

PROCEEDINGS OF THE COUNTY BOARD

State of Minnesota }
County of Kanabec }
Office of the County Coordinator

November 25, 2008

The Kanabec County Board of Commissioners met at 9:00am on Tuesday, November 25, 2008 pursuant to adjournment with the following Board Members present: Kim Smith, Kathi Ellis, Les Nielsen, Jerry Nelson, and Kevin Troupe.

The Chairperson led the assembly in the Pledge of Allegiance.

Action #1 - It was moved by Kevin Troupe, seconded by Les Nielsen, and carried unanimously to approve the agenda with the following additions:

- a. Rail bed purchase
- b. Bargaining Unit Contract

Action #2 - It was moved by Kim Smith, seconded by Kevin Troupe, and carried unanimously to approve the November 19, 2008 minutes of the Kanabec County Board of Commissioners with the following corrections:

1. At the Human Service Board, show Commissioner Jerry Nelson as present.
2. Resolution #HS9, add the following in the BE IT RESOLVED: "...for 4 hours per week at \$200.00 per hour..."

Action #3 – It was moved by Kevin Troupe, seconded by Jerry Nelson, and carried unanimously to approve the following claims on Hospital Construction Funds:

Vendor	Amount
MODERN WINDOW SHADE CO.	895.26
STRUCTURAL WOOD CORPORATION	4,770.00
YOUNG & ASSOCIATES ARCHITECTS	<u>1,000.00</u>
TOTAL	6,665.26

Action #4 – It was moved by Les Nielsen, seconded by Kim Smith, and carried unanimously to approve a **Consent Agenda** including all of the following actions:

Resolution #4a – 11/25/08

Landwehr Construction Claim

WHEREAS Landwehr Construction is the Category #1—Earthwork/Utilities—contractor for the jail project, and

WHEREAS the board has received a claim from the Landwehr Construction for payment for worked performed on the jail project, and

WHEREAS the Construction Manager has certified Landwehr application #7 for approval as follows:

Contract Sum	= \$475,980.57
Total Completed to date	= \$472,780.57
5% Retainage	= \$ 23,639.03
Previously paid	= <u>\$438,229.23</u>
Current Due	= \$ 10,912.31

and,

WHEREAS the Construction Committee has approved these claims;

BE IT RESOLVED to authorize payment of \$10,912.31 on Jail Bond Funds to Landwehr Construction.

Resolution #4b – 11/25/08

Bruce's Contracting Claim

WHEREAS Bruce's Contracting is the Category #2—Concrete—contractor for the jail project, and

WHEREAS the board has received a claim from Bruce's Contracting for payment for worked performed on the jail project, and

WHEREAS the Construction Manager has certified Bruce's Application #7 for approval as follows:

Contract Sum	= \$256,650.00
Total Completed to date	= \$234,419.74
5% Retainage	= \$ 11,720.99
Less previous payments	= <u>\$209,462.88</u>
Current Due	= \$ 13,235.87

and,

WHEREAS the Construction Committee has approved this claim;

BE IT RESOLVED to authorize payment of \$13,235.87 on Jail Bond Funds to Bruce's Contracting.

Resolution #4c – 11/25/08

Harbor City Masonry Claim

WHEREAS Harbor City Masonry is the Category #4—Masonry—contractor for the jail project, and

WHEREAS the board has received a claim from the Harbor City Masonry, Inc for payment for worked performed on the jail project, and

WHEREAS the Construction Manager has certified Harbor City Masonry Application #4 for approval as follows:

Contract Sum	= \$347,073.85
Total Completed to date	= \$331,304.85
5% Retainage	= \$ 15,565.24
Less previous payments	= <u>\$125,251.80</u>
Current Due	= \$189,487.81

and,

WHEREAS the Construction Committee has approved this claim;

BE IT RESOLVED to authorize payment of \$189,487.81 on Jail Bond Funds to Harbor City Masonry, Inc.

Resolution #4d – 11/25/08

Boser Construction

WHEREAS Boser Construction is the Category #7—Carpentry—contractor for the jail project, and

WHEREAS the board has received a claim from the Boser Construction for payment for worked performed on the jail project, and

WHEREAS the Construction Manager has certified Boser Construction Application #5 for approval as follows:

Contract Sum	= \$110,015.00
Total Completed to date	= \$ 55,194.00
5% Retainage	= \$ 2,759.70
Less previous payments	= <u>\$ 21,309.69</u>
Current Due	= \$ 31,124.61

and,

WHEREAS the Construction Committee has approved these claims;

BE IT RESOLVED to authorize payment of \$31,124.61 on Jail Bond Funds to Boser Construction, Inc.

Resolution #4e – 11/25/08

R & S Casework

WHEREAS R & S Casework, Inc is the Category #8—Casework—contractor for the jail project, and

WHEREAS the board has received a claim from the R & S Casework for payment for worked performed on the jail project, and

WHEREAS the Construction Manager has certified R & S Casework Application

#2 for approval as follows:

Contract Sum	= \$40,416.00
Total Completed to date	= \$24,251.83
5% Retainage	= \$ 1,212.59
Less previous payments	= <u>\$ 323.00</u>
Current Due	= \$22,716.24

and,

WHEREAS the Construction Committee has approved these claims;

BE IT RESOLVED to authorize payment of \$22,716.24 on Jail Bond Funds to R & S Casework, Inc.

Resolution #4f – 11/25/08

Horizon Roofing

WHEREAS Horizon Roofing is the Category #9—Roofing—contractor for the jail project, and

WHEREAS the board has received a claim from the Horizon Roofing for payment for worked performed on the jail project, and

WHEREAS the Construction Manager has certified Horizon Roofing Application #6 for approval as follows:

Contract Sum	= \$362,398.00
Total Completed to date	= \$331,730.00
5% Retainage	= \$ 16,586.51
Less previous payments	= <u>\$308,180.00</u>
Current Due	= \$ 6,963.49

and,

WHEREAS the Construction Committee has approved this claim;

BE IT RESOLVED to authorize payment of \$6,963.49 on Jail Bond Funds to Horizon Roofing.

Resolution #4g – 11/25/08

Heartland Glass Claim

WHEREAS Heartland Glass is the Category #12—Aluminum Window—contractor for the jail project, and

WHEREAS the board has received a claim from Heartland Glass for payment for worked performed on the jail project, and

WHEREAS the Construction Manager has certified Heartland Glass Building Application #3 for approval as follows:

Contract Sum	= \$38,300.00
Total Completed to date	= \$33,097.96
5% Retainage	= \$ 1,654.90
Less previous payments	= <u>\$16,614.52</u>
Current Due	= \$14,828.54

and,

WHEREAS the Construction Committee has approved this claim;

BE IT RESOLVED to authorize payment of \$14,828.54 on Jail Bond Funds to Heartland Glass.

Resolution #4h – 11/25/08

API Garage Door Store Claim

WHEREAS API Garage Door Store is the Category #13—Overhead Doors—contractor for the jail project, and

WHEREAS the board has received a claim from API Garage Door Store for payment for worked performed on the jail project, and

WHEREAS the Construction Manager has certified API Garage Door Store Application #1 for approval as follows:

Contract Sum	= \$8,727.00
Total Completed to date	= \$8,727.00
5% Retainage	= \$ 436.35
Less previous payments	= <u>\$ 0</u>
Current Due	= \$8,290.65

and,

WHEREAS the Construction Committee has approved this claim;

BE IT RESOLVED to authorize payment of \$8,290.65 on Jail Bond Funds to API Garage Door Store.

Resolution #4i – 10/22/08

Pauly Jail Building Company, Inc.

WHEREAS Pauly Jail Building Company is the Category #20—Detention Equipment—contractor for the jail project, and

WHEREAS the board has received a claim from the Pauly Jail Building Company, Inc. for payment for worked performed on the jail project, and

WHEREAS the Construction Manager has certified Pauly Jail Building Application #7 for approval as follows:

Contract Sum	= \$1,619,346.59
Total Completed to date	= \$1,292,139.13
5% Retainage	= \$ 64,606.96
Less previous payments	= <u>\$1,227,532.17</u>
Current Due	= \$ 65,079.03

and,

WHEREAS the Construction Committee has approved this claim;

BE IT RESOLVED to authorize payment of \$65,079.03 on Jail Bond Funds to Pauly Jail Building Company, Inc.

Resolution #4j – 11/25/08
Brothers Fire Protection Claim

WHEREAS Brothers Fire Protection is the Category #21—Fire Protection—contractor for the jail project, and

WHEREAS the board has received a claim from Brothers Fire Protection for payment for worked performed on the jail project, and

WHEREAS the Construction Manager has certified Brothers Fire Protection Application #3 for approval as follows:

Contract Sum	= \$111,225.00
Total Completed to date	= \$ 34,618.70
5% Retainage	= \$ 1,730.94
Less previous payments	= <u>\$ 10,416.08</u>
Current Due	= \$ 22,471.68

and,

WHEREAS the Construction Committee has approved this claim;

BE IT RESOLVED to authorize payment of \$22,471.68 on Jail Bond Funds to Brothers Fire Protection.

Resolution #4k – 11/25/08
Alexandria Plumbing & Heating

WHEREAS Alexandria Plumbing & Heating is the Category #22—Mechanical/Plumbing—contractor for the jail project, and

WHEREAS the board has received a claim from Alexandria Plumbing & Heating for payment for worked performed on the jail project, and

WHEREAS the Construction Manager has certified Alexandria Plumbing & Heating Application #5 for approval as follows:

Contract Sum	= \$994,800.00
Total Completed to date	= \$847,092.98
5% Retainage	= \$ 42,354.65
Less previous payments	= <u>\$772,248.33</u>
Current Due	= \$ 32,490.00

and,

WHEREAS the Construction Committee has approved this claim;

BE IT RESOLVED to authorize payment of \$32,490.00 on Jail Bond Funds to Alexandria Plumbing & Heating.

Resolution #4L – 11/25/08
McDowall Company

WHEREAS the McDowall Company is the Category #23—HVAC—contractor for the jail project, and

WHEREAS the board has received a claim from the McDowall Company for payment for worked performed on the jail project, and

WHEREAS the Construction Manager has certified McDowall Company Application #5 for approval as follows:

Contract Sum	= \$526,441.00
Total Completed to date	= \$251,464.20
5% Retainage	= \$ 12,573.21
Less previous payments	= <u>\$138,948.14</u>
Current Due	= \$ 99,942.85

and,

WHEREAS the Construction Committee has approved this claim;

BE IT RESOLVED to authorize payment of \$99,942.85 on Jail Bond Funds to the McDowall Company.

Resolution #4m – 11/25/08
Gartner Refrigeration

WHEREAS the Gartner Refrigeration is the Category #24—Controls—contractor for the jail project, and

WHEREAS the board has received a claim from Gartner for payment for worked performed on the jail project, and

WHEREAS the Construction Manager has certified Gartner Application #2 for approval as follows:

Contract Sum	= \$168,350.00
Total Completed to date	= \$ 13,569.21
5% Retainage	= \$ 678.46
Less previous payments	= \$ <u>7,355.85</u>
Current Due	= \$ 5,534.90

and,

WHEREAS the Construction Committee has approved this claim;

BE IT RESOLVED to authorize payment of \$5,534.85 on Jail Bond Funds to Gartner Refrigeration.

Resolution #4n – 11/25/08

Willmar Electric Service Corp

WHEREAS Willmar Electric is the Category #26—Electrical—contractor for the jail project, and

WHEREAS the board has received a claim from Willmar Electric Service Corp for payment for worked performed on the jail project, and

WHEREAS the Construction Manager has certified Willmar Electric Application #5 for approval as follows:

Contract Sum	= \$1,251,788.21
Total Completed to date	= \$ 382,469.17
5% Retainage	= \$ 19,123.46
Less previous payments	= \$ <u>320,698.44</u>
Current Due	= \$ 42,647.27

and,

WHEREAS the Construction Committee has approved this claim;

BE IT RESOLVED to authorize payment of \$42,647.27 on Jail Bond Funds to Willmar Electric Service Corp.

Resolution #4o – 11/25/08

All State Communications Claim

WHEREAS All State Communications is the Category #27—Communications—contractor for the jail project, and

WHEREAS the board has received a claim from All State Communications for payment for worked performed on the jail project, and

WHEREAS the Construction Manager has certified All State Communications Application #1 for approval as follows:

Contract Sum	= \$70,139.58
Total Completed to date	= \$12,987.05
5% Retainage	= \$ 649.35
Less previous payments	= \$ <u>0</u>
Current Due	= \$12,337.70

and,

WHEREAS the Construction Committee has approved this claim;

BE IT RESOLVED to authorize payment of \$12,337.70 on Jail Bond Funds to All State Communications.

Resolution #4p – 11/25/08

Accurate Controls, Inc

WHEREAS Accurate Controls is the Category #28—Security Electronics—contractor for the jail project, and

WHEREAS the board has received a claim from Accurate Controls, Inc. for payment for worked performed on the jail project, and

WHEREAS the Construction Manager has certified Accurate Controls Application #5 for approval as follows:

Contract Sum	= \$497,721.23
Total Completed to date	= \$ 67,657.55
5% Retainage	= \$ 3,382.89
Less previous payments	= \$ <u>40,716.75</u>
Current Due	= \$ 23,557.91

and,

WHEREAS the Construction Committee has approved this claim;

BE IT RESOLVED to authorize payment of \$23,557.91 on Jail Bond Funds to Accurate Controls, Inc.

Resolution #4q – 11/25/08

General Jail Project Claims

WHEREAS the board has received a claim from various vendors for payment for the jail project, and

WHEREAS the billing appears consistent with the service delivered and the documentation is in order, and

WHEREAS the Construction Committee has approved these claims;

BE IT RESOLVED to authorize payment of the following claims on Jail Bond Funds:

Heater Rental Services	\$ 670.95
Independent Testing Technologies	\$ 958.00
Kendell Doors & Hardware	\$ 60.00
Knife Lake Sanitation	\$ 900.00
Sanitary Systems	\$ 298.20
Kanabec County Highway Dept	\$4,080.79
Knife River	\$4,667.50
Cemstone	\$ 293.70

Resolution #4r – 11/25/08

Construction Manager's Claim

WHEREAS the board has received a claim from the Contegrity Group for payment for worked performed in the construction phase the jail project, and

WHEREAS the work was performed in accordance with Board Resolution #14-9/26/07, the billing appears consistent with work performed and the documentation is in order;

BE IT RESOLVED to authorize payment of \$23,325.47 on Jail Bond Funds to the Contegrity Group.

Resolution #4s – 11/25/08

Architect's Claim

WHEREAS the board has received a claim from Klein McCarthy for payment for worked performed in May, 2008 on a proposed jail as follows:

Professional Services	\$7,407.76
Reimbursables	\$1,667.50

and

WHEREAS the billing appears consistent with work performed and the documentation is in order and the Construction Committee has recommended approval;

BE IT RESOLVED to authorize payment of \$9,075.26 on Jail Bond Funds to Klein McCarthy Architects.

9:07am – Health & Human Service Director Wendy Thompson met with the County Board to discuss matters concerning Transportation.

Action #5 – It was moved by Kim Smith, seconded by Les Nielsen, and carried unanimously to approve the following resolution:

Resolution #5 – 11/25/08

Transit Director Evaluation

WHEREAS the board did by Resolution 14-11/19/08 refer the position of Transit Director to the pay plan consultant for review, and

WHEREAS the board has been presented with the results of that study;

BE IT RESOLVED to accept the following ranking for the “Transit Director” position, which results in Pay Range 14:

Category	Rank	Points
Qualifications	q55	109
Decisions	d38	77
Problem Solving	p14	55
Relationships	r24	106
Effort A	ea5	4
Effort B	eb10	8
Hazards	h17	13
Environment	n6	9
TOTAL POINTS		381

and,

BE IT FURTHER RESOLVED that this evaluation is effective immediately.

Action #6 – It was moved by Kevin Troupe, seconded by Jerry Nelson, and carried unanimously to approve the following resolution:

Resolution #6 – 11/25/08

Bus Driver II Evaluation

WHEREAS the board did by Resolution #25-11/12/08 refer the position of Bus Driver II to the pay plan consultant for review, and

WHEREAS the board has been presented with the results of that study;

BE IT RESOLVED to accept the following ranking for the “Bus Driver II” position, which results in Pay Range 5:

Category	Rank	Points
Qualifications	q22	48
Decisions	d15	29
Problem Solving	p5	23
Relationships	r8	36
Effort A	ea13	8
Effort B	eb7	8
Hazards	h18	25
Environment	n9	10
TOTAL POINTS		187

and,

BE IT FURTHER RESOLVED that this evaluation is effective immediately.

Action #7 – It was moved by Kim Smith, seconded by Jerry Nelson, and carried unanimously to approve the following resolution:

Resolution #7 – 11/25/08
Transit Dispatcher Evaluation

WHEREAS the board did by Resolution #26-11/12/08 refer the position of Transit Dispatcher to the pay plan consultant for review, and

WHEREAS the board has been presented with the results of that study;

BE IT RESOLVED to accept the following ranking for the “Transit Dispatcher” position, which results in Pay Range 5:

Category	Rank	Points
Qualifications	q22	48
Decisions	d16	36
Problem Solving	p9	31
Relationships	r13	48
Effort A	ea5	4

Effort B	eb8	12
Hazards	h2	5
Environment	n5	8
TOTAL POINTS		192

and,

BE IT FURTHER RESOLVED that this evaluation is effective immediately.

Action #8 – It was moved by Kevin Troupe, seconded by Kim Smith, and carried unanimously to approve the following resolution:

Resolution #8 – 11/25/08
ORDER OF THE BOARD
Transit Director

WHEREAS the county board has established a Transit Department, and

WHEREAS establishing the Department has created new job positions, and

WHEREAS one of these new positions is Transit Director, and

WHEREAS the board desires to fill this position;

BE IT RESOLVED that the County Board authorizes Health & Human Service Director Wendy Thompson and the County Personnel Director to hire a full-time Transit Director at 40 hours per week to fill the position at Step A, Range 14 of the pay plan which is \$22.13 per hour or the rate set by rule for internal promotion, and

BE IT FURTHER RESOLVED that the hours of work for this position be limited to those budgeted.

Action #9 – It was moved by Les Nielsen, seconded by Jerry Nelson, and carried unanimously to approve the following resolution:

Resolution #9 – 11/25/08
ORDER OF THE BOARD
Bus Driver II

WHEREAS the county board has established a Transit Department, and

WHEREAS establishing the Department has created new job positions, and

WHEREAS one of these new classifications is Bus Driver II, and

WHEREAS the board desires to hire drivers;

BE IT RESOLVED that the County Board authorizes Health & Human Service Director Wendy Thompson and the County Personnel Director to hire three full-time Bus Drivers at 40 hours per week Step A, Range 5 of the pay plan which is \$13.10 per hour or the rate set by rule for internal promotion, and

BE IT FURTHER RESOLVED that the County Board authorizes Health & Human Service Director Wendy Thompson and the County Personnel Director to hire one part-time, intermittent Bus Driver at Step A, Range 5 of the pay plan which is \$13.10 per hour or the rate set by rule for internal promotion, and

BE IT FURTHER RESOLVED that the hours of work for this position be limited to those budgeted.

Action #10 – It was moved by Kim Smith, seconded by Jerry Nelson, and carried unanimously to approve the following resolution:

Resolution #10 – 11/25/08
ORDER OF THE BOARD
Transit Dispatcher

WHEREAS the county board has established a Transit Department, and

WHEREAS establishing the Department has created new job positions, and

WHEREAS one of these new classifications is Transit Dispatcher, and

WHEREAS the board desires to hire Dispatchers;

BE IT RESOLVED that the County Board authorizes Health & Human Service Director Wendy Thompson and the County Personnel Director to hire three full-time Dispatchers at 40 hours per week to refill the vacant position at Step A, Range 5 of the pay plan which is \$13.10 per hour or the rate set by rule for internal promotion, and

BE IT FURTHER RESOLVED that the hours of work for this position be limited to those budgeted.

Action #11 – It was moved by Kevin Troupe, seconded by Les Nielsen, and carried unanimously to approve the following resolution:

Resolution #11 – 11/25/08

Insurance

WHEREAS the county board did authorize the hiring of staff for the new Transportation Department, and

WHEREAS some of these hires may be employees of the current Mille Lacs Transit—an entity being replaced by the new Transportation Department, and

WHEREAS such hires will be new employees in the Kanabec County system and subject to the insurance waiting period of new employees, and

WHEREAS in such unique circumstances, Blue Cross & Blue Shield may be willing to waive the contractual waiting period;

BE IT RESOLVED that the Kanabec County Board of Commissioners agrees to waive the insurance waiting period for employees of Mille Lacs Transit who are hired in January of 2009 for the new Kanabec County Transportation Department.

9:36am – Veteran Service Officer/Emergency Management Director Lowell Sedlacek met with the County Board to discuss grant funds.

Action #12 – It was moved by Les Nielsen, seconded by Kim Smith, and carried unanimously to approve a **Consent Agenda** including all of the following actions:

Resolution #12a – 11/25/08

Communication Corridor Funding

WHEREAS Funding to complete the Highway 23 ham radio communication corridor project was under funded by \$218, and

WHEREAS there is funding in Management and administrative portion of 2008-HSGP-00568 grant;

BE IT RESOLVED to authorize \$218 of Management and administrative portion of 2008-HSGP-00568 grant be use to complete the project.

Resolution #12b – 11/25/08

Training Funding

WHEREAS Local fire departments occasionally deal with pets when they respond to an event, and

WHEREAS local Fire Departments would like training in animal rescue;

BE IT RESOLVED to authorize \$1800.00 of Management and

administrative portion of 2008-HSGP-00568 grant be use to provide this training.

Resolution #12c – 11/25/08

Hardware & Software Funding

WHEREAS our off site solution for storage of electronic data is below standards,
and

WHEREAS there is a shortage of hardware/software to successfully accomplish
this;

BE IT RESOLVED to authorize Information Systems Director Jessie Kehn to purchase NAS hardware from CDWG in the amount of \$1,499.00 + tax and shipping funded by the Management and administrative portion of 2008-HSGP-00568 grant, and

BE IT FURTHER RESOLVED to authorize Information Systems Director Jessie Kehn to purchase Data Protection Service from Metiix in the amount of \$17,020.50. This is a monthly service and would be prepaid for 5 years with \$15,710.50 funded by the Management and administrative portion of 2008-HSGP-00568 grant.

Action #13 – It was moved by Les Nielsen, seconded by Kim Smith, and carried unanimously to approve the following resolution:

Resolution #13 – 11/25/08

Vehicle Funding

WHEREAS the county's current vehicle is high mileage and high maintenance,
and

WHEREAS County Veterans Service Officer has requested and been authorized a grant to purchase a veterans van, and

WHEREAS the State of Minnesota purchasing contract has a vehicle available as follows:

2009 Dodge Grand Caravan 4dr Wgn SE RTKH53	\$20,242.00
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BE IT RESOLVED to authorize the purchase of a 2009 Dodge Grand Caravan to transport veterans to V.A. Medical Centers at a cost of \$20,242.00 plus tax and license with grant funds.

Action #14 – It was moved by Kim Smith, seconded by Les Nielsen, and carried unanimously to approve the following resolution:

Resolution #14 – 11/25/08

Clerical Help Funding

WHEREAS County Veterans Service Officer has requested funding for clerical help, and

WHEREAS Minnesota Department of veterans affairs has authorized grant funds in the amount of \$38,000 for wages and fringe for clerical support;

BE IT RESOLVED to authorize budgeting up to \$38,000 for wages and fringe benefits from grant funds for the purpose of clerical support for the veteran's service office, and

BE IT RESOLVED to direct the County Veterans Service Officer to prepare a staffing plan.

10:00am – County Engineer Greg Nikodym met with the County Board to discuss matters concerning the Highway Department.

Action #15 – It was moved by Kevin Troupe, seconded by Kim Smith, and carried unanimously to approve the following resolution:

Resolution #15 – 11/25/08

Completion of Contract 20072: the reconstruction of
County State Aid Highway #2 from CSAH #12 to TH #65;

WHEREAS Contract No. 20072 has in all things been completed and the County Board being fully advised in the premises;

NOW THEN BE IT RESOLVED that the Kanabec County Board of Commissioners do hereby accept said completed project for and on behalf of the county of Kanabec and authorize final payment in the amount of \$97,460.50 to Central Specialties, Inc.

Action #16 – It was moved by Jerry Nelson, seconded by Kim Smith, and carried unanimously to approve the following resolution:

Resolution #16 – 11/25/08

Partial Payment – SP 33-11-21

WHEREAS Knife River Corp .has completed work on project SP 33-611-21, CSAH No. 11 from TH No. 23 to CSAH No. 19 in accordance with plans and specifications;

BE IT RESOLVED to authorize partial payment in the amount of \$79,677.50 to Knife River Corp.

Action #17 – It was moved by Les Nielsen, seconded by Kevin Troupe, and carried unanimously to approve the following resolution:

Resolution #17 - 11/25/08

Legislative Policy

WHEREAS during each Legislative Session questions arise over what actions are appropriate for County Employees during the Legislative Session, and

WHEREAS it is important to transparency in government that communications with the legislature are clear as to the needs of the county;

BE IT RESOLVED to approve the following policy of the Kanabec County Board of Commissioners:

Policy: A-116
Approved: November 25, 2008
Effective: November 25, 2008
Supersedes (eff): n/a (NEW)

LEGISLATIVE PROTOCOLS FOR COUNTY EMPLOYEES

I. POLICY STATEMENT

Each Legislative Session questions arise over what actions are appropriate for County Employees during the Legislative Session. The following protocols are designed to assist Department Heads and employees in understanding what conduct is appropriate for their participation in the legislative process at the state and federal level. This policy does not apply to elected officials.

II. GUIDELINES

1. The general rule is that the last position approved by the County of Board of Commissioners is considered to be the position of the Board with respect to an issue. Therefore, if the Board has not adopted a position for the current year, but has established a position previously, such as during the last legislative session, the previous policy can be considered to represent the position of the Board. If there have been significant changes in the circumstances, which you think could lead the County Board to a new conclusion, you should discuss the position with your Department Head or County Coordinator before stating the County Board's position.
2. Because of the time constraints imposed by the legislative process, employees must keep their

Department Head informed of their legislative activities, and likewise, it is assumed that Department Heads will keep the County Board informed of such activity.

3. Senior staff involved regularly with the legislative process (County Coordinator and Department Heads) should be kept informed of as many legislative communications as possible which relate to issues of concern to County, even where they are outside of your professional responsibilities. Such reports help us to gain the best possible picture of what legislators are thinking with respect to issues of concern to the County. The following protocols are intended to staff in implementing what we value and will guide the participation of County Department Heads and employees in the legislative process at the state and federal level. *(This statement of protocols does not attempt to guide actions of any elected officials; it would be inappropriate for it to do so.)*

III. PROTOCOLS

1. **On your own time**, you may represent your personal views in the legislative process. This is your right. *"On your own time"* means before or after normal working hours or on leave time requested and approved by your supervisor. Your supervisor has the right to deny a request for leave time.

The *"legislative process"* includes discussions with legislators (state and federal) intended to help them form an opinion about an issue or proposal, testimony at legislative hearings, and legislative functions, phone calls, letters, e-mail, or any other form of communication.

To avoid any confusion in your statement, you should clearly identify for whom you are speaking (or writing) in making legislative contacts. It is not the responsibility of the person (or committee) you are addressing to sort this out. Also, to avoid confusion, refrain from using County letterhead when writing to legislators or legislative staff on behalf of an organization other than Kanabec County.

2. When you choose to participate in the legislative process on your own time, you are still asked (but are not required) to inform your Department Head, or the County Coordinator, when your participation is related to your professional responsibilities with the County. In your testimony, you are expected to make it clear that you are testifying (or making the contact) on your own behalf or on behalf of an organization (e.g., a professional association) and that you are not speaking on behalf of Kanabec County. You may not use county facilities or county equipment such as phones, fax machines, e-mail or letterhead for correspondence when you are involving yourself in the legislative process on your own time.
3. When you participate in the legislative process as a part of your employment with Kanabec County (i.e. as part of your job or during working hours), it is your responsibility to represent the County's positions. You are expected to confine your efforts to the County's legislative agenda and policy positions consistent with those established by the Board of Commissioners.

You are expected to inform your Department Head, the County Coordinator or the , Board Chairperson in advance about

- (a) the issue which you intend to address,
- (b) what your position will be, and
- (c) the consistency of this position with County policies.

If advance notice is not possible (e.g. as the result of an immediate request from a legislator) you should inform your Department Head, the County Coordinator or Board Chairperson as soon as possible.

Do not presume that you speak for the County Board; if there is any doubt about the Board's position, please check with your Department Head, or the County Coordinator. If the Board has not established a position and there is not sufficient time to bring the matter to the Board of action, it may be necessary to receive guidance from the Chairperson of the County Board before further action is taken.

4. When you participate in the legislative process as a part of a professional organization of which you are a member and you plan to represent an organization's position which is the same as that of Kanabec County, you are expected to follow the same procedure as outlined in (3) above. To avoid any confusion in your statement, you should clearly identify for whom you are speaking (or writing) in making legislative contacts. It is not the responsibility of the person (or committee) you are addressing to sort this out. Also, to avoid confusion, please refrain from using County letterhead when writing to legislators or legislative staff on behalf of an organization.
5. From time to time, legislators or legislative staff may request information directly from you about your programs or other matters on which they may feel that you are informed. When such requests are received, we should strive to respond as rapidly as possible. You are encouraged to work with legislators to assure that they have the most accurate information about your programs. However, you should notify your Department Head, or the County Coordinator, of the request. When the request does not fall within your area of expertise, determine with your Department Head, or the County Coordinator, how the request might best be handled. Legislators and legislative staff will rely on your responses. Please be careful and accurate in your responses. If you are uncertain, check your facts before responding.

When a request for information from a legislator (or legislative staff person) shifts to a request for the County's position on a given matter, you are expected to respond consistent with County policy. "Consistent with County policy" means either consistent with the legislative program adopted for the year or with previous positions taken by the Board.

From time-to-time, it may be necessary (based on your professional judgment) to offer your opinion on how the Board of Commissioners may react to a proposal on which the Board does not have a current or previous position (e.g. in response to a direct question from a legislator.) In such instances you are authorized to respond based on your knowledge and expertise, but you also must (a) clearly state that you are offering only your opinion about the Board's reaction and (b) as soon as possible inform your Department Head, or the County Coordinator, of the issue and your response to it.

6. Where you are participating in the legislative process as part of your professional capacity at the request of a legislator and the position which you will take is not consistent with County policies, you are expected to note in your statement that you are participating as a professional in the field, not as a representative of County.

Such participation is expected to be on your own time. You are expected to communicate your participation and the nature of your statements to your Department Head, or the County Coordinator. Do not use county letterhead when writing to a legislator or legislative staff on behalf of a position which is not consistent with County policies. This will create confusion to the County's position.

7. When you are participating in a professional organization for which Kanabec County pays your membership fee, you are obligated to support the County's position with respect to legislative and policy issues in votes or other actions of the organization relating to the County's position. If you are uncertain about the County's position with respect to a proposed policy or legislative initiative, please check with your Department Head, or the County Coordinator.

If the organization adopts a position which is not consistent with the Kanabec County position and you are bound by your responsibilities to the organization to represent that position (e.g. because you are the president or chair of the organization) you are expected to note that you are participating as a representative of the organization, not as a representative of Kanabec County. You are expected to communicate your participation and the nature of your statements to your Department Head, or the County Coordinator. You are NOT expected to take leave time when presenting positions of professional organizations for which Kanabec County pays membership dues. Do not use county letterhead when writing to a legislator or legislative staff on behalf of a professional organization in order to avoid confusion with respect to the County's position.

Department heads are expected to keep the County Board informed of the legislative activities of their staff. The department heads meetings during the legislative session will provide an avenue for such information sharing, although more immediate communication may be required.

10:25am – Commissioner Ellis left the meeting. Commissioner Nelson assumed the Chair of the meeting.

Action #18 – It was moved by Kim Smith, seconded by Kevin Troupe, and carried unanimously to authorize the purchase of a commercial quality vacuum cleaner at a cost not to exceed \$680.00.

Action #19 – It was moved by Kevin Troupe, seconded by Kim Smith, and carried unanimously to approve the following resolution:

Resolution #19 - 11/25/08

Local 320 Contract

WHEREAS the union negotiating team has recommended for approval a two year contract with Local 320, Courthouse, and

WHEREAS the contract terms are within the parameters set by the county board;

BE IT RESOLVED to approve a Labor Agreement between the County of

Kanabec and Minnesota Teamsters Public and Law Enforcement Employees Local 320
for the time period January 1, 2009 – December 31, 2010

10:30am – Commissioner Troupe left the meeting.

10:44am - The Chairperson then called for public comment three times. None responded.

10:46am - The Chairperson closed public comment.

Action #20 – It was moved by Kim Smith, seconded by Les Nielsen, and carried unanimously to adjourn at 10:47am to meet in regular session on Wednesday, December 3, 2008 at 9:00am.

Signed _____

Chairperson of the Kanabec County Board of Commissioners,
Kanabec County, Minnesota

Attest: _____

Alan B. Peterson, Kanabec County Coordinator