b) Creation and maintenance of lists of eligibles. No name shall remain on an eligible list for more than two years;

(c) Certification of names to the appointing authority from the eligible list for appointment, promotion, or reemployment;

(d) Establishment of procedures to recruit, select, and advance personnel on the basis of relative ability, knowledge, and skills;

(e) Establishment of procedures to assure nondiscriminatory and fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religion;

(f) Establishment of procedures for suspension or termination or other disciplinary action, including procedures for appeal of actions by appointing authorities with respect to suspension or termination or other disciplinary action;

(g) Establishment of rules and procedures to authorize employees within the jurisdiction of the employee relations department to take a leave of absence from their duties to accept appointment to an unclassified position.

Subd. 2. **Administration.** The director shall administer the department. In addition to other duties imposed by sections 383D.21 to 383D.35, the director shall:

(a) Appoint, supervise, and direct the work of the employees of the department.

(b) Schedule and conduct hearings as required by rules adopted pursuant to sections 383D.21 to 383D.35 or at the direction of the county board.

(c) Provide for, formulate, and hold competitive examinations as required by rule to determine the qualifications of persons seeking employment in positions within the jurisdiction of the department.

(d) Investigate the administration and effect of rules made under sections 383D.21 to 383D.35 and report the findings and recommendations to the county board.

(e) Establish programs for training and continuing education of employees as deemed appropriate by the county board to improve the quality of service of employees holding positions within the jurisdiction of the department.

(f) Prepare a compensation plan and recommend a schedule of salary or wage rates for all county positions within the jurisdiction of the department for adoption by the county board.

**History:** 1987 c 74 s 5

**383D.26 PAYROLLS APPROVED BY DIRECTOR.**

No disbursing officer shall pay a salary or compensation for service to a person holding a position within the jurisdiction of a department established pursuant to sec-

tions 383D.21 to 383D.35 unless the payroll or account for the salary or compensation is certified by the employee relations director or an authorized employee of the director that the person paid or compensated has been appointed and employed in accordance with sections 383D.21 to 383D.35 and rules adopted under them.

**History:** 1987 c 74 s 6

### **383D.27 CIVIL SERVICE AND MERIT SYSTEM RELATIONSHIPS.**

Unless the county board has elected to exclude some or all positions otherwise subject to merit systems established under sections 12.22, subdivision 3, 144.071, 256.012, and 387.31 to 387.45, from the jurisdiction of the employee relations department, those sections and any rules promulgated under them shall be superseded as far as they are inconsistent with sections 383D.21 to 383D.35, but no position subject to merit systems established pursuant to sections 12.22, subdivision 3, 144.071, and 256.012, shall be removed from existing merit system coverage and placed under a department established pursuant to sections 383D.21 to 383D.35, until the department is certified in accordance with the United States Office of Personnel Management's standards for a merit system of personnel administration. Nothing in section 387.43 shall be construed to prohibit the inclusion of sheriff's department personnel in a personnel system established pursuant to sections 383D.21 to 383D.35.

**History:** 1987 c 74 s 7

### **383D.28 VETERANS TO BE GIVEN PREFERENCE.**

Nothing in sections 383D.21 to 383D.35 shall be construed to remove, limit, or extend the rights and preferences of veterans established by sections 197.455 and 197.46, except that the county board may enact rules relative to retirement age which shall apply to veterans on the same basis as other persons.

**History:** 1987 c 74 s 8

### **383D.29 COLLECTIVE BARGAINING RELATIONSHIPS.**

Subdivision 1. For purposes of negotiating collective bargaining agreements and resolving grievances involving them pursuant to sections 179A.01 to 179A.25, the appointing authority and the county board shall be deemed the joint employer for positions within the jurisdiction of the employee relations department. Both shall be signatories to negotiated agreements or grievance settlements. If the county board and the appointing authority disagree as to the final terms of a negotiated agreement or grievance settlement, the decision of the county board shall be final and binding on behalf of the county as employer for all employees of the county, including employees under the jurisdiction of an appointing authority other than the county board.

Subd. 2. Any employee holding a position covered by sections 383D.21 to 383D.35 shall, upon the effective date of the establishment of a county personnel administration system, retain the position without further examination and suffer no loss in wages, seniority, or benefits as the result of the implementation of sections 383D.21 to 383D.35.

**History:** 1987 c 74 s 9

### **383D.30 PERSONNEL BOARD OF APPEALS.**

Subdivision 1. The county board shall appoint three persons to serve staggered terms as members of a personnel board of appeals. After the first appointments, successors shall serve for terms of three years each. Expiration dates for expiring terms shall be fixed by the county board and vacancies shall be filled by a majority vote of the county board for the unexpired term. Persons appointed to the personnel board of appeals shall not serve while holding any county office, while standing as a candidate for any county office, or while employed by the county. Each member shall be a resident of the county and shall forfeit office on becoming a nonresident.

Subd. 2. Compensation for members of the personnel board of appeals shall be set by the county board and each member shall be paid actual and necessary expenses.

Subd. 3. The personnel board of appeals shall organize by electing a chair and vice-chair. It shall develop rules of procedure for matters brought before it under sections 383D.21 to 383D.35 and rules promulgated under sections 383D.21 to 383D.35.

**History:** 1987 c 74 s 10

### **383D.31 DUTIES OF BOARD OF APPEALS.**

Subdivision 1. **Jurisdiction.** The personnel board of appeals shall meet upon call of its chair or the employee relations director to make findings and report to the county board within 60 days of the filing of an appeal by an applicant, employee, or appointing authority, unless the time is extended with the consent of the party filing the appeal, in the following circumstances:

(a) Alleged arbitrary or capricious action by the county board with respect to final establishment of rules under sections 383D.21 to 383D.35.

(b) Alleged discrimination by the employee relations director or the director's employees in examination procedures or preparation of lists of eligible candidates, or discriminatory use of them by the appointing authority under sections 383D.21 to 383D.35 or rules promulgated under them.

(c) Alleged misinterpretation or evasion by the director or the county board of a provision of sections 383D.21 to 383D.35 or the rules promulgated under them in a manner seriously detrimental to the party bringing the appeal.

(d) Other matters of grievance as provided for in rules promulgated under sections 383D.21 to 383D.35.

Subd. 2. **Procedures.** The personnel board of appeals shall establish procedures for appeals to the board.

Subd. 3. **Appeal findings.** Findings and reports of the personnel board of appeals shall be submitted to the county board for consideration and action as deemed appropriate by the county board, but, to the extent required for employees of departments and agencies paid in full or in part by federal funds, the findings of the personnel board of appeals shall be final and binding if necessary to conform to a federal or state regulation affecting the department or position.

**History:** 1987 c 74 s 11; 1989 c 143 s 2

### **383D.32 JUDICIAL REVIEW.**

An employee or appointing authority may appeal from an order of the board of appeals in accordance with chapter 14.

**History:** 1987 c 74 s 12

### **383D.33 APPROPRIATION BY COUNTY BOARD.**

The county board may make appropriations as necessary to carry out sections 383D.21 to 383D.35.

**History:** 1987 c 74 s 13

### **383D.34 FEDERAL AID FOR MANPOWER SERVICES.**

The county may receive financial assistance from agencies of the United States, and plan for, and carry out comprehensive manpower services as provided for in the Emergency Employment Act of 1971, as amended, and the Comprehensive Employment and Training Act of 1973, as amended.

**History:** 1987 c 74 s 14

### **383D.35 PROTECTION OF RIGHTS UNDER STATE AND FEDERAL LAWS.**

Subdivision 1. Nothing in sections 383D.21 to 383D.34 shall be construed to permit or encourage any action or conduct prohibited by the Minnesota human rights act or prohibit recourse to any remedies provided in the Minnesota human rights act or

any other state or federal law relating to equal employment opportunities. The provisions of those laws shall continue to apply to county employment generally, including positions excluded from the jurisdiction of the county personnel administration system.

Subd. 2. Nothing in sections 383D.21 to 383D.34 shall be construed to affect the rights and obligations of an employee or employer under sections 179A.01 to 179A.25, or the provisions of a contract or agreement executed pursuant to them.

Subd. 3. Any employee in the unclassified service may be demoted or removed from the employee's position in the unclassified service without cause and at the discretion and pleasure of the appointing authority, but, unless otherwise provided by law, no permanent county employee, who has successfully completed the employee's probationary period of employment with the county, shall be dismissed from employment with the county without the establishment of just cause. For purposes of this subdivision, just cause includes, but is not limited to, failure to perform assigned duties, substandard performance, misconduct, insubordination, and violation of written policies and procedures.

**History:** 1987 c 74 s 15

### 383D.41 HOUSING AND REDEVELOPMENT AUTHORITY.

Subdivision 1. There is hereby created in Dakota county a public body corporate and politic, to be known as the Dakota county housing and redevelopment authority, having all of the powers and duties of a housing and redevelopment authority under sections 469.001 to 469.047; which act applies to the county of Dakota. For the purposes of applying the provisions of the municipal housing and redevelopment act to Dakota county, the county has all of the powers and duties of a municipality, the county board has all of the powers and duties of a governing body, the chair of the county board has all of the powers and duties of a mayor, and the area of operation includes the area within the territorial boundaries of the county.

Subd. 2. This section shall not limit or restrict any existing housing and redevelopment authority or prevent a municipality from creating an authority. The county shall not exercise jurisdiction in any municipality where a municipal housing and redevelopment authority is established. A municipal housing and redevelopment authority may request the Dakota county housing and redevelopment authority to handle the housing duties of the authority and, in such an event, the Dakota county housing and redevelopment authority shall act and have exclusive jurisdiction for housing in the municipality pursuant to sections 469.001 to 469.047. A transfer of duties relating to housing shall not transfer any duties relating to redevelopment.

Subd. 3. If any housing or redevelopment project is undertaken in Dakota county pursuant to this authorization, and such project is within the boundaries of any incorporated home rule charter or statutory city, the location of such project shall be approved by the governing body of the city.

Subd. 4. Notwithstanding section 469.015, subdivision 3, a performance bond is not required for any works of single family housing construction undertaken by the authority if the authority determines that the cost of a performance bond is greater than the benefit of the bond.

**History:** 1971 c 333 s 1-3; 1973 c 123 art 5 s 7; 1973 c 534 s 1; 1989 c 79 s 1; 1990 c 426 art 2 s 11,12

### 383D.45 HISTORICAL SOCIETY.

Dakota county, in addition to the authority provided by section 138.051, may provide financial and accounting services, including payroll management and records, to the Dakota county historical society. Notwithstanding this section or any other law to the contrary, Dakota county historical society employees shall not be deemed county employees for any other purpose.

**History:** 1987 c 74 s 16

**383D.46 CAMPGROUND OPERATORS.**

Notwithstanding section 471.345, Dakota county may by four-fifths vote contract for the services of a campground operator by direct negotiation without advertisement for bids.

**History:** 1989 c 143 s 3

**383D.47 MORGUE COSTS.**

The limitations, provided by section 390.06, on the cost of building, equipping, and maintaining a morgue do not apply to Dakota county.

**History:** 1989 c 143 s 4

**383D.61 COMPREHENSIVE PLAN.**

Notwithstanding any provision of section 394.23 to the contrary, the board of county commissioners of the county of Dakota may prepare a comprehensive plan for the orderly future physical development of any area of the county or parts thereof. The plan, which may include text and maps, shall be approved and certified by the board and when so certified by the board shall be referred to as the comprehensive plan. The plan may thereafter be amended or added to by the board.

**History:** 1971 c 458 s 1

**383D.63 PLANNING ADVISORY COMMISSION.**

Notwithstanding provisions of section 394.30, subdivision 1, to the contrary, the Dakota county board of commissioners may, if it wishes to avail itself of the authority granted by sections 394.21 to 394.37, create a planning advisory commission composed of two appointees from each Dakota county commissioner district. Such appointments shall be annual.

**History:** 1974 c 296 s 1

**383D.65 PLATS AND SURVEYS; APPROVAL.**

Subdivision 1. In the county of Dakota, each subdivision plat or registered land survey plat shall be approved by the Dakota county surveyor before recording. The proprietor of such plat shall be charged a fee for such service in accordance with a schedule established by the board of commissioners.

Subd. 2. Notwithstanding the provisions of any other law to the contrary, in the county of Dakota each subdivision plat or registered land survey plat which is contiguous with any existing or proposed county road shall be approved by the Dakota county board of commissioners before building permits are issued by the municipalities in which the subdivision or land survey is located.

Subd. 3. Any registered land surveyor who shall perform a survey of land for an individual or corporation shall file a true and correct copy of such survey in the office of the county surveyor within 30 days after completion of the survey. The manner of filing, and all incidents thereof, shall be determined by the county surveyor. All surveys so filed shall be public records and shall be available at all reasonable times for inspection by any person.

**History:** 1973 c 212 s 1; 1973 s 416 s 1; 1974 c 216 s 2

**383D.67 LAKE BYLLESBY LAND TRANSFERS.**

Dakota county may sell, lease, or otherwise convey county-owned land that abuts Lake Byllesby to adjoining property owners who, after the transfer, will have direct access to Lake Byllesby. Any sale, lease, or other conveyance shall be made at the market value of the property as appraised by the county. The sales, leases, or other conveyances may be done without compliance with section 373.01, subdivision 1, clause (3), except the requirement for reservation of mineral rights. The county shall make any sale, lease, or other conveyance under this section subject to reservation by the county of flowage easements relating to water levels of Lake Byllesby.



This section does not apply to any county-owned land which has been developed by the county as public parkland.

*History: 1983 c 37 s 1*

### **383D.71 RESOURCE RECOVERY.**

**Subdivision 1. Nonmetropolitan county powers.** Dakota county may exercise the powers of a county under section 400.08, in addition to the powers that Dakota county may exercise under other law. The county may expend money for resource recovery purposes under sections 473.801 to 473.845.

**Subd. 2. Lease or sale of property.** Dakota county may sell or lease any facilities or property or property rights to accomplish the purposes specified by sections 473.149, 473.151, and 473.801 to 473.823, 473.831, 473.833, and 473.834. The property may be sold or leased in the manner provided by section 458.196 or may be sold or leased in the manner and on the terms and conditions determined by the county board. Each metropolitan county may convey to or permit the use of the property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. Real property or property rights acquired under this section may not be disposed of in any manner unless and until the county has submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.

*History: Sp1985 c 13 s 373*

### **383D.73 ASSESSMENT REVIEW.**

The governing body or town board of any home rule charter or statutory city or town in Dakota county may transfer the duties of the city or town board of review or board of equalization under chapter 274, to the county board of equalization. A transfer of duties as permitted by this section is permanent and must be communicated to the county assessor before December 1 of any year to be effective for the next year. The county board of equalization shall meet during April, May, and June at the places determined by the county board of commissioners. The county assessor shall attend each meeting of the county board of equalization at which public testimony is to be taken.

*History: 1991 c 338 s 2*