City of Ramsey
Agenda
City Council Work Session
Tuesday, February 27, 2018
5:30 pm
Lake Itasca Room, 7550 Sunwood Drive NW

1. Call to Order

2. Topics for Discussion

1. Select Overall Grand Prize Photo for 2017 Photo Contest
2. Consider the 2018 City of Ramsey Legislative Platform
3. Discussion Regarding Proposed Updates to the Personnel Policy
4. 2018 City of Ramsey Resident Survey

3. Topics for Future Discussion

1. Review Future Topics/Calendar

4. Mayor/Council/Staff Input

5. Adjournment

CC Work Session **2. 1.**

Meeting Date: 02/27/2018

By: Nichole Wenberg, Administrative Services

Information

Title:

Select Overall Grand Prize Photo for 2017 Photo Contest

Purpose/Background:

As a member of the Ramsey City Council, you are invited to participate in the voting process for the 2017 Photo Contest. The photo contest was implemented to engage residents to gather photos highlighting their community that could supplement the City's Comprehensive Plan and the Parks System Plan, as well as City publications.

All entries were submitted in four categories and judged by the relevant Board/Commission or staff, to determine a first place winner in each category. The City Council will now select the Overall Grand Prize Winner.

- Industry and Commerce – **Economic Development Authority staff**
- Life in Ramsey – **Planning Commission**
- Nature of Ramsey – **Environmental Policy Board**
- Parks and Trails – **Park and Recreation Commission**
- *Grand Prize* – ***City Council***

Notification:

The 2017 Ramsey Photo Contest was advertised via several venues over the past year.

Observations/Alternatives:

Photos will be evaluated based on creativity, quality, composition, and expression of category theme. Category themes are outlined as:

- **Nature of Ramsey:** Viewing landscapes, plants, animals, weather, etc.
- **Parks and Trails:** Enjoying parks and trails in Ramsey, highlighting your favorite outdoor spaces
- **Industry and Commerce of Ramsey:** Displaying diversity of industrial and commercial operations in Ramsey
- **Life in Ramsey:** Celebrating the community through events, recreation, arts, culture, sports, and gathering places, etc.

Ranked choice voting will be used. The attached PDF includes the top photos submitted in each category. The provided title, date, and location are included. Names of photographers will not be provided until final awards are given.

Voting process:

1. Review attached PDF of top photos submitted in each category. For your information, the 1st, 2nd and 3rd place photos from each category, as voted on by the Boards & Commissions, are indicated in the PDF.
2. Select your overall top three photos, ranked 1-3, based on creativity, quality, composition, and expression of category theme.

a. Photos ranked “1” receive 3 points, “2” receive 2 points, and “3” receive 1 point.
b. The photo with the most points will receive the Overall Grand Prize award.

3. Submit your votes in advance to Tillery Bailey, tbailey@cityoframsey.com, 763-576-4309. Or, votes will be collected at the February 27, 2018 Work Session.
    a. You must specify which photo is ranked as 1-3 by *TITLE* so staff can tally an accurate vote.
4. All winners will be announced at the City Council meeting on February 27, 2018.

Funding Source:

Prize money is from the Park and Recreation operations line item within the General Fund Budget.

Recommendation:

Voting will be done by individual Councilmembers—Staff will 'announce' and show the winning photos at the February 27, 2018 Council Meeting.

Action:

Voting will be done by individual Councilmembers - Staff will 'announce' and show the winning photos at the February 27, 2018 Council Meeting.

Attachments

CC 2017 Photo Contest Overall Grand Prize Selection

2017 Photo Contest Flyer

Form Review

Inbox	Reviewed By	Date
Kurt Ulrich	Kurt Ulrich	02/22/2018 02:42 PM
Grant Riemer	Kathy Schmitz	02/22/2018 03:33 PM
Form Started By: Nichole Wenberg		Started On: 02/21/2018 01:37 PM
Final Approval Date: 02/22/2018		

City Council
Overall Grand-Prize Photo Selection

- Review PDF of top photos submitted in each category. For your information, the top three photos in each category, as voted on by Boards & Commissions, are indicated on the slides.

- Select your overall top three photos, ranked 1-3, based on creativity, quality, and composition.
  - Photos ranked “1” receive 3 points, “2” receive 2 points, and “3” receive 1 point.
  - The photo with the most points will receive the Overall Grand-Prize award.

- Submit your votes in advance to Tillery Bailey, tbailey@cityoframsey.com, 763-576-4309. Or, votes will be collected at the Feb. 27 Work Session.
  - *You must specify which photo is ranked as 1-3 by TITLE so staff have an accurate vote.*

- All winners will be announced at the February 27, 2018 City Council meeting.

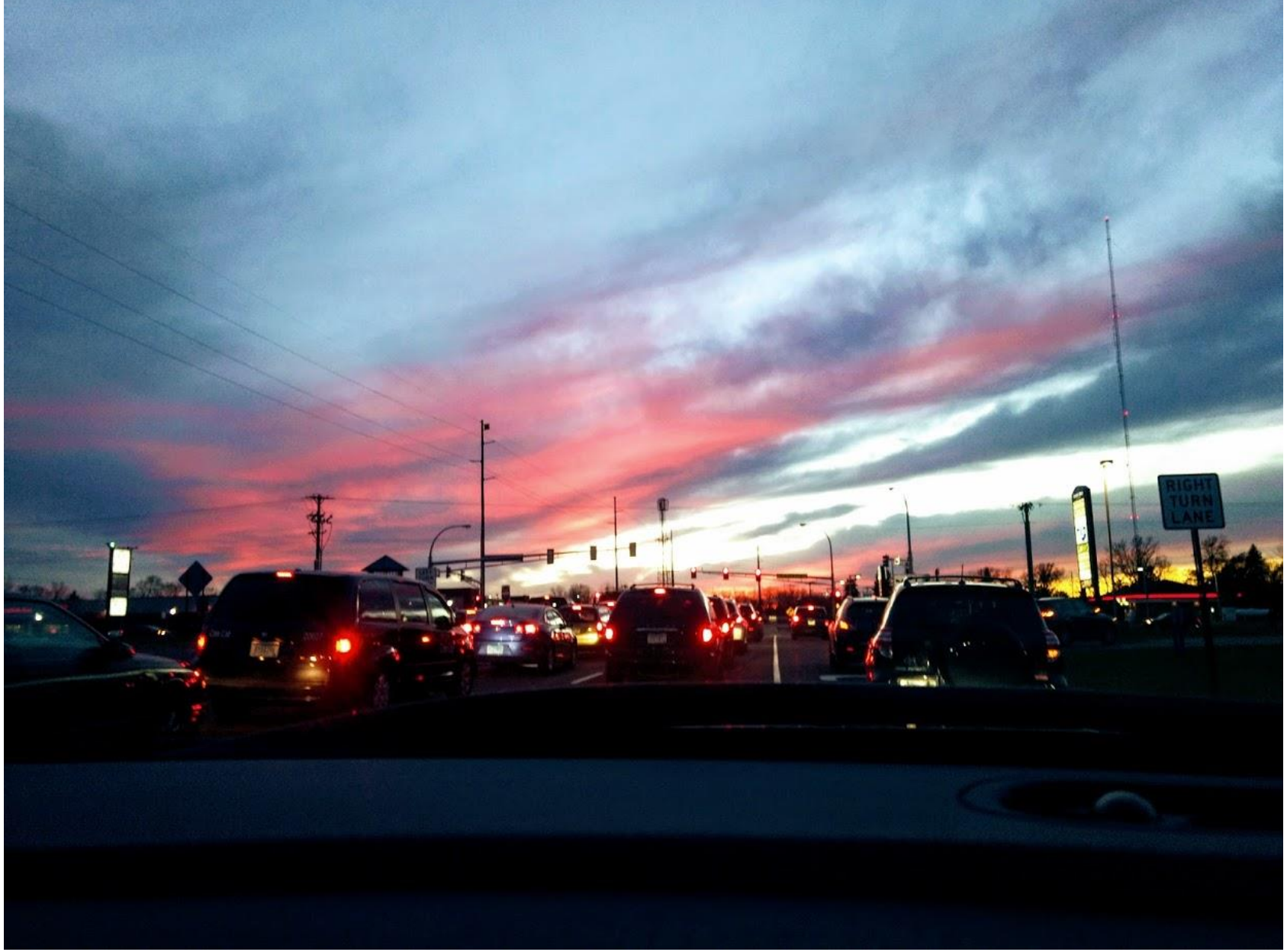
Industry & Commerce

1st in category

An Oncoming Train, November, 2017, Armstrong Blvd

Industry & Commerce

2nd in category



Sunset Stoplight, November 2017,
Bunker Lake Blvd and Highway 47

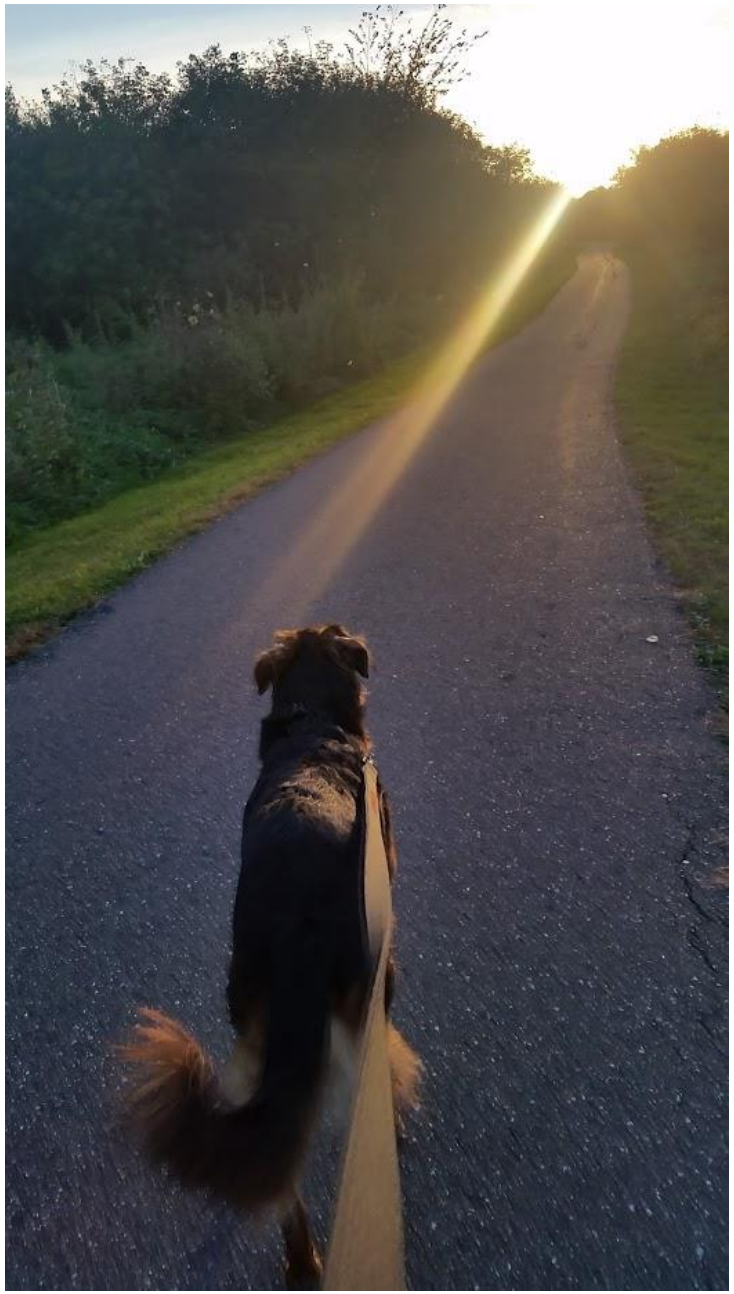
Life in Ramsey

1st in category

Team Huddle, June 2017, Central Park

Life in Ramsey

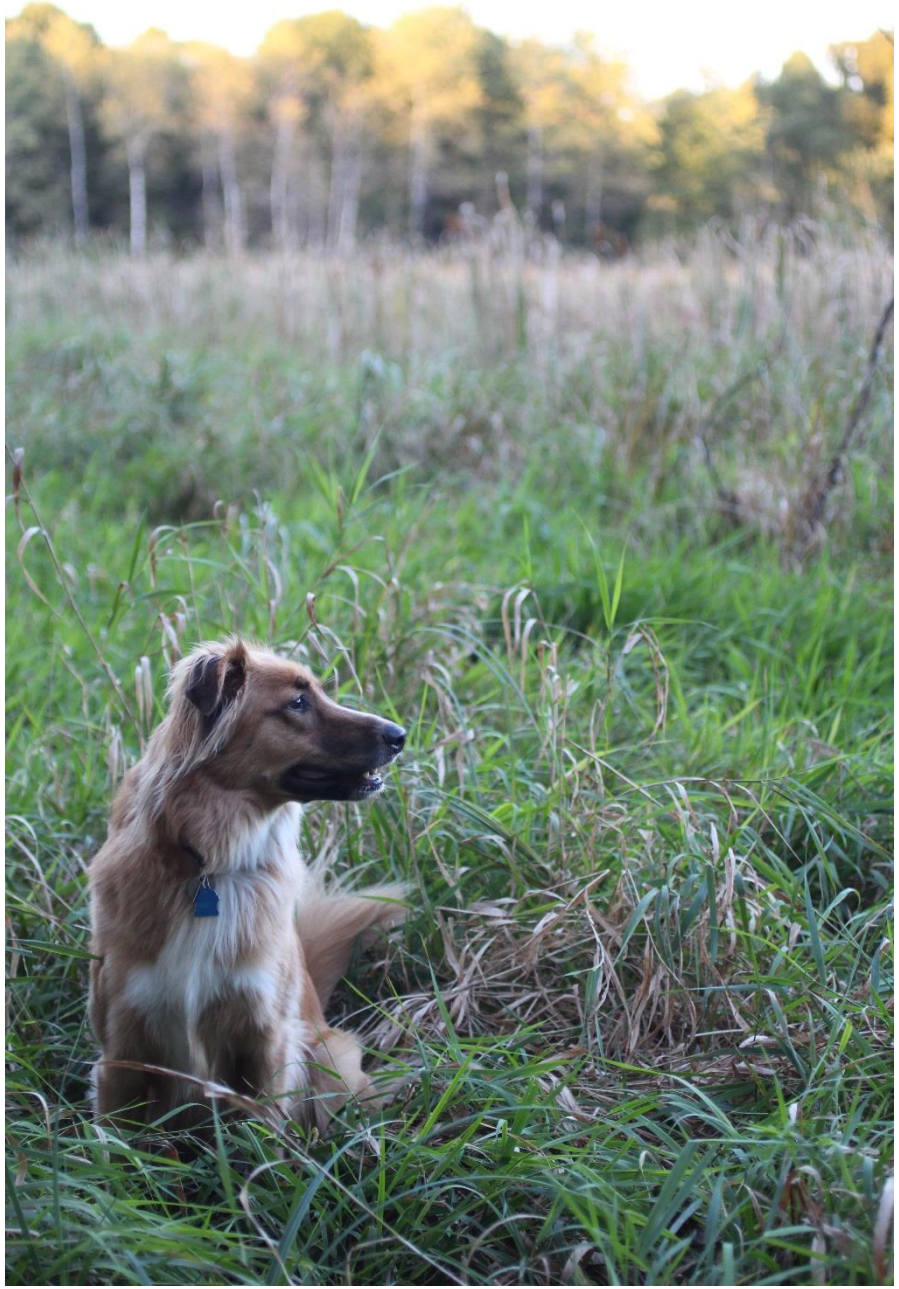
2nd in category



End of the Day Walk, October 2016, Elmcrest Park

Life in Ramsey

3rd in category (tie)



Mylo in the Fields, June 2015, Xenon Street

Life in Ramsey

3rd in category (tie)

River Dogs Life, Mississippi River at Rivlyn Avenue

Life in Ramsey

Warm February Day on the Deck, February 2017, Alpaca Street

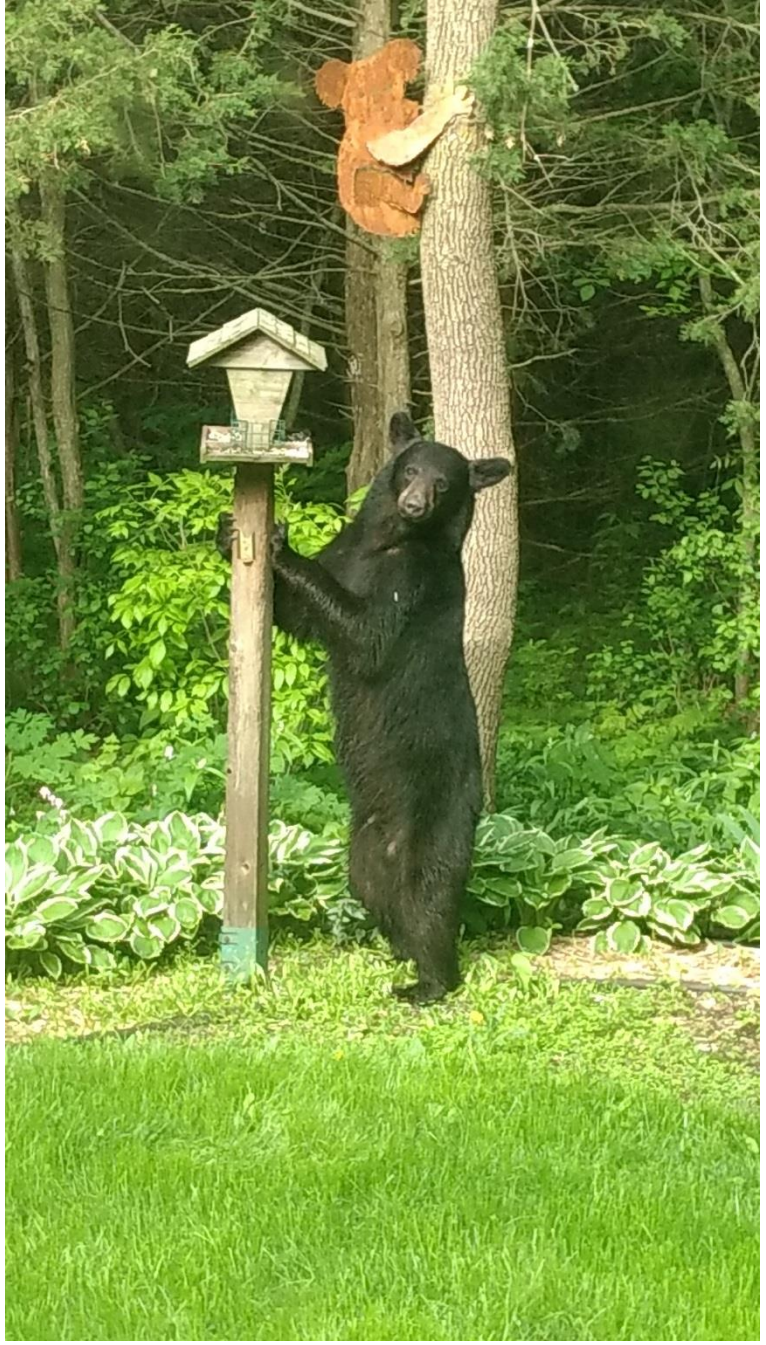
Life in Ramsey

Resting in the Grass, April 2016, Alpaca Street

Life in Ramsey

Fun in the Snow, December 2016, Alpaca Street

Life in Ramsey



Bears in the Backyard, May 2017, Juniper Ridge Drive

Life in Ramsey

Spring Color, May 2017, Juniper Ridge Drive

Life in Ramsey

Summer Dinner, July 2017, Juniper Ridge Drive

Life in Ramsey

Free Lunch, June 2017, Juniper Ridge Drive

Life in Ramsey

Cole in Ramsey, March 2017, Alpine Park

Nature of Ramsey

1st in category

Feasting on the Purple Coneflower, Summer 2017, Mississippi West Regional Park

Nature of Ramsey

2nd in category

Barred Owl

Nature of Ramsey

3rd in category

The Aurora Over Bunker Lake Boulevard, May 28, 2017

Nature of Ramsey

Deer in Backyard, August 2017, Alpaca Street

Nature of Ramsey

Evergreen Line, December 2016, Alpaca Street

Nature of Ramsey

Fence line, December 2016, Alpaca Street

Nature of Ramsey

Spring Ferns, April 2017, Juniper Ridge Drive

Nature of Ramsey

Bleeding Hearts, May 2016 Juniper Ridge Drive

Nature of Ramsey

A Sign of Summer, July 2015, Juniper Ridge Drive

Nature of Ramsey

The Anoka/Ramsey Closed Landfill at Sunset, October 23, 2017

Nature of Ramsey

Lost Bunny, Spring 2016, Rum River nature area

Nature of Ramsey

On the Hunt, Summer 2015, Sunfish Lake Park

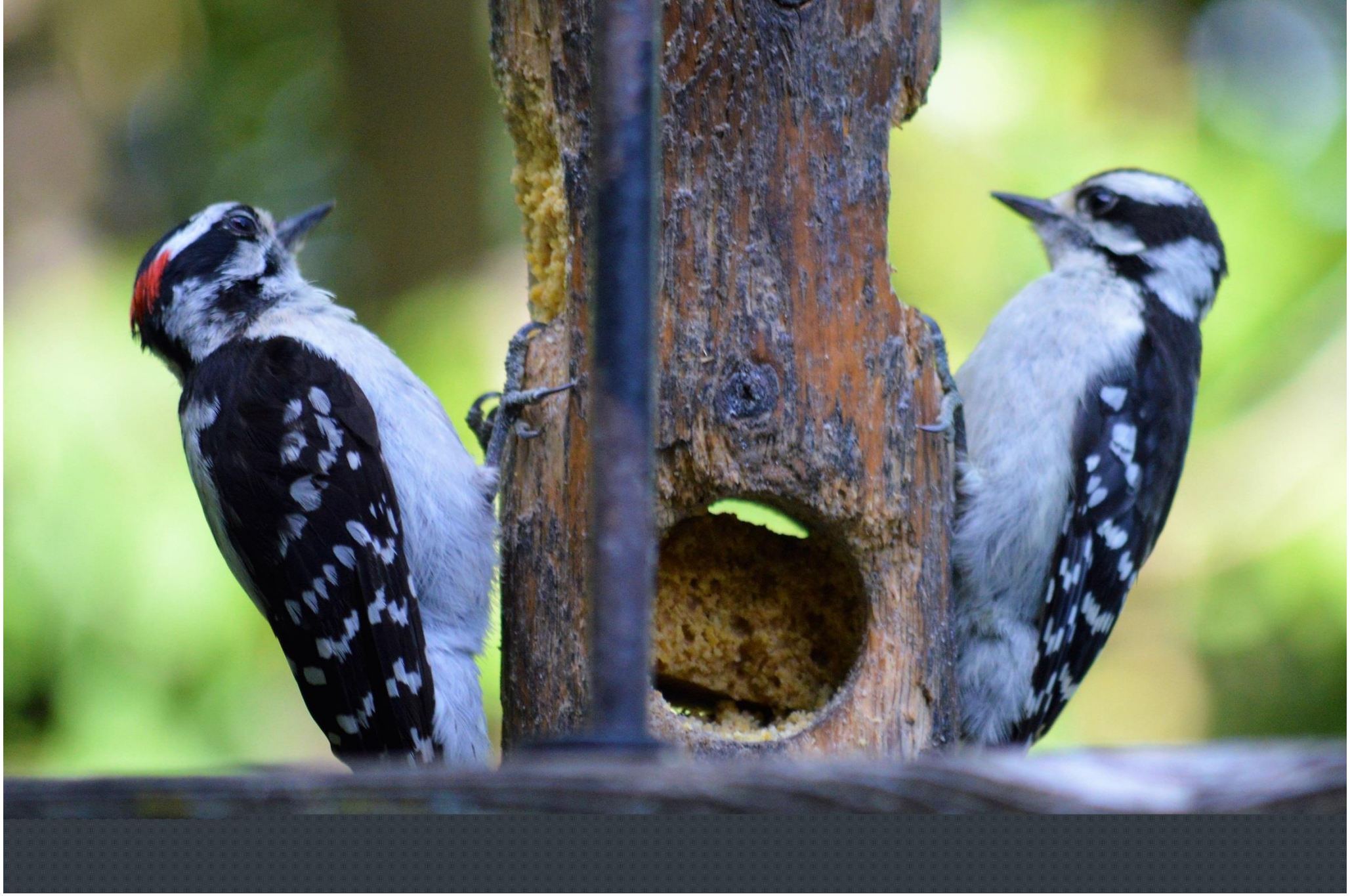
Nature of Ramsey

The Majestic Pileated, Spring 2016, Rum River Central Park

Nature of Ramsey

The Wise Great Horned Owl, Fall 2015, Neon Street

Nature of Ramsey



Family Meal, Summer 2017, Neon Street

Nature of Ramsey

Welcome to the World, Baby Cicada, Summer 2017, Neon Street

Nature of Ramsey

Bright Eyed and Black Eye Susan, Fall 2016, Rum River Central Park

Nature of Ramsey

Baby Woodpeckers, Spring 2017, Neon Street

Nature of Ramsey

Newborn Deer Hiding in Grass, Summer 2017, St. Francis Blvd

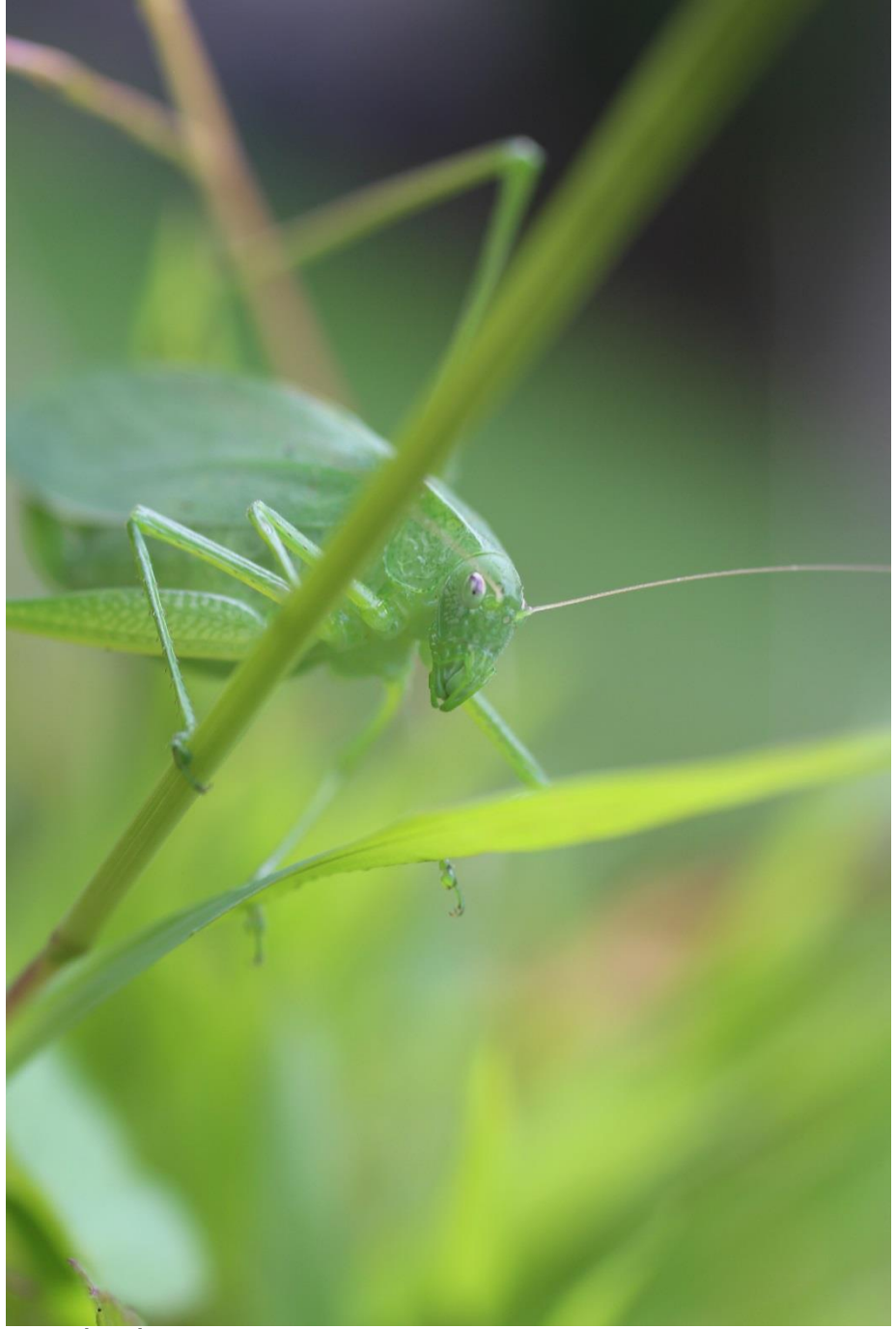
Nature of Ramsey

Before the Bloom, June 2017, Xenon Street

Nature of Ramsey

Changes, September 2017, Alpine Park

Nature of Ramsey



Katydid, August 2017, Xenon Street

Nature of Ramsey

Geese, The Draw

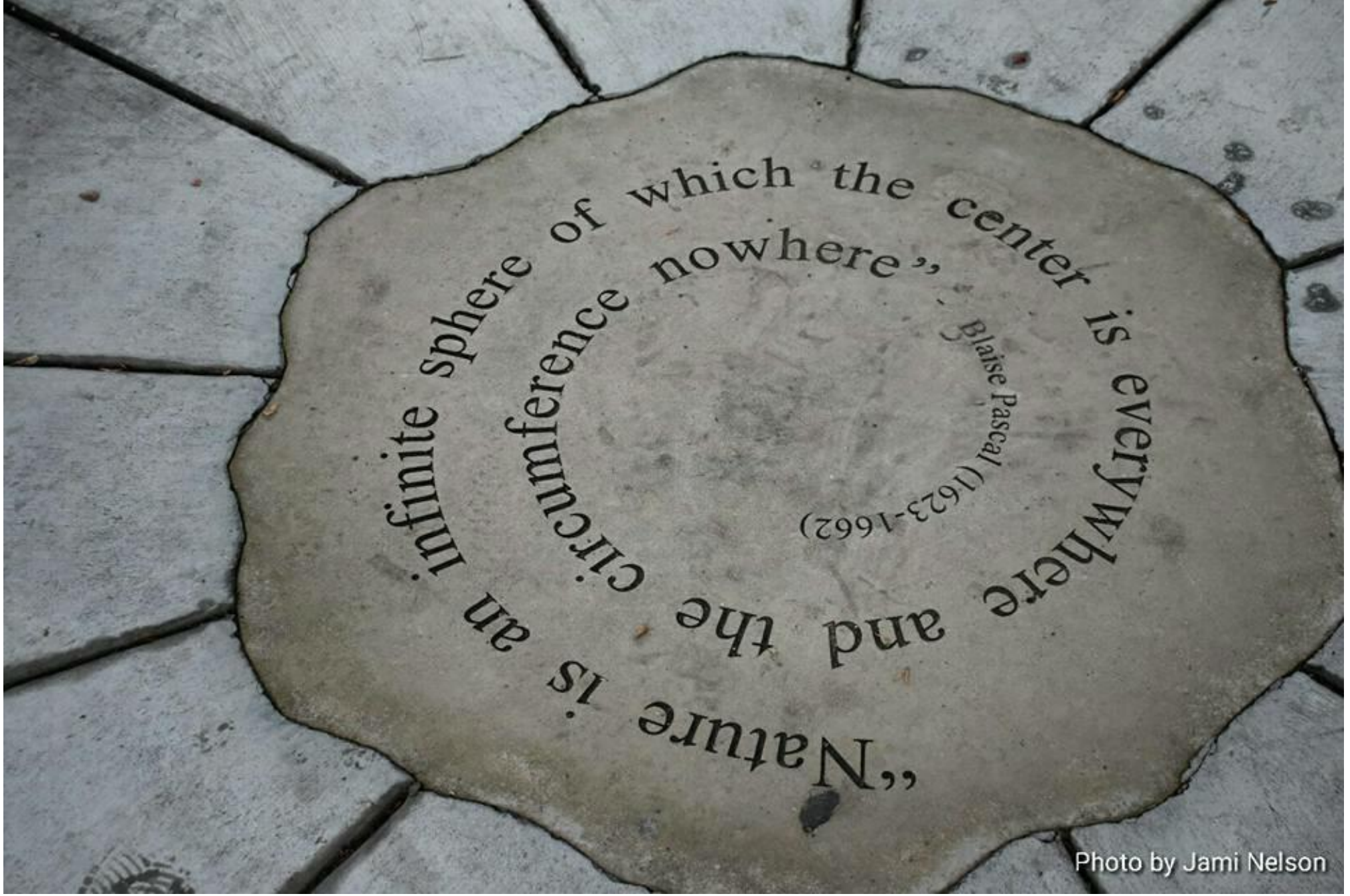
Nature of Ramsey

Great Blue Heron, June 7, 2017, Pond on County Roads 63 and 5

Nature of Ramsey

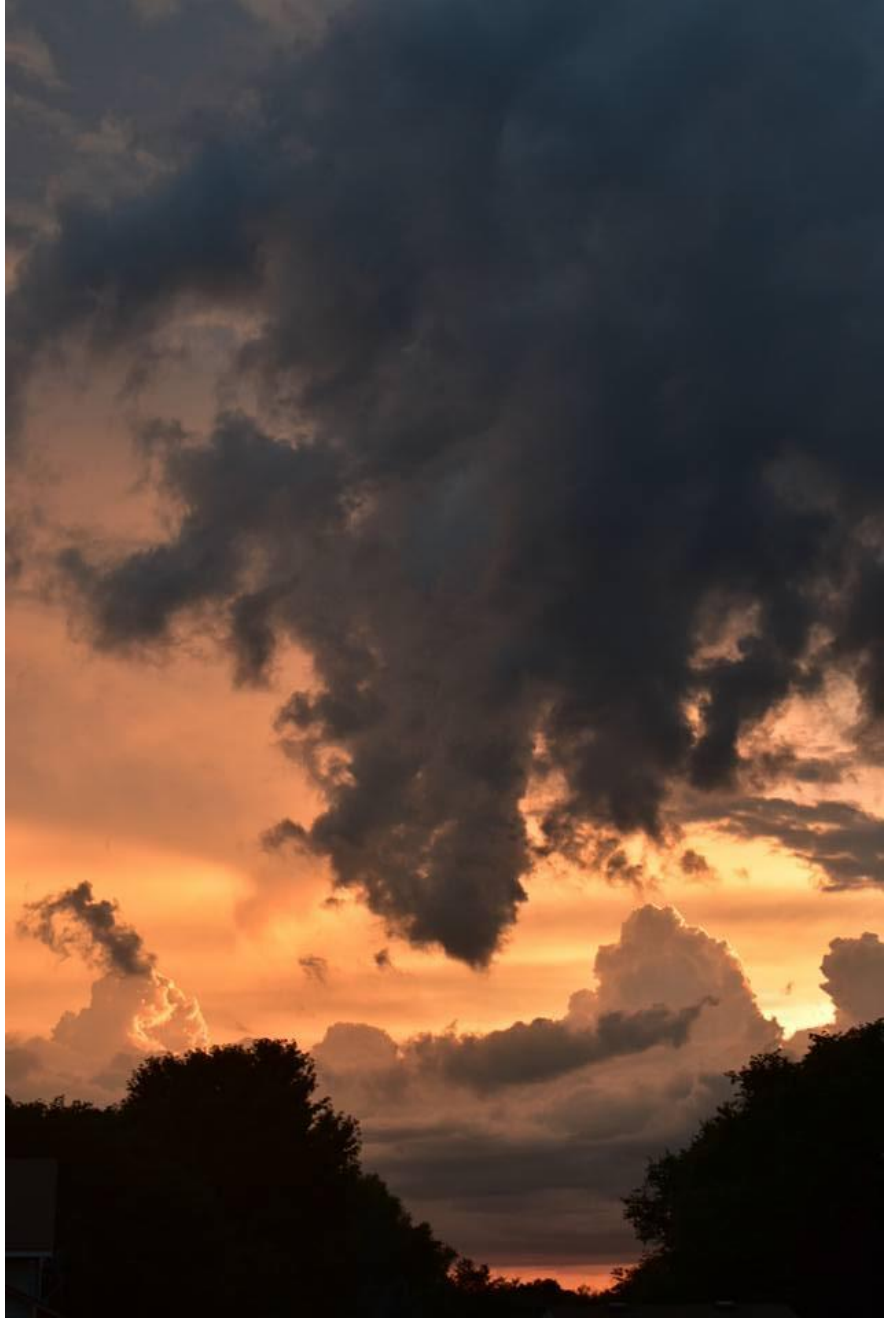
Cedar Waxwing, June 12, 2017, 145th Lane NW

Nature of Ramsey



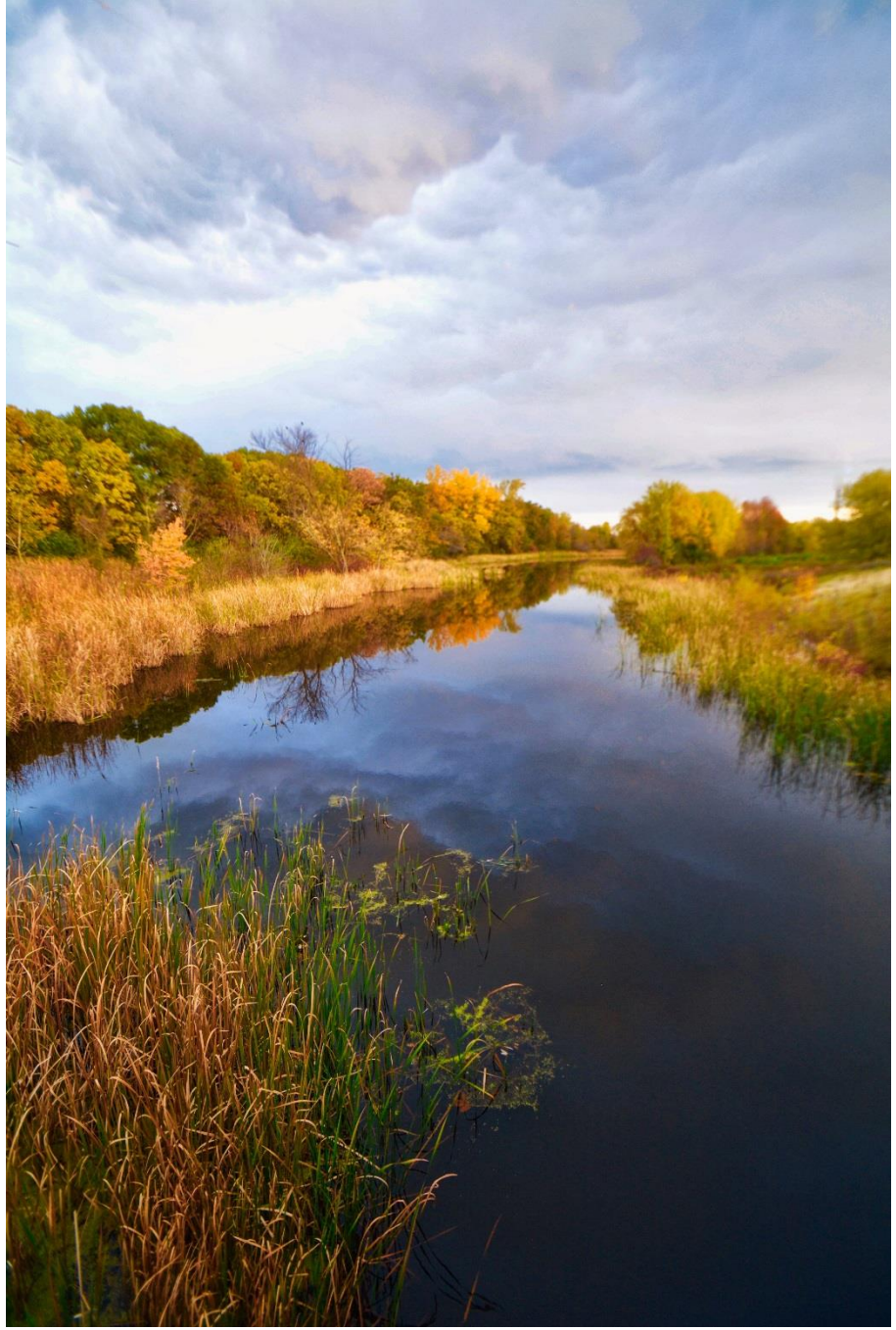
Circumference, January 12, 2017, Sunfish Lake Park

Nature of Ramsey



Cloudy, July 1, 2017, 145th Lane NW

Nature of Ramsey



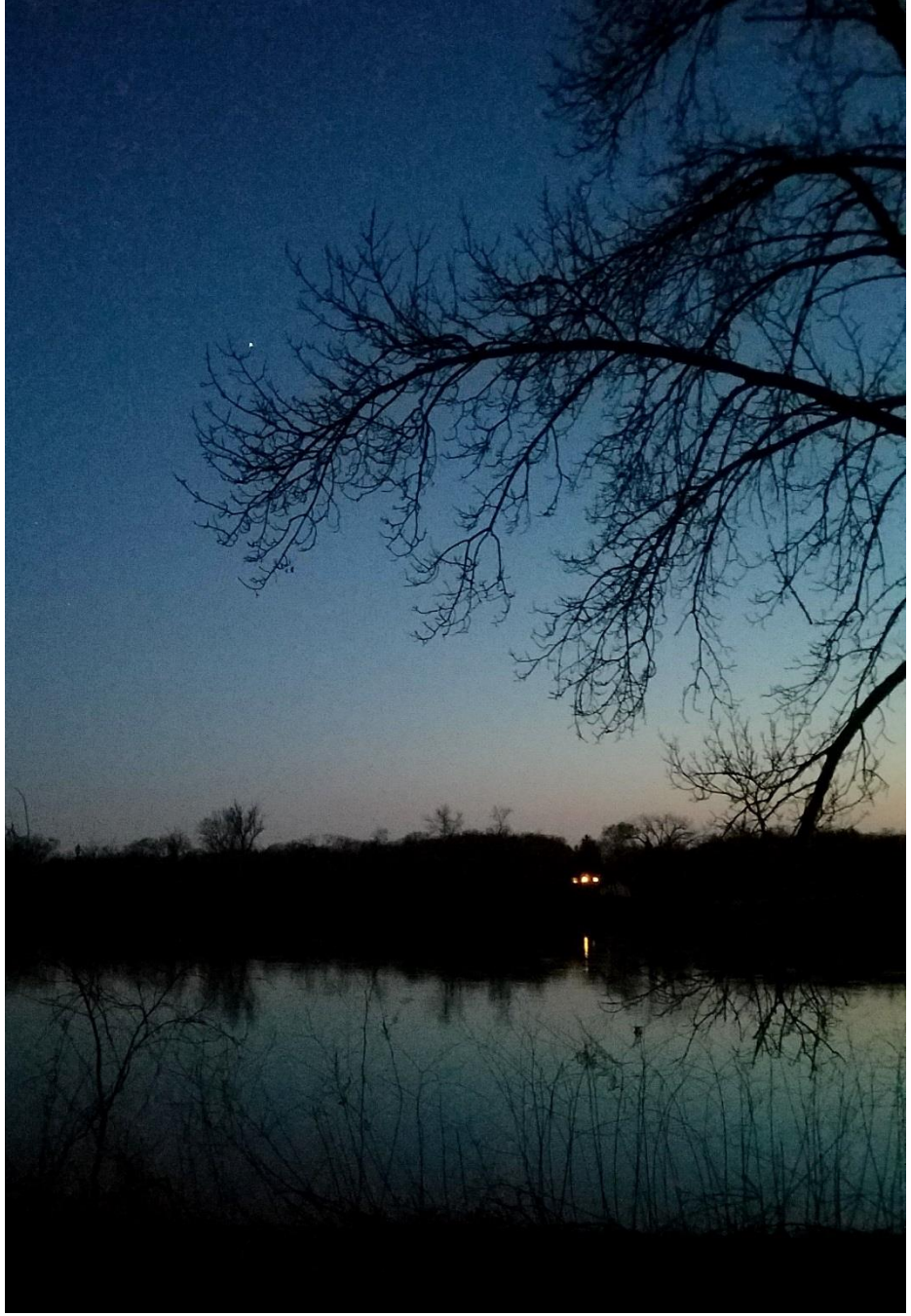
Rising over the Rum

October 12, 2017, corner of Bunker Blvd and Highway 47 on the “Ramsey” side

Nature of Ramsey

Fall Sky, October 22, 2017, Mississippi River at Rivlyn Avenue

Nature of Ramsey



Twilight Reflections, April 11, 2017, Mississippi River at Rivlyn Avenue

Nature of Ramsey

Winter Fog, December 4, 2017, Mississippi River at Rivlyn Avenue

Nature of Ramsey

Fire in the Sky, Mississippi River at Rivlyn Avenue

Nature of Ramsey

Blowin’ Away, October 8, 2017, Rum River Central Park

Nature of Ramsey

Drops of Rain, October 26, 2017, Junkite Street

Parks and Trails

1st in category

Peace and Tranquility, Summer 2016, Mississippi West Regional Park

Parks and Trails

2nd in category

Before the Flight, Fall 2016, Sunfish Lake Park

Parks and Trails

3rd in category (tie)

Ice Rink at Twilight, December 23, 2017, Central Park

Parks and Trails

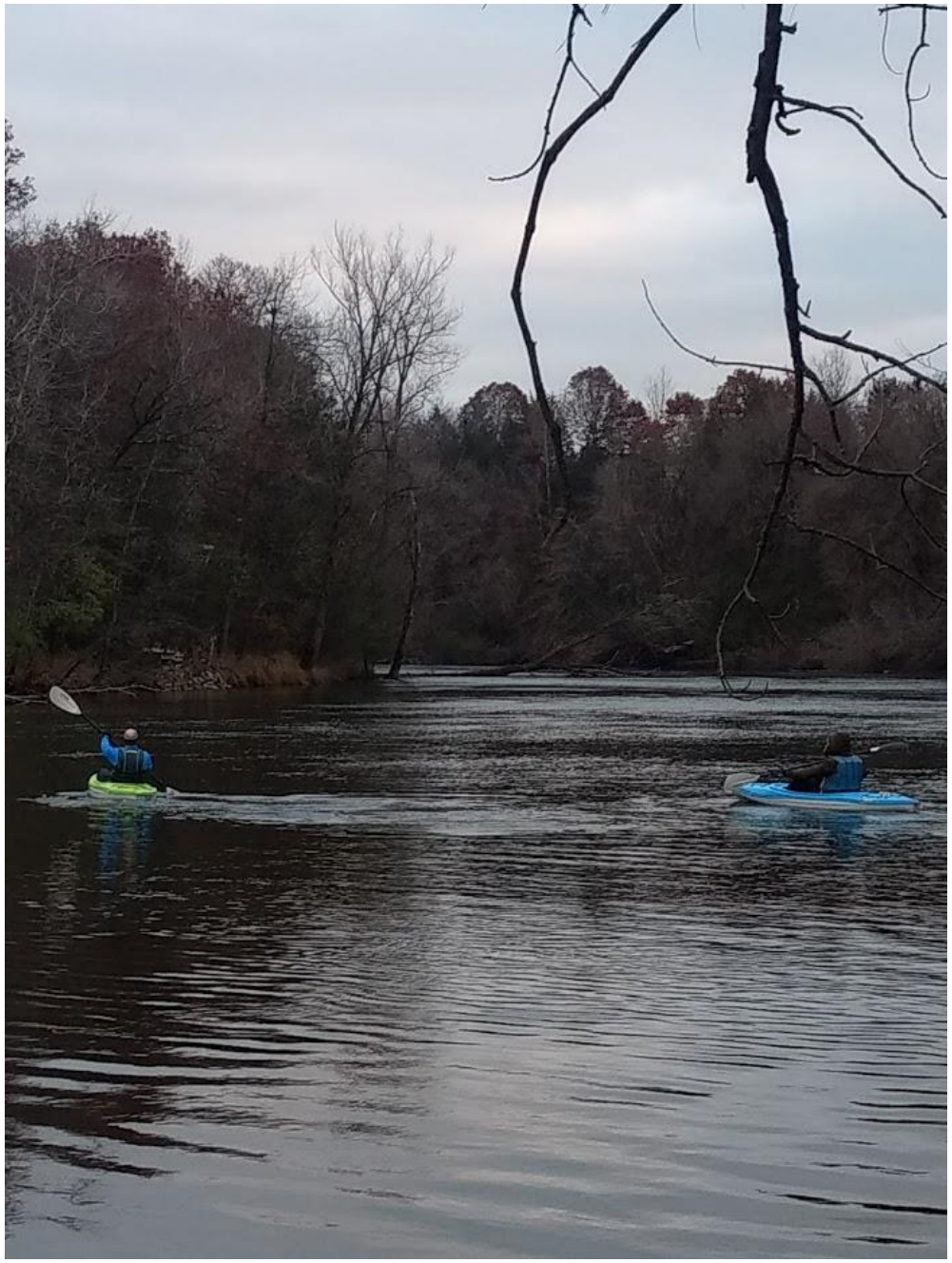
3rd in category (tie)

Quiet Morning, October 15, 2017, Sunfish Lake Park

Parks and Trails

The Calm Ending of the Day, Summer 2016, Mississippi West Regional Park

Parks and Trails



Kayaking on the Rum River, November 2017

Parks and Trails

Fall Walk, October 2016, Elmcrest Park

Parks and Trails

Soccer in the Summer, June 2016, Elmcrest Park

Parks and Trails

Learning to Skate, February 2015, Ramsey Elementary

Parks and Trails

River Reflection, October 2016, Rum River

Parks and Trails

Winter Flow, January 2017, Rum River

Parks and Trails

Fall Flight, Fall 2016, Sunfish Lake Park

Parks and Trails

Ginger’s Curiosity, Fall 2016, Sunfish Lake Park

Parks and Trails

Hidden Treasures, December 2, 2017, Brookview North park

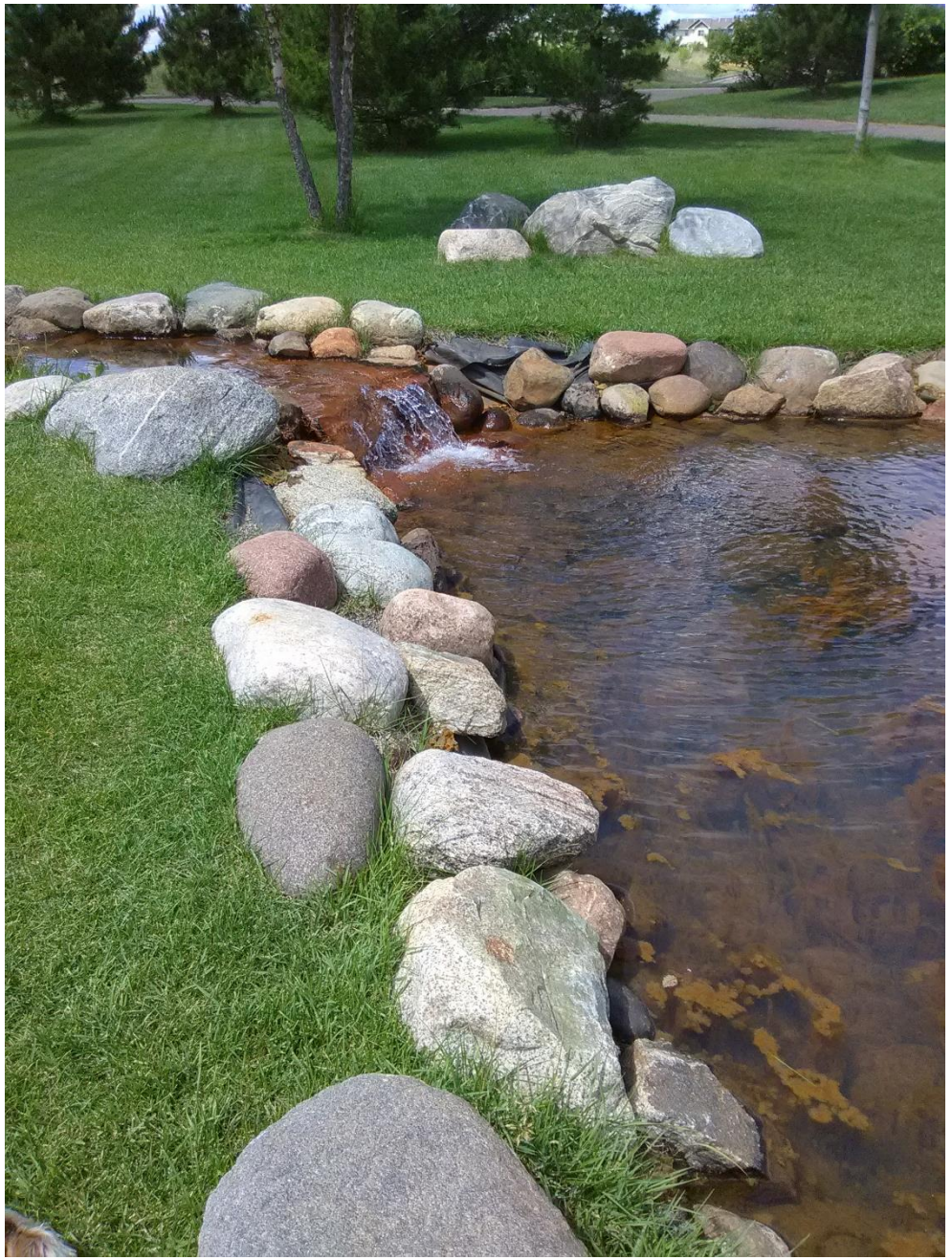
Parks and Trails

Ready to Play, September 2017, Alpine Park

Parks and Trails

Fall in Ramsey, September 2017, Alpine Park

Parks and Trails



Waterfall, The Draw

Ramsey Parks & Recreation presents:

2017 Ramsey Photo Contest

Showcase what you love about Ramsey!

The City of Ramsey is holding a Photo Contest in search for beautiful photos from the community to supplement the City's Comprehensive Plan and the Parks Master Plan. Submit your photos that highlight what you love about life in Ramsey! Winners will be announced in February 2018.

Categories include: Nature of Ramsey, Parks and Trails, Industry and Commerce, and Life in Ramsey.

Prepare

- Read and review all contest rules at cityoframsey.com/PhotoContest
- Submit photos by 4:30 pm on Tuesday, January 2, 2018.
- Complete an entry form for each photo submitted.
- Complete photograph release form for photos that show recognizable faces.
- Email digital entries and accompanying forms to PhotoContest@cityoframsey.com

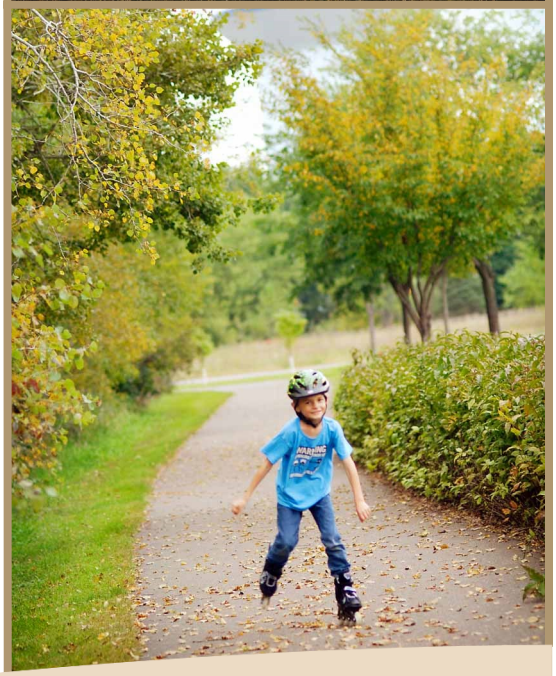
Awards

- Photos will be evaluated based on creativity, quality, composition, and expression of category theme.
- Overall grand-prize of $100. First runner-up in each of the four categories with a prize of $50 each.
- Winning photos will be featured in City publications

To learn more: cityoframsey.com/PhotoContest

For more information:

tbailey@cityoframsey.com
763-576-4309



City of RAMSEY

Our Mission: To work together to resposibly grow our community, and to provide quality, cost-effective, and efficient government services.

CC Work Session **2. 2.**

Meeting Date: 02/27/2018

Submitted For: Kurt Ulrich, Administrative Services

By: Kathy Schmitz, Administrative Services

Information

Title:

Consider the 2018 City of Ramsey Legislative Platform

Purpose/Background:

Annually, the City of Ramsey adopts a *Legislative Platform* for the purpose of defining a list of Legislative priorities of specific interest to the City of Ramsey. Upon adoption by the City Council, Ramsey's Legislative Platform will be used to communicate City priorities to County, State and Federal officials. Additionally, this document will be used internally by staff to guide legislative working priorities for 2018.

Observations/Alternatives:

Attached is an updated list of eight proposed 2018 legislative issues that are considered significant to the City of Ramsey at this time. Included in the attachments are the legislative platforms/priorities for Anoka County, the North Metro Mayor's Association, the Metro Cities, and the League of Minnesota Cities. Transportation funding continues to be an important issue for the City, and all of the other organizations on a state, regional, and local level include this topic as a priority. A section war added to the City position statement that includes specific support for the City of Anoka for the Thurston/Fair Oak interchange project. Rail improvements are included in this section. A detailed summary of each issue is attach as part of the City summary, and a reference to the policy documents of the other organizations is foot-noted at the bottom of each section.

Note, the City differs somewhat from the County's position to have an elected Metropolitan Council, but their legislative priority document is vague in that language, and the Metro Cities position provides some additional recommendations for incremental change to the metro governance structure (see page 38 of the Metro Cities document 4-B, 4-C)

Funding Source:

N/A

Recommendation:

It is recommended that the City Council discuss and consider revisions to the *City of Ramsey 2018 Legislative Platform* as presented, and to forward to the next regular Council meeting for formal adoption.

Action:

No Motion Requested:

Base upon the consensus discussion, staff will bring forward a final (updated) Legislative Platform for formal adoption on the consent agenda of the next regular Council meeting of March 13, 2018.

Attachments

LMC Legislative
LMClegislativePolicyDetail
MetroCitieslegislative
AnokaCountylegislative
NorthMetroMayors
Legislative2018_Ramsey

Form Review

Inbox	Reviewed By	Date
Kurt Ulrich	Kurt Ulrich	02/22/2018 04:02 PM
Form Started By: Kathy Schmitz		Started On: 02/21/2018 04:12 PM
Final Approval Date: 02/22/2018		

LEAGUE OF MINNESOTA CITIES

2018 LEGISLATIVE PRIORITIES

The League of Minnesota Cities promotes excellence in local government through effective advocacy, expert analysis, and trusted guidance for all Minnesota cities.

MinnesotaCities
MinnesotaCities #LMCleg
www.lmc.org

MINNESOTA CITY FACTS:

853 Cities in Minnesota

495 Cities with populations under 1,000

148 Cities with populations over 5,000

Bonding

The League supports a substantial bonding bill that includes appropriations for municipal water and wastewater infrastructure, local roads and bridges, the Local Road Wetland Replacement Fund, flood hazard mitigation, and dam repair and removal projects.

Broadband

The League supports funding for the Office of Broadband Development, additional investments in the Border-to-Border Broadband Grant Program, and incentives for private sector service providers to respond to local or regional needs.

City Street Funding

The League calls for a dedicated and sustainable state funding source for non-Municipal State Aid (MSA) city streets, legislation that would allow cities to create street improvement districts, and grant funding for cities burdened by cost participation requirements.

Email Retention

The League opposes changes to the records management statutes. Current laws and the city general record retention schedule protect the public's right to access government records.

Housing

The League supports funding for workforce housing and affordable housing programs, including resources in a bonding bill.

Local Government Aid (LGA)

The League calls for a restoration of the local government aid system to at least the 2003 certified level of $586.8 million.

Pensions

The League supports adjustments of plan benefits to reduce the cost of the pension system before any employer contribution increase is implemented.

Pre-emption/ Local Control

The League opposes legislation that erodes the fundamental principle of local control in cities across Minnesota.

Sales Tax Exemption on Construction Materials

The League supports legislation to streamline the process required for cities to secure the sales tax exemption on construction materials.

Urban Forest Management

The League supports at least $5 million per year for a state matching grant program to assist cities with emerald ash borer, and to build cities' capacity to respond to other catastrophic urban forest problems.

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LEAGUE OF MINNESOTA CITIES

WWW.LMC.ORG/PRIORITIES18

LEAGUE OF MINNESOTA CITIES

2018
City Policies

For Legislative and
Administrative Action

Adopted November 9, 2017

The only comprehensive statewide advocacy agenda for all Minnesota cities

This document is available in the Legislative Action Center on the League's website at ***www.lmc.org/policies***

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LMC POLICY DEVELOPMENT PROCESS

The *City Policies* document addresses more than 180 legislative issues that impact cities and serves as the foundation of the League of Minnesota Cities (LMC) advocacy efforts. City officials from across the state are recruited throughout the year to serve on one or more policy committees. In 2017, over 150 city officials participated in the policy committees. Policies are considered, discussed, and revised annually with considerable member input. Then, draft policies are published online for member comments before being considered for approval by the LMC Board of Directors. Guided by the *City Policies*, LMC member cities and staff actively advocate for city-friendly legislation. Below are some of the major events in the policy development process:

January	The Minnesota Legislature begins the first session of each two-year biennium in January of odd-numbered years.
February	The Legislature typically begins the second session of each biennium in February or March of even-numbered years. The February forecast will likely be released at the end of February or early March. The 2018 Legislative Session is scheduled to begin on February 20, 2018.
March/April	From March 11-14, the National League of Cities hosts the Congressional City Conference in Washington, D.C. The League's legislative conference will be held on Thursday, March 22, 2018 at the Best Western Plus Capitol Ridge Hotel.
May	Under the Minnesota Constitution, the deadline to end any legislative session is the first Monday following the third Saturday in May (May 21, 2018). The governor may call special legislative sessions when necessary.
June	At the LMC Annual Conference (St. Cloud, June 20-22, 2018), members provide comments on *City Policies* throughout the conference and during the Legislative Update.
July	Policy committees hold their first of three meetings. The July meeting typically includes a review of the most recent legislative session, a preliminary discussion of emerging issues, and a review of member comments and board interim policies from the prior year.
August	Policy committees hold their second of three meetings to hear from subject-matter experts on existing and potential new policy topics.
September	Policy committees meet for a third time to finalize their work and make specific policy recommendations to the LMC Board of Directors.
October	Draft policies, as approved by the policy committees, are shared with members online during the comment period. Member input is also sought from city officials attending LMC Regional Meetings around the state each fall.
November	The LMC Board of Directors reviews member input, then considers and amends the policies for the following calendar year. The Board adopts policies on behalf of League members before the start of the next legislative session.

PURPOSE, PROCESS AND PRINCIPLES OF CITY POLICIES

The League of Minnesota Cities is dedicated to promoting excellence in local government through effective advocacy, expert analysis, and trusted guidance for all Minnesota cities. Each year, the League's member cities identify common needs and goals, and the Board of Directors adopts policies designed to help cities overcome obstacles and reach those goals. These policies serve as the foundation of the League's advocacy work on behalf of Minnesota cities.

There are 853 cities in Minnesota, and 833 cities are members of the League of Minnesota Cities. Eleven townships and 63 special districts/other members are also League members. The League's members include the smallest rural cities in Greater Minnesota and the largest cities in the urban core; they include suburban communities in the Metropolitan Area and regional centers in every corner of the state. Every member of the League has a voice in developing the following policies.

Two core principles guide the development of City Policies and the actions of the League:

1. Local units of government must have sufficient authority and flexibility to meet the challenges of governing and providing citizens with public services. The Legislature must avoid imposing unfunded and underfunded mandates that erode local control and create liability and financial risk for city taxpayers.

2. The increasingly complex and costly requirements necessary for cities to provide services to their citizens require a strong partnership between federal, state, and local governments. This partnership should be based upon a shared vision for Minnesota and should allow individual communities to tailor that vision to the unique needs of their citizens.

Because of the fluid nature of emerging issues, state and national politics, and current events, additional and alternative policies may be proposed after the policies are adopted by the Board of Directors. The League will make every effort to notify members of substantial changes or additions to policies after they are adopted by the Board of Directors.

LEAGUE OF MINNESOTA CITIES

2018
City Policies

IMPROVING SERVICE DELIVERY

SD-1. Local Control

Issue: Cities are often laboratories for determining public policy approaches to the challenges that face citizens. Success in providing for the basic needs of a functional society is rooted in local control to determine how best to respond to the ever-changing needs of a citizenry. Because city government most directly impacts the lives of people, and representative democracy ensures that locally elected officials are held accountable for their decisions through local elections, local governments must have sufficient authority and flexibility to meet the challenges of governing and providing citizens with public services.

Response: **The increasingly complex and costly requirements necessary for cities to provide services to their citizens would benefit from a strong partnership between federal, state and local governments. This partnership should be based upon a shared vision for Minnesota and should allow individual communities to tailor that vision to the unique needs of their citizens without mandates and policy restrictions imposed by state and federal policy makers. The state should recognize that local governments, of all sizes, are often the first to identify problems and inventive solutions to solve them, and should encourage further innovation by increasing local control. The state should not enact initiatives that erode the fundamental principle of local control in cities across Minnesota.**

SD-2. Unfunded Mandates

Issue: Federal and state mandated programs substitute the judgment of Congress, the president, the Minnesota Legislature, and the governor for local budget priorities. These mandates force cities to reduce funding for other basic services or to increase taxes and service charges.

Response:

a) **Existing unfunded mandates should be reviewed and modified, or repealed where possible.**
b) **No additional statewide mandates should be enacted unless full funding for the mandate is provided by the level of government imposing it or a permanent stable revenue source is established.**
c) **Cities should not be forced to comply with unfunded mandates.**
d) **Cities should be given the greatest flexibility possible in implementing mandates to ensure their cost is minimized.**
e) **The legislative government redesign groups created in 2010 should consider the various unfunded mandates as they look at local government reform and redesign and make recommendations for the next session.**

SD-3. Local Approval of Special Laws

Issue: The Minnesota Constitution prohibits special legislation except for certain special laws relating to local government. It provides that a special law must name the affected local unit of government and is effective only after approval by the local government unit, unless general state law provides otherwise. Under state statute, a special law is not effective unless approved by the affected local unit of government, except under limited circumstances.

In recent years, the Legislature has occasionally enacted general laws that affect a single local unit of government. By enacting a general law with limited application, local approval is not required.

Response: **The League of Minnesota Cities supports the constitutional requirement that a special law must be approved by the affected local unit of government before it can take effect. If a law is intended to affect or benefit a single local unit of government, the Legislature must follow the requirements for enacting a special law set forth in the Minnesota Constitution and in state statute. The League specifically opposes the Legislature's technique of bypassing the constitution by not naming the local government, but describing the local government in such narrow terms that it can only apply to one entity.**

SD-4. Redesigning and Reinventing Government

Issue: Every level of government is redesigning, reinventing, and reevaluating its organizational structure and programs in response to financial realities and citizens' needs and problems. Reforms, however, must be more than change for the sake of change to existing programs. It is imperative that government officials talk with citizens about how services are currently provided and how they can be best provided in the future.

To be meaningful, redesign of governmental entities and services should:

a) save money where feasible;
b) deliver improved services;
c) serve essential needs; and
d) be equitably structured.

Cities have and will continue to re-evaluate city programs and services, pursue the use of cooperative agreements, and consider organizational changes that provide greater government efficiency and result in better service to citizens. Citizen input and participation should be gathered and taken into account as decisions about service delivery are being made and implemented.

All levels of government are encouraged to:

a) Ensure that in redesigning, reinventing or reassigning government services and programs, the appropriate level of service to citizens is evaluated and citizen demands and expectations are adequately addressed.
b) Engage as many citizens as possible, from diverse backgrounds and interests, to determine what services matter most to citizens and how the delivery of those services can be changed to increase efficiency and lower cost.
c) Educate citizens about what services government delivers, how they are delivered, and how those services are funded.
d) Engage in traditional and nontraditional partnerships to make service changes and do things in new ways.
e) Identify and repeal programs or discontinue services that are no longer necessary, and evaluate which services can readily and fairly be provided by the private sector.

Response: **Federal, state, and county governments should:**

a) Promote and support local redesign efforts through incentives rather than mandates.
b) Communicate and establish a process of negotiation before shifting responsibility for delivering services from one level of government to

another, or seeking to reduce service duplication.

c) **Utilize government entities with proven track records in redesign efforts.**

SD-5. State Government Shutdowns

Issue: Twice in less than one decade, the state Legislature and governor failed to reach a global agreement on the state budget by the end of the fiscal biennium (June 30 of odd-numbered years). As a result of these impasses, portions of state government were shut down. The shutdowns, particularly the shutdown in 2011, created a range of challenges for cities, as well as for the state's courts, residents, businesses, licensed professionals, state employees and others.

For cities, the most pronounced challenges related to the shutdowns were as follows:

a) Uncertainty about the timing and amount of aid and credit reimbursement payments and the distribution of local sales tax revenues.
b) Inability of licensed city professionals such as peace officers and water treatment facility operators to renew licenses.
c) Loss of access to critical information such as the Bureau of Criminal Apprehension database and state-mandated reports.
d) The shutdown of transportation projects on the trunk highway and state aid system.
e) Interruption of local economic development due to the state having sole authority to inspect, review and approve various plans and types of projects.

Response: **The League of Minnesota Cities urges the Legislature and governor to establish a procedure in state law to continue certain state government operations into a new biennium in the event that the governor and legislators cannot reach a budget agreement. Specifically, the Legislature and governor should modify state law to assure that the staff necessary to distribute state funds that are already encumbered or statutorily appropriated to local governments are distributed as statutorily scheduled, or in the absence of a statutory payment schedule, are released in a predictable and timely manner in the event of future shutdowns.**

The Legislature should also pass legislation that allows existing licenses of public employees to be continued during any future state government shutdown and should identify additional areas, such as electrical and plumbing inspection and plumbing plan review, where local governments could reasonably step in to handle the inspections, review, and approval necessary for local projects to move forward, and allows work on approved projects to continue in state rights-of-way.

SD-6. Duration of Conservation Easements

Issue: The Minnesota Marketable Title Act provides that any deed over 40 years old can be disregarded unless the holder of the interest re-records it. There is an exception for a person in possession of the property. A 2010 Minnesota Supreme Court decision said that the person in possession has to show that the possession has been visible enough to put a prudent person on notice of the interest, and that the possession has to be continuous. *Sampair v. Village of Birchwood*, 784 N.W.2d 65 (Minn. 2010).

This creates issues for cities that have conservation easements. It is difficult, if not impossible, to show actual use of the

easement because conservation easements are passive easements, not active ones. As a result, cities will have to re-record the easements every 40 years in order to maintain them. This will result in a significant administrative burden and increase costs for local units of government due to staff time, legal fees, and recording fees.

Additionally, Minn. Stat. § 500.20, entitled "Defeasible Estates," provides in subd. 2a that private covenants, conditions, or restrictions that affect the title or use of real estate cease to be valid 30 years after the date of the instrument creating them and they may be disregarded. This provision was initially enacted in 1988.

Minn. Stat. ch. 84C regarding conservation easements was enacted in 1985, and Minn. Stat. §§ 84.64-.65 regarding conservation restrictions were originally enacted in 1974. Because conservation easements and conservation restrictions are not listed among the restrictions that are not subject to Minn. Stat. § 500.20, subd. 2a, it is possible to conclude, by negative implication, that subd. 2a does apply to the conservation easements and conservation restrictions created by earlier enacted statues. This conclusion is inconsistent with the language in Minn. Stat. § 84C.02(b) that "a conservation easement is unlimited in duration unless the instrument creating it otherwise provides."

Response: **The League of Minnesota Cities supports legislation that excepts holders of conservation easements from re-recording the easements under the Minnesota Marketable Title Act and that clarifies that Minn. Stat. § 500.20, subd. 2a, does not apply to conservation easements and restrictions.**

SD-7. Responsibility for Locating Private Underground Facilities

Issue: Cities are responsible for complying with state pipeline safety regulations that hold cities responsible for locating and marking private service laterals that connect in public rights-of-way to city sanitary and storm sewer, water, and district heating systems. The Minnesota Office of Pipeline Safety (MNOPS) is proposing amendments to state pipeline and safety rules related to the definition of excavation and changes to mandatory damage reporting.

Cities are concerned that damage to private service laterals within the public right-of-way continues due, in part, to construction methods during the replacement, repair and/or installation of underground utilities which cross city water and sewer services that are in the public rights-of-way. Trenchless excavation could potentially cause damage to underground service laterals and negatively impact the quality of utility services.

Response: **The League supports the changes to the definition of excavation presented by MNOPS at the 2012 Review of Minn. Stat. ch. 216D. Cities support the elimination of windbreaks, shelterbelts, and tree plantations from the definition of excavation, unless any of these activities disturbs the soil to a depth of 18 inches or more.**

The League supports exempting normal maintenance of roads and streets from the definition of excavation if the maintenance does not change the original grade and does not involve the road ditch by defining "original grade" as the grade at the date of issue of the first notice by the excavator.

The League supports increasing MNOPS fines for violators of state pipeline safety requirements, bringing state penalties in line with federal penalties.

The League opposes mandatory damage reporting and recommends a simple standardized form to encourage cities to voluntarily report damages. The League opposes requirements that would force cities to mark underground facilities of all sizes and materials.

The League recognizes that trenchless excavation presents concerns to cities. Private property owners in the excavation area must receive advance notice of any trenchless or other excavation activities that could affect the quality of utility services. Notice must include at least one phone number for assistance in case of any service problems.

Contractors must comply with city permits requiring that the drill head be visible when crossing any paint marks and moving through the pothole at the depth that the city allows for the installation.

Cities must not be required to locate privately-owned water and sewer laterals and must not be held responsible for actions by excavators when the city determines not to locate such facilities. Excavators should be responsible for locating and protecting any private service lateral that is impacted by excavation activities conducted on private property beyond the public right-of-way.

SD-8. Utility Relocation Under Design-Build Road Construction

Issue: The Minnesota Department of Transportation (MnDOT) has promoted legislation relating to the design-build construction process that would require private and public utilities to be responsible for utility relocation necessitated by road construction. The policy, if enacted, would create unanticipated costs for utilities owned and operated by cities. Municipally-owned utilities would be unreasonably held to the same standards as privately-owned utilities that exist in the public right-of-way.

Response: **The League of Minnesota Cities supports use of the design-build procedure, however, municipal utilities that exist in the public right-of-way should not be penalized under this process. Municipal utilities legitimately exist in the public right-of-way. When a MnDOT construction project requires the relocation of utilities, the cost of relocating municipal utilities should be shared equitably between MnDOT and affected municipal utilities.**

SD-9. National Fire Protection Association (NFPA) Standards

Issue: The National Fire Protection Association (NFPA) is an international association of individuals and trade and professional organizations that deals with fire and life safety. The NFPA has advocated legislation that would mandate two standards: NFPA 1710, Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, and NFPA 1720, Organization and Deployment of Fire Suppression, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments. NFPA standards 1710 and 1720 define minimum response times, minimum fire company staffing levels, initial full alarm response levels, and extra alarm response levels. Although NFPA codes and standards

are voluntary, they are often adopted by local jurisdictions.

Response: **Levels of service delivery for fire and emergency medical services (EMS) have always been determined by local jurisdictions. If mandated, the NFPA standards would force local governments to shift dollars from fire prevention programs to fire suppression activities, potentially increasing the risk of fire and the danger to local firefighters.**

The League of Minnesota Cities opposes any attempt to mandate standards for minimum staffing levels of fire, specialized or EMS vehicles controlled by units of local government. The League also opposes any attempt to adopt a standard dictating or affecting the response time of any fire, specialized or EMS vehicle.

SD-10. Fire Mutual Aid

Issue: City and township fire departments regularly assist each other with firefighting and other response activities. This mutual aid is mostly authorized by individual written contracts with each city or township, which results in a patchwork of different agreements with different provisions. Often, each city attorney recommends different provisions.

Following the Red River floods and the St. Peter tornados, emergency responders (including fire departments) met and helped pass a statute to govern mutual aid situations when there is an emergency declared by mayor or governor and no written agreements exist. The statute, Minn. Stat. § 12.331, provides a framework for how worker's compensation, liability, property claims, insurance, and charges between the departments will be handled in mutual aid situations.

The League of Minnesota Cities Insurance Trust (LMCIT) developed a model mutual aid agreement that contains the same basic structure for liability as the statute. Many cities have entered into area-wide mutual aid agreements that are similar to the LMCIT model agreement. To provide uniformity, there should be a statute that is similar to Minn. Stat. § 12.331, to govern daily fire mutual aid situations that do not rise to the level of emergencies.

Response: **The Legislature should pass a statute to provide uniform provisions when fire departments assist each other. These provisions should include statutory definitions and clarifications for:**

a) **Who is in command of the mutual aid scene.**
b) **Who will cover the firefighters for worker's compensation.**
c) **How liability and property claims will be handled.**
d) **Who will pay for expendable supplies such as foam.**
e) **When fire departments will charge each other for these services.**
f) **The ability for fire departments to opt out by having a separate written agreement.**

SD-11. Clarification of Joint Powers Relationships with Federally Recognized Indian Tribes

Issue: During the 2010 legislative session, Minn. Stat. § 471.59 was modified to allow federally recognized Indian tribes to participate in joint powers agreements with other governmental entities, including Minnesota cities. Indian tribes are extremely unique legal entities under federal law and international treaties. The new law was a broad brush authorization that did not address important issues that uniquely arise

when dealing with Indian tribes related to sovereignty, insurance liability and liability limits (commonly called "tort caps"). Previous laws, such as Minn. Stat. § 626.93 (authorizing tribes to act as law enforcement entities) explicitly addressed these concerns. Since the new law passed, interest has been expressed by public safety groups and individual cities in entering into joint powers agreements with federally recognized Indian tribes. However, legislative guidance is needed to address concerns related to sovereignty, insurance and liability limits for these agreements.

Response: **Include in Minn. Stat. § 471.59 (the joint powers statute) language substantially similar to Minn. Stat. § 626.93 that clarifies that Indian tribes entering into joint powers relationships agree to:**

a) **Be subject to liability for its torts and those of its officers, employees, and agents acting within the scope of their employment or duties arising out of the joint powers agreement to the same extent as a municipality under Minn. Stat. ch. 466; and**
b) **Notwithstanding Minn. Stat. § 16C.05, subd. 7, waive its sovereign immunity with respect to claims arising from liability under the joint powers.**

SD-12. Ambulance Service Costs and Liability

Issue: The cost of providing ambulance care has increased steadily over the last several years due in part to changes in Medicare reimbursement. The federal Balanced Budget Act (BBA) of 1997 made two significant changes to ambulance billing. First, the act mandated that all ambulance services accept Medicare assignments as payment in full; that is, ambulance services cannot bill the Medicare patient for any unpaid balance beyond the Medicare payment. Second, the act mandated a uniform fee schedule that was implemented in April 2002. The new fee schedule significantly reduced reimbursement levels for many ambulance services. The BBA mandates are impacting the ability of some Minnesota ambulance service providers to adequately fund their operations.

The loss of revenue due to Medicare reimbursement changes, coupled with higher insurance rates, is affecting the ability of many non-government-based ambulance service providers to deliver emergency care, particularly in rural Minnesota. All ambulance services and personnel are regulated by Minn. Stat. ch. 144E and must comply with the same licensing, training, and equipment-related requirements, regardless of ownership. However, non-government-based ambulance service providers are treated differently from government-based service providers in terms of exposure to liability. While government-based ambulance service providers have specific statutory caps on damages that limit their liability, non-government-based ambulance service providers are not protected by such caps. Consequently, non-government-based ambulance service providers have experienced inordinate growth in their insurance rates.

Non-government-based ambulance service liability exposure is a concern for three reasons. First, municipalities that contract for ambulance service may be required to purchase excess liability coverage in order to protect non-government-based ambulance service providers against claims. Second, it may discourage mutual aid agreements between government- and non-government-based ambulance service providers. Finally, unlimited liability exposure threatens the existence of small, non-government-based rural ambulance providers, which could

leave large geographic areas without any ambulance service and undermine emergency response to mass casualty incidents.

In addition, the liability exposure of medical directors associated with ambulance service is a concern. While medical directors of government-based ambulance services may arguably be covered by public official immunity, the law is unclear and should be clarified.

Response: **The League of Minnesota Cities supports federal legislation that would:**

a) **Require Medicare to set ambulance payment rates at the "regional cost" of providing service;**
b) **Require adequate reimbursement for ambulance providers;**
c) **Establish a "prudent layperson" standard for the payment of emergency ambulance claims such that if a reasonable person believed an emergency medical problem existed when the ambulance was requested, Medicare would pay the claim;**
d) **Make it easier for providers to file claims with Medicare by eliminating a processing system that often leads to the rejection of legitimate reimbursement claims.**

The League also urges the Legislature to extend the protection of the state and municipal Tort Claims Act to, at a minimum, licensed third parties that contract with a municipality to provide ambulance services. The League also supports extending the applicability of public official immunity to medical directors in the course of ambulance service activities.

SD-13. Fees for Service

Issue: While general services—such as permitting, inspections or enforcement—are typically funded out of a city's general fund, cities often impose fees to cover the cost of providing certain services, permits, and licenses.

The Legislature and interest groups often seek to mandate or preserve fee limitations for city services. Over the last several years, the Legislature has enacted a number of new laws designed to rigorously control local fee-setting authority. Examples of such mandates include placing limits on coin-operated amusement machine license fees, on-sale and off-sale liquor license fees, license fees for retailers selling fireworks, deputy registrar fees and planning and zoning fees. The state also requires cities that collect more than $5,000 in development-related fees each year to annually report all construction and development fees to the Department of Labor and Industry.

Response: **While the state has a role in providing a general, statewide funding policy, the state should not interfere in the decision-making functions performed by cities when setting city budgets to provide city services. The League of Minnesota Cities seeks authority for cities to charge fees that are reasonably related to the cost of providing the service, permit or license. The League opposes legislation that would require specific methods to pay for city services or would place caps on city fees.**

SD-14. Improving and Increasing Citizen Access to Information

Issue: State law requires that cities publish certain types of information in a "qualified" newspaper designated by the city. While the

requirements vary based on city population size, most cities must publish: ordinances before they can take effect; advertisements for bids; various financial reports; meeting and hearing notices; notices of elections; dates for filing affidavits of candidacy; and sample ballots. Collectively, these items are referred to as "official notices," legal notices" and "public notices" in state statute.

There are several requirements in statute for a newspaper to be a "qualified" or "official" newspaper for the city. For instance, there can only be one newspaper chosen for the city; it must be printed in English in a newspaper format; if it is a daily newspaper, it must be distributed at least five days each week; if not a daily paper, it may be distributed twice a month with respect to the publishing of government public notices; it must be circulated in the city which it purports to serve, and either have at least 400 copies regularly delivered to paying subscribers or have at least 400 copies distributed without charge to local residents.

As technology has evolved, citizens have become more accustomed to the instantaneous availability of online information. Because cities are committed to providing information to citizens and responding to this demand, they have invested heavily in their websites and in growing a robust online presence. They survey citizens about what method of communication is preferred and based on this, cities update, reform, evolve, and advance communication tools and often, they do so with limited means and resources to ensure citizens have access to information about their city.

Because of the publishing mandate outlined in state statute, cities continue to publish in newspapers with limited resources while simultaneously providing information to citizens in the format they actually demand: online. These requirements originated in 1949 and to ensure the original intent of the law – providing citizens access to their local government – it is time to eliminate these outdated requirements and make communicating with citizens more efficient.

Response: **The Legislature should eliminate outdated and unnecessary publication requirements that are no longer relevant or representative of the technology we now have that has significantly increased access to government. Cities should have the authority to:**

a) Determine whether web publication should replace or supplement newspaper publication based on the unique needs of each community.
b) Designate an appropriate publication that reaches the maximum number of citizens possible.
c) Use alternative means of communication to fulfill statutory requirements such as city newsletters, cable television, video streaming, e-mail, blogs and city websites.
d) Expand the use of summaries where information is technical or lengthy.
e) Publish and provide public access to local codes of ordinances on a website accessible to the public and to post revisions and changes to city codes, resolutions, and rules on the city website, when feasible.

SD-15. Administrative Fines for Code Violations

Issue: Many statutory and home rule charter cities have implemented administrative enforcement programs for violations of local regulatory ordinances such as building codes, zoning codes, health codes, and public nuisance ordinances. This use of administrative proceedings has kept

enforcement at the local level and reduced pressure on over-burdened district court systems. Cities using administrative enforcement processes experience a lower cost of enforcement and a quicker resolution to code violations.

Minnesota statutes expressly provide the authority for all cities to utilize administrative enforcement of local codes and enforcement of liquor license and tobacco license violations.

In 2009, the Legislature amended Minn. Stat. ch. 169, the chapter of law pertaining to state traffic regulations, to allow cities and counties to issue administrative citations for certain minor traffic offenses. Since the passage of the 2009 administrative traffic citations law, some people have questioned whether administrative citations for non-traffic, liquor, and tobacco license code violations can be legally issued by statutory cities given that state law does not expressly provide authority on other code matters.

Response: **The League of Minnesota Cities continues to support the use of city administrative fines for local regulatory ordinances, such as building codes, zoning codes, health codes, public nuisance ordinances, and regulatory matters that are not duplicative of misdemeanor or higher-level state traffic and criminal offenses. The Legislature should clarify that both statutory and home rules charter cities have the authority to issue administrative citations for code violations. Further, state statute should allow statutory and home rule charter cities to adjudicate administrative citations and to assess a lien on properties for unpaid administrative fines.**

SD-16. Contracting and Purchasing

Issue: Minnesota statutes stipulate contracting and purchasing requirements for Minnesota cities. The law prescribes the process political subdivisions must use to make purchases and award contracts, and requires a competitive sealed bid procedure for contracts or purchases over $100,000. The intent of these statutory requirements is to provide taxpayers with the best value for their dollar and ensure integrity in the process. However, imposing these statutory requirements may, at times, result in political subdivisions paying more for goods and services than private entities under the same circumstances.

The Legislature recognized the benefits associated with alternative purchasing methods when it amended municipal contracting law in 2004 to authorize the use of reverse auctions to purchase supplies, materials, and equipment. Similarly, other contracting procedures, including "design-build" and direct negotiation are proven alternatives to the formal bidding process. Authorizing broader use of these types of alternatives as the Legislature did in 2009 by authorizing a design-build pilot program, would enhance the ability of cities to make appropriate and fiscally responsible purchasing decisions.

Response: **The League of Minnesota Cities supports broader use of alternative contracting and purchasing methods that streamline the process and reduce local purchasing costs. Specifically, the League supports authorizing cities to use the design-build procedure and providing municipalities with broader authority, similar to that of private businesses, to directly negotiate contracts. The Legislature should establish a task force to review municipal contracting laws, and consider contracting and purchasing**

reforms that give cities the flexibility to provide quality goods and services at the lowest cost to taxpayers.

SD-17. City Enterprise Operations

Issue: Historically, city enterprise operations have been created in response to community needs, lack of a private market, financial reporting requirements, state and federal mandates, to enforce state and local law, and to ensure a quality of life for the residents of a community. Establishing an enterprise operation allows a city to provide a desired service while maintaining financial control over service levels, costs, and public inputs.

In some cases, enterprise operations produce general public benefits and may require public support to ensure a desired level of service at a reasonable cost. The benefits of an enterprise operation, therefore, should be evaluated not solely in terms of profitability but also on the service benefits to citizens of the community.

Response: **The League of Minnesota Cities supports the local decisions made by cities to deliver services by establishing a city enterprise operation. The state should refrain from infringing on the ability of a city to provide services for its community.**

SD-18. Preservation of Order in City Council Meetings

Issue: The Minnesota Supreme Court recently held a provision in Minn. Stat. § 609.72, subd. 1(2), that prohibits disturbing public meetings was unconstitutionally broad. *State v. Hensel*, A15-0005 (Minn. 2017). Minn. Stat. § 412.191 gives statutory authority to city councils to preserve order and regulate procedure at their meetings. Cities rarely relied on the struck-down statute, but instead used other avenues to maintain order, such as issuing warnings and enforcing decorum rules. The struck-down statute served as a last resort when other options did not work.

Response: **The Legislature should ensure statutes adequately balance public participation with the ability to effectively manage public meetings and protect public safety.**

SD-19. Constitutional Amendments

Issue: The Minnesota Constitution requires that a constitutional amendment be approved by a simple majority of both chambers of the Legislature at one session, and must then be ratified by a majority of all the voters voting at the election. Minnesota is one of 18 states that require a simple majority vote by legislators while 26 states require a higher threshold (17 states require a two-thirds majority and nine require a three-fifths majority). Since statehood, 215 proposed constitutional amendments have been voted on by the electorate; 120 of them have been approved (56%) and 95 rejected (44%).

Cities provide a variety of critical and essential services to residents of Minnesota. Many public policy decisions at the state level impact cities and therefore, city officials depend on their state legislators to represent city interests at the Legislature.

Additionally, unlike a statutory change, a constitutional amendment is difficult to modify or repeal once enacted.

Response: **The League of Minnesota Cities strongly supports our representational system of government and opposes laws and amendments that restrict local government. The Legislature is the appropriate governing body to consider and enact laws that reflect**

statewide interests. Utilizing constitutional amendments to change public policy circumvents this process.

Therefore, the League supports requiring a supermajority vote (two-thirds in support) by the Legislature to put an amendment on the ballot.

SD-20. Initiative and Referendum

Issue: The Legislature has frequently considered legislation to establish initiative and referendum by proposing to place a question for voter approval on the state general election ballot to amend the state constitution to allow voters to initiate or repeal state laws by submitting a petition which would cause such questions to be placed on the state general election ballot.

Response: **Cities strongly support our representational system of governance and, therefore, oppose amending the state constitution to provide for initiative and referendum. The Legislature is the appropriate governing body to consider and enact public policy that reflects statewide interests.**

The process of adopting state law based on good public policy is best upheld and supported by increasing the accountability and responsiveness of the legislative process, not by circumventing it. Presenting complex issues to voters in the guise of direct democracy further weakens representative government.

A state constitutional amendment to provide for initiative and referendum subjects cities and their residents and taxpayers to the unintended outcomes of sometimes unwise attempts to place significant public policy decisions into the hands of special interests that can raise unlimited funds for the purpose of promoting their more narrow interests.

SD-21. Civil Liability of Local Governments

Issue: One of the barriers to the delivery of governmental services and programs is the exposure of local governments and their officials to civil damage claims. The state has acted to protect itself and its local governments by enacting exceptions and limitations to liability suits, and authorizing self-insurance and other mechanisms to deal with claims allowed by law.

Response: **The League of Minnesota Cities supports:**

a) **Creating an exception to municipal tort indemnification law, Minn. Stat. § 466.07, where an employee is defended and indemnified for claims under a contract of insurance carried by the employee.**
b) **Extending the protection of the state and municipal Tort Claims Act to quasi-governmental entities when performing public services such as firefighting or licensed third-party ambulance providers that contract with a municipality to provide ambulance services.**
c) **Existing constitutional safeguards for protecting public and private property interests without any statutory expansion of property rights.**
d) **Clarifying and maintaining the applicability of municipal immunity in various areas, including, but not limited to, vicarious official immunity and park and recreational immunity, including the extension to entities providing a public service that have not traditionally been included within the immunity (e.g., state trails over municipal utility easements).**

e) **Preserving changes to Minnesota's joint and several liability laws that require a municipality to be at least 50 percent at fault to be held responsible for 100 percent of a damage award.**
f) **Reasonable limits on the amount and circumstances in which statutory attorney fees may be awarded in order to encourage settlement by all parties and decrease the likelihood of litigation.**
g) **Preserving the essential structure of the local government tort liability caps in Minn. Stat. § 466.04.**

SD-22. Private Property Rights and Takings

Issue: In the wake of the U.S. Supreme Court's 2005 decision, *Kelo v. City of New London*, 545 U.S. 469, which upheld the ability of local governments to use eminent domain for economic development purposes, the Legislature enacted significant restrictions on cities' use of eminent domain for economic development and redevelopment, and imposed new compensation and procedural requirements that apply to all condemnation actions, including those for traditional public uses such as roads, parks, and schools. Legislation to control cities' abilities to perform regulatory acts—such as road rights-of-way condemnation, shooting range zoning, and amortization—has also received strong support from legislators. In addition, some legislators would like to authorize businesses to seek inverse condemnation when a governmental entity enters the business market and provides competing goods or services or limits the number of businesses that can operate privately or receive public contracts.

Such legislative initiatives threaten a wide array of planning, environmental, historic preservation, and land conservation measures and undermine the fundamental responsibility of cities to protect the public health, safety, and welfare of its citizens.

In 2006, the Legislature enacted Minn. Stat. § 117.031, a statute related to attorney fees in the eminent domain process. The structure of the statute has resulted in attorney fee awards in eminent domain actions that have no relationship to the outcome of the case, serve only to encourage litigation, and shift limited public funding away from infrastructure projects.

Response: **State law must continue to provide cities with the tools needed to balance the rights of private property owners with the interests of the public. The League of Minnesota Cities opposes legislation that diminishes the ability of cities to act in the best interest of the health, safety, and welfare of its citizens; that increases the cost of doing business for the public good; or that creates the possibility of additional lawsuits against cities.**

Specifically, the League opposes legislation that:

a) **Allows businesses to seek inverse condemnation when a city provides competing goods or services, or limits the number of private operators.**
b) **Creates an automatic cause of action for damages any time a local regulatory action impacts the use or reduces the value of private property.**

The League supports legislation that:

a) **Authorizes cities to use eminent domain for economic development and redevelopment projects that advance a greater public good that benefits the community.**

b) **Empowers local elected officials to determine whether a particular taking of property serves a public purpose.**
c) **Creates incentives to encourage landowners to voluntarily sell their property to the public for development or redevelopment.**
d) **More appropriately balances awards of attorney fees and costs of litigation with the outcome of the eminent domain proceeding.**

SD-23. Organized Solid Waste Collection

Issue: "Organized collection" refers to a situation where a local unit of government, for any of a variety of reasons, decides that there is a public interest served by limiting the number of solid waste and recycling collection services available in the area. The reasons for implementing organized collection can vary, but include:

a) Public safety concerns caused by the number and frequency of large trucks moving quickly through residential neighborhoods;
b) Reducing wear on public infrastructure from heavy truck traffic;
c) Improving the efficiency, cost and quality of garbage and recycling service provided to local residents;
d) Cooperating with other local governments to best meet solid waste management and recycling objectives;
e) Taking local steps to reduce energy impacts of public services; and
f) Meeting the requirements of county ordinances and solid waste management plans as required under Minn. Stat. § 115.94.

Organized collection is also encouraged in state solid waste policies as a means of improving the efficiency and coordination of solid waste management between local units of government. There are very specific and burdensome public procedures laid out in statute defining how such a decision must be publicly vetted and approved and over what time period that can occur.

Despite all of these important and valid reasons for using organized collection, legislation has been discussed in several recent sessions that would allow special takings claims or contractual damages to be claimed by the solid waste industry if local governments make decisions that limit the number of companies that can collect garbage in a community in a manner that prevents a company currently operating in the community from continuing to do so through the implementation of organized collection. The unspecified and ongoing liability this change would create would have the effect of eliminating organized collection as a waste management option. This change would also create a virtual monopoly situation for any company awarded a solid waste contract under organized collection. The local unit of government would have to "buy out" a contractor in the future to change providers, even if their services were no longer the lowest bid. It also creates an incentive for bidders under organized collection to submit high bids, as they would be eligible for damages if they fail to win without having to provide service. Furthermore, this is a precedent that, if applied to other government purchasing and service contracting decisions, would clearly run counter to the public purpose of government providing services at the lowest feasible cost to taxpayers.

Response: **The League of Minnesota Cities opposes efforts to apply inverse condemnation claims to city solid waste contracting decisions or to allow automatic contractual damage claims for**

solid waste haulers that lose competitive bids in organized collection communities.

Further, the League supports the current state policy that organized collection is a valuable tool as part of a comprehensive solid waste and recycling management program and recognizes the need to protect and preserve the authority of cities to adopt solid waste service contracts that protect public safety, the environment and public infrastructure.

SD-24. Private Well Drilling

Issue: The state has continued to place requirements on public water supply providers to add drinking water treatment and testing, to restrict the volume of water used, and to increase the cost of water use through fees and requirements on utility rate structures. As a result, many water users are choosing to obtain all or portions of their water from wells they place on their own property. This creates risks to public health and safety, can affect the surrounding environment, can affect city water supplies, and can leave city water utilities with massive losses of customer load and rate revenue.

Providing clean, safe, cost-efficient drinking water to citizens is an essential service provided by 726 active municipal water systems. The Minnesota Department of Health (MDH) agrees that cities have the statutory authority to determine whether private wells are an appropriate use within their boundaries and that cities must protect the public water supplies from numerous private wells in city boundaries. Private wells in a city increase the risk of contaminating public water supplies and encourage over use of water. Cities have the authority to regulate and even prohibit private wells by local ordinance.

Response: **The League of Minnesota Cities supports current law that authorizes cities to protect public health and safety through local controls regulating or prohibiting private wells being placed within municipal water utility service boundaries and would oppose any changes to law to remove that authority.**

SD-25. Sustainable Development

Issue: Minnesota cities spend significant time and resources planning for growth, development, and redevelopment that will best serve the future needs of their residents. Numerous factors are considered as part of that process, but an area of increasing interest involves concepts often categorized as "sustainable development." Minn. Stat. § 4A.07, subd. 1(b), defines this term, as it pertains to local government, to mean "development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs."

Cities play a key role in fostering sustainable development and other conservation practices due to their role in land use planning and zoning, stormwater and wastewater management, and local economic development. Local governments can take a lead on these issues by choosing to incorporate aspects of sustainable development into their local operations and facilities. They can also develop local policies and regulations that support and guide individual and private sustainability efforts. The ability of a city to affect these changes can, however, be restricted by policies and requirements imposed by other levels of government.

Sustainable development initiatives can cover a wide range of issues, but share the benefit of lessening the future environmental impacts of communities on the land, air, and water in their area. Lakes, streams, rivers, wetlands, wildlife habitat, shoreland areas, and other natural resources can be protected and enhanced in quality through local efforts. Energy efficiency and renewable energy production reduce the energy demands of a community and the environmental impacts of energy production. By more efficiently using public infrastructure and minimizing resource consumption, the costs to individuals, business, and government can be reduced. New and expanded business and job opportunities are also generated by the "green" products and services needed to implement sustainable development initiatives. The ideal result of well-planned sustainability, natural resources management, and conservation efforts is a city that is more efficient in the use of its resources and infrastructure, creates fewer environmental problems for future generations to address, and is a more desirable home for residents and businesses.

Response: **The League of Minnesota Cities supports federal, state, and regional efforts to promote sustainable development where the effectiveness of the proposed practice is supported by sound science, and as long as those efforts do not supersede the authority of local governments to determine their own policies regarding land use and related issues.**

Providing technical assistance and financial incentives, and streamlining regulations to encourage local governments and private property owners to engage in sustainable development practices, as well as assisting in education and information efforts for the building industry and the public, are the best means to generate successful results. These programs should focus on outcomes, allowing flexibility in how to best meet those outcomes in different locations and situations. The League opposes mandates that limit the authority of cities to determine what practices will best meet the needs of their communities.

The League supports sustainable development efforts that meet the above criteria, including programs proposed in the following areas:

a) **Shifting public resources, services, investments, purchasing power, and procurement toward more economically and environmentally sustainable outcomes where those solutions are cost effective and appropriate.**
b) **Using local land-use planning and zoning to protect and enhance limited natural resources, and reduce the impacts of growth and development on local infrastructure.**
c) **Promoting efficient and renewable energy sources.**
d) **Encouraging sustainable building design, construction, and operation strategies focused on integrated design, energy efficiency, water conservation, stormwater management, waste reduction, pollution prevention, indoor environmental quality, and the use of low-impact building materials and products.**
e) **Supporting sustainable economic development, such as brownfield clean-up, on-site stormwater management, and sustainable business practices and technologies.**
f) **Assisting and recognizing local governments that take actions to reduce greenhouse gas emissions and**

increase energy efficiency by providing and identifying technical assistance, financial assistance, and best practices.

SD-26. Construction Codes

Issue: The State Building Code (SBC) is the statewide standard for the construction, reconstruction, alteration, and repair of the buildings and other structures of the type governed by the code. A building code provides many benefits, including uniformity of construction standards in the building industry, consistency in code interpretation and enforcement, and life-safety guidance. Beginning in 2018, the state will adopt a new version of the SBC every six years after a rulemaking process that allows for significant public input. The League supports adopting and amending the SBC through the rulemaking process, and opposes legislative changes to the building codes absent unusual or extraordinary circumstances.

While all cities must enforce certain codes—such as the accessibility code and the bleacher safety code—enforcement of the SBC remains a local option for cities outside of the seven-county metropolitan area with fewer than 2,500 people that did not adopt the code before Jan. 1, 2008. Requiring enforcement of the SBC by smaller cities in Greater Minnesota is cost-prohibitive for many cities, and would result in an unfunded mandated.

While a single set of coordinated codes helps provide consistency in code administration and enforcement, implementation of sustainable building design, construction, and operation does not readily integrate with the existing state building and energy code system. As a result, many cities are interested in adopting more aggressive local standards for sustainable development and conservation.

Response: **A statewide-enforced building code may have benefits, but requiring it would result in an unfunded mandate.**

Enforcing the State Building Code should remain a local option for the municipalities that have not already adopted the Code, unless the state fully funds the costs of enforcement and inspection services necessary to enforce a statewide building code. If the Legislature requires all cities to enforce the State Building Code, local governments must have the option to hire or select a building official of their choice and set the appropriate level of service—even if the state fully funds code enforcement activities.

The state should collaborate with local governments, construction industry representatives, and other stakeholders to review the building and energy codes and consider modifications to encourage sustainable building design, construction, and operation.

Specifically:

a) **For purposes of federal conformity, the state should adopt the International Energy Conservation Code as part of the State Building Code.**
b) **The state should include an optional sustainable appendix to the State Building Code to allow cities to utilize appropriate parts of guidelines in their communities.**
c) **The Legislature should authorize cities to experiment with more aggressive local standards for sustainable development and**

conservation that will help inform the state code development process.

SD-27. Building Officials

Issue: There is a shortage of certified building officials in Minnesota. This shortage is particularly acute in Greater Minnesota where some cities have trouble finding certified building officials to perform inspections required by state law. Minnesota needs to hire a new generation of certified building officials, and must ensure that current officials have adequate training and opportunity to inspect a wide range of projects.

The Department of Labor and Industry (DLI) has authority over state-licensed facilities and public buildings. Pursuant to Minn. Stat. § 326B.106, subd. 2, it must delegate authority to inspect projects on these buildings to a municipality if DLI determines that the municipality has adequate qualified local building officials to perform plan review or inspection of the projects. In 2014 the Legislature passed legislation requested by the League of Minnesota Cities and agreed to by DLI to provide more transparency and clarity to the delegation process. DLI, after consulting local governments and the League, implemented a new delegation procedure as required by statute. Although the new delegation process is a significant improvement, it can still be difficult for local building officials to achieve the experience necessary to be delegated full inspection authority.

Response: **Minnesota's housing and construction industries depend on the work of local building officials, and cities that enforce the State Building Code endeavor to provide quality code administration and enforcement. The State must increase its efforts to train new building officials, and must provide sufficient education to help local officials efficiently administer and enforce construction regulations to protect the health and safety of citizens. These education efforts should include training to assist local building officials gain the requisite experience to qualify for delegation of state-licensed facilities and public buildings.**

The League urges the state to make surplus revenue from the building permit surcharge available to local governments to help defray the cost of complying with code official training and education requirements.

SD-28. Disability Access Requirements

Issue: Title II of the Americans with Disabilities Act (ADA) of 1990 requires that state and local governments provide people with disabilities equal opportunity to benefit from all of their programs, services, and activities. Public entities are not required to take actions that would result in significant financial and administrative burdens, but they must modify policies, practices, and procedures to avoid discrimination unless they can demonstrate that doing so would fundamentally alter the nature of the service, program, or activity being provided.

State and local governments are also required to follow specific standards when constructing new facilities and altering existing public buildings, and they must relocate programs or otherwise provide access in inaccessible older buildings. Under the ADA, public entities are not necessarily required to make each existing facility accessible. However, their programs—when viewed in their entirety—must be readily accessible to people with disabilities. A public entity may achieve program

accessibility through various methods. For example, a city may alter existing facilities, acquire or construct new facilities, relocate a service or program to an accessible facility, or provide services at other accessible sites.

One district court judge has taken an expansive view of disability access requirements for public recreation facilities. The case involved a parent who sued a city due to difficulty viewing soccer and baseball games on certain city fields. The court, in interpreting the Minnesota Human Rights Act (MHRA), held that any public facility is a public service. Since the MHRA requires that every public service be accessible to disabled persons, the court concluded that each and every playing field and other public facility must be fully accessible. The court rejected the ADA's limitations on modifications for physical access to older facilities, as well as the ADA's "when viewed in its entirety" language for program access. The result is a more restrictive state standard for physical access to public facilities than required by the ADA and the State Building Code.

Response: **The League of Minnesota Cities supports changes to the MHRA that will make state accessibility standards compatible with the federal ADA for public services and facilities. The Legislature should clarify that a facility that is in compliance with Accessibility Code provisions of the State Building Code meets the physical access requirements of the MHRA. State law should also specify that accessibility requirements apply to public programs and services as a whole, rather than to each individual aspect of a public program or service.**

SD-29. Assaults on Code Enforcement Officials

Issue: Many city employees and contractors are required to enforce city codes and ordinances and state statutes and rules as part of their job duties. Code enforcement can involve denying a building permit, ordering a landlord to make repairs to rental properties, or fining property owners for failing to abate a nuisance. Because of the nature of their job, code enforcement officials can be subjected to verbal assaults, threats, and physical violence.

Minnesota law recognizes the need to protect certain employees whose jobs make it more likely that they will be the target of assaults by escalating assault charges from fifth to fourth degree for the assaults of peace officers, firefighters, school officials, and "public employees with mandated duties". Minn. Stat. § 609.2231, subd. 6, specifically defines "public employees with mandated duties" as agricultural inspectors, occupational safety and health inspectors, child protection workers, public health nurses, animal control officers, and probation or parole officers. An assault on one of these employees who is engaged in the performance of a duty mandated by law, court order, or ordinance, is a gross misdemeanor if the person knows the employee is engaged in the performance of official duties and inflicts demonstrable bodily harm.

Under current law, an assault on a code enforcement official not enumerated in Minn. Stat. § 609.2231, subd. 6, while performing official business can only be charged as fifth degree assault, a misdemeanor, unless it results in substantial bodily harm. All code enforcement officials should be afforded the same protections under Minnesota Statutes, and the legislature

should amend the statute to expand the employees covered by the statute.

Response: **The legislature should expand Minn. Stat. § 609.2231, subd. 6, to include code enforcement officials. The term code enforcement official should be defined broadly to include public employees and contractors whose jobs require them to enforce all administrative codes, rules, ordinances, and state laws.**

SD-30. Restrictions on Possession of Firearms

Issue: The Minnesota Citizens Personal Protection Act, also known as "conceal-and-carry," prohibits guns on most school properties but forbids other local units of government from prohibiting loaded firearms on their properties. The inconsistencies in the law's treatment of different kinds of properties have caused confusion about how the law applies to multi-use facilities, such as municipal ice arenas used for school-sponsored programs.

Further, the law gives private property owners the right to prohibit guns in their establishments, but prohibits landowners from restricting firearm possession by tenants and their guests without distinguishing between residential and commercial properties. This creates confusion for shopping malls and other retail properties with large common areas that are not occupied by the tenants but which the tenants and their customers must cross to access the tenant's space.

Finally, the Citizens Personal Protection Act does not explicitly state the type of firearm a permit holder may carry, and this has led to ambiguity regarding whether the law is limited to the right to carry a pistol-length firearm in public or if it allows for any firearm, including a military-style assault rifle.

Response: **The League of Minnesota Cities requests an amendment to the Citizens Personal Protection Act that would allow cities to prohibit firearms in city-owned buildings, facilities, and parks. The League supports clarifying the Act to state that a permit holder, under the terms of a permit, is allowed to carry a pistol-length firearm, but not a semiautomatic military-style assault weapon. The League is not seeking a repeal of the Citizens Personal Protection Act, nor authority to prohibit legal weapons in parking lots or on city streets and sidewalks. The League also supports efforts by commercial property owners to clarify that the prohibition on restricting possession by tenants and their guests applies only to residential rental property.**

SD-31. Public Safety Communications

Issue: The state role in financing public safety communications has important cost implications for cities. The state needs to accept financial responsibility for use by cities of the state public safety radio communications backbone. Cities have struggled to pay high expenses to participate in the 800 MHz statewide public safety system.

In previous state budgets, the Legislature turned to revenue sources upon which cities depend to cover costs to purchase and operate new communications technology and hardware for computer-aided dispatch, 911 public safety answering points (PSAPs), and interoperable radio communications equipment and subsystems in order to finance the build-out of the state backbone for the new system. As a result, fees were directed to fund revenue bond debt service

used to complete the statewide build-out of the Allied Radio Matrix for Emergency Response (ARMER) and the cost of operations of the state public safety radio communications backbone.

At the federal level, the Federal Communications Commission (FCC) has ordered reservation of 700 MHz wireless spectrum for a national interoperable broadband network to meet public safety communications needs. FirstNet was established in 2012 as an independent authority within the National Telecommunications and Information Administration (NTIA) and is responsible for constructing a nationwide high-speed public safety wireless broadband network.

Response: **The League of Minnesota Cities supports continued and increased state financing of substantial local costs to participate in ARMER, including the acquisition and modernization of subscriber equipment, such as portable and mobile radios required for ARMER users. The League also opposes efforts to divert dedicated ARMER funds to the state's general fund. The Legislature should fund regional cooperation and partnerships for effective delivery of 911 service, training and use of ARMER.**

The League also urges the FCC to continue to support availability of wireless spectrum necessary to expand channel capacity that allows local public safety agencies to meet future needs of cities and other local units of government.

SD-32. CriMNet

Issue: Public safety is compromised by the lack of centralized, complete, and accurate criminal history data about individuals, incidents, and cases. Without an integrated criminal justice information system, Minnesota cannot always hold serious criminals accountable for their crimes. CriMNet, Minnesota's effort to integrate the 1,100 criminal justice information systems operated by agencies at all levels, will improve access to relevant criminal history data for public safety and criminal justice authorities.

City officials are well aware of the complex issues raised by the utilization of electronic record keeping, data sharing, and access to records that identify data subjects. The League of Minnesota Cities recognizes that one of the challenges in making CriMNet operational is meeting the requirements of the Minnesota Government Data Practices Act (MGDPA).

More than 500 cities operate police departments. These departments vary dramatically in fiscal capacity, staffing resources, and technical expertise. Further, each municipal law enforcement agency has unique operating procedures, strengths, and needs based on the community it serves. The League knows CriMNet will have a significant impact on municipal police business practices, and could mean increased staffing needs, training, and equipment purchases. The League also recognizes that every agency must participate fully in CriMNet to make the system effective.

Response: **The League of Minnesota Cities supports efforts by the state to integrate criminal justice information systems. The League also supports cooperation between legislators, law enforcement and corrections agents, court officials, prosecutors, community groups, and businesses that build public support for CriMNet.**

If CriMNet is to be implemented statewide, the Legislature must consider

the different capacities of municipalities to participate. The League requests that the Legislature fund CriMNet planning and implementation at the local level.

To ensure compliance with the MGDPA, comprehensive guidelines and operational practices should be implemented to safeguard access to and use of CriMNet data. However, data practices policies should not create new, unfunded mandates for local units of government or compromise CriMNet's usefulness to the criminal justice system by creating unnecessary barriers. CriMNet stakeholders and participating users at the local level should be involved in crafting any legislation that would govern data practices requirements for CriMNet.

SD-33. Pawn Shop Regulation and Use of the Automated Property System (APS)

Issue: Minn. Stat. ch. 325J enables licensure for pawnbrokers and provides statewide minimum regulations for the pawn industry.

Specifically, the law:

a) Requires pawnbrokers to record all transactions, including details of the item pawned or sold, information about the customer and the cost of the transaction.
b) Requires pawnbrokers to maintain records of all transactions for three years, and to make records available upon request to law enforcement agencies.
c) Allows pawnbrokers to charge a maximum monthly interest rate of 3 percent of the principal amount loaned in a transaction, plus a reasonable fee for storage and services.

The Automated Property System (APS) is a computerized system for tracking and monitoring pawn transactions. The purpose of the APS is to provide a tool to verify compliance with Minn. Stat. ch. 325J, to help identify and minimize illegal activity, to recover stolen property, and to provide a legitimate environment for consumers. Currently, almost 260 law enforcement agencies and over 190 stores in Minnesota and Wisconsin participate in the APS system as either a "query only" or "contributing" member.

All access to and use of information in the APS system is governed by the Minnesota Data Practices Act. Only authorized users have access to the data. There is no public access to the data. Further, data that would reveal the identity of persons who are customers of a licensed pawnbroker or secondhand goods dealer are private data on individuals and only used for law enforcement purposes. Data describing the property in a regulated transaction with a licensed pawnbroker or secondhand goods dealer is public.

Original pawn and secondhand transactions reported to the APS carry a $1 fee, regardless of the number of items involved. All subsequent updates or corrections to transactions are processed without charge. Contributing jurisdictions may also add regulatory costs to the transaction fee. The total transaction fee is then typically assessed by the dealer to the customer.

A bill that would weaken Minn. Stat. ch. 325J and restrict the use of the APS has been introduced in the Minnesota Legislature. Specifically, the legislation would forbid law enforcement agents from acquiring customer information from pawn and secondhand shops until they have probable cause to do so, and would eliminate the authority of local units of government to more strictly regulate pawn and secondhand dealers.

Response: **The League of Minnesota Cities supports the authority of cities to regulate and license pawnbrokers, and opposes any legislation that would remove the authority of local governments to enact more restrictive regulations than currently exist in Minn. Stat. ch. 325J.**

The League supports the authority of cities to set licensing and transaction fees that enable them to recover their full regulatory and enforcement expenses.

The League supports cooperation between law enforcement agencies and the pawn industry that enhances the ability to identify illegal activity and recover stolen property. Access to transaction information by law enforcement agencies is vital to accomplishing this goal. Further, the sharing of information through the use of the APS is a proactive way to prevent property and other crimes.

SD-34. City Costs for Enforcing State and Local Laws

Issue: Cities experience substantial costs enforcing state and local laws, particularly those related to traffic, controlled substances, and incarceration of prisoners. The current method in our criminal justice system of recovering costs for law enforcement and prosecution through fines is insufficient to meet the costs incurred by local governments. Further, when a violator requests relief from paying the full amount of the fine and surcharge, the courts have been more inclined to waive the fine than to reduce the surcharge. When this occurs, the local units of government recover no costs even though the city has incurred expenses.

Response: **The Legislature should review this issue and adopt measures that provide for complete reimbursement of the costs incurred by local governments in enforcing state and local laws. Solutions that should be considered include:**

a) **Increasing fine amounts.**
b) **Removing or modifying county and state surcharges that conflict with cost recovery principles.**
c) **Requiring the courts to consider ordering restitution from the defendant to reimburse the costs of enforcement and prosecution as part of any sentence.**
d) **Requiring that if a court reduces the amount paid by a violator, any reduction should be made from the surcharge and not the fine.**

SD-35. Compensation and Reimbursement for Public Safety Services

Issue: Municipal public safety personnel often respond to emergencies involving non-residents. For example, municipal fire, police, and/or ambulance services may be dispatched to the scene of a traffic accident on an interstate highway involving victims from other cities or states. Although cities can bill for some public safety services they provide to non-residents, they have limited authority to collect on unpaid bills.

Cities have also found that auto insurance policies vary when it comes to coverage for emergency responses. Insurance companies of those responsible for accidents sometimes deny payment for fire and ambulance service.

Additionally, municipal public safety personnel commonly respond to emergencies that require the provision of medical services. The medical services provided by the city-employed first responders are part of a continuum of health care that is covered by insurance companies

when provided by paramedics and other medical care providers; however, insurance policies vary when it comes to coverage for municipally provided medical services. Insurance companies of those treated by municipal public safety personnel frequently deny payment for emergency medical services when they are billed by a municipality.

Thus, when a municipal public safety agency provides first response medical assistance, they commonly do so at the expense of local property taxpayers. While emergency responses are legitimate functions of municipal public safety departments, the costs of providing services to non-residents should not be borne by the community's taxpayers.

Response: **Cities should be compensated for emergency responses they provide to non-residents. They should have the authority to bill for the full cost of fire and ambulance services they provide, and to collect on unpaid bills.**

Further, while emergency medical responses are legitimate functions of municipal public safety departments, the costs of providing emergency medical care to individuals should be covered by insurance and not be borne exclusively by the community's taxpayers. Cities should have the authority to bill for the full cost of first responder medical services they provide and to collect on unpaid bills. Insurance companies should be required to reimburse local governments for the full cost of providing these emergency medical services. Finally, auto and homeowners insurance policies should be required to insure for the cost of emergency responses.

SD-36. Administrative Traffic Citations

Issue: Cities have implemented administrative enforcement programs for violations of local regulatory ordinances, such as building codes, zoning codes, health codes, and public nuisance ordinances. This use of administrative proceedings has kept enforcement at the local level and reduced pressure on over-burdened district court systems.

The Legislature has repeatedly increased the fine surcharge on district court cases to generate revenues for the state's general fund. The surcharge—the amount paid over and above the fine—is now $75 per citation. The growth in the surcharge has dramatically increased the cost of citations and has caused some to question whether the total of the fine and surcharge is disproportionate for minor matters. To lower the amount imposed on their residents, a number of cities have expanded their administrative programs to include some offenses traditionally heard in district court, such as minor traffic offenses.

The increased state surcharges have not been used to assist local units of government with the growing costs of enforcement and prosecution. No matter which entity—city, county or state—issues a statutory citation, the violator pays between $115 and $127 for a minor speeding violation. Of this amount, the city receives between $13 and $20, and the county receives just slightly more.

Further, when a violator requests relief from paying the full amount of the fine and surcharge, the courts have been more inclined to waive the fine than to reduce the surcharge. When this occurs, the local units of government recover no costs even though the city has incurred expenses.

In 2009, the Legislature amended the statutes to allow administrative fines to be issued for certain minor traffic offenses. Cities report that the short list of offenses noted in that law change does not adequately address the needs of local law enforcement. Additional authority is necessary to allow law enforcement officers to implement an effective program to reduce violations.

Response: **The League of Minnesota Cities continues to support the use of city administrative fines for local regulatory ordinances, such as building codes, zoning codes, health codes, public nuisance ordinances and regulatory matters that are not duplicative of misdemeanor or higher level state traffic and criminal offenses. Cities should have the authority to issue administrative citations for low-level moving and equipment violations that: 1) would otherwise result in warnings, and 2) occur on roadways where the speed limit is 45 miles per hour or less.**

If state leaders choose not to expand the list of administrative traffic offenses, they should then change the distribution of statutory violation fine revenues so that cities are adequately compensated for enforcement and prosecution costs.

SD-37. Driver Diversion Programs

Issue: Traffic offense educational diversion programs provide an alternative to first-time petty misdemeanor traffic citations. The programs require an accused violator to enroll in an educational class and successfully complete the class. The courses focus on safe driving and have been shown to change behavior and reduce recidivism, particularly among young drivers.

In 2014, a judge in Wabasha County ruled that local units of government do not have the authority to implement minor traffic offense educations diversion programs that are not explicitly authorized by law. Given this ruling, many longstanding, successful diversion programs for first-time offenders were suspended.

In 2008, the legislature approved a pilot diversion program. It authorizes designated cities and counties to implement diversion programs that meet specific criteria. The commissioner of the Department of Public Safety (DPS) has the authority to approve or deny participation in the pilot program by individual cities and counties, and each person participating in the program must first be granted approval by the DPS. Due to limited DPS staffing for this function, approval for some participants has been delayed. The pilot program is scheduled to expire December 31, 2019.

The session law governing the pilot requires that all sums owed must be paid within 18 months. Most people entering the driver diversion program have outstanding fines and fees in the amount of between $1,000 and $4,000. There are some individuals, however, who owe as much as $8,000 to $10,000 in fines and fees. The short timeline for making all payments causes a number of otherwise cooperative participants to drop out of the program.

Response: **The League of Minnesota Cities also supports making the driver diversion pilot program for individuals with suspended or revoked licenses permanent and available to all jurisdictions, and a broadening of the eligibility criteria for participation in the program so it is available to more people. The law should allow jurisdictions to consider the financial circumstances of individuals and provide authority to extend the timeline for collecting outstanding fines and fees beyond the**

current 18 months. Lastly, the DPS must provide adequate staffing for processing driver diversion program applications to avoid delays in approval for participation.

SD-38. Distracted Driving

Issue: Distracted driving is when a driver engages in any activity that might take attention away from the primary task of driving. According to the Minnesota Department of Public Safety, one in four motor vehicle crashes is related to distracted driving. Distracted driving was a contributing factor in 175 fatal crashes from 2011 to 2013 in Minnesota and resulted in 191 deaths. More than half of those crashes occurred in rural areas. Those fatalities cost the state more than $269 million. A University of Utah study finds that the relative risk of being in a traffic accident while using a cell phone is similar to the hazard associated with driving with a blood alcohol level at the legal limit.

Under existing law, it is illegal for a driver to read, compose, or send text messages and emails, or access the Internet using a wireless device, while the vehicle is in motion or a part of traffic (including while stopped in traffic or at a semaphore). Cell phone use is totally banned for school bus drivers. Cell phone use is also totally banned for teen drivers during their permit and provisional license stages.

Response: **The League of Minnesota Cities opposes any changes to Minnesota Statutes that would weaken distracted driving laws.**

The League supports state funding for distracted driving enforcement and education and also supports strengthening distracted driving laws.

SD-39. Juveniles in Municipal Jails

Issue: Municipal jails have long served as holding facilities for suspects who are being questioned and/or booked, and for those awaiting transfer to a county jail or juvenile detention facility. In 2012, the Minnesota Department of Corrections (DOC) issued a reinterpretation of an existing law to say that, "[W]here counties have secure juvenile correctional facilities…juveniles are not allowed to be held in jail and/or municipal lock-ups for any length of time."

This interpretation is in conflict with a provision in Minn. Stat. § 260B.181, subd. 4, which provides that juveniles can be held in a licensed juvenile facility for up to six hours. Many municipal jails, including those in counties where juvenile detention facilities exist, have been operating under the six-hour holding law.

Managers of municipal jails indicate the reinterpretation of the law is contrary to common practice and presents significant challenges for municipal law enforcement personnel.

Response: **The League of Minnesota Cities supports a statutory clarification that would allow juveniles to be held for questioning and booking in licensed jail facilities for up to six hours, regardless of whether the county has a juvenile detention facility.**

SD-40. Justice System Funding

Issue: Over the past several years, Minnesota's justice system has operated under consecutive budget shortfalls. Public service windows are closed part of each week in many courthouses. Delays in case filings, hearings and dispositions are building throughout the state as staff and judges struggle to keep up with caseloads.

The budget shortfalls limit the ability of the courts to process cases pertaining to shoplifting, trespassing, worthless checks, traffic and ordinance violations, juvenile truancy, runaways and underage drinking, consumer credit disputes, property-related and small civil claims, and many other cases. Timely processing of these cases is critical to keeping communities safe and to preserving the quality of life residents expect.

The State Court Administrator has advocated for statutory changes that have resulted in efficiencies and cost savings while preserving core services. These changes involve consolidating services where practicable and using technology to reduce costs. They include centralized payable processing, use of e-citations and restructuring of state mandated programs.

Response: **The League of Minnesota Cities supports a statement by former Chief Justice Eric J. Magnuson that calls for "an adequately funded, functioning justice system that resolves disputes promptly in order to ensure the rule of law, protect public safety and individual rights and promote a civil society." The League supports the use of technology to reduce costs and preserve services. The League opposes any changes that would decriminalize local ordinances, petty misdemeanors or misdemeanor offenses, or that would make prosecution of these crimes more difficult.**

SD-41. 21st Century Policing

Issue: Published in May 2015, the *President's Task Force on 21st Century Policing Report* makes multiple recommendations aimed at helping law enforcement agencies and communities strengthen trust and collaboration, while reducing crime by implementing the next phase of community-focused policing. The report contains recommendations related to six key areas of law enforcement:

1. Building Trust and Legitimacy;
2. Policy and Oversight;
3. Technology and Social Media;
4. Community Policing and Crime Reduction;
5. Training and Education; and
6. Officer Safety and Wellness.

Many Minnesota communities have embraced 21st Century Policing concepts, and municipal police departments throughout the state have adopted policies that align with 21st Century Policing principles.

In Minnesota, police chiefs have indicated strong interest in securing additional training in 21st Century Policing practices for officers. Demand for training has increased in recent years, and in 2017 the Legislature responded by increasing continuing education requirements for officers, expanding the scope of this training to include more community policing, and by providing $6 million per year over the next 4 years for training reimbursement provided by the Peace Officer Standards and Training (POST) Board. This funding is not permanent and sunsets after the four-year period.

The POST Board is funded through a special revenue account from a surcharge on criminal and traffic convictions. However, a significant amount of the special revenues collected are diverted to the state's general fund and are not made available for training reimbursement, and the amount of the surcharge paid to the state has been

declining. There is also growing concern about the impact of the surcharge on residents, particularly those of low income and persons of color, and concern about funding policy training based on ticket revenue.

Response: **The League of Minnesota Cities recognizes the need for communities and law enforcement agencies to strengthen trust and collaboration, while continuing to reduce crime. The League supports the recommendations of the *President's Task Force on 21st Century Policing Report.* To that end, the League supports:**

a) **POST Board model policies that align with the recommendations of the President's Task Force on 21st Century Policing Report;**
b) **POST Board approved training opportunities for new recruits and in-service peace officers that include but are not limited to procedural justice, bias/implicit bias and cultural awareness, de-escalation, and crisis intervention training;**
c) **Increased state and federal funding for peace officer training that includes reimbursement for tuition, travel, time and backfilling the shifts of officers who are out for training;**
d) **Permanent funding for police training that is not based on criminal and traffic ticket revenue;**
e) **State and federal funding for peace officer safety and wellness initiatives; and**
f) **Authority and grants for municipal police departments to deploy technologies such as dash cameras and police body worn cameras that enhance both criminal justice and officer accountability.**

SD-42. Post-Incarceration Living Facilities

Issue: Sufficient funding and oversight is needed to ensure that residents living in post-incarceration living facilities have appropriate care and supervision, and that neighborhoods are not disproportionately impacted by high concentrations of these types of facilities. Under current law, operators of certain post-incarceration living facilities are not required to notify cities when they intend to purchase single family housing for these purposes. Cities do not have authority to regulate the locations of post-incarceration living facilities. Cities have reasonable concerns about the safety of facility residents and neighborhoods, particularly in cases of public safety. Cities also have an interest in preserving a balance in residential neighborhoods between this type of facilities and other uses. It is in the best interest of providers to inform and work with cities before opening a facility in order to educate providers of community standards and expectations.

Response: **Cities should have statutory authority to require agencies, as well as licensed and registered providers, that operate post-incarceration living facilities to notify the city before properties are operated. Cities should be provided with the necessary contact information once licensed or registered. Providers applying to operate post-incarceration living facilities should be required to contact the city to be informed of applicable local regulations. The Legislature should also require establishment of non-concentration standards for post-incarceration living facilities to prevent clustering. Finally, licensing or registering authorities must be responsible for removing any residents incapable of living in such an environment,**

particularly if they become a danger to themselves or others.

SD-43. Homeland Security Costs and Liability

Issue: The federal government's response to terrorism has resulted in new responsibilities for local governments in a number of areas. For example, shortly after the terrorist attacks on Sept. 11, 2001, the federal government tapped local law enforcement personnel to provide security and perform screening at our nation's airports. These new responsibilities increase cities' liability exposure and result in higher local costs for public safety services. In addition, local governments are expected to continue emergency planning and capacity building efforts, provide additional training and equipment for first responders, and improve emergency response coordination and communication.

As partners in protecting our country from terrorism, the federal government must: 1) provide greater direct financial support for our first responders; 2) maintain funding for general pre- and post-disaster emergency management programs; 3) ensure a coordinated and effective national emergency response system; and 4) address issues of cyber security that threaten public safety, services, and infrastructure.

Response: **The League of Minnesota Cities recommends that when the federal government requires or contracts for cities' assistance in meeting federal homeland security responsibilities, the federal government should fully cover the costs, including the risk of liability arising from these activities.**

The League supports greater federal funding to prepare, train, and equip our first responders. The League also supports changes in the federal funding process to ensure Department of Homeland Security funds move quickly to the local level. Furthermore, the League supports the allocation of state resources to provide training and technical assistance to local governments related to the prevention and control of cyber security risks to critical infrastructure.

SD-44. Cybersecurity

Issue: Dating back to at least 2012, U.S. Defense Secretaries have warned that the United States are increasingly vulnerable to foreign computer hackers who could dismantle the nation's power grid, transportation system, financial networks and government. On a state level, the original Minnesota broadband task force issued unanimous joint recommendations regarding cybersecurity in their 2009 report. The more recent iteration of the Broadband Task Force also issued a 2016 recommendation to establish a legislative cybersecurity commission to share information, monitor workforce issues, and support and strengthen infrastructure. These recommendations to address cybersecurity issues in the state have not been implemented, which creates an absence of a secure and safe forum for state and local officials and policymakers to share information and assess the necessary tools and capabilities needed to protect their systems. The problem is serious. The Minnesota Judicial Branch, state agencies, cities, and school districts were all affected by cyberattacks in 2017.

Response: **The League of Minnesota Cities supports state action to identify and strengthen state and local capabilities. The League supports the inclusion of funding to evaluate state government cyber vulnerabilities, single points of failure, and fixes, and, based on**

those findings, create an ability for municipal governments to apply for grant funding or assistance to help conduct the same evaluation.

SD-45. Immigration Reform

Issue: The United States and the State of Minnesota have long traditions of welcoming immigrants. Immigrants strengthen Minnesota by contributing to the state's economy, enhancing cultural resources, and participating in efforts to build strong communities.

According to the National League of Cities, roughly 35 percent of undocumented immigrants have lived in the United States for 10 years or more. Approximately 1.6 million undocumented immigrants are children, and another 3.1 million children in the United States have at least one undocumented parent. These families are forced to live "underground" and are unable to get drivers' licenses or car insurance in most states. In addition, they are unlikely to obtain health insurance and are afraid to report crimes to local law enforcement.

Since immigrants are barred from most federal public assistance, the burden of providing social services, education, and health care falls to state and local governments that are increasingly feeling the financial impact of both legal and illegal immigrants living in their communities.

Response: **The League of Minnesota Cities, together with the National League of Cities, urges Congress to move quickly to enact and enforce effective immigration laws.**

Federal and state governments must not transfer responsibility for enforcing U.S. immigration laws to local personnel, including police officers, firefighters, educators, health professionals, and social service employees. Finally, federal and state governments must not prohibit local units of government from implementing policies aimed at fostering positive relationships between local government officials, including law enforcement personnel, and immigrant communities.

SD-46. Legalization of Fireworks

Issue: In 2002, the state enacted a law allowing the sale and use of non-aerial, non-explosive consumer fireworks, including sparklers, party poppers, snakes, and other novelty items—relaxing the ban on consumer fireworks in place in Minnesota since 1941. In 2008, the Legislature further relaxed the ban by increasing the amount of explosive material allowed in legal fireworks.

Local fire service professionals have reported that consumers and law enforcement personnel have had difficulty distinguishing between legal and illegal fireworks, and that the 2002 law resulted in greater use in Minnesota of illegal fireworks purchased in other states.

According to data provided by the Minnesota State Fire Marshal Division, injury trends and dollar losses related to fireworks incidents surged after the consumer fireworks ban was lifted. Hospital reports reveal that the annual number of injuries caused by fireworks rose dramatically in 2002 and remains elevated. Likewise, Minnesota Fire Incident Reporting System records show that the annual dollar loss resulting from fireworks incidents increased significantly in 2002 and has since grown.

In 2003, the state enacted a number of provisions limiting local authority pertaining to fireworks sales. The 2003 law caps the

allowable municipal permit fee at $100 per vendor selling fireworks with other products, and $350 per vendor selling fireworks exclusively. The law restricts cities from requiring fireworks sellers to purchase additional liability insurance. Finally, the 2003 law states that cities cannot prohibit or restrict the display of consumer fireworks if the display and structure complies with National Fire Protection Association (NFPA) Standard 1124. The NFPA is a private international association of individuals and trade and professional organizations. (NFPA Standard 1124 is not a public document and is available only for a fee.)

Fireworks products can cause serious injuries and fire loss. The legal sale of consumer fireworks undermines fire prevention efforts. The sale and use of consumer fireworks increases local public safety enforcement, emergency response, and fire-suppression costs.

Response: **The League of Minnesota Cities opposes legislation that would further relax the ban on the sale and use of consumer fireworks. The League supports a repeal of the 2002 law that relaxes the ban on the sale and use of consumer fireworks.**

Fees are needed to cover the costs associated with compliance checks, education, and inspections relating to the sale of a regulated product. The current fee caps do not allow cities to recover these costs. The League supports allowing cities to establish and impose reasonable fees on retailers that sell fireworks. The League opposes restrictions on requiring fireworks retailers to purchase additional liability insurance. Finally, the League seeks repeal of the NFPA reference.

SD-47. Traffic Enforcement Cameras

Issue: Drivers who disobey traffic laws can cause serious traffic accidents and contribute to gridlock. In spite of the severity of this problem, cities cannot always afford the levels of peace officer enforcement that residents demand. The technology exists to enforce traffic laws with photographic evidence. For example, there is less running of red lights when motions imaging recording systems (MIRS) are installed at traffic signals.

Response: **Local law enforcement agencies should have the express authority to use photo enforcement technology to enforce traffic laws. Local law enforcement officers should have the express authority to issue citations for traffic violations by mail where the violation is detected with photographic evidence.**

SD-48. Operation of Motorized Foot Scooters

Issue: Current state statute pre-empts the authority of local units of government to regulate the operation of motorized foot scooters. The law provides that an operator must be 12 years of age or older. Although the law contains safety provisions, including a requirement that operators under the age of 18 must wear helmets, it does not require training or permits for operators of any age. Further, it does not explicitly restrict the operation of motorized foot scooters to low-volume and/or low-speed roadways.

Use of motorized equipment on roadways is inherently more dangerous than the use of non-motorized bicycles and is comparable to the operation of motorized watercraft. While the law governing watercraft operation also requires an operator to be at least 12 years of

age, Minn. Stat. § 86B.101 requires watercraft operators between the ages of 12 and 18 to successfully complete a youth watercraft safety program and to obtain a watercraft operator's permit. The youth watercraft safety program is administered by the state, and includes a personal watercraft educational course and a testing program that emphasizes safe and legal operation.

Response: **State law should limit operation of motorized foot scooters to roadways with speed limits of 30 miles per hour or less. State law should require motorized foot scooter operators between the ages of 12 and 18 to obtain an operator's permit by successfully completing a state-administered motorized foot scooter safety program modeled after the watercraft safety program. In addition, state law should allow local units of government to be more restrictive in regulating the operation of motorized foot scooters, and should provide explicit authority to regulate hours of use.**

SD-49. Electric Personal Assistive Mobility Devices and Electric Vehicles Operation While Impaired

Issue: Electric personal assistive mobility devices (commonly referred to as Segways) and electric vehicles are becoming increasingly popular modes of transportation, particularly for local trips. The definitions of these types of vehicles are provided under Minn. Stat. § 169.011 as follows:

• "Electric personal assistive mobility device" means a self-balancing device with two nontandem wheels, designed to transport not more than one person, and operated by an electric propulsion system that limits the maximum speed of the device to 15 miles per hour.

• "Electric vehicle" means a motor vehicle that is able to be powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and meets or exceeds applicable regulations in Code of Federal Regulations, title 49, part 571, and successor requirements. Electric vehicles include neighborhood electric vehicles, medium-speed electric vehicles and plug-in hybrid electric vehicles.

Although the state driving while impaired (DWI) law (Minn. Stat. § 169A.20) prohibits a person with a blood alcohol level (BAC) above .08 from operating a motor vehicle, boat or off-road vehicle, the Minnesota Court of Appeals recently held that such devices are not motor vehicles for purposes of Minnesota's DWI laws. *State v. Brown*, 801 N.W.2d 186 (Minn. Ct. App. 2011). The court's decision makes it difficult for local officials to prosecute a person who is threatening public safety by operating an electric personal assistive mobility device or an electric vehicle while impaired.

Response: **The League of Minnesota Cities supports an expansion of the current DWI law so that it applies to a person operating an electric personal assistive mobility device or an electric vehicle.**

SD-50. Drug Courts

Issue: The League of Minnesota Cities recognizes the impact of substance abuse on individuals, communities and taxpayers. According to the National Council on Alcoholism and Drug Dependence, the relationship between alcohol and drugs and crimes--including domestic abuse and

violence, underage drinking, robbery, assault and sexual assault--is clearly documented. The National Center on Addiction and Substance Abuse reports 65 percent of the nation's inmates meet certain medical criteria for substance abuse and addiction, but only 11 percent received treatment for their addictions.

Drug courts are an effective problem-solving approach for dealing with alcohol and other drug addicted offenders in the judicial system. Drug courts closely monitor the defendant's progress toward sobriety and recovery through ongoing treatment, frequent drug testing, regular mandatory check-in court appearances, and the use of a range of immediate sanctions and incentives to foster behavior change.

In drug court, judges collaborate with other traditional court participants (prosecutors, defense counsel, treatment providers, probation officers, law enforcement, educational and vocational experts, community leaders and others), whose roles have been substantially modified, but not relinquished, in the interest of helping defendants deal with addiction.

Response: **The League of Minnesota Cities supports the efforts of drug courts to address substance abuse and reduce crime. The League supports funding for additional drug courts.**

SD-51. Methamphetamine

Issue: The production and abuse of methamphetamine (meth) continues to be a problem for communities across Minnesota. Cities are facing serious issues pertaining to meth, including costly cleanup of drug labs, and the social problems and public safety issues resulting from meth abuse. To meet the challenges presented by the growing meth problem, cities are working with retailers to monitor the sale of precursor ingredients, and are coordinating with other units of government on the impact on communities.

Response: **The Legislature and state agencies must:**

a) **Provide sufficient funding to assist local units of government with cleanup of drug labs.**
b) **Allow local governments to be more restrictive in the development of ordinances at the city and county level to appropriately address the needs of their communities.**
c) **Support public education on methamphetamine, including information to local government officials, retailers, schools, and health care providers.**
d) **Provide training, equipment, standards, and support sufficient to allow local law enforcement and other responders to safely perform their duties.**

SD-52. Drug Paraphernalia

Issue: Cities throughout the state struggle with local businesses selling items primarily designed to enable illegal drug use. Current state law only prohibits use, possession, delivery, and advertisements of drug paraphernalia. The law inadequately defines the term "drug paraphernalia," and leaves cities to pass more effective ordinances "prohibiting or otherwise regulating the manufacture, delivery, possession, or advertisement of drug paraphernalia."

Many cities have adopted their own ordinances to regulate drug paraphernalia, including specifically prohibiting sales. But for a variety of reasons, business owners routinely challenge these ordinances as unconstitutional and then successfully

invoke virulent public outcry on that basis. This experience—along with costly court challenges—discourages other cities from taking similar steps to curb illegal drug activity, and leaves most cities only able to enforce an inadequate state law.

Most states immediately around Minnesota define "drug paraphernalia" in a detailed way based on a 1979 model federal law designed to avoid constitutional issues. Minnesota does not. Federal law and the law of half the states immediately around Minnesota explicitly ban sales of drug paraphernalia, but Minnesota does not. The current state of the law arguably makes drug paraphernalia easier to obtain in Minnesota than in the states immediately surrounding it.

Response: **The League of Minnesota Cities supports strengthening the current statutory prohibition on drug paraphernalia, including improving the statutory definition of "drug paraphernalia" and explicitly prohibiting sales.**

SD-53. Regulation of Massage Therapists

Issue: The state does not currently license nor register massage therapists. Minn. Stat. ch. 146A is the Complementary and Alternative Health Care Practices Act which identifies prohibited provider conduct and authorizes the Minnesota Department of Health to take disciplinary action against noncompliant providers who are not registered or licensed by a health-related licensing board. The office has authority to respond to allegations of prohibited behavior through an investigatory process but this function is triggered mainly by consumer complaints and there is no requirement that the office take any action. Additionally, resources for these purposes have been severely limited.

In absence of any required statewide standards or regulation, several cities have entered the traditional state domain of health-care licensure by enacting ordinances that require all massage therapists to obtain a local professional license and many cities have also required bricks and mortar establishments to obtain a business license. These ordinances help local law enforcement officers to differentiate between legitimate providers and businesses engaged in sex trafficking and prostitution as well as provide for health and sanitation standards.

City staff and law enforcement have spent much time and resources conducting criminal background checks; investigating massage therapist accreditation programs to determine legitimacy and credibility; and inspecting and monitoring establishments due to citizen complaints and concerns. This has resulted in different procedures, requirements and fee structures across the state. Additionally, despite the thorough work of city staff and law enforcement, when an illegitimate business suspects investigation, it will often close down and re-open in a different city. Without any sort of statewide database of these businesses, one city's solution may become another city's problem.

Response: **The League of Minnesota Cities supports the statewide registration or licensure of massage therapists that would not pre-empt the ability of cities to regulate massage therapy establishments. The League also supports legislation pertaining to the practice of massage therapy that accomplishes the following:**

a) **Helps cities establish legitimacy of providers and businesses applying for a local license to practice.**
b) **Prevents individuals from conducting criminal activities such as prostitution and sex trafficking out of establishments operating as massage therapy facilities.**
c) **Improves provider compliance with Minn. Stat. ch. 146A and requires the state to take action in response to noncompliance.**
d) **Protects the public from injury and from other conditions that may result in harm.**

SD-54. Lawful Gambling and Local Control

Issue: As part of the 2009 reforms to lawful gambling statutes, some local control was removed from the lawful gambling process. Previously, the lawful gambling licensee would have to obtain the city council's approval as part of its application to renew the organization's premises permit (some forms of lawful gambling require obtaining an organizational license and a premises permit(s) from the state). This step was removed when the state established a perpetual organizational license and premises permitting system. Because these licenses and permits are issued by the state, under the current system a city's authority over these licensees is limited to: 1) approval of the initial premises permit; and 2) enforcement of the city's lawful gambling ordinance. Some city officials have concerns that gambling organizations will be more apt to ignore local regulations (such as spending the required percentage of lawful gambling expenditures in the city's trade area) if they don't need the city's approval for the renewal of their state-issued premises permits.

Response: **The licensee should be required to obtain local approval on an annual basis, or at longer intervals as determined by the city, and file the resolution of local approval with the Gambling Control Board.**

SD-55. Liquor Liability Insurance Limits

Issue: Minn. Stat. § 340A.409 requires that "no retail license may be issued, maintained or renewed unless the applicant demonstrates proof of financial responsibility with regard to liability imposed by Minn. Stat. § 340A.801" relating to the sale of alcoholic beverages. The minimum limits of liability currently in statute require $50,000 of coverage because of bodily injury to any one person in any one occurrence, $100,000 because of bodily injury to two or more persons in any one occurrence, $10,000 because of injury to or destruction of property of others in any one occurrence, $50,000 for loss of means of support of any one person in any one occurrence, $100,000 for loss of means of support of two or more persons in any one occurrence, $50,000 for other pecuniary loss of any one person in any one occurrence, and $100,000 for other pecuniary loss of two or more persons in any one occurrence. These limits have not been updated since at least 1985 and would provide very little relief to persons impacted by an intoxicated person. While cities can choose to require higher limits of liability than required by statute, it may create competitive imbalance between communities if the limits are not consistent.

Response: **The minimum limits in Minn. Stat. § 340A.409 should be increased to $500,000 per occurrence with a $500,000 annual aggregate.**

SD-56. On-Sale Liquor or Wine Licenses to Cultural Centers

Issue: Cultural centers are not one of the qualifying entities to which municipalities may issue on-sale liquor or wine licenses. Several cultural centers have received special legislation that allows their municipalities to issue on-sale liquor or wine licenses to them. This practice interferes with the ability of municipalities to control the placement and operating manner of these entities.

Response: **The Legislature should authorize municipalities to issue on-sale liquor or wine licenses to cultural centers, subject to restrictions imposed by the municipality.**

SD-57. Wine and Off-Sale Licenses

Issue: Minn. Stat. ch. 340A authorizes cities to issue liquor licenses to various establishments within their jurisdictions, but in virtually all cases, the license issued by the city is not valid until the state approves it. This is true for such commonly issued licenses as wine, off-sale intoxicating liquor and temporary on-sale intoxicating liquor licenses. The result is extra time spent for city staff, as well as a time-based commercial impact to the business pursuing the original license.

Additionally, if a business applies for an on-sale wine license, the state may choose to conduct an inspection of the business further delaying approval of the license and full operation of the establishment. This inspection is often in addition to a city certificate of occupancy inspection and a county health inspection.

Response: **The Legislature should remove the requirement of approval by the commissioner for city-issued liquor licenses and simply require cities to notify the state of newly issued and renewed licenses as is already the case for intoxicating on-sale liquor licenses and all 3.2-liquor licenses. If the state requires an inspection to certify an on-sale wine license, this should be delegated to either the city or county to be conducted at the same time as other inspections. This will expedite the process for both the state and the business.**

SD-58. Youth Access to Alcohol and Tobacco

Issue: To promote public safety and public health, cities have an interest in preventing youth from obtaining alcohol and tobacco. For example, the Minnesota Department of Health reports that 80 percent of adult smokers had their first cigarette before the age of 18; reducing youth tobacco use may help prevent adverse impacts of tobacco in the future. To this end, many cities operate compliance check programs in an effort to discern the current level of youth access and to reduce youth access. Statewide, a number of cities have created community partnerships with their court systems, local businesses, and school districts to quickly address problems associated with youth access to alcohol and tobacco.

Response: **The League of Minnesota Cities opposes any proposal that could result in increased risks of youth access to alcohol and tobacco products. The League supports statutory changes that assist in reducing youth access to alcohol and tobacco products, including increasing the penalties for youth who use false identification and adults who provide alcohol to minors. The League supports locally-determined alcohol compliance check programs, but any state mandate for alcohol compliance checks should come with state-supported funding**

initiatives to support these locally-determined compliance efforts. The Legislature should consider a grant program supporting locally-based community partnerships that can quickly and effectively respond to youth access problems.

SD-59. Smoking Ban Ordinances

Issue: In 2007, the Legislature extended the Minnesota Clean Indoor Air Act (MCIAA) to cover all workplaces, including restaurants and bars. The law sets a floor with minimum standards and allows local governments to implement more restrictive ordinances.

In recent years, the popularity and use of electronic cigarettes (e-cigarettes) has increased significantly. There is much that is unknown about the health impacts of e-cigarettes which has slowed government regulation of their sale and use. Because of concerns over potential health impacts and the lack of comprehensive state and federal regulation, cities have passed ordinances on an individual basis restricting the sale of e-cigarettes to minors and prohibiting their use in public places.

In 2014, the Legislature passed regulations on the sale of e-cigarettes to mirror existing cigarette sale regulations including prohibiting sale to minors. It also passed a law prohibiting use in public buildings owned and operated by the State of Minnesota and all political subdivisions. The Legislature did not ban indoor use in all workplaces.

Response: **Many cities have already passed ordinances banning the use of e-cigarettes in all public places. To ensure uniformity and consistency across the state, the Legislature should regulate e-cigarettes under the MCIAA while preserving the ability of local governments to enact more restrictive ordinances.**

SD-60. Regulation of Mobile Businesses

Issue: The transient nature of mobile businesses presents unique challenges to traditional city zoning and permitting and may create an unfair competitive advantage over traditional businesses that pay property taxes and generate income for a city. Cities also make significant investments in the development of retail districts and downtowns and have a strong interest in maintaining a level playing field for brick and mortar establishments.

Minnesota has seen a sharp increase in the number of food trucks (Mobile Food Units) operating throughout the state. Food trucks are licensed as food and beverage service establishments by the Minnesota Department of Health (MDH) or by local jurisdictions pursuant to an MDH delegation agreement. Food trucks are prohibited from operating in the same location for more than 21 days without approval of the regulatory authority.

In 2015, the Legislature authorized the Board of Cosmetologist Examiners to adopt rules governing the licensure, operation and inspection of “Mobile Salons” which are operated in a mobile vehicle or mobile structure for exclusive use to offer personal services defined in Minn. Stat. § 155A.23, subd. 3. The rules must prohibit mobile salons from violating reasonable municipal restrictions on time and place of operation of a mobile salon within its jurisdiction, and shall establish penalties, up to and including revocation of a license, for repeated violations of municipal laws.

Response: **It is appropriate for mobile businesses to be licensed by the state or its designees in the same manner as non-mobile business establishments. Such state regulation must not preempt the ability of local governments to enact reasonable time and place restrictions on the operation of mobile businesses within their jurisdictions.**

SD-61. Regulation of Party Buses and Boats-for-Hire

Issue: A party bus (also known as a party ride, limo bus, limousine bus, party van, or luxury bus) is a large motor vehicle usually derived from a conventional (school) bus or coach, but modified and designed to carry 8 or more people for recreational purposes. In Minnesota, these vehicles are regulated by default under Minn. Stat. ch. 221 (the chapter of law dealing with motor carriers) and registered by the Minnesota Dept. of Transportation's (MnDOT's) Office of Freight and Commercial Vehicle Operations. The regulations require operators to carry commercial insurance, have an annual vehicle inspection and be registered with the state. Party bus drivers are required to hold a current commercial driver's license (CDL) issued through the Minnesota Dept. of Public Safety's Driver and Vehicle Services Division.

A boat-for-hire is a watercraft used by owners and operators to carry passengers for hire. Minn. Stat. § 326B.94 and Minnesota Rules 5225.6000 through 5225.7200 govern the requirements of boat owners and operators carrying passengers for hire on Minnesota's inland waters. These vessels must have a permit to carry passengers for hire. They must have an annual safety inspection and a dry-dock inspection performed by Minnesota Department of Labor and Industry boiler inspection personnel once every three years (or annually if the hull is made of wood). The vessels must also be operated by a licensed master and must follow all Minnesota Dept. of Natural Resources' boating and water recreation regulations.

Party buses and boats-for-hire are sometimes chartered for celebrations such as weddings, proms, bachelor and bachelorette parties, birthdays and tours. Party buses are also popular for round trips to casinos and sporting events, and personalized drop-offs and pick-ups at various bars and nightclubs. Additionally, both party buses and boats-for-hire have become popular settings for adult entertainment.

Cities have seen a sharp increase in the number of party buses and boats-for-hire being used as venues for illegal activities such as underage drinking, drug use and sex trafficking. The transient nature of party buses and boats-for-hire presents unique challenges to traditional city zoning, permitting and law enforcement. While state laws regulate requirements for the operation of party buses and boats-for-hire, the law is silent on enforcement, penalties, inspection and liability related to illegal activities that occur in party buses and on boats-for-hire.

Response: **The League of Minnesota Cities supports changes to state statutes that would help reduce criminal activities taking place on party buses and boats-for-hire. Specifically, the League supports:**

a) **Creation of statutory definitions of "party bus" and "boat-for-hire" that contain permissible uses of the vehicles;**
b) **Prohibition on offering or allowing "adult entertainment" as defined by Minn. Stat. § 617.242, "sexual conduct" as defined by Minn. Stat. § 617.241, or "nudity" as defined by**

Minn. Stat. § 617.292, subd. 3, on party buses and boats-for-hire;

c) Explicit authority for peace officers to investigate suspicious activities on party buses and boats-for-hire and to cite individuals on board who are involved in illegal activities; and

d) Requiring the appropriate authority to utilize existing authority to impose fines, or to deny, suspend, or revoke permits or registration certificates held by operators found to have adult entertainment, drug, or underage consumption violations.

SD-62. Environmental Protection

Issue: Cities demonstrate strong stewardship for the protection and preservation of the environment. Minnesota municipalities have historically been the leading funding source for environmental protection and improvements. Municipal efforts include environmental protection through wastewater treatment, wetland restorations, stormwater treatment, public utility emission reductions, brownfield cleanup, safe drinking water programs, as well as others.

At some point, however, the diminishing or nonexistent environmental benefit received from additional efforts is fiscally irresponsible. The programs are often improperly designed to meet their stated goals. Additionally, the absence of funding by the state and federal government has removed an essential restraining feature in program design and implementation. Agencies are less accountable to the governments that mandate environmental programs when they do not have to find the money to implement the programs.

Specific problems faced by cities include:

a) New programs or standards are continually adopted without regard to the existence, attainability or cost of existing programs and standards.
b) Regulatory bodies fail to consistently use the best science available and the most current and accurate data when establishing water quality standards.
c) Regulatory bodies impose new permit requirements without going through rulemaking. Instead, the agencies rely on internal documents, program strategies, and "best professional judgment of staff" when setting permit criteria.
d) Regulatory bodies approve permits and programs that compete with traditional municipal services and encourage urban sprawl. This behavior puts at risk the public investments and growth management efforts cities have made when planning for future development.
e) Permit fees and other cost-transfer elements of federal and state programs do not provide an incentive for environmental agency efficiency, policy prioritization or risk assessment. Additionally, all residents of the state contribute to the need for wastewater, drinking water, and stormwater treatment and benefit from the resulting improved water quality. These factors make the state general fund an appropriate source for significant portions of state water program funding.
f) Third-party environmental advocacy groups create significant hardships on cities by threatening litigation even when the best science available may not support the groups' positions.
g) Cities are often required to pay the cost of removing problem materials from the waste stream, rather than preventing the problem at the consumer product or manufacturing level.

Response: **Alternative wastewater treatment and cooperative service systems should be prohibited from operating in areas that can reasonably and effectively**

be served by existing municipal systems, unless:

a) **The municipal system is proven to be substantially less cost-effective and substantially less beneficial to the environment; and**
b) **The operation of these systems will not create a stranded public investment in the existing system.**

Sufficient state and federal financial assistance should be provided to local governments when complying with state and federal infrastructure requirements, particularly with regard to wastewater, stormwater, and drinking water facilities.

The Minnesota Pollution Control Agency (MPCA) should streamline its permitting and re-issuing processes to allow for effluent standards and permit requirements to be known earlier, thereby giving communities more time to defend against contested case hearings.

The Legislature should require the MPCA to make its determination regarding permit-required submittals, permit modifications, and the reissuance of a permit within a reasonable set time period, and require the MPCA to make its determinations and reissue the permit within that reasonable set time frame.

The state should ensure townships are required to meet the same environmental protection and regulatory requirements as cities.

Legislation should be passed that requires state agencies to establish permit requirements only when the criteria they are using is developed through the rule-making process.

State agencies need to develop science-based standards and quantify new effluent standards, ensuring that they are scientifically and economically practicable. State and federal agencies should coordinate and integrate their monitoring data to assure that all pertinent data is available and utilized.

The state general fund is an appropriate source for state water program funding. Municipal water permit fees should only be increased if new revenue is needed because of increased costs of processing municipal water permits or if the funds would go for specific scientific research, technical and financial support for cities, or agency staffing needed by cities to address environmental and public health concerns, not as a means to generate new revenue to cover other budget shortfalls.

Additionally, the Legislature should create effective, producer-led reduction, reuse, and recycling programs to deal with a product's lifecycle impacts from design through end-of-life management and should regulate products and compounds that damage water quality, sewer collection, stormwater or wastewater treatment systems at the consumer and manufacturing levels, not just at the treatment and infrastructure maintenance level.

SD-63. State Support for Municipal Energy Policy Goals

Issue: The State of Minnesota has adopted an aggressive energy policy focusing on the promotion of energy efficiency and the expansion of renewable energy with the goal of achieving a reduction in carbon generation through reduced use of fossil fuels. Minnesota cities share this goal, as demonstrated by over 100 cities voluntarily participating in the GreenStep Cities program.

However, already strained budgets and reserves at the state and local level have limited the ability of the state to assist local units of government in furthering specific projects that support the overall state goal. In addition, institutional knowledge and capacity of most cities limits their ability to explore energy efficiency or renewable energy projects, even projects whose energy "payback" could finance project capital costs.

As the role cities are playing in reducing energy use and developing renewable energy generation expands, how those efforts are affected by electric utility practices also becomes more important. Utility billing is not consistent between electric utilities, with many using different rate categories, significantly complicating B3 benchmarking reporting and billing transparency. For projects on which a utility provides capital, the length of time over which city projects are amortized can also be extended to the point that energy cost savings are eliminated, even with substantial demand reductions. The application of demand and peak demand rates in repayment schedules can also reduce or eliminate energy cost savings.

Response: **The League of Minnesota Cities calls on our legislators and state executive agencies charged with accomplishing the state's energy policy goals to assist cities, townships and counties with tailored efforts to identify appropriate energy efficiency and renewable energy projects for undertaking at the local level. Among those tools, the state should:**

a) **Help ensure that reduced energy use results in reduced energy costs by addressing problems with amortization timing;**
b) **Have laws that allow and support utility grant and loan programs;**
c) **Use proceeds from the Renewable Development Fund to support local government projects;**
d) **Provide increased flexibility for utilities to work with local government;**
e) **Support development of a unified electric energy billing and usage structure that is easily imported into a B3 Benchmarking tracking system;**
f) **Develop a framework that allows Property Assessed Clean Energy Programs;**
g) **Play an increased role in providing a network of charging stations to support a transition to electric vehicles;**
h) **Create a grant and loan program to offset start-up capital expenses for projects identified where the savings in energy costs can offset capital project costs or where projects are needed to meet energy policy goals;**
i) **Clarify state law so that cities may use public utility franchise agreements to advance energy policy goals, and;**
j) **Recognize that state energy agency technical expertise needs to be made available to cities at no cost.**

SD-64. Municipal Public Water Supplies

Issue: Essential residential water supplies provided by public water supply systems are classified as the highest priority for the use of public water under Minn. Stat. §103G.261. Minnesota cities spend significant resources meeting their responsibility to providing safe, reliable, affordable water to their residents in a sustainable manner. That is an essential element in assuring a healthy and stable future for public health, the environment, and economic development. As a result, municipal water suppliers have collected

some of the most current and accurate information available on local water conditions.

The state requires extensive planning and permitting processes for municipal water suppliers to document that their systems are drawing water at sustainable levels, that the water is safe for human consumption, that they have land use controls in place to protect public water supplies from contamination, that adequate plans exist for emergency and high demand situations, and that rate structures meet state statutory requirements. Those systems are constantly becoming more technologically, environmentally, and economically efficient. City water suppliers have invested many billions of dollars to develop their utility systems and infrastructure in a manner that meets those criteria.

Demand and supply sides of this issue are being addressed throughout the state. Cities have established educational programs, incentives, and local water use restrictions to further improve water conservation efforts, while appliances and plumbing fixtures are becoming more efficient in their water use. Furthermore, stormwater is being infiltrated into the ground at unprecedented levels as part of municipal stormwater permit requirements and is being redirected for irrigation purposes in some cities.

Despite those efforts, there are places in the state where monitoring data indicates that water may be being used faster than the supply can sustain, particularly in the case of underground aquifers. These issues are very complex, however, and causes and effects are not always easily documented or understood. City water supplies are not the only users of that water, either. Industries, smaller private wells, agricultural operations, irrigation systems, and contamination containment and treatment can all be major drains on local water supplies.

Hard facts and sound science need to be used to determine the best courses of action to assure that safe, reliable, affordable water supplies are available to future Minnesotans. Those approaches will vary considerably depending on local water and soil conditions, the types and sizes of users, and the quantity and quality of available water. They also need to be coordinated between the many state entities that play a role in water management and regulations so that scarce local resources are not wasted and efforts are not counterproductive to other priority environmental and public health results.

Response: **The state should lead the development of sound scientific information on water supply, aquifer recharge, and groundwater availability and quality, making good use of the existing studies, data, and staff expertise of municipal water suppliers.**

The state should also be working to remove barriers to water re-use, aquifer recharge, encouraging cultural changes in water use practices, applying technology for smart water use, exploring impacts and creative mitigation options at contaminated sites, on ways to incent and enable alternate uses of stormwater, and ways to make sure that all water users play a role in ensuring that water supplies are being managed in a manner that is sustainable for future residents. Those solutions need to keep in mind that essential residential water use is the highest preferred use of public water supplies.

Finally, in cases where sound management of water resources will require substantial modifications in

public water systems that were previously determined to be adequate, the state needs to be a partner in developing cost-effective solutions and in providing the technical and financial resources to make those changes to prevent communities from being economically uncompetitive.

SD-65. Impaired Waters

Issue: Despite the billions of dollars that Minnesota municipalities have invested and continue to invest in wastewater and stormwater management systems, and best management practices to protect, preserve, and restore the quality of Minnesota's surface waters, the quality of some of Minnesota's surface waters does not meet federal water quality requirements. The federal Clean Water Act requires that further efforts be made by the state to reduce human impacts on surface waters that are determined to be impaired due to high pollutant loads of nutrients, bacteria, sediment, mercury, and other contaminants. Scientific studies of these waters must be conducted to determine how much pollution they can handle (Total Maximum Daily Loads, or TMDLs). The pollutant load reduction requirements will affect municipal, industrial, and agricultural practices and operations along any river, stream or lake determined to be impaired. While the sources of 86 percent of the pollutants affecting Minnesota waters are non-point sources, there will also be new costs and requirements for point-source dischargers, like municipal wastewater treatment facilities. Municipal stormwater systems will also face increased protective requirements and regulation as part of the state's impaired waters program.

Response: **The League of Minnesota Cities will work actively with the administration, the Legislature, and other stakeholders in the design and implementation of Minnesota's impaired waters program to:**

a) **Ensure equitable funding solutions are found, such as the state general fund or bonding, that broadly collect revenue to address this statewide problem;**
b) **Support legislative appropriation of constitutionally dedicated clean water revenues that will supplement traditional sources of funding for these purposes, not be used to cover budget cuts, backfill past program reductions, or to otherwise supplant normal state spending on water programs;**
c) **Direct the majority of funds collected by the state for impaired waters into programs that fund municipal wastewater and stormwater projects, and for state programs needed for municipal wastewater and stormwater permitting and technical support, including the Clean Water Revolving Loan Fund, Wastewater Infrastructure Fund, TMDL Grants Program, Small Community Wastewater Treatment Grant and Loan Program, and other state programs that provide financial resources for city wastewater treatment facilities, septic tank replacement, stormwater management projects, and other city water quality improvement and protection projects;**
d) **More adequately cover the current five-year wastewater infrastructure funding need projection of more than $1.65 billion;**
e) **Recognize and address the upcoming costs of stormwater management infrastructure and operation on municipalities from new regulatory mandates and load reduction requirements;**

f) **Allow flexibility in achieving pollutant load reductions and limitations through offsets or trading of pollutant load reduction credits for both point and non-point load reduction requirements within watersheds;**
g) **Recognize and credit the work underway and already completed by local units of government to limit point and non-point source water pollutant discharges;**
h) **Recognize the diversity of efforts and needs that exists across the state;**
i) **Ensure the best science available is used to accurately determine the sources of pollutant load in order to maximize positive environmental outcomes and minimize unnecessary regulatory and financial burdens for cities by correctly accounting for and addressing agricultural and other non-point pollutant sources;**
j) **Ensure the state requires that the MPCA retain control of the TMDL development process and that all scientific research related to TMDLs is conducted by the MPCA or qualified, objective parties pursuant to state contracting, procurement, and conflict of interest laws; and**
k) **Clarify state water quality mandates so cities know specifically what they are required to do and what methods of achieving those outcomes are acceptable to state and federal regulators.**

SD-66. Urban Forest Management Funding

Issue: Urban forests are an essential part of city infrastructure. Dutch elm disease, oak wilt disease, drought, storms, and emerald ash borer threaten our investment in trees. The costs for control and removal can be catastrophic and put pressure on city budgets. The Minnesota Department of Natural Resources, through its Urban and Community Forestry program, and the Minnesota Department of Agriculture, through its Shade Tree and Invasive Species program, currently have regulatory authority to direct tree sanitation and control programs. Although these programs allow for addressing some tree disease, pest, and other problems, funding levels have been inadequate to meet the need of cities to build capacity for urban tree programs and respond to catastrophic problems. Cities share the goal of the state's Releaf Program—promoting and funding the inventory, planning, planting, maintenance, and improvement of trees in cities throughout the state. In addition, economic gains for stormwater management, tourism, recreation, and other benefits must be protected from tree loss. A lack of timely investment in urban forests costs cities significantly more in the long run.

Further, more and more cities are facing immediate costs for the identification, removal, replacement, and treatment of emerald ash borer (EAB) as it spreads across the state. The state has no program to assist cities in covering those expenses.

Response: **The League of Minnesota Cities supports funding from the general fund or other appropriate state funds for a state matching grant program to assist cities with building capacity for urban forest management and meeting the costs of preparing for, and responding to, catastrophic urban forest problems.**

Specifically, direct grants to cities are desperately needed for the identification, removal, replacement, and treatment of trees related to management of EAB. The state should establish an ongoing grant program with at least $5 million per year that is usable for those activities.

SD-67. Election Issues

Issue: Cities play an important role in administering state and federal election law and conducting voting activities.

Response: **In order to strengthen the effectiveness of local election administration, the Legislature should:**

a) **Seek the input of cities, townships, counties, and school districts on proposed changes to voter registration and election law;**
b) **Expedite court action to resolve candidate eligibility related to residency in errors and omissions proceedings;**
c) **Eliminate redundant audio testing of AutoMARK voting equipment by election judges in precinct polling places on Election Day;**
d) **Repeal requirements for precinct election judges to count blank ballots in each shrink-wrapped ballot package as they are opened in the polling place; and**
e) **Shorten the deadline for major political parties to provide lists of persons interested in serving as election judges to election officials to within one month (30 days) following precinct caucuses.**

SD-68. Administering Absentee Balloting

Issue: Eligible voters in Minnesota may vote by absentee ballot prior to Election Day. Starting 46 days before the election, a voter can request an application for an absentee ballot and if approved, receive and cast an absentee ballot in one visit to their county or city election offices. Ballots can also be requested, applied for and received by mail and returned by the voter to the election office by 3:00 pm on Election Day or by 8:00 pm on Election Day if delivered by mail or package delivery. Absentee balloting results are not known until combined with polling place results when the polls close on Election Day.

For those voting absentee in-person, the absentee ballot application process is burdensome and confusing as voters expect the same process they encounter in their polling place on Election Day. The application process should be replaced by having the voter verify their identity on a paper or electronic roster. Currently electronic signatures are not allowed by state law; having the authority to use electronic signatures would make the process more efficient. Streamlining the voter check-in procedures would increase efficiency and decrease the time voters spend in line waiting to cast their absentee ballot.

Seven days before Election Day, elections administrators can begin processing absentee ballots received by mail and in-person absentee voters can place their ballots directly into a tabulator. For those who vote in-person absentee prior to the seven days before Election Day, there is confusion and in some cases, frustration that they are not allowed to place their ballots directly into a tabulator. To improve the voter experience and respond to the voter demand to vote early, this time period should be increased from seven to the full 46 days before Election Day. Additionally, a voter can request to place their ballot in a series of envelopes similar to those returned by mail to be processed after they have left the building. Few, if any, voters request to place their ballot into envelopes.

State law allows alternative sites for conducting absentee balloting but requires that these sites remain open for the full 46 days prior to Election Day. For some jurisdictions, staffing alternative sites for the

full 46 days is not efficient as these sites may be underutilized until closer to Election Day. Cities should be able to determine the length of time most appropriate for alternative sites to meet the voting demands of their residents. As required by state law, voters would maintain the ability to vote in-person absentee during the full 46-day period at city halls.

Current law allows for in-person absentee voting until 5:00 p.m. on the day before Election Day. This does not leave adequate time for election officials to process absentee ballots, prepare supplemental lists indicating which voters have already cast absentee ballots and deliver the lists to precincts prior to opening of the polls on Election Day. The current absentee voting process further requires that additional supplemental lists of final absentee voters be delivered to the polls after the last mail delivery on Election Day and often leads to administrative challenges and increased potential for errors in the process.

As more and more voters choose to vote early with absentee balloting, improvements must be made to increase efficiency of administering absentee balloting before Election Day, reduce the potential for errors, and to improve voter experience.

Response: **The League of Minnesota Cities supports:**

a) **Reviewing the current in-person absentee ballot application process to determine if paper, electronic or a combination of the two application processes would be more efficient and be preferable to voters;**
b) **Increasing the time period that an in-person absentee voter can place their ballot directly into a tabulator from seven to 46 days;**
c) **Eliminating the option to place an in-person absentee ballot in a series of envelopes instead of a tabulator;**
d) **Allowing alternative in-person absentee voting sites to be established for less than the full 46 days currently required by state law;**
e) **Establishing an earlier deadline for ending in-person absentee voting;**
f) **Revising absentee ballot regulations to allow any person 18 and older to witness the absentee process and sign the envelope as a witness; and**
g) **Authorizing cities with health care facilities to schedule election judges to conduct absentee voting at an earlier date in health care facilities.**

SD-69. Felon Voting Rights Restoration

Issue: There is confusion as to when felon voting rights are restored, and notification of restoration is inconsistent or nonexistent. While there were some changes made to data sharing requirements between the Department of Corrections and the Office of the Secretary of State in the 2013 legislative session, the process of notifying felons of their eligibility to vote was not improved. This very often leads to challenges placed on Election Day rosters for felons who are not eligible to vote and election judges must then challenge the voter and spend time and resources determining a voter's eligibility.

Response: **The League of Minnesota Cities supports the restoration of voting rights to felons once they have completed their term of incarceration. This will eliminate the administrative burden of challenging voters at the polls and determining eligibility from various jurisdictions. This will also eliminate the need for investigation by local law enforcement of those who have**

unknowingly registered to vote or voted before their rights were restored.

SD-70. Write-in Candidates in City Elections

Issue: For federal, state and county offices, write-in candidates are totaled together as one number for write-in votes. If a candidate wants the write-in votes to be individually recorded, the candidate must file a written request with the Secretary of State no later than seven days before the general or special Election Day. This provides any declared write-in candidate the same provisions for tabulation as a candidate whose name is printed on the ballot. Because this requirement does not exist in city elections, city election officials are required to take considerable time and resources to count and individually record write-in votes cast, many of which are frivolous.

Response: **The League of Minnesota Cities supports legislation to:**

a) **give cities the option to require that write-in candidates for local elective offices file a formal request with the chief election official at least seven days before the city election if they wish to have their write-in votes individually recorded; and**
b) **allow the city clerk to only compile and report write-in votes for specific candidates if the total number of write-in votes for an office is greater than or equal to the number of votes received by the candidate appearing on the ballot receiving the fewest number of votes.**

SD-71. Ranked Choice Voting

Issue: Current law allows charter cities to consider and adopt Ranked Choice Voting (RCV) as an alternative voting method in local elections. State statute does not extend this authority to statutory cities. Additionally, there are no statewide standards for conducting RCV. The lack of consistent guidelines on how to effectively implement a RCV system imposes significant challenges for election administrators and voters.

Response: **The League of Minnesota Cities supports legislation that would give statutory cities the same authority given to charter cities to consider and adopt RCV. The League of Minnesota Cities also supports statewide standards for those cities that choose to adopt RCV to ensure it is implemented consistently throughout the state to give voters confidence in the fairness of the alternative process of casting their ballots and in the outcome of such elections.**

SD-72. Posting Campaign Finance Reports Online

Issue: The 2014 Legislature passed a law requiring the filing officer of a local government to post all campaign reports required to be filed with the local government online. The law does not change what reports must be filed and only requires the posting of reports online if a city has a website. The filing officer must post the reports on the city's website as soon as possible, but no later than 30 days after receipt of the report. The reports must be available on the city's website for four years from the date the report was posted to the website.

While posting the reports online may be more convenient for citizens and city staff alike as it will replace the physical distribution of reports upon request, the time required to make the report available may be difficult for maintenance of city websites.

Response: **While the League of Minnesota Cities supports increasing access to information through the use of city websites, the League also urges the Legislature to revisit the length of time required to keep reports online.**

SD-73. Electronic Rosters

Issue: While electronic rosters (or "e-poll books") may increase efficiency and decrease cost for some cities, this may not be true for all. As cities explore the use of electronic rosters, data collected from the Office of the Secretary of State and from jurisdictions that have used the technology, may be helpful in determining next steps and to improve the process. Currently when a voter verifies their identity at a polling place via an electronic roster, they sign a paper form. State law does not allow voters to sign the e-poll book.

Response: **As the Legislature continues to examine the use of electronic rosters, cities should retain the option of utilizing this technology but should not be required to do so. If cities choose to use e-poll books, the use of electronic signatures should be allowed to increase efficiency. To ensure there is a paper copy of the signatures, the receipts printed by the electronic rosters should include a copy of the voter's signature.**

SD-74. Election Judge Recruitment and Retention

Issue: Nearly 30,000 Minnesotans serve as election judges. The recruitment and retention of election judges is a significant and essential component of administering elections throughout the State of Minnesota.

State statute requires that precincts with more than 500 registered voters be assigned at least four election judges and those with fewer than 500 registered voters be assigned at least three election judges. Minn. Stat. § 204B.21 requires that at least two election judges in each precinct serve with a different major political party designation, except for student trainee election judges. The remaining election judges in a precinct can serve without an affiliation to a major political party and no more than half the judges in a precinct may belong to the same major political party. Increasingly, political party affiliation has proven to be unnecessary for appointed city clerk and hired city staff serving as election judges during the absentee balloting time period. Political party affiliation is also unnecessary in city special elections when offices on the ballot are nonpartisan.

Minn. Stat. § 204B.19 allows high school students to be excused from school to serve as a trainee election judge if the student submits a written request signed and approved by the student's parent or guardian to be absent from school and a certificate from the appointing authority stating the hours during which the student will serve as a trainee election judge to the principal of the school at least ten days prior to the election. This process is not currently extended to college students which has proven to be a barrier for recruiting college students to serve as election judges. Additionally, teachers and college faculty are also allowed to take time off of work to serve as an election judge.

Response: **To ensure state requirements are met and to expand the opportunity of serving as an election judge to others, the League of Minnesota Cities supports the following changes:**

a) **Eliminate the party balance requirement of appointed clerks and hired staff administering absentee**

balloting prior to Election Day and for city special elections;

b) **Eliminate the party balance requirement for elections where only nonpartisan offices and/or ballot questions are on the ballot; and**
c) **Authorize college students to get time off from classes if they have been appointed to serve as an election judge;**
d) **Allow the two election judges on teams designated by the city clerk for health care facility voting to be affiliated with a major political party, a minor political party or no political party, as long as both judges are not affiliated with the same political party; and**
e) **Allow election judges who are appointed to serve at a polling place on Election Day to be affiliated with a major political party, a minor political party or no political party, as long as not more than half of the judges are affiliated with the same political party.**

SD-75. Mail Balloting

Issue: Minn. Stat. § 204B.45 authorizes all non-metropolitan townships and cities with less than 400 registered voters located outside of the Minneapolis/St. Paul seven-county metropolitan area to hold elections by mail. A city may conduct mail balloting for an individual precinct having fewer than 100 registered voters, subject to the approval of the county auditor.

Staffing and equipment needs can be very costly and mail balloting is an efficient way of conducting an election for cities that have lower numbers of registered voters regardless of location in or outside the metro area. It is not uncommon for the redistricting process to create very small precincts in the metro area that are more cost-effectively served by a mail balloting process. Additionally, for special elections that historically have lower turnout, mail balloting could increase voter participation.

Response: **The League of Minnesota Cities supports allowing cities inside or outside the metropolitan area to conduct mail balloting in precincts with less than 500 registered voters. Additionally, for special elections held on dates other than those of regularly scheduled elections, cities should have the option of using mail balloting regardless of number of registered voters or location.**

IMPROVING LOCAL ECONOMIES

LE-1. Growth Management and Annexation

Issue: Unplanned and uncontrolled growth has a negative environmental, fiscal, and governmental impact on cities, counties, and the state because it increases the cost of providing government services and results in the loss of natural resource areas and prime agricultural land.

Response: **The League of Minnesota Cities believes the existing framework for guiding growth and development primarily through local plans and controls adopted by local governments should form the basis of a statewide planning policy, and that the state should not adopt a mandatory comprehensive statewide planning process. Rather, the state should:**

a) **Provide additional financial and technical assistance to local governments for cooperative planning and growth management issues, particularly where new comprehensive plans have been mandated by the Legislature;**
b) **Keep comprehensive planning timelines on a ten-year cycle due to the financial and workload impacts these processes place on cities;**
c) **Clearly establish the public purposes served by existing statewide controls, such as shore land zoning and wetlands conservation; clarify, simplify, and streamline these controls; eliminate duplication in their administration; and fully defend and hold harmless any local government sued for a "taking" as a result of executing state land-use policies;**
d) **Give cities broader authority to extend their zoning, subdivision, and other land-use controls outside the city's boundaries, regardless of the existence of county or township controls, to ensure conformance with city facilities and services;**
e) **Clearly define and differentiate between urban and rural development and restrict urban growth without municipal services or annexation agreements outside city boundaries. This should contain a requirement that counties and joint power districts that provide sewer, water, and other services, which have been traditionally provided by cities, include as a condition of providing service the annexation of properties that are the recipients of such services in cases where annexation is requested by a city that could feasibly be providing those services;**
f) **Facilitate the annexation of urban land to cities by amending state statutes that regulate annexation to make it easier for cities to annex developed or developing land within unincorporated areas;**
g) **Oppose legislation that would reinstate the election requirement in contested annexations;**
h) **Support legislation to prohibit detachment of parcels from cities unless approval of the detachment has been granted by both the affected city and township and the affected county has been notified prior to the city and township acting on the request;**
i) **Oppose legislation that allows orderly annexation agreements to be adopted that prohibit annexation by other cities of property not being annexed under the agreement;**

j) **Encourage ideas consistent with the long-term goal of allowing urban development only in urban areas. Density incentives such as sprawl-reduction aid programs are more straightforward methods of rewarding and encouraging compact urban development than using local government aid (LGA) for another new purpose; and**

k) **Establish stricter criteria on the amount cities can pay to townships as part of an orderly annexation agreement so that payments to townships are limited to reimbursement for lost property tax base for no more than a fixed number of years, documented stranded assessments, and other items for which there is a clear nexus.**

LE-2. Wildlife Management Areas

Issue: The Department of Natural Resources has been pressing for legislative requirements creating development restrictions on property adjacent to land purchased by the state for hunting and other conservation purposes. This issue has been increasingly controversial as urban growth extends into areas previously considered rural and residential property owners are finding themselves adjacent to public hunting land. With large amounts of new revenue going into state land purchase for game and fish habitat and public access purposes because of the passage of the constitutional amendment, these problems could occur even more frequently.

The solution being proposed will put local governments in the position of enforcing state land use restrictions and would require extensive changes to local plans, controls and ordinances. It would also create large numbers of nonconformities on properties within city limits and would make state wildlife management areas far less desirable due to impacts on future city development.

In rural areas, where this is less of a concern, counties and townships have the authority to object to the state purchasing land for the outdoor recreation system for these very reasons. Cities do not have that statutory right. Due to recent statutory changes (Minn. Stat. § 97A.137, subd. 4) removing city authority to adopt ordinances related to firearm discharge, hunting and trapping activity in wildlife management areas within their borders, these purchases should not occur without city consent and input.

Response: **The League of Minnesota Cities opposes the state imposing retroactive development restrictions around existing wildlife management areas.**

When purchasing state wildlife management areas and other conservation and outdoor recreation system land, the state should either purchase sufficient land to provide an internal buffer from surrounding development or purchase development rights to land adjacent to the property if such a buffer is deemed essential to preserving the intended uses for the property. This should be required for new land purchases and done where feasible for existing wildlife management areas.

Furthermore, Minn. Stat. § 84.944 and § 97A.145 should be amended to include cities in the local government notification and approval process the state must follow before purchasing public land.

LE-3. Official State Mapping Responsibility

Issue: For many years, the Minnesota Department of Transportation (MnDOT) has provided the mapping services to keep survey-level accuracy in place for the state's official maps and records. That information changes when roads are made or improved, and needs regular adjustment when municipal boundary adjustments are made. The information is then used at all levels of government to accurately determine property boundaries for transportation aid, utility service boundaries, state and local funding formulas, election issues, and a number of other uses.

No state agency, however, has ever been statutorily provided with mapping responsibility and MnDOT is not funded for providing that level of detail in its mapping. Because MnDOT, as an agency, requires less specificity in its maps, a change has slowly been integrated to mostly restrict MnDOT mapping to what changes occur in road ownership and responsibility, leaving many mapping needs unmet for other users of boundary data.

Response: **The League of Minnesota Cities supports legislation making a named state entity the official provider of survey-level mapping for the state, including maps for municipal boundary adjustments. The Legislature must provide the necessary appropriations to the entity for providing that service.**

LE-4. Electric Service Extension

Issue: Minnesota law preserves the right of municipal electric utilities to grow with the cities they serve. Municipal electric utilities may grow either through application to the Minnesota Public Utilities Commission (MPUC) or through condemnation proceedings. Eliminating authority of municipal electric utilities to extend services, or making extension of municipal electric service to annexed property unreasonably costly, would interfere with community development and make it unfeasible for municipal electric utilities to serve properties located within rural electric cooperative (REC) or other electric service provider service territory in annexed areas, even if the REC or other electric utility had not served them prior to annexation.

Response: **The League of Minnesota Cities opposes any attempt to remove or alter the eminent domain option available to municipal electric utilities in state law, or to make it financially unfeasible for municipal utilities to compensate rural electric cooperatives or other electric utilities for serving future customers who reside in annexed areas where that electric utility has not provided service.**

LE-5. Statutory Approval Timelines

Issue: Cities since 1995 have been required to act on written requests relating to zoning, septic systems, the expansion of Metropolitan Urban Service Areas (MUSA), and other land-use applications in accordance with a statutory time period generally referred to as the 60-day rule. Pursuant to Minn. Stat. § 15.99, state and local government agencies must approve or deny a permit within a statutory timeframe. Failure by the agency to issue a specific denial of the application is deemed an approval.

Minn. Stat. § 15.99 does not directly address whether an appeal of a decision triggers an extension or is part of an original zoning request that must be handled within the 60- or 120-day time period. In a 2004 Minnesota Court of Appeals decision, the court found

that a zoning application is not approved or denied for the purposes of Minn. Stat. § 15.99 until the city has resolved all appeals challenging the application. *Moreno v. City of Minneapolis*, 676 N.W.2d 1 (Minn. Ct. App. 2004). According to the court, an appeal is not a request for a permit, license or other governmental approval; therefore, it does not trigger a new 60-day time period. Under this interpretation, a decision rendered by a zoning board or planning commission is not the final approval or denial of an application if the city allows an appeal to the city council.

This court decision is problematic for a couple of reasons. Forcing cities to further condense the process for considering planning and zoning applications will make it more difficult to gather public input and leave less time for thoughtful deliberation by zoning boards and planning commissions. It may also provide an incentive for cities to extend the original 60-day period in every instance in order to build-in adequate time to consider possible appeals.

The Minnesota Supreme Court recently issued another 60-day rule decision that held that an application to the Minneapolis Heritage Preservation Commission for a certificate of appropriateness was a "written request related to zoning," and therefore was subject to the automatic approval provision of the 60-day rule. *500, LLC v. City of Minneapolis*, 837 N.W. 2d 287 (Minn. 2013). This opinion creates ambiguity and uncertainty about what permit applications are subject to the law.

While the Legislature has clarified some aspects of this law, additional modifications are necessary to assist cities in providing accurate and timely responses to applicants and to allow adequate time for public input. Furthermore, as city staff and financial resources are increasingly limited, flexibility in the length of approval timeline requirements may be needed at the local level.

Response: **The Legislature should repeal or amend Minn. Stat. § 15.99. If repeal is unlikely, amendments should:**

a) **Increase the initial time limit to 90 days or have the language in Minn. Stat. § 15.99 apply as the default requirement only in cases where permitting bodies have not established an independent approval timeline;**
b) **Clarify that approval does not abrogate the need for approvals under other applicable federal, state or local requirements;**
c) **Provide appeal rights to adjacent property owners;**
d) **Clarify that, if requests are to be decided by a board, commission or other agent of a governmental agency, and the decision of the board, commission or other agent is adopted subject to appeal to the governing body of the agency, then the agency may extend the 60-day time limit to resolve the appeal; and**
e) **More clearly define that the phrase "related to zoning" refers to a traditional land use decision such as rezoning, conditional use permits, and variances.**

LE-6. Maintenance of Retaining Walls Adjacent to Public Rights of Way

Issue: The Minnesota Constitution grants cities the power to "levy and collect assessments for local improvements upon property benefited hereby." Retaining walls are one of the many improvements that a city is authorized to make on behalf of its citizens, and Minnesota's special assessment

law, Minn. Stat. ch. 429, authorizes cities to charge special assessments on properties that are benefitted by an improvement.

The Minnesota Court of Appeals held that the city of Minneapolis had a nondelegable duty of lateral support to a property owner with a retaining wall abutting a city sidewalk. *Howell v. City of Minneapolis*, 2013 WL 1707759 (April 22, 2013). A subsequent jury found that the city created the need for lateral support when it built the street and sidewalk adjacent to the property, making the city responsible for the maintenance the retaining wall, despite the fact that the property is clearly benefitted by the retaining wall.

The special assessment statute anticipates the need for cities to create retaining walls when making public improvements, and this holding could create significant costs for cities forced to repair and maintain retaining walls that benefit a single property. A choice by a developer or previous property owner to build a retaining wall to improve the value or usefulness of property may appear to be necessary today, but determining who first created the need for lateral support in the past can involve costly and time-consuming historical research that may not reveal a clear answer.

Response: **The Legislature should amend the special assessment statute so that retaining walls needed to facilitate public improvements are treated the same as other local improvements. In cases where retaining walls located along public rights of way or within drainage and utility easements separate public improvements from adjacent properties, the Legislature should establish a rebuttable presumption that the need for lateral support was created by the property owner.**

LE-7. Development Disputes

Issue: State law is clear that fees collected under Minn. Stat. ch. 462 are eligible for judicial review in the event of dispute. The Legislature recently limited the timeframe during which an aggrieved party may challenge planning and zoning fees to 60 days after approval of an application. However, the law is not clear about what notice requirements to the municipality are necessary, relative to the timing for a person aggrieved by an ordinance or decision under the municipal planning act to seek review.

Response: **The Legislature should amend Minn. Stat. § 462.361 to establish a 60-day time limitation in which an aggrieved person may bring an action against the municipality.**

LE-8. Foreclosure and Neighborhood Stabilization

Issue: Cities dedicate scarce resources to address public safety and maintenance challenges associated with foreclosed, vacant, and under-maintained homes. Left unaddressed, these properties destabilize neighborhoods, depress neighborhood property values, and potential increase the costs of municipal services. Cities' revenue also continue to decline due to delinquent utility payments and property tax payments, as well as added costs for nuisance abatements. Although the number of those mortgage foreclosures has stabilized somewhat since the peak of the recession in 2008, issues surrounding community recovery are still ongoing.

State and local governments can play an important role in spurring reinvestment in struggling neighborhoods, but without additional resources to address the variety and costly impacts of foreclosures and vacant properties, cities cannot maintain or

increase those activities to meet local needs. The federal government has provided funds for neighborhood stabilization, but such funds are limited in eligible uses and scope, and they are only available to a limited number of cities.

Contracts for deed have been used to successfully buy and sell thousands of homes around Minnesota. However, some property owners use contracts for deed as an alternative to a traditional lease, even though the purchaser has no intention of buying the home. Some communities have encountered a situation where a property owner is buying many homes in a community, then selling them on contract for deed. This can allow a person to essentially act as a landlord while evading a city's rental inspection and rental licensing process, while the buyers lose the traditional legal rights and protections as tenants. Many view it as a way to rent the property and may not be aware of it being a contract for deed.

Numerous problems arise for cities and neighborhoods when property owners are acting essentially as renters. It is difficult to determine who is responsible for maintaining the property or for paying utility bills and property taxes, and cities may not be able to inspect substandard properties if they are not subject to a lease agreement. In some situations, property owners may wish to have a renter be the responsible party for utility bills and utilize contract for deed arrangements to have the person living on the property be the responsible party. The property may also not be recorded at the county for homesteading purposes if the buyer is not aware of the formal change in ownership that results from a contract for deed.

In recent years, private equity companies have begun purchasing large numbers of single-family homes to convert to residential rental uses. The impacts of large a number of acquisitions by private equity companies on cities, housing stock, and the rental and home ownership market are not yet fully understood by local, state, and federal units of government. Possible issues that may need further exploration include proposed disposition strategies for such a large number of properties and how that may affect the local housing market.

Response: **The Legislature should:**

a) **Secure increased state and federal resources and provide financing tools to help cover city costs associated with foreclosed and /or vacant properties, community revitalization strategies, and community investment, including revenue sources for programs that support foreclosure mitigation, homeownership counseling, and expanded homeownership opportunities and are sustainable.**
b) **Allow cities to take actions necessary to protect foreclosed and/or vacant homes from damage and to help preserve property values in neighborhoods where concentrations of such conditions are present, including an expedited process to address nuisance properties.**
c) **Reexamine the Contract for Deed statutes to determine whether additional protections are necessary to prevent property owners from evading responsibilities of a landlord, and provide local jurisdictions resources to allow for education of future buyers and sellers in contract for deed arrangements.**
d) **Support local authority for cities to collect all delinquent taxes, utility bills, liens, and assessments on foreclosed, vacant, boarded and/or tax forfeited properties.**

e) **Improve notification to cities, and consistency in the information available to cities, when a property is in the foreclosure process and vacated.**
f) **Support coordinated responses to prevent foreclosures, activate and guide private investment and home purchases, and support distressed neighborhoods.**
g) **Study and monitor the impacts on the housing market of single-family home acquisition by private equity companies.**
h) **Re-enact a program similar to "This Old House" to allow owners of qualifying single-family homes or multi-unit rental properties to defer the increase in tax capacity from repairs or improvements to their homestead property as an incentive for cities to maintain housing stock, including, but not limited to re-occupying and homesteading foreclosed and vacant homes. In order to provide potential opportunities in more communities, the program's age limit qualifications for a homestead property should be updated to include properties that are at least 30 years old.**
i) **Support programs that provide resources to cities for rehabilitation or new construction of single-family homes, such as the Community Impact Fund and the Community Fix Up Program currently administered through MN Housing Finance Agency (MHFA).**

LE-9. Resources for Affordable Housing

Issue: Cities, along with local housing officials, are concerned about the need for proactive commitment at the state level to aid cities to meet demand for affordable housing that is sensitive to local conditions, emerging trends, and changing demographics. This includes meeting the needs of an aging population and ensuring a wide range of lifecycle housing options that allow seniors of all incomes to stay in their community, addressing racial disparity gaps in housing, and responding to emerging trends, such as the need to preserve naturally occurring (unsubsidized) affordable housing. The League also recognizes that federal, state and local governments all have a role to play in meeting affordable housing needs, overcoming barriers to housing stability such as high market prices, eviction, and foreclosure, and responding to problems caused by vacant homes and the increase in rental properties that are the result of foreclosure. In 2017, the Minnesota Legislature passed legislation to provide local governments with the ability to establish a local affordable housing trust fund as a tool to help meet affordable housing needs.

Since the Fair Housing Act of 1968, local government has been obligated to promote and reduce barriers to fair housing and equal opportunity. The Affirmatively Furthering Fair Housing Rule (AFFH), released in 2015 by the U.S. Department of Housing and Urban Development (HUD), is helping the region develop better strategies to address barriers to opportunity and promote fair housing choice.

Households with Section 8 housing choice vouchers face many barriers to securing housing in the private rental market, especially when rental vacancy rates are low. Currently rental vacancy rates are at a historic low in much of the state. As a result, many families and individuals may be unable to use their Section 8 housing choice vouchers and thus unable to secure safe, decent and affordable housing.

Response: **The Legislature should:**

a) **Support the affordable housing priorities of the Minnesota Housing Finance Agency (MHFA), which include making resources and methods available to maintain and improve existing affordable homes, especially housing stock that is aging such as naturally occurring (unsubsidized) affordable housing.**
b) **Provide stable and long term funding for Minnesota Housing and other affordable housing programs, including those that allow flexibility for cities to create partnerships and leverage resources with private and public entities, such as: capital investment funding for affordable and public housing, funding for supportive services and programs that address homelessness and reduce barriers to stable housing and homeownership, a state low-income housing tax credit to help rebuild the state's partnership with local governments in the development of homeownership, and multi-family rental assistance and housing renovation programs.**
c) **Consider establishing a program to address immediate needs throughout the year to provide a match for new or existing city-supported affordable housing projects. This could include matching funds, issued on a timeline that is consistent with local budgeting processes, for local revenues allocated to a local affordable housing trust fund.**
d) **Substantially increase long-term funding for the Economic Development & Challenge Fund to leverage local private and public resources to develop workforce rental and single-family homes.**
e) **Support legislation to provide sales, use, and transaction tax exemptions or reductions for development and production of affordable housing and use state bond proceeds for land banking and trusts as well as rehabilitation and construction of affordable housing.**
f) **Provide funding and financing tools to cities to create affordable senior housing for our aging population.**
g) **Provide funding and financing tools to cities to create affordable housing and prevent foreclosure for veterans.**
h) **Support for policy, programs and funding to reduce the racial gap in homeownership rates, such as targeted homeownership capacity building and homebuyer assistance.**
i) **Support resources to assist communities to reduce barriers to and promote fair housing and equal opportunity.**
j) **Support housing stability for renters through policies that mitigate the impact of or reduce evictions filed and provide additional funding for the Section 8 housing choice voucher or other rental assistance programs and financial, tax, and/or other incentives for rental property owners to participate in these programs.**

LE-10. Energy Efficiency Improvement Requirements for Housing

Issue: Rising energy costs have brought attention to the poor energy efficiency of many private residences and multi-family properties, especially in older housing stock. The affordability of housing could be severely impacted by continued increases in home energy costs. Improvements in the energy efficiency of housing would improve the affordability of local housing options and would help achieve state energy demand and greenhouse gas emission reduction

goals. The challenge is how best to achieve that result.

Legislative discussions have suggested that minimum energy efficiency improvements could be added as point of sale requirements, including energy use disclosure and basic renovations such as improved attic insulation levels, window caulking and other air sealing, or improved light fixtures.

While the goals of such a program are laudable, there are a number of concerns for how this would actually be accomplished in individual cities. Most cities do not, for example, have point of sale inspections. There will also be cases where the building could be structurally unable to meet high attic insulation requirements, such as with manufactured housing or with older houses with very little attic space. There are also concerns that the cost of meeting these energy requirements could result in homeowners being reluctant to sell their houses because of the expense of the improvements that would be required to meet new standards or property owners passing on the cost of upgrades to tenants.

Increased exposure to educational information, such as increased access to energy audits and more familiarity with and access to programs that finance energy efficiency projects could increase adoption of energy efficiency improvements. Electric utilities provide successful, cost-effective energy efficiency programs, have a customer relationship with homeowners, a regulatory requirement to meet energy demand reduction goals through conservation spending, and access to technical expertise that can take into account variations in building age and construction. Cities could, however, play a strong role in increasing public exposure to approved educational materials and providing incentives through the use of other local financing support options for property owners, such as grants, loans, a Property Assessed Clean Energy (P.A.C.E.) program, and other financing tools.

Response: **The League of Minnesota Cities agrees that there is a need to improve the energy efficiency of residential building stock to reduce energy consumption and improve the affordability and livability of housing. The state should focus its efforts on improving educational programs and on improving the use of the existing statewide Conservation Improvement Program (CIP) and similar programs, and provide property owners with technical and financial support for weatherization and energy efficiency improvements. Further, the state should work to make residential Property Assessed Clean Energy (P.A.C.E.) programs viable for local governments.**

Cities should use their communication tools, such as newsletters, web sites, and staff communications to promote these efforts and to help link property owners to educational materials and program resources. Additionally, cities could be incentivized to adopt strategies to disclose energy usage data for building owners to identify options for cost-efficient energy improvements.

LE-11. In-Home Day Care Facilities

Issue: There are restrictions on the ability of a city to regulate licensed day care facilities. Minn. Stat. § 462.357, subd. 7, states that certain licensed residential facilities and day care facilities must be considered a permitted single-family use for zoning purposes. The restriction is designed to protect “in-home” daycare facilities, but the law applies even if the facility is not the

primary residence of the day care provider. This creates a loophole for providers to use a single-family home as a commercial daycare facility, which might not otherwise be allowable under a city zoning ordinance.

Response: **The Legislature should amend Minn. Stat. § 462.357, subd. 7, to clarify that a licensed day care facility serving 12 or fewer persons is considered a permitted single-family use only if the license holder owns or rents and resides in the home.**

LE-12. Residential Programs

Issue: Minnesota's deinstitutionalization policy seeks to ensure that all people can live in housing that maximizes community integration. Minn. Stat. § 462.357, subd. 6a. states that "persons with disabilities should not be excluded by municipal zoning ordinance or other land use regulations from the benefits of normal residential surroundings." Minnesota cities support inclusion of people with and without disabilities in their communities, but these policies are best implemented with minimal encroachments on municipal zoning authority and positive working relationships between cities, care providers, and the state.

On one hand, treating persons with disabilities differently generally raises questionable issues of disparate treatment with the Federal Fair Housing Act. On the other hand, without some regulation, cities are powerless to protect individuals with disabilities from a clustering of residential programs within one neighborhood. As the Department of Justice has stated, while density regulations are generally suspect, "if a neighborhood came to be composed largely of group homes, that could adversely affect individuals with disabilities and would be inconsistent with the objective of integrating persons with disabilities into the community." (*Joint Statement of the Department of Justice and the Department of Housing and Urban Development*.)

To this end, and in upholding a state and local dispersal requirement, the Eighth Circuit Court of Appeals stated that the requirement was designed to ensure that people with disabilities "needing residential treatment will not be forced into enclaves of treatment facilities that would replicate and thus perpetuate the isolation resulting from institutionalization." *Familystyle of St. Paul, Inc. v. St. Paul*, 923 F.2d 91, 95 (8th Cir. 1991).

City authority to regulate the locations of residential programs is limited by state statute and the federal Fair Housing Act (FHA), although Minn. Stat. § 245A.11, subd. 4, prohibits the Commissioner of Human Services from granting an initial license to a residential program of six or fewer people within 1,320 feet of an existing residential program in cities of the first class.

In 2015, Minn. Stat. § 245A.11, subd. 4, was amended to clarify that the Commissioner of Human Services is required to approve licenses for "community residential settings" within 1,320 feet of existing residential programs. A "community residential setting" is commonly known as adult foster care. While this was the original intent of the legislature, statutory terms changed over the years; this amendment was to make various statutory references consistent.

Sufficient funding and oversight is needed to ensure that residents living in residential programs have appropriate care and supervision, and that neighborhoods and residents of residential programs are not negatively impacted by high concentrations of these types of programs. As it stands now, there is nothing preventing clustering of

residential programs in most cities in the state. Cities want to be part of the solution, and more than anything cities desire to be, and should be, partners in serving the policies of deinstitutionalization. Cities have an interest in, and are in the best position, to preserve a balance in residential neighborhoods between residential programs and all other uses. Because Minnesota cities are committed to inclusion of all individuals, it is in the best interest of the state, care providers, and those individuals served, that all parties include cities as partners before opening a residential program to best plan for community integration.

Response: **Cities should maintain the statutory authority to require agencies, as well as licensed and registered providers that operate residential programs, to notify the city before properties are operated. Cities should be provided with the necessary contact information after a residential program is licensed or registered. Providers applying to operate residential programs should be required to contact the city to be informed of applicable local regulations. Finally, licensing or registering authorities must be responsible for removing any residents incapable of living in such an environment, particularly if they become a danger to themselves or others.**

The Legislature should amend Minn. Stat. § 245A.11, subd. 4, to allow for appropriate non-concentration standards for all types of cities to prevent clustering.

LE-13. Inclusionary Housing

Issue: Provisions in current state statute (Minn. Stat. § 462.358, subd. 11) allowing cities to enter into development agreements for the inclusion of a portion of the units in the development to be affordable for low- or moderate-income families have been a source of conflict between cities and housing developers.

Cities are concerned builders that view this statute as a restriction on local authority to adopt policies that promote availability of housing affordable to those who are unable to purchase or rent housing at price points that the market alone provides.

Response: **The Legislature should:**

a) **Strengthen and clarify cities' authority to carry out policies that offer developers a range of incentives in return for including a designated number of affordable units in their projects.**
b) **Identify strategies to ensure long-term affordability of rental and owner-occupied housing produced as a result of such policies and practices.**
c) **Focus state housing policy to support for local assessment of housing needs and direct additional state resources and the full exercise of local authority to increase development of affordable rental units and access to entry-level, owner-occupied housing.**
d) **Support voluntary measures to encourage cities to adopt and carry out land-use plans, activities, and subdivision regulations aimed at providing for construction and marketing of housing where a portion of all new units are affordable to lower-income households.**

LE-14. Community Land Trusts

Issue: The increasing price of land available for housing development, particularly for retaining affordability of housing for lower-income households, is a concern throughout the state. Creating more permanently affordable, owner-occupied housing depends heavily on maximizing the cost-

effectiveness of taxpayer investments. The Legislature has previously appropriated funding and granted the Minnesota Housing Finance Agency authority to assist cities with funding community land trusts (CLTs) for affordable housing.

Response: **The Legislature should support continuation of the land trust capacity-building program and provide capital start-up funds so community land trusts can continue to offer gap financing, interest rate write-downs, predevelopment financing, and financial underwriting. The Legislature should also support efforts by the Minnesota Community Land Trust Coalition to develop property tax valuation to lower property taxes for sales-price-restricted properties enrolled in CLT programs.**

LE-15. Telecommunications and Information Technology

Issue: Telecommunications and information technology is essential public infrastructure for the efficient, equitable, and affordable delivery of local government services to residents and businesses. Telecommunications includes voice, video, data, and services delivered over cable, telephone, fiber-optic, wireless, and all other platforms.

Response: **The League of Minnesota Cities supports a balanced approach to telecommunications policy that allows new technologies to flourish while preserving local regulatory authority. Regulations and oversight of telecommunications services are important prerogatives for local government to advance community interests, including the provision of high quality basic services that meet local needs, spur economic development, and are available at affordable rates to all consumers. Policies should not diminish local authority to manage public rights-of-way, to zone, to collect reimbursement and reasonable compensation for the use of public assets, or to work cooperatively with the private sector. The League opposes the adoption of state and federal policies that restrict cities' ability to finance, construct, and operate telecommunications networks.**

LE-16. Broadband

Issue: High-speed Internet is essential infrastructure needed by cities to compete in a global economy. Yet many communities do not have access to broadband at affordable prices. High fixed costs, low density, and short-term return-on-investment thresholds for private sector providers contribute to the lack of broadband across the state. Investing in universal broadband access has substantial local and regional economic benefits for communities of all sizes. Cities and other local units of government are facilitating the deployment of broadband services to increase connectivity, reliability, availability, and affordability for residents and businesses through a variety of models, including municipal broadband and public-private partnerships. However, attempts have been made to restrict cities from providing telecommunications services, particularly in unserved or underserved areas. Recent court cases have overturned interpretation by the Federal Communications Commission (FCC) that states may not limit the extension of municipal broadband services from one city to another.

Due to the high costs of broadband infrastructure, the state has expanded its role to identify and formulate tools to expand broadband access. The Office of Broadband Development within the Department of Employment and Economic Development

(DEED) created in 2013 formally established a partnership between the state and local communities to deploy high-speed Internet in unserved and underserved areas. The Office supports broadband expansion through broadband mapping and managing the state's broadband grant program. Additional state action occurred during the 2016 legislative session when the legislature reestablished state speed and adoption goals under Minn. Stat. § 237.012. In addition to the state's focus on extending broadband to unserved areas, Minnesota must also be on the cutting edge for next-generation broadband investments.

Response: **To promote economic development and achieve state broadband goals, the Legislature, Governor's office, and state agencies should:**

a) **Identify and implement actions for the state to reach and maintain a position in the top five states for broadband speed that is universally accessible to residents and businesses;**
b) **Make significant investments to the Border-to-Border Broadband Grant Program and continue to encourage public/private sector collaboration;**
c) **Support measures to authorize and encourage cities and other local units of government to play a direct role in providing broadband services;**
d) **Remove barriers to the exercise of local authority to provide such services, including repeal of Minn. Stat. § 237.19, that requires a supermajority voter approval for the provision of local phone service by a local unit of government;**
e) **Offer incentives to private sector service providers to respond to local or regional needs and to collaborate with cities and other public entities to deploy broadband infrastructure capable of delivering sufficient bandwidth and capacity to meet immediate and future local needs;**
f) **Adopt policies which seek to position Minnesota as a state of choice for testing next-generation broadband technologies;**
g) **Affirm that cities have the authority to partner with private entities to finance broadband infrastructure using city bonding authority;**
h) **Remove barriers, restrict anti-competitive practices, and prevent predatory action that prevent or impede cities, municipal utilities, schools, libraries, and other public sector entities from collaborating and deploying broadband infrastructure and services at the local and regional level;**
i) **Continuously update and verify comprehensive statewide street-level mapping of broadband services to identify underserved areas and connectivity issues; and**
j) **Recognize the crucial role of local government in the work of the Governor's Broadband Task Force and fund the Office of Broadband Development to help achieve significantly higher broadband speeds and to ensure that robust and affordable Internet connectivity is widely available.**

On the federal level, the League urges Congress to adopt laws restoring the ability of municipalities to extend beyond their borders to serve unserved and underserved areas.

LE-17. Competitive Cable Franchising Authority

Issue: Despite claims made by some actors in the cable industry, studies and evidence to date do not support that state franchising is the solution for competition, lower

consumer rates, and improved customer service. Unlike the exercise of local franchising authority, state franchising models frequently make no provision for staffing at the state level or for effective resolution of consumer complaints.

The transmission of video signals, regardless of how they are transported, remains subject to local franchising authority. Maintaining local franchising most effectively creates and preserves agreements that guarantee broad access to services throughout the community, ensuring there is no digital divide for access to available additional services such as access to IP voice and high-speed Internet via infrastructure that also delivers video programming services.

Response: **State policy should maintain local cable franchise authority and oversight of the rights-of-way, as well as ensure franchise agreements reflect new technology, and are reasonably tailored to the technical and operational differences among providers and communities. Independent studies clearly demonstrate that statewide franchising does not increase direct competition to incumbent cable franchisees. In Minnesota, there are markets throughout the state with two franchised cable service providers, which is further proof that state cable franchising is neither necessary nor warranted in Minnesota.**

The Legislature, Federal Communications Commission (FCC), and Congress should also continue to recognize, support and maintain the exercise of local franchising authority to encourage increased competition between incumbent cable system operators and new wireline competitive video service providers including:

a) **Maintaining provisions in Minn. Stat. ch. 238 that establish and uphold local franchising authority, including the authority to receive a gross revenues based franchise fee;**
b) **Refraining from adopting any FCC rule changes that would restrict existing local authority to charge for and control access to public rights-of-way by all video and cable service providers;**
c) **Clarifying local authority to charge fees on providers to ensure the provision of public, educational, and governmental (PEG) programming, to require the provision of video channels and video streaming for PEG programming with video and audio quality equivalent to that of the local broadcast stations, and ensuring programming is accessible and searchable by all residents of the local authority through detailed Electronic Programming Guide listings that are equivalent to that of local broadcast stations;**
d) **Providing for continued local government access to capacity on institutional networks (I-Nets) provided by local cable system operators for public safety communications, libraries, schools, and other public institutions to use state-of-the-art network applications; and**
e) **Strengthening local authority to enforce customer service standards and transparency in pricing.**

LE-18. Right-of-Way Management

Issue: Cities hold local rights-of-way in trust for the public as an increasingly scarce and valuable asset. As demand increases for use of rights-of-way for underground wired and overhead wireless facilities and sites for wireless communications, cities must

coordinate the use of this resource among competing uses and to manage the use of PROWs for delivery of essential municipal utility services. Local management responsibilities vary and are site specific, underscoring the necessity for maintaining local authority.

Minnesota's Telecommunications Right-of-Way User Law was amended during the 2017 Session with legislation creating a separate permitting system for placement of small wireless facilities on city-owned structures in the public right-of-way. The new law clarified that wireless providers are telecommunications right-of-way users and maintained cities' right-of-way management authority, but limitations were imposed on cities' compensation through rent and timelines for processing small wireless facilities permits.

Response: **Minn. Stat. §§ 237.162-.163 worked well for many years, but Minnesota was a part of a nationwide effort by wireless providers to pass laws providing them with easier access to public rights-of-way and city-owned infrastructure. While Minnesota's law maintains more local control than those passed in many other states, the League of Minnesota Cities opposes efforts to further restrict local government authority over the public right-of-way. Furthermore, the Federal Communications Commission is undergoing review of Telecommunications Act rules and policies related to local government regulatory authority. State and federal policymakers and regulators should:**

a) **Uphold local authority to manage and protect public rights-of-way, including reasonable zoning and subdivision regulation and the exercise of local police powers;**
b) **Recognize that cities have a paramount role in developing, locating, siting, and enforcing utility construction and safety standards;**
c) **Support local authority to require reimbursement and compensation from service providers for managing use of public rights-of-way;**
d) **Maintain city authority to franchise gas, electric, cable, telecommunications and broadband services, open video systems and all other wireline programming platforms and services and to collect franchise fees and alternative revenue streams to support maintenance and management of the traveled portion of the PROW and other public services of importance to communities;**
e) **Encourage a collaborative process with stakeholders, including cities, to determine any revised standards if needed;**
f) **Recognize that as rights-of-way become more crowded, the costs of disrupting critical infrastructure become evident and the exercise of local authority to manage competing demands and ensure public safety in the PROWs becomes increasingly important;**
g) **Ensure the removal of abandoned equipment and accompanying support structures by the service providers from the public right-of-way;**
h) **Maintain the courts as the primary forum for resolving disputes over the exercise of such authority; and**
i) **Maintain existing local authority to review and approve or deny plans for installation or relocation of additional wires or cables on in-place utility poles. In the alternative, cities should have broader authority to require the underground placement of new and/or existing services at the cost of the**

utility or telecommunications provider.

LE-19. Wireless Infrastructure and Equipment Siting

Issue: Demand for wireless communication service has increased requests by private and public sector providers to site additional towers, antennas, small cells and other facilities in cities. It is anticipated that applications to install small cell wireless facilities and distributed antenna systems (DAS) will continue to grow as technology evolves over time. Despite Minnesota's new law creating a special process for the siting of small wireless facilities, maintaining cities' local zoning authority and police power to manage and coordinate the siting of these facilities continue is necessary and appropriate.

Response: **Cities must continue to exercise full authority to consider public health, safety, and welfare concerns in responding to requests to site, upgrade or alter wireless facilities. The Legislature should not place further restrictions on city authority to manage the siting of wireless facilities in the public right-of-way nor enact compensation restrictions that would result in local government subsidization of wireless providers. Furthermore, cities must have recourse to require removal by the provider of equipment deemed abandoned.**

LE-20. County Economic Development Authorities

Issue: The 2005 Legislature authorized all counties outside the metropolitan area to establish county economic development authorities (EDAs). Minn. Stat. § 469.1082 provides specificity on certain process and limitations issues. County EDA activity in areas surrounding cities will directly impact the adjacent city in terms of service provision and taxes.

Response: **The Legislature should require city approval for proposed county EDA activities within two miles of a city.**

LE-21. Local Appropriations to Economic Development Organizations

Issue: Cities and towns are allowed to appropriate up to $50,000 per year from general fund revenue to an incorporated development society or organization for "promoting, advertising, improving, or developing the economic and agricultural resources" of the city or town. The $50,000 cap has been in place since 1989 and places unnecessary restrictions on a city's ability to work with non-profit development corporations. Local governments should have the flexibility to work with outside organizations if local leaders believe it is in the best interest of their communities to do so. Such appropriations are subject to the same budgetary oversight as other government expenditures, and local elected officials are ultimately responsible to the voters for how local tax dollars are spent.

Response: **The Legislature should amend Minn. Stat. § 469.191 to eliminate or increase the cap on appropriations to incorporated development societies or organizations.**

LE-22. Workforce Readiness

Issue: It is critical for the future of our economy to prepare for new demographic trends. While population rates among communities of color are projected to increase, the unemployment rate for communities of color exceed the unemployment rate for white Minnesotans.

For example, data from the Bureau of Labor Statistics (BLS) indicate that black unemployment rates are consistently two to three times higher than the unemployment rates of white Minnesotans and studies indicate that hiring bias is a substantial factor for this disparity in unemployment rates. In addition, while early work experience is a leading predictor of future success in a workplace, recent statistics from BLS show that the youth unemployment rate for 16-19 year olds is three times that of the unemployment rate for the state as a whole.

Incumbent worker training and education must be an important component of Minnesota's efforts to improve workforce readiness. By making firms and employees more competitive, incumbent worker training can increase wages, increase employment opportunities, fill skilled worker gaps, and keep jobs and employers in their communities. The Minnesota Job Skills Partnership is one proven tool that provides training to thousands of incumbent workers each year.

Response: **The Legislature should:**

a) **Fully fund the Minnesota Job Skills Partnership and other workforce training programs administered by the Department of Employment and Economic Development, the Department of Human Services, and the various education agencies;**
b) **Provide additional flexible funding to local workforce councils, including governments and educational facilities, for the purpose of upgrading the skills and productivity of the workforce, and pursue additional creative programming and funding to prepare and place underemployed and unemployed Minnesotans, as well as address the issue of those phasing out of the workplace and retiring;**
c) **Provide additional funding for programs specifically designed to address youth employment such as career and workforce readiness programs, and employment disparities; and**
d) **Continue to support cities that provide workforce programs that are coordinated with and complement state and regional efforts by seeking municipal approval before making any changes to those service areas.**

LE-23. Business Development Programs

Issue: Programs such as the Minnesota Investment Fund (MIF), the Job Creation Fund (JCF), the Redevelopment Program, and contaminated site clean-up grants provide funding opportunities for communities and businesses to develop their local and regional economies. These well-utilized programs create infrastructure, revitalize property, and help businesses generate and expand jobs. Cities are key facilitators in the implementation of economic development strategies through land use and other policies.

Response: **The League of Minnesota Cities supports sustainable funding for the Minnesota Investment Fund and the Job Creation Fund to assist local communities and businesses in creating, growing, and retaining jobs.**

The League supports the continuation of the Minnesota Job Creation Fund by the Legislature. DEED should solicit input from cities about how best to implement the Fund, and make adjustments to the administration of the program as necessary. The League supports Department of Employment and Economic Development (DEED) studying and making recommendations on

methods to improve the geographic balance of recipients, perhaps by altering the required number of jobs created or developing other programmatic changes that allow all regions of the state to better prosper.

LE-24. Land Recycling and Redevelopment

Issue: Communities across Minnesota are faced with expensive barriers to re-using property. These roadblocks include deteriorating, obsolete, and vacant structures, and contaminated land.

Larger scale redevelopment projects often require the purchase and assembly of multiple, smaller parcels of land that are not suitable for development on their own. Cities and development authorities may need to purchase land over a period of years and hold them for later development, reducing the effectiveness of traditional financing tools that require immediate development.

Such barriers pose significant problems for cities seeking to re-use existing infrastructure, maintain and improve property tax base, provide jobs and housing opportunities, and preserve historic structures. Land recycling activities are particularly costly because significant remediation must occur before private-sector interest can be generated. Exacerbating this situation, the land recycling programs administered by the Department of Employment and Economic Development (DEED) and the Metropolitan Council programs continue to be underfunded.

Response: **In recognition of the unique needs of land recycling projects statewide, the Legislature should increase funding for the statewide redevelopment account. The League of Minnesota Cities would also support the creation of a land assembly grant or loan program to assist cities and economic development authorities assemble small parcels for redevelopment. The League supports competitive programs administered by DEED with both bonding and general fund appropriations that distribute the funds equitably between greater Minnesota and the metro area. The Legislature should continue its support and increase funding levels for state and regional programs to assist in contamination cleanup and brownfields remediation efforts.**

The State should recognize that the rehabilitation of land due to obsolescence or incompatible land uses is a component of redevelopment. The Legislature should amend the definition of redevelopment district under the TIF Act to include the obsolescence and incompatible land uses included in a renewal and renovation district, thereby providing cities with more flexible tools to address land recycling and redevelopment.

The Legislature should also revive a program similar to "This Old Shop", which would allow cities greater flexibility in targeting commercial development and redevelopment. The Legislature should consider enacting authority that would provide a tax deferral on improvements to commercial buildings, including those located in designated rehabilitation or historic preservation districts. The program's age limit qualifications should include properties that are at least 30 years old.

LE-25. Development Authority Levy Limits

Issue: Under Minn. Stat. § 469.107, § 469.033, and § 469.053, Economic

Development Authorities (EDAs), Housing and Redevelopment Authorities (HRAs) and port authority levies for economic development activities are capped. These limits can hinder the planning of future development.

Response: **The Legislature should repeal levy limits or increase the levying authority for EDA, HRA, and port authority activities in Minn. Stat. ch. 469.**

LE-26. Tax Increment Financing (TIF)

Issue: TIF is the most important tool available to fund community development and redevelopment efforts. Over time, the TIF law has become increasingly complex as the Legislature seeks to provide cities with the resources to grow the state's economy while maintaining limits on the use of property taxes. Cities need greater flexibility to use TIF for community and economic development that support a city's residents and businesses. Further restrictions of TIF would render the tool less effective and will hinder local efforts to support job creation, housing, redevelopment and remediation.

One component of the redevelopment TIF law (Minn. Stat. 469.174, subd. 10) requires that more than 50 percent of the buildings in a proposed redevelopment district be deemed "structurally substandard to a degree requiring substantial renovation or clearance" before a district can be established. This makes small districts with two properties particularly difficult to establish.

Response: **The Legislature should not enact future TIF law restrictions, rather the Legislature should:**

a) **Amend Minn. Stat. § 469.1763, subd. 4, to clarify that tax increment pooling limitations are calculated on a cumulative basis.**
b) **Modify Minn. Stat. 469.174, subd. 10, to allow a redevelopment district to be established where only 50 percent of the buildings are required to be structurally substandard to a degree requiring substantial renovation or clearance.**
c) **Clarify that expenditures for the necessary maintenance of properties within TIF districts are an allowable use of tax increment under Minn. Stat. § 469.176, subd. 4;**
d) **Allow term extensions for redevelopment districts which are taking longer to develop;**
e) **Amend Minn. Stat. § 469.1763, subd. 3, to eliminate the "Five-year Rule" for districts that are taking longer to develop;**
f) **Amend Minn. Stat. § 469.174, subd. 25, to provide time limits on the "deemed increment" created by land sales, leases and loans, and allow authorities greater flexibility in the use of lease revenues to fund ongoing operations;**
g) **Expand the use of TIF to assist in the development of technological infrastructure and products, biotechnology, research, multi-modal transportation and transit-oriented development, restoration of designated historic structures, non-retail commercial projects, and non-wetland areas where unstable/non-buildable soils exist;**
h) **Increase the ability of TIF to facilitate redevelopment and housing activities;**
i) **Modify the housing district income qualification level requirements to allow the levels to vary according to individual communities;**

j) **Encourage compact development and consider reauthorization of compact development TIF districts with modifications to increase their effectiveness;**
k) **Discourage any statutory mechanisms that directly or indirectly decrease the impact of city redevelopment and economic development projects;**
l) **Simplify the substandard building test to resolve ambiguities and reduce the continued threats of litigation;**
m) **Create an exception to the interfund loan resolution requirement in Minn. Stat. 469.178, subd. 7, to authorize the development authority to delegate to a staff person the ability to set the terms and conditions of an interfund loan.**
n) **Amend the definition of redevelopment district under the TIF Act to include the obsolescence and incompatible land uses included in a renewal and renovation district, thereby providing cities with more flexible tools to address land recycling and redevelopment.**

LE-27. Property Tax Abatement Authority

Issue: In an effort to increase the number of development tools available, the 1997 Legislature authorized local units of government to grant property tax abatements. Although tax increment financing (TIF) continues to be the primary financing mechanism for local development projects, tax abatements provide cities with an important, additional economic development tool. Recognizing the need for municipal development tools, the 2008 Legislature expanded the abatement authority by converting the limit on abatements from ten percent of the current tax levy to ten percent of net tax capacity. In order to provide maximum benefits and recognize local decision-making, tax abatements should have less restrictive funding caps, financing terms, and authorized uses.

The tax abatement law requires that a political subdivision may only approve an abatement after holding a public meeting with a minimum of 10 days published public notice. When more than one political subdivision abates property taxes for a development project, there must be separate notices and hearings for each subdivision. This requirement can be particularly burdensome for programs designed to develop multiple properties over an extended period of time. If one political subdivision could be designated as the lead entity for purposes of the notice and hearing requirements, such projects could be made more efficient without sacrificing public transparency.

Property tax abatements should not be considered a replacement for TIF.

Response: **In light of current economic conditions existing property tax abatement authority should be strengthened. The Legislature should:**

a) **Expand the abatement authority to allow abatement revenues to be used for economic development activities such as workforce readiness and assistance programs, and technology infrastructure improvements;**
b) **Develop a state fund to facilitate state participation in abatement projects;**
c) **Increase funding caps and duration limits; and**
d) **Amend Minn. Stat. § 469.1813, subd. 5, to create a streamlined notice and hearing requirement for multi-jurisdictional tax abatement projects.**

LE-28. Revisions to the OSA Audit Function

Issue: Pursuant to Minn. Stat. § 469.1771, the Office of the State Auditor (OSA) is responsible for tax increment financing (TIF) oversight. As part of its review of TIF districts, the OSA identifies alleged violations of the TIF laws and issues noncompliance notices to TIF authorities. In recent years, a number of cities have received letters of inquiry from the OSA that raise questions about practices long-accepted by the OSA or limit statutory definitions that have not been amended by the legislature for over a decade. The audit power in Minn. Stat. § 469.1771 is necessary to ensure that individual cities comply with the TIF statutes, but is not effective in clarifying the legislative intent of the TIF statutes.

In addition, the TIF statute requires that authorities respond to noncompliance notices within 60-days of receiving the notification. There is no deadline for the OSA to respond, and authorities often do not receive timely responses on the matter from the OSA. Government agencies typically have response-time deadlines, and it is appropriate for the OSA to respond by a time certain to provide finality to the audit process. Any final disposition notice must be clear about the final disposition of the matter.

Finally, the statutory audit enforcement process does not create an environment where these policy questions can be fairly and sufficiently resolved. County attorneys lack the resources to prioritize TIF disputes and lack the subject matter expertise needed to analyze the merits of the OSA's audit findings. This results in excessive deference granted to the OSA's original audit findings. Faced with the potential loss of increment, payment of attorney fees, and small likelihood of success on the merits, cities often acquiesce to the OSA to save time and money.

Response: **The League of Minnesota Cities believes there should be a more defined process to establish rules or guidelines for TIF authorities with adequate input from local government officials and public finance professionals prior to their adoption.**

In the event that the OSA determines to issue a final noncompliance notice to a TIF authority, the Legislature should require the OSA to issue the notice within 60 days of receiving the authority's response. Any final noncompliance notice should contain the OSA's final position on the matter, the date upon which it forwarded the matter to the county attorney, and the next steps that are required to be taken according to state law. Upon expiration of the 60-day period, the authority should be deemed to be in compliance with the TIF laws if no final noncompliance notice is received.

In order to ensure a fair process to resolve disputes over TIF findings of the OSA, the Legislature should consider whether the authority to resolve such disputes should be shifted from county attorneys to the Office of Administrative Hearings.

LE-29. OSA Time Limitations

Issue: The Office of the State Auditor (OSA) has the authority to issue noncompliance notices for every existing tax increment financing (TIF) district in the state for alleged violations of the TIF laws. This authority extends retroactively to the inception of the district. Accordingly, TIF authorities can receive noncompliance notices for alleged violations that occurred

20 or more years ago. Often, staff and record-keeping procedures have changed, and TIF authorities find it difficult to reconstruct the past in order to identify and remedy these situations. Similarly, the OSA claims the authority, based on the state's records retention schedule, to audit TIF districts for up to 10 years after decertification, which requires cities to expend staff resources to maintain files and a working knowledge of old districts for an unreasonable period of time.

Response: **A reasonable timeframe within which alleged violations are identified should be established. The Legislature should reasonably restrict the OSA's ability to issue noncompliance notices to the six-year period prior to the notice's issuance date. The Legislature should also require the OSA to conduct any audits on decertified districts within one year of decertification.**

LE-30. Workforce Housing

Issue: Job creation is one of the fundamental goals of economic development. When employers create new jobs through expansion or relocation there must be sufficient housing in the host community for the new workers and their families to live. In rural communities, a lack of housing stock for new workers can prevent a planned expansion or relocation, hampering job growth and economic development. The economics of building a housing development in greater Minnesota communities makes private development difficult, and workers with higher paying jobs do not qualify for traditional affordable housing. This housing gap can bring development and job growth in a community to a halt.

In 2014, at the urging of cities through Minnesota, the Legislature created a workforce housing pilot program for three cities in Roseau and Pennington Counties. In 2015 the Legislature passed League-sponsored legislation that created the workforce housing development program and appropriated $4 million to the Department of Employment and Economic Development (DEED) to administer the program. Once grant awards from DEED were made, prevailing wage requirements, construction costs, and land prices have shown to lessen the effectiveness of creating more workforce housing units. It is important to ensure the appropriate resources and process exist for the Department of Labor and Industry (DLI) to determine representative and accurate prevailing wage amounts in different areas across the state.

The 2017 Legislature approved funding for the Workforce Housing Grant Program at $2 million each year. The program was moved from DEED to be administered by MN Housing Finance Agency (MHFA) in Minn. Stat. 469A.39 with a change in qualifications that gives preference to cities under 30,000 population (rather than 18,000 previously).

The 2017 Legislature also approved a new use of TIF authority for workforce housing (Minn. Stat. § 469.174-176). In addition to requirements under Minn. State. 469.175, subd. 3, county and school boards must approve the TIF plan before it is enacted and the authority sunsets in 2027. These additional requirements specific to workforce housing TIF districts put additional barriers on workforce housing development and does not fully recognize the role of cities as the typical lead government entity on housing projects. Minn. Stat. § 469.175, subd. 2, currently requires cities to provide the county auditor and clerk of the school board with the proposed TIF plan and an estimate of the

fiscal and economic implications of the proposed TIF district at least 30 days before the public hearing required by Minn. Stat. § 469.175, subd. 3. The county auditor and school board shall provide copies of these TIF plan materials to members of their boards. These current requirements provide sufficient notice to taxpayers and other government entities about proposed TIF districts.

Response: **The League of Minnesota Cities supports additional tools for local communities to develop workforce housing:**

a) **MHFA should solicit input from local communities to ensure that the goals of the Workforce Housing Grant program are met, and MHFA should award funds to eligible projects as quickly and efficiently as possible;**
b) **The Legislature should increase funding to the Housing and Job Growth Initiative to aid housing in support of job growth, and amend Minn. Stat. § 462A.33 to eliminate or increase the maximum income levels for participation in the program; and**
c) **The Minnesota Housing Finance Agency should make administrative changes to the Housing Challenge Grant program to streamline the application process, reduce the per-unit cost of constructing affordable housing, and increase the construction of affordable rental units at 80% of median income and owner-occupied units at 115% of median income, as currently allowed by state and federal law; and**
d) **The Legislature should pass legislation creating a workforce housing tax credit to spur development of workforce housing.**
e) **The Legislature should scale the workforce housing grant program to account for the additional cost associated with the prevailing wage requirements.**
f) **The Legislature should eliminate the provision in Minn. Stat. § 469.175, subd. 3, that requires the county board and school board to approve a workforce housing TIF plan before it is enacted and the Legislature should also eliminate the sunset of the workforce housing TIF authority.**

LE-31. Development Along Transit Corridors

Issue: While the establishment of transit lines and corridors provide the impetus for economic development, there are limits to existing development tools that hinder full development of transit corridors. For example, acquisition of land outside of the line but within the corridor can be difficult, and current tools are not well-suited for the creation of public spaces, enhancement of infrastructure, and investments such as parking ramps that are necessary components of a transit-oriented development plan.

In 2008 the Department of Employment and Economic Development (DEED) was authorized to establish Transit Improvement Areas, which should complement long-term transportation planning initiatives such as MAP-21 and Minnesota GO. Transit Improvement Areas include parcels of land that are located in part within one-half mile of a transit station. A transit station is defined as a physical structure or designated area which supports the interconnection of various transportation modes, including light rail, commuter rail and bus rapid transit, and which promotes and achieves the loading, discharging and transporting of people. The commissioner of DEED may designate a Transit Improvement Area if it will increase the effectiveness of a mass transit project by

incorporating one or more modes of public transportation with commercial and housing development, as well as providing a clean and pleasant place for pedestrian use. DEED has designated over 50 Transit Improvement Areas; all but two are located in the seven-county metropolitan area. Although the language passed and was signed into law by the governor (Minn. Stat. § 469.35), there was no funding put into place to implement the new program.

Response: **The League of Minnesota Cities urges the Legislature to increase the ability of traditional economic development tools, including tax increment financing, tax abatement, and special service districts, to address the needs of transit-oriented development. The League encourages the Legislature to appropriate bonding and general fund dollars for revolving loans and grants to fund the TIA program. Additionally, the Legislature should consider adding park and ride facilities to the list of qualifying transportation modes, as defined in Minn. Stat. § 469.351. Because the majority of the DEED-designated Transit Improvement Areas are currently located in the seven-county metropolitan area, increased funding for this program will not be balanced between greater Minnesota and the metro area. Additional funding for this program should not change the overall balance of state funding between greater Minnesota and the seven-county metropolitan area.**

LE-32. Public Infrastructure Utilities

Issue: Successful economic development efforts and community stability are dependent upon a city's ability to make infrastructure investments. Current infrastructure funding options available to cities are inadequate and unsustainable. Funding pressures have been exacerbated by levy limits, unallotment and reductions in the local government aid and market value homestead credit programs. The existing special assessment law, Minn. Stat. ch. 429, does not meet cities' financing needs because of the special benefit requirement. The law also requires a bond election unless a minimum of 20 percent of such a project can be specially assessed against affected properties due to the increase in fair market value or "benefit" from the project. In practice, however, proof of increased property value to this degree of benefit can rarely be proven from regular repair or replacement of existing infrastructure such as streets or sidewalks. Alternatives to the Minn. Stat. ch. 429 methods for financing infrastructure improvements are nearly nonexistent.

The Legislature has given cities the authority to operate utilities for waterworks, sanitary sewers, and storm sewers. The storm sewer authority, established in 1983, set the precedent for a workable process of charging a use fee on a utility bill for a city service infrastructure that is of value to everyone in a city. Similar to the storm sewer authority, a transportation or sidewalk utility would use technical, well-founded measurements and would equitably distribute the costs of local infrastructure services.

Response: **The Legislature should authorize cities to create, as a local option, additional utilities such as a transportation or sidewalk utility, that ensure funding for the maintenance of these public amenities. Additionally, whether established as a new chapter of law or added to the list of service charges in Minn. Stat. § 429.101, cities should be able to impose service charges against property to ensure the maintenance and safety of the right of way for all**

Minnesotans without having to prove an increase in fair market value or having to determine whether those contributing to the utility fund are taxable or tax-exempt. Such authority would acknowledge the effects of repeated levy limits and the general funding shift from the state to local governments for building and maintaining necessary infrastructure; the benefits to all taxpayers of a properly maintained public infrastructure; and, the limitations of existing special assessment authority.

LE-33. Adequate Funding for Transportation

Issue: A well-coordinated state transportation policy utilizing all modes of transportation in moving passengers and freight will enhance the state economic development of new and expanding business as well as foster additional tourism opportunities.

Response: **More resources must be dedicated to all components of the state's transportation system, and local units of government must have access to resources and funding tools to meet growing needs. The League of Minnesota Cities supports:**

a) **Development of a comprehensive state transportation policy which provides an environment where all modes of transportation (motor, rail, air, water and pipeline) complement each other in moving passengers and freight within the state.**
b) **A dedicated and sustainable state revenue source for non-municipal state aid city streets.**
c) **The Statewide Transportation Plan 2009-2028 developed by the Minnesota Department of Transportation (MnDOT).**
d) **MVST distribution of 60 percent for roads and bridges and 40 percent for transit.**
e) **A permanent increase in the gas tax.**
f) **Indexing of the gas tax, provided there is a limit on how much the tax can be increased for inflation in a given amount of time.**
g) **Increases in vehicle registration taxes (tab fees).**
h) **Trunk highway bonding provided the Legislature implements reasonable restrictions on the amount of debt service the state will incur, and provided the Legislature appropriates funding to assist with local costs related to projects funded with trunk highway bonds.**
i) **General obligation bonding for local roads and bridges, particularly for routes of regional significance.**
j) **A sales tax increase dedicated to transportation.**
k) **Funding to assist cities burdened by cost participation responsibilities imposed by improvement projects on the state's principal arterial system and on the county state aid highway (CSAH) system.**
l) **Funding for transportation components of economic development and redevelopment projects.**
m) **Full funding for all components of state highway projects, including related stormwater management systems, through state sources.**
n) **Funding to build roads to standards that can accommodate the year-round transport of heavy loads.**
o) **A sales tax exemption for materials purchased for state and local road, bridge, sidewalk, trail and transit construction projects.**
p) **Authority for cities to impose development impact fees for transportation infrastructure.**

q) **Local funding options that would allow cities to raise revenues for roads, bridges, sidewalks, trails, and transit.**
r) **Expanded use of alternative revenue sources such as MnPASS and other tolling mechanisms for funding of maintenance and construction (where feasibility studies indicate the program is appropriate).**

LE-34. Turnbacks of County and State Roads

Issue: As road funding becomes increasingly inadequate, more roads are being "turned back" to cities from counties and the state.

Response: **Turnbacks should not occur without direct funding or transfer of a funding source. A process of negotiation and mediation should govern the timing, funding, and condition of turned-back roads. Agreements should be negotiated and finalized before work on a project requiring a turnback begins. City taxpayers should receive the same treatment as township taxpayers. The requirement for a public hearing, standards about the conditions of turnbacks, and temporary maintenance funding should also apply to county turnbacks to cities. At a minimum, roads that are proposed to be turned back to a city government should be brought up to the standards of the receiving government, or that city should be compensated with a direct payment. Direct funding should be provided for smaller cities that are not provided with turnback financing through the municipal state aid system.**

LE-35. MnDOT Rights-of-Way Maintenance

Issue: Maintenance of property, including government property and facilities, is important to public safety and to the image of Minnesota cities. Cities are acutely aware of the responsibility they have for enforcing property maintenance codes pertaining to grass mowing, noxious weed abatement, the placement of trash in yards and fence maintenance.

Minnesota has many miles of highways that run through cities. In recent years, the Minnesota Department of Transportation (MnDOT) has cut a substantial percentage of its rights-of-way management staff. The cuts have resulted in reduced maintenance along some corridors and on parcels acquired by MnDOT for transportation purposes. Specifically, MnDOT has reduced the frequency of mowing, litter collection, noxious weed abatement, graffiti abatement and repair of fences and guard rails. This maintenance reduction has created public safety concerns, undermined efforts to keep corridors attractive and presented challenges for communities working to promote economic development.

Response: **MnDOT must maintain state rights-of-way and parcels acquired by MnDOT for transportation purposes located within city limits in a manner consistent with local ordinances governing the upkeep of private property when requested by the city. Alternatively, MnDOT should reimburse Minnesota cities for the labor, supplies, and equipment necessary to maintain state rights-of-way to meet city standards and/or minimize public safety hazards. The Legislature must provide MnDOT with adequate funds to maintain state rights-of-way.**

LE-36. Funding for Non-Municipal State Aid City Streets

Issue: Minnesota has over 141,000 miles of roadway, and more than 22,500 miles—or 16 percent--are owned and maintained by Minnesota's 853 cities.

The Minnesota Constitution limits eligibility for dedicated Highway User Tax Distribution Fund dollars to up to twenty percent of streets in cities with populations over 5,000 (147 of 853 cities). This means almost 85 percent of municipal streets are ineligible for municipal state aid (MSA) funds and must be paid for with property taxes and special assessments. Funding challenges are compounded by city cost participation requirements in state and county highway projects, which divert resources from city-owned streets.

Recognizing the unique street funding needs in cities under 5,000 population, the 2015 legislature created the Small Cities Assistance Account (Minn. Stat. § 162.145). Funds in the account are distributed through a formula to all cities under 5,000 population for street maintenance and reconstruction. Unfortunately, funding for the account was only provided for one year.

Maintenance costs increase as road systems age, and no city--large or small—is spending enough on roadway capital improvements to maintain a 50-year lifecycle. For every one dollar spent on maintenance, a road authority--and therefore taxpayers--save seven dollars in repairs. According to a report released in late 2012 by the governor's Transportation Finance Advisory Committee, cities collectively need an additional $400 million per year to bring city streets up to an economically competitive standard.

Response: **City streets are a separate but integral piece of the network of roads supporting movement of people and goods. Cities need greater resources and flexible policies in order to meet growing demands for street improvements and maintenance. The League of Minnesota Cities supports:**

a) **A dedicated and sustainable state funding source for non-MSA city streets in large and small cities statewide;**
b) **enabling legislation that would allow cities to create street improvement districts (similar to sidewalk improvement districts already allowed under Minn. Stat. § 435.44); and**
c) **the creation of a new fund within the Local Road Improvement Program that would provide grants to cities burdened by cost participation requirements related to trunk highway and county state-aid projects.**

LE-37. Complete Streets

Issue: There is increasing public support for the reform of local street design policies to make streets safer for pedestrians, cyclists and neighborhood residents.

Response: **The League of Minnesota Cities supports reforms in state design guidelines for local streets that would give cities greater flexibility to safely accommodate all modes of travel, including walking and biking. The state should also provide incentives such as grants to local units of government working to advance complete street projects. Crosswalks and Safe Routes to School projects should be eligible for incentives.**

The League opposes state imposed unfunded mandates that would increase

the costs of building streets in contexts where facilities for cyclists and pedestrians are unnecessary or inappropriate.

LE-38. Safe Routes to School Grants Management

Issue: The Safe Routes to School (SRTS) Program provides funding support for capital projects that promote and encourage more students to walk or bicycle to school by making the school routes safer and more accessible.

The following are some types of SRTS infrastructure improvement grants that are provided by the state and offered through the Minnesota Dept. of Transportation (MnDOT):

- School site improvements: secure bicycle parking facilities, traffic diversion improvements, and Americans with Disabilities Act (ADA) improvements;
- Pedestrian facilities: new sidewalk, sidewalk gap closures, and related ADA improvements;
- Bicycle facilities: bicycle trails, separated multi-use or shared paths and related ADA improvements; and
- Traffic calming and crossing improvements: curb extensions, speed humps, median refuges, enhanced crosswalk markings, timed on/off beacons, vehicle feedback signs (dynamic speed signs), and other traffic control devices.

Cities that receive municipal state aid (MSA)--those with populations above 5,000--may apply for and administer their own SRTS grants. Non-MSA cities, even those with a city engineer on staff or contract, must rely on the county to manage any grant funds secured as well as to approve the project design. In some cities, this requirement has led to project delays and disputes with counties over project design and delivery.

Response: **The League of Minnesota Cities supports changes to MnDOT rules to allow small cities that have the capacity to manage SRTS grants and projects to do so without county approval.**

LE-39. Railroads

Issue: Railroads impose far-reaching and long-term impacts on communities. The impact of railroads on communities has become more pronounced in Minnesota as the number and length of trains have increased due to frac sand and crude oil entering the state by rail to and from North Dakota. While railroads often support economic activity and can relieve pressure on roadway and bridge infrastructure, they also bring noise, environmental impacts and safety challenges. Below are some of the concerns cities have raised about railroads:

a) Local public safety personnel are underequipped to respond to a potential derailment of a train carrying hazardous materials such as crude oil or nuclear products.
b) The cost-share ratio related to roadway crossing improvements is borne disproportionately by the public sector. Some estimates are 80 percent public to 20 percent private funding, regardless of the public entity's ability to pay or whether service is provided within the community. Funding has not kept pace with the growing need for grade separations.
c) Legislation brought by the railroad industry that would exempt railroads from stormwater fees and assessments and shift the cost of complying with

stormwater management to other property owners.

d) The financial burden is faced by the public sector to deal with mitigation improvements, a cost that the Surface Transportation Board (STB) is not requiring the private sector to pay.
e) At-grade crossings are blocked by both long moving trains and by trains that stop and remain stopped, sometimes for hours at a time. Blocked crossings delay motorists and sometimes prevent passage of emergency vehicles.
f) Difficulty and expense of imposing and enforcing whistleblowing ordinances.
g) Unabated graffiti on railroad cars and structures.
h) Pre-emption of local and state authority to regulate railroad activities.

Response: **The League of Minnesota Cities opposes legislation and policies that disproportionately shift authority, costs and/or liability away from railroad companies and onto other entities. The railroad industry, along with state and federal government, must:**

a) Adequately mitigate the negative impacts of railroads on communities;
b) Allow local governments to enforce the existing law regarding the maximum time a crossing may be blocked;
c) Allow local governments to enforce whistle-free zones;
d) Impose and implement safety standards that are in the best interest of the public, including requiring every train that is carrying freight to be operated with a crew of at least two crewmembers;
e) Equip and train local public safety officials to respond to potential catastrophic rail incidents;
f) Develop plans and identify funding sources for more grade separations between railways and roadways; and
g) Require railroad companies to provide a direct emergency response telephone number for city first responders (police, fire & ambulance) to call when an at-grade crossing is blocked, and the emergency services need this crossing immediately unblocked to continue their response.

The public sector should not incur the costs of improvements sought by the private sector, and cities should not be required to fund most of the cost of crossing repairs or improvements. The federal government must exercise greater oversight of the STB to ensure fair and equitable solutions are reached when dealing with cities in Minnesota. Finally, the Minnesota Department of Transportation's (MnDOT's) Office of Freight and Passenger Rail should advocate on behalf of local communities when conflicts between cities and railroad entities arise.

LE-40. Airport Planning and Funding

Issue: Airports are an essential component of Minnesota's transportation infrastructure. Airports in the State of Minnesota serve important gateway to the region, the nation, and global markets. They serve as a primary access point to our national airport system. The Minneapolis St. Paul International Airport (MSP) is critical to the movement of people and goods in and out of the state and even with all the planned improvements, it will eventually reach its capacity. The state needs to implement a long-term strategy to make better use of other airport facilities and existing resources, reduce environmental impacts, and achieve sound and sustainable economic growth throughout the state.

Aviation planning is a multi-layered effort with different levels of responsibilities. Currently, the State Airports System Plan is put together by MnDOT with individual pieces developed by the Federal Aviation Agency (FAA), Metropolitan Council (MC), and Metropolitan Airports Commission (MAC). Aviation planning could be improved by a more unified statewide effort and coordination of the various aviation strategies through creation of an oversight body.

Minn. Stat. § 360.017 establishes the State Airport Fund and authorizes the Minnesota Department of Transportation (MnDOT) Office of Aeronautics to support cities, counties and townships in the planning, development, maintenance and safe operation of public airports. In recent years, in order to help balance the state's budget, the Legislature transferred funds from the State Airport Fund to the General Fund. Although the borrowed funds were eventually repaid in full, efforts to preserve and improve the quality of airports throughout the state were hindered by the unavailability of these revenues.

The Minnesota Council of Airports (MCOA), a membership organization for airport authorities and municipal entities who own airports, has led efforts to bring stakeholders together. Most recently, the MCOA established the State Airports Fund Committee to work with the MnDOT Office of Aeronautics to discuss and advise future management practices of the State Airport Fund.

Response: **The state needs a higher degree of integration of agencies (FAA, MnDOT, MC, and MAC) and communities related to aviation planning. The League of Minnesota Cities supports the collaborative efforts initiated by the MCOA and supports the development of a statewide airport advisory board, which could provide input, review and make recommendations to assist in development of a comprehensive statewide State Airports System Plan.**
The state needs to make planning and investment decisions that will maximize the potential for airports to become economic development centers that provide access to domestic and global marketplaces. Investments in airports allow existing businesses to remain and grow, help attract new businesses, increase employment, and lower product and service costs for the benefit of the region.
Finally, the Legislature should not authorize shifting of dedicated State Airports Fund dollars to resolve general fund deficits.

LE-41. Airport Safety Zones

Issue: The field of aeronautics is regulated generally by Minn. Stat. ch. 360 and Chapter 8800 of the Minnesota Rules. Land use safety zones and other public airport zoning standards are established in Minnesota Rules Chapter 8800.2400, and are adopted by local airport zoning regulations that are submitted to the Minnesota Department of Transportation (MnDOT) commissioner for review and approval before adoption. Airport safety zones are intended to restrict land uses that may be hazardous to the operational safety of aircraft using the public airport, and to protect the safety and property of people on the ground in the area near the public airport.

While some of the provisions included in the Minnesota Rules are required by the Federal Aviation Administration (FAA), other provisions go well beyond the federal requirements. In some cases, the Minnesota Rules do not make sense for the community served by a public airport.

Finally, in some cases airports cross multiple municipal jurisdictions. Neither state law nor Minnesota Rules provide powers for joint airport zoning boards. These boards could be useful in resolving interjurisdictional issues involving airport planning, development, funding and zoning.

Response: **The League of Minnesota Cities supports efforts to protect the safety and property of people living and working near public airports. The League also recognizes that the Minnesota Rules related to public airport zoning standards exceed the FAA's and other states' standards and, thus, needlessly infringe on local control. The League supports changes to Minnesota Rules pertaining to airport zoning standards that will more closely align Minnesota's Rules with those in other states, while at the same time retaining local authority to be more restrictive than the Minnesota Rules. The League also supports changes to Minnesota Statutes and Minnesota Rules that would authorize powers for joint airport zoning boards so issues related to funding, staffing, and authority to enforce ordinances can be resolved at the local level.**

HUMAN RESOURCES & DATA PRACTICES

HR-1. Personnel Mandates and Limits on Local Control

Issue: Many state laws increase the cost of providing city services to residents by requiring city governments to provide certain levels of compensation or benefits to public employees, by specifying certain working conditions, or by limiting city governments' ability to effectively manage their personnel resources. For instance, existing state laws limit governments' ability to effectively address incompetence or misconduct of city employees by specifying certain procedures or standards of conduct that cities must follow. Several laws are potentially contradictory and force local governments to choose which one to follow.

Response: **Any new legislation and changes to existing legislation should meet the following goals:**

a) **Recognize the need for local decision-making authority by local elected officials with regard to the terms and conditions of employment for local government employees (e.g., allow local elected officials to determine employee compensation, employee recognition, and to make employee benefit decisions.**
b) **Provide funding that pays the full costs of any mandated employment-related expenditures.**
c) **Avoid and eliminate expensive and time-consuming duplicative legal protections and processes for public employees.**
d) **Eliminate contradictory existing laws regarding public employment.**
e) **Eliminate mandates for local government employers that are not imposed upon the state as an employer.**
f) **Use the collective bargaining process established by state law, rather than legal mandates, to determine benefits for employees covered by collective bargaining agreements.**

HR-2. Earned Sick and Safe Time

Issue: In recent years, there have been legislative proposals to require employers to provide "earned sick and safe time" affording employees one hour of sick and safe time for every 30 hours worked. Cities recognize their employees for their dedication to public service and currently provide a wide variety of excellent benefits to their employees and prioritize the health and well-being of staff. Benefits include paid time off for most staff who are required to be enrolled in the Public Employee Retirement Association (PERA) (Minn. Stat. § 353.01, subds. 2a, 2b). In developing leave and benefit policies, cities must be mindful of the cost to citizens for programs, much of which are driven by staff compensation and benefits.

Response: **To avoid significant cost increases and to provide clarity, the Legislature should use the same eligibility requirements for public employees outlined in state statute for PERA participation if a mandatory sick and sick and safe time program is enacted by the Legislature.**

HR-3. Pay Equity Compliance

Issue: In 1984, the Legislature passed the Local Government Pay Equity Act to eliminate sex-based wage disparities in public employment. The Act requires each local government to submit reports of its pay

structure to the state's Pay Equity Compliance Coordinator within the Department of Management and Budget. The data is then subject to analysis to determine if there are inequities in the city's pay structure. Since its passage, the administrative rules implementing the Act have not substantively changed.

Response: **The League of Minnesota Cities supports the Local Government Pay Equity Act, and seeks to partner with the Legislature and the state's Pay Equity Compliance Coordinator to update and improve the current system so that cities can more efficiently and effectively fulfill the mandated reporting requirements. Local governments and the state should:**

a) **Explore and document problems individual local governments are experiencing, and evaluate whether the problems are widespread and if they can be resolved administratively;**
b) **Evaluate the reporting process, and make recommendations for improvement as needed;**
c) **Review the methodology for analyzing pay equity data; and**
d) **Evaluate the process by which cities receive notification of reporting requirements and compliance issues and make recommendations for improvement as needed.**

HR-4. Public Employment Labor Relations Act (PELRA)

Issue: The League of Minnesota Cities supports the purpose of the Public Employment Labor Relations Act (PELRA) to balance the rights and interests of public employees, public employers, and the general public. However, certain changes are necessary to assist public employers in implementing this law. For example, current definitions of "public employee" are confusing and difficult to manage. In addition, the arbitration process has produced decisions that are contrary to the interests of the public, and the legal standard for overturning arbitration decisions is very difficult to meet. Also, recent interpretations of Minn. Stat. § 179A.25 (independent review of non-union employee grievances) has created uncertainty and confusion in the longstanding judicial process used by courts to review city council administrative decisions, particularly employment termination decisions of non-union employees.

Response: **Minn. Stat. ch. 179A should be modified to:**

a) **Change the definition of "public employee" under PELRA by removing the existing 14-hour/67-day requirement and replace it with a definition in which employees must work more than an annual average of 20 hours per week.**
b) **Exclude temporary or seasonal employees, as well as unpaid volunteers, from the PELRA definition of public employee in Minn. Stat. ch. 179A.**
c) **Provide different options for accessing arbitrators and utilizing the arbitration process in order to "address inequities" between union and management representatives.**
d) **Allow public employers to bypass mandatory arbitration required under PELRA and directly access the district court system in situations where an employee is being terminated for gross misconduct (e.g., sexual harassment, sexual abuse, theft or a felony conviction) that is related to the employee's position with the public employer.**
e) **Repeal Minn. Stat. § 179A.25 or, in lieu of repeal, exclude employment**

terminations from Minn. Stat. § 179A.25; require a 60-day timeframe for filing a petition for review of a grievance under Minn. Stat. § 179A.25; and clarify that decisions of Bureau of Mediation Services (BMS) under this section are non-binding and merely advisory.

HR-5. Public Employment Relations Board

Issue: Dating back to the 1970's, Minnesota had a Public Employment Relations Board (PERB) in place, but over time, its responsibilities were changed and reassigned to another bureau. Until the reemergence of the PERB in 2014, unfair labor practices (ULPs) actions could be brought in Minnesota District Courts through injunctive relief. In 2014, the Legislature recreated PERB to hear ULPs filed by employees, employers and labor unions under the Public Employment Labor Relations Act (PELRA). The board was created in Minn. Stat. ch. 179A and after receiving initial funding, the board has yet to be fully funded or operational. Much of the current statutory language regarding implementation should be amended to ensure the PERB operates successfully and efficiently for both public employees and employers.

Response: **The League of Minnesota Cities supports the structure and process to address ULPs that was utilized before the reestablishment of the PERB in 2014. If the PERB is implemented fully and funded sufficiently, the League of Minnesota Cities encourages the Legislature to make the following changes:**

a) **Create statutory authority for the PERB to establish a fee-based structure for filing ULPs and to pay for hearing officers, with costs to be shared by employers and authorized representatives;**
b) **Allow the PERB to defer to the decisions made by an arbitrator to prevent duplicative litigation on the same issue; and**
c) **Amend the Minnesota Government Data Practices Act and the Open Meeting Law to properly maintain the integrity of the hearing process.**

HR-6. Payment of Arbitration Fees

Issue: Like other employers, cities must sometimes make difficult employment decisions and uphold certain principles in order to best serve the public. In a union environment, grievance arbitration is generally used as a "last-resort" remedy when a difficult employment decision must be made or to uphold an important principle. Legislation has been introduced in the past that would require a city or the union to pay arbitration fees if a reasonable settlement is offered and refused in a grievance situation, and the arbitrator ultimately decides on a less favorable remedy. The legislation would have the impact of discouraging cities from using the grievance arbitration process in a manner that best serves the public good.

Response: **The League of Minnesota Cities opposes legislation that would undermine the grievance arbitration process and discourage cities from using the process in the manner intended. Specifically, the League opposes any legislation that proposes payment of grievance arbitration fees when a settlement is offered and declined.**

HR-7. Essential Employees

Issue: Cities must balance the health, welfare, and safety of the public with the costs to taxpayers. Essential employee status removes the right to strike, but gives the

right to mandatory binding arbitration. This status can result in arbitration awards that exceed the city's budget or conflict with the city's compensation policy.

Response: **The Legislature should carefully examine requests from interest groups seeking essential employee status under Minn. Stat. ch. 179A (PELRA). The League of Minnesota Cities opposes legislation that mandates arbitration that increases costs and removes local decision-making authority.**

The League supports a mandate for Final Offer/Total Package arbitration for all essential groups on a trial basis. The League also supports a change in the PELRA law that would strengthen existing language (Minn. Stat. § 179A.16, subd. 7) requiring arbitrators to consider a public employer's obligation to efficiently manage their operations. Specifically, the statute should be amended to require arbitrators to take into consideration any wage adjustments already given to or negotiated with other groups – both union and non-union for the same employer in the same contract year.

HR-8. Re-employment Benefits

Issue: Cities are often required to help pay the benefits of workers who have initially been denied benefits through their employment with the city but later been re-employed by a different employer; sometimes this occurs when the employee has been found to have committee gross misconduct while employed by the city.

Additionally, employers are prohibited from entering into agreements with employees not to contest or appeal payment of unemployment benefits as part of a settlement agreement at termination of employment. Because most cities are "reimbursement employers," the majority of the cost of benefits paid to the employee are at the direct expense of the city. The ability to enter into such an agreement can greatly aid a city in reaching a settlement at a relatively low-cost to the city's taxpayers.

Response: **Cities should not be forced to pay benefits as bae wage employers if the employee is determined to have committed gross misconduct during their employment with the city, even if the employee voluntarily resigns. In addition, cities (as reimbursement employers) should be allowed to enter into agreements with employees to not contest a determination of eligibility for unemployment benefits where the employer and employee mutually agree to this as a term of separation.**

HR-9. Public Employee Defined Benefit Pension Plans

Issue: Public pensions are an important employee benefit that can help cities attract and retain employees. However, unlike salary and other employee benefits that are established by each city, the pension contribution rates and benefit levels are set by the state legislature. Benefit levels and plan costs must be carefully balanced to assure long-term sustainability of the pension plans and affordability to employers and employees.

Recent adjustments to balance PERA plan costs have largely focused on contribution increases rather than benefit adjustments. On January 1, 2015, the employer and employee contribution rates for the PERA General Plan each increased by 0.25% of salary, resulting in the current employer rate of 7.5 percent of salary and an employee rate of 6.5 percent of salary. For PERA Police and Fire (P&F) employees, the employer

contribution was increased to 16.2% and the employee contribution was increased to 10.8% beginning January 1, 2015.

For the PERA General Plan, an additional one percent employer contribution is required under Minn. Stat. § 353.27, subd. 3a, which will continue until the actuarial value of the plan assets equal or exceed the liabilities. Employees do not have a similar obligation to help the General Plan reach full funding. When the additional employer contribution was increased to 0.43 percent in 1997, the state instituted a PERA aid program for employers to partially offset the cost of increased employer contributions. However, the PERA aid payment rate is frozen at 1999 levels, while the additional employer contribution has since increased from .43% to 1.0%.

Response: **The League of Minnesota Cities opposes any benefit improvements for retirees or active employees until the financial health of the General Plan and the Police and Fire Plan is restored.**

For the PERA General Plan, any further increases in employer contributions should only be considered by the Legislature after other measures have been considered, including:

a) **An increase in employee contributions so that employees and employers truly bear the same responsibility to bring the pension plans to full funding; or**
b) **The removal of the cap on PERA Pension Aid payments so the state equalizes the contributions of employees and employers.**

The League also supports:

a) **Modifications to the PERA eligibility guidelines to take into account temporary, seasonal, unique part-time, and student employment situations in cities, particularly in recreational operations. These modifications should include the use of pro-rated service credit, which would make PERA consistent with the other major Minnesota pension plans.**
b) **A comprehensive review of exclusions from pension participation with the goal of simplifying current eligibility guidelines. Such a review should also include a possible revision of current penalties for employers that fail to report covered employees to ensure that these penalties are not overly harsh and punitive.**
c) **The transfer of all school district employees out of the PERA General Plan and into another fund that is more appropriate for school district employees as long as the change would not negatively impact the financial health of the pension funds nor result in employer contribution increases. The continued authority of cities to effectively use retirees in reemployment situations. The League supports policy changes which would include an increase in the earnings threshold for such retirees and supports keeping the required break in service at 30 days and opposes suspending payments to retirees.**

For PERA Police and Fire, any further increases in employer contributions should only be considered by the Legislature after other measures have been considered, including:

a) **An initial increase in the employee contribution of at least 1.0% of salary with subsequent increases split evenly between employee and employer so that the contribution ratio moves**

toward a more equitable split between employees and employers; or

b) **An additional state general fund appropriation to fund the deficiency in police and fire pension aid payments so that the state equalizes the contributions of employers and employees.**

The League also supports:

a) **Maintaining the statutory changes made to Minn. Stat. § 353.01 in 2007 that separate injuries resulting from "hazardous duties" from injuries resulting from "non-hazardous duties" for purposes of police and fire disability retirement benefits.**
b) **A thorough study by PERA of the current effects of overtime accumulation and outside employment compensation on individual pension benefits and the overall funding of the plan. The study should also include recommendations on whether the overtime or outside employment should be factored into or excluded from high five average wage calculations.**
c) **Allowing cities, including cities with combination (full-time and paid-on call staff) fire departments, to work with their fire relief associations to determine the best application of fire state aid.**

For PERA Corrections Plan the League supports:

a) **Maintaining the current definition of covered employees for the PERA corrections plan, which does not include dispatchers due to the substantial differences between the dispatchers and the existing corrections positions covered by this plan.**

For all PERA defined benefit plans the League supports:

a) **Adjustments to the benefits for active members and retirees to reduce the cost of the plans.**
b) **Requiring special legislation for individual employee pension benefit increases be initiated or approved by the city council of the impacted city unless the cost of the benefit increase is fully covered by the individual or the legislation addresses a clerical or administrative error.**

HR-10. Retirement Work Incentives

Issue: Demographic experts warn that as the baby boomers retire, employers will begin to experience a significant labor shortage and lose the substantial expertise and knowledge of a fully-trained workforce. One solution to the coming labor shortage is to provide some incentives for retirees to postpone full retirement with a "phased-in" approach that would allow "knowledge transfer" to take place between the retiree and less-experienced replacement staff.

The Phased Retirement Option (PRO) program was created by PERA for this purpose. The PRO program meets many of the goals of workforce planning. However, cities would benefit from broadening the criteria for participation; currently, only employees age 62 or older can participate. In addition, the program is scheduled to sunset in 2019. The program, as introduced, allows for five one-year renewals, which may be more than is needed to meet the intended purpose.

Response: **The League of Minnesota Cities supports changes to the PRO program (if actuarially neutral for PERA pension plans) that would:**

a) **Broaden the criteria for participation to allow employees to participate at a younger age if such a change can be made without damaging the tax-favored status of the plan.**
b) **Remove the sunset provision to allow the plan to continue past 2019.**
c) **Reduce the number of one-year renewals from five to three.**

HR-11. State Paid Police and Fire Medical Insurance

Issue: Minn. Stat. § 299A.465 requires public employers to continue health insurance benefits for firefighters and peace officers injured in the line of duty. When the law was enacted in 1997, it contained a provision requiring the Department of Public Safety (DPS) to reimburse employers for the full amount of administering this benefit.

By 2002, the fund created to provide this benefit became deficient. Instead of increasing the fund, the 2003 Legislature amended the law to pro-rate reimbursements to cities based on the amount available and the number of eligible applicants. The 2003 law change triggered a significant and unanticipated cost to cities. The cost has increased every year for cities, and the funding for the account has never been increased. Even if the health insurance benefit was discontinued entirely, the costs for existing recipients will substantially increase well into the future due to the growing cost of health insurance.

In 2015, the Legislature expanded the health insurance benefit to include survivors of volunteer firefighters who die in the line of duty. This change increased the number of firefighters eligible for this benefit from 2,000 to 20,000—without increasing funding for the reimbursement account.

Response: **The League of Minnesota Cities supports the following legislative actions to address the funding deficiency in this program:**

a) **The state must fully fund programs that pay for health insurance for police and fire employees injured in the line of duty and dependents of police and fire employees killed in the line of duty as originally required under Minn. Stat. § 299A.465.**
b) **The Legislature must avoid further expansion of eligibility for benefits under Minn. Stat. § 299A.465 unless 1) full funding for benefits is provided by the state; and 2) beneficiaries can be enrolled in a state health insurance plan such as the Public Employees Insurance Program (PEIP).**
c) **Cumulative injuries that occur over time in the job should not qualify a police officer or firefighter for benefits under Minn. Stat. § 299A.465 since these types of cumulative injuries are not unique to the dangers of police officer and firefighter duties.**
d) **The Legislature must clarify that the amount of an employer's contribution under Minn. Stat. § 299A.465 is no greater than that given to active employees in the same job class.**
e) **The Legislature must establish the minimum criteria used to determine ability to work, and set a percentage threshold of disability for eligibility into this program. At a minimum, the Legislature must identify that a workers' compensation determination as to whether the injury is work-related is necessary in order to receive the benefits under Minn. Stat. § 299A.465.**
f) **Employees who receive a police and fire disability retirement benefit and accept another job that offers them group health benefits should be**

required to pay for their group health benefits with the city should they decide to continue them. The Legislature must amend Minn. Stat. § 299A.465 to reflect that employees are required to inform the city when they become eligible for coverage under another group plan and that failure to do so is grounds for termination from the benefits granted under Minn. Stat. § 299A.465.

HR-12. Health Care Insurance Programs

Issue: Cities, like other employers in the state, are struggling with the rising costs of health care insurance for their employees. In addition, cities must cope with unfunded mandates imposed on them by the Legislature such as the requirement to pool early retirees with active employees and the requirement to bargain over changes in the "aggregate value" of benefits, even when the city's contribution has not changed.

Response: **The League of Minnesota Cities supports legislative efforts to control health insurance costs while maintaining quality health care services. However, cities have differing local needs and circumstances and must retain the flexibility to provide unique and creative solutions to the rising costs of health care insurance for their employees. The League:**

a) **Opposes legislative action that undermines local flexibility to manage rising health care costs.**
b) **Encourages the Legislature to carefully examine the costs and administrative impacts of any new, mandated insurance-related benefit before imposing it upon city employers.**
c) **Supports changes to Minn. Stat. § 471.6161, subd. 5, that would clarify the intent of the subdivision is to address changes in cost vs. changes in value (e.g., changes in provider networks, changes in benefit levels required by an incumbent insurance carrier, changes required for compliance with state and federal laws, including those needed to avoid incurring the federal excise tax known as the "Cadillac Tax".**
d) **Supports changes to Minn. Stat. § 471.61 so that the requirement for cities to offer retiree coverage begins on the date the retiree and/or dependents become eligible for federal Medicare coverage.**
e) **Supports a clarification to Minn. Stat § 471.61 and to Minn. Stat. § 471.617 to explicitly alleviate a city's responsibility to comply with group health benefits mandated by state law when the city's employees are covered under a union plan authorized by federal statutes.**
f) **Supports statutory authorization for cities to collect up to a two percent administrative fee from retirees receiving post-retirement health insurance benefits.**
g) **Opposes any mandatory, centralized, statewide health insurance option for active or retired city employees.**
h) **Supports changing Minn. Stat. § 62A.21 to place reasonable limits on health care continuation for former spouses, similar to the Federal COBRA law.**

HR-13. Workers' Compensation

Issue: Rising medical costs are an increasingly serious problem for all employers and insurers, and now represent over half of all loss costs within the workers' compensation system. Medical

costs will be a major driver of future workers' compensation premium increases. In addition, the 2013 legislature added post-traumatic stress disorder (PTSD) as a compensable injury and in 2014, a Minnesota Supreme Court decision found that provisions in the Workers' Compensation statute which allow workers compensation benefits for permanent and total disabilities to be offset by disability benefits and pension benefits such as Social Security does not apply to retirement benefits of the Public Employees Retirement Association. The Minnesota Legislature recently considered a bill to add a presumption to post-traumatic stress disorder diagnoses and has also regularly considered proposals to expand the heart, lung and infectious disease presumptions for public safety workers, and to make the presumptions more conclusive and difficult to rebut. These types of benefit expansions would further increase municipal workers' compensation costs.

Response: **Legislative action is necessary to address increasing workers' compensation costs, particularly rising medical costs. The League of Minnesota Cities supports use of the Workers Compensation Advisory Council (WCAC) system to consider proposals for changes to the workers' compensation law, and urges the WCAC and the Legislature to approve medical cost containment reforms. The League also supports filling an existing WCAC employer vacancy with a public-sector employer representative or adding a designated public-sector employer representative to the WCAC.**

The League opposes expansion of workers' compensation and related health insurance benefits because of the potential for dramatically increasing costs to cities. Specifically, the League opposes expansion of the heart, lung and infectious disease presumptions as well as any expansion of the law that would require payment of health insurance premiums or that would include mental injuries that have no physical cause or manifestation.

The League also supports continuing the WCRA as the mandatory workers' compensation reinsurer for insurers and self-insurers in Minnesota and supports modifying state statutes to treat PTSD events involving several affected parties as one occurrence for retention purposes, thereby reducing the exposure of self-insured entities and the statewide insurance pools. Such a change would not have any effect on the benefit an individual employee would receive.

The League supports legislation that would disallow the "stacking" of PERA retirement benefits and Workers Compensation benefits due to the fact that some injured employees could receive total compensation from workers' compensation and PERA retirement benefits that would be well above the salary that they had been earning and the fact that the costs would ultimately be passed on to cities and their taxpayers.

HR-14. Drug and Alcohol Testing in the Workplace

Issue: Employer testing of job applicants is governed by Minn. Stat. § 181.950 – 181.957 and is known as the Drug and Alcohol Testing in the Workplace Act (DATWA). It applies to all employers with one or more employees, including cities. The DATWA has not been amended for many years to reflect various and significant changes in drug-testing technology nor policy changes at the federal level.

The DATWA prohibits an employer from terminating an employee for a positive controlled substance test without first providing the employee a chance for rehabilitation and treatment. This law applies to probationary employees as well as those who have completed probation.

Currently, breathalyzer use and saliva swabs are permitted for alcohol testing under federal commercial driver testing laws though Minnesota does not allow for the use of breathalyzers in testing. Use of breathalyzers for employee alcohol testing is a less invasive, less expensive method. In addition, federal commercial driver testing laws address a number of outcomes other than a positive test result, including but not limited to tampering with a sample, providing a substitute sample, providing a sample that is not human urine, providing a sample that is not capable of being tested, etc. State law is silent on these outcomes.

Response: **The League of Minnesota Cities supports the following changes to the DATWA:**

a) **Updates to reflect new issues, such as adding new definitions as needed to reflect current practices;**
b) **Clarification that a positive controlled substance test during probation does not require the employer to provide an employee who has not completed probation a chance for rehabilitation and treatment; and**
c) **Permitting the use of breathalyzers and saliva swabs as acceptable technology for determining alcohol use.**

HR-15. Veterans Preference

Issue: Cities have a long history of recruiting and hiring veterans as they are a natural fit in city government. Across the state, cities are partners in working with and ensuring veterans have a variety of opportunities afforded to them given their sacrifice and service. The purpose of the Minnesota Veteran's Preference Act (VPA) is to facilitate the transition of veterans from the military to civilian life and to help compensate veterans for their sacrifices of health and time to the community, state and nation. The VPA grants veterans limited preference over nonveterans in hiring and promotion for most state and local government employment to recognize the training and experience they received as a result of serving in the military. It also provides local government employees who are veterans some protection against unfair demotions and dismissals. These preferences and protections are commonly referred to as "veteran's preference" and are codified in Minn. Stat. §§ 43A.11, 197.455, 197.46, 197.48, and 197.481.

Once a veteran has completed an initial probationary period upon hire, they cannot be removed from their position or employment, except for incompetency or misconduct shown after a properly noticed hearing. Currently, a veteran can only be placed on probation upon hire but not following a promotion. It is common practice to place employees on probation following employee promotion making this restriction inconsistent with current practice and procedure.

Termination hearings are held before the local civil service commission or before an arbitrator and Minn. Stat. § 197.46 allows a veteran to choose a hearing before the local civil service commission, or an arbitrator. Members of civil service commissions are chosen for their expertise and experience with employment law. Hiring an arbitrator for a hearing instead of utilizing an established civil service commission is inefficient.

Response: **The League of Minnesota Cities recognizes the important contributions veterans have made and supports giving veterans limited preference in employment. To strengthen and improve the VPA, the legislature should:**

a) **Allow cities to place veterans on probationary periods upon promotion as they do with other employees; and**
b) **Restore the language in Minn. Stat. § 197.46 requiring a hearing to be held before a local civil service commission where one exists.**

HR-16. Military Leave Reimbursement

Issue: Minn. Stat. § 192.26 subd. 1, requires local units of government to provide 15 days of compensation per year to employees who are members of the military for military leave. State laws give preference to hiring veterans for public sector jobs, and, citizen soldiers are a natural fit to also serve as public safety personnel. As such, many public safety personnel are often also members of the military and are required to conduct training and military duties throughout the year.

In addition to providing compensation for mandatory military leave, cities must also ensure that these temporary vacancies are adequately filled by public safety personnel whose training and qualifications are unique to providing public safety. This can result in added overtime costs and may impact public safety service levels.

Government employers honor and recognize the importance of ensuring members of the military are able to fulfill their duties and participate in mandatory training, while also aiming to ensure that public safety service in their community is efficient, seamless, and cost-effective. In response to this issue, there have been recent legislative proposals to reimburse local units of government for military leave paid to public safety personnel.

Response: **The League of Minnesota Cities supports state funding to ensure that local units of government can maintain quality and cost-effective public safety services in their communities and for their taxpayers while also offering full support for employees who are members of the military. Such state funding could include reimbursement of costs incurred to local units of government related to compensating personnel on military leave as well as reimbursement for costs related to ensuring these temporary vacancies are adequately filled.**

HR-17. Background Checks

Issue: Current law allows criminal justice background checks on active employees (as opposed to applicants for employment) only when such employees are firefighters or work with children. The law governing criminal history background checks on police and other city employees does not specifically allow such checks on active employees. Cities need the ability to be able to conduct criminal history background checks on active employees as well as applicants for employment using the BCA or the BCA database access.

Response: **Cities should be able to conduct, but not be required to conduct, criminal history background checks on active employees using the BCA database. The laws governing background checks for all city employees should be amended to allow for this practice. For those cities that choose to use the BCA to run the criminal history employment background check for them, the fee should be the**

same as that charged to non-profit organizations.

HR-18. Tele-health Exams

Issue: Technology improvements are creating new ways to approach many city functions. Specifically, the increased acceptance of the use of tele-health (audio and video, web-based) exams creates an opportunity for cities to access and use psychologists with specific expertise in public safety as part of the hiring process for police officers. However, the Peace Officers Standards and Training (POST) Board has adopted a position prohibiting the use of tele-health exams for the required psychological oral interview/evaluation prior to hiring.

Response: **The League of Minnesota Cities supports the use of tele-health (audio and video, web-based) exams to meet the requirements of the POST Board for a psychological oral interview/evaluation prior to hiring a police officer candidate.**

HR-19. Critical Incident Stress Debriefing

Issue: Critical Incident Stress Debriefing (CISD) is a process designed to assist first responders deal with the stress and potential mental health issues after experiencing a traumatic incident. CISD can be similar to traditional counseling between a counselor and a group of law enforcement officers, firefighters, or other first responders, or it can involve one-on-one peer counseling between non-licensed counselors, such as first responders who have experienced similar incidents.

CISD data is classified as private under the Minnesota Government Data Practices Act (MGDPA), and Minn. Stat. § 181.973 prohibits a participant in CISD or other peer counseling from disclosing any information shared in counseling sessions without the permission of the subject. Neither of these protections, however, prohibit the discoverability or admissibility of CISD data in a lawsuit, and federal common law on evidentiary privilege applies to licensed psychotherapists and social workers only. *Jaffee v. Redmond*, 518 U.S. 1 (1996).

CISD is an important tool used to assist first responders, and those in need of CISD services should be allowed to participate in peer counseling without fear of having statements later used against them in court. This undermines the value of CISD and makes it less likely that first responders will seek help.

Response: **The Legislature should amend Minnesota law to exclude any statements or other information from employer-sponsored CISDs from being admissible in court, pursuant to the same guidelines as those established for registered nurses, psychologists, or licensed social workers under Minn. Stat. § 595.02, subd. 1(g).**

Data Practices

DP-1. Data Practices and Record Retention Compliance Costs

Issue: The purpose of the Minnesota Government Data Practices Act (MGDPA) is to protect personal information from indiscriminate disclosure while balancing the right of the public to know what the government is doing. The Act also attempts to balance these rights within a context of effective government operation. The League of Minnesota Cities supports the public policy behind the MGDPA while acknowledging that compliance with the law

imposes costs on local taxpayers. Smaller cities struggle with limited staff and resources while larger cities struggle with larger complex databases. The MGDPA must balance the right of citizens to access public data with the cost to municipalities of complying with certain types of data requests.

In 2014, the Legislature imposed additional security requirements on political subdivisions in an attempt to prevent unauthorized individuals from accessing private data. Adequate security measures are important, but they make compliance with the MGDPA more difficult and costly. Although the Legislature has made compliance with the MGDPA a priority, funding for the Information and Policy Analysis Division of the Department of Administration (IPAD), the department charged with overseeing the MGDPA, does not reflect the increased need for local government assistance.

Cities continue to receive repetitive, overly broad and far-reaching data requests that require significant staff time to locate government records, redact private data or data unrelated to the request, and assemble documents to be provided in order to comply with requirements to provide access to public government data. In some situations, as with overly broad data requests related to "applicant" lists, staff time and costs are significantly increased and not recoverable for very limited public benefit. The MGDPA also limits the ability of cities to be reimbursed for responding to requests.

For example, cities are limited to charging only 25-cents per page for copies of police motor vehicle incident reports, which does not cover the city cost for copying, while the Commissioner of Public Safety is exempt from this restriction—thereby permitting the Department of Public Safety to continue to charge $5 for incident reports that cities are required to submit to the department.

Furthermore, the Official Records Act requires government entities to "make and preserve all records necessary to a full and accurate knowledge of their official activities." In accordance, cities must establish a records retention schedule, and maintain and destroy official records according to this schedule. There are rigorous requirements for any changes to a city's records retention schedule, including getting approval from the statutorily-created Records Disposition Panel, which strikes an appropriate balance between the government entity's decision-making role in determining retention and disposition of official records with the public's right to know the government entity's official activities.

Response: **As the cost of complying with the MGDPA increases, the League supports:**

a) **Providing additional state funding to assist political subdivisions with meeting the increasing complexity of managing government data.**
b) **Providing state funding for statewide data practices training.**
c) **Allowing political subdivisions to charge for the staff time that is required to comply with wide-ranging data requests regardless of whether copies of the data are requested.**
d) **Providing a mechanism that would permit cities to challenge whether a data request is reasonable and made in good faith.**
e) **Amending the MGDPA to limit what is considered public applicant data to better balance the value of public data with the cost related to data practices compliance.**
f) **Allowing political subdivisions to charge the same amount for copies of**

motor vehicle incident reports issued by local police and fire departments as the commissioner of public safety.

The League of Minnesota Cities opposes:

a) **Further increasing the maximum exemplary damages that courts may impose against government entities, including cities, found to have violated the MGDPA; further increasing the maximum civil penalty that may be imposed when a court order is issued to compel a government entity to comply with MGDPA; or any statutory change that would make it a mandatory civil penalty to compel compliance under the MGDPA.**
b) **Repealing of the administrative remedies provisions adopted by the 2010 Legislature to address disputes regarding MGDPA compliance issues.**
c) **Changing the current record management requirements and statutory definitions. If changes are needed, subject matter experts should make recommendations through the records retention schedule process.**

DP-2. Maintaining Government Data in Large Databases

Issue: The Minnesota Department of Administration Advisory Opinion 10-016 issued in June 2010 maintains that the Minnesota Government Data Practices Act (MGDPA) requires cities to keep records containing public government data so that they can be easily accessible and convenient to use, regardless of how they are kept. Cities maintain that the application of this advisory opinion to large databases in which records are kept in an electronic format forces cities to risk the daily threat of allegations of noncompliance or leaves local government officials confused regarding how to apply the requirement for access to data in circumstances where information technology is utilized to facilitate the management and organization of records and information which often includes public, private, and nonpublic data within individual data sets.

In addition, large databases today contain different forms of data, including video, audio, images, and social media. In responding to data practices requests, responsive data could be stored in multiple data bases. Further, with the advent of cloud-based information systems provided by the private sector, newer databases are not typically designed to be controlled by cities to easily separate public from non-public data.

Response: **The state of current technology requires cities to maintain large databases that are designed to provide secure data storage and maintenance. Those databases are already burdensome and expensive for cities to maintain, but are not available in a form in which public and private data can be easily separated. Requiring cities to design such databases to accommodate extensive data requests under MGDPA is both financially and technologically challenging to achieve.**

The Legislature should address the growing and costly impact on cities of providing access to specific public data housed in large electronic databases. Cities also require discretion in determining that the release of certain incident data could identify an individual whose identity must be protected.

DP-3. Sharing of Student Data with Local Law Enforcement in Emergencies

Issue: Minn. Stat. § 13.32, subd. 3(l), defines education data as private data that must not be disclosed except to the juvenile justice system in cases where information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals. In addition, the federal Family Education Rights & Privacy Act (FERPA) bars schools from disclosing information on student educational records that contains personally identifiable information without consent of a parent or eligible student, with only limited exceptions.

Minn. Stat. § 13.32 does not adequately define who is responsible for making the determination that an emergency or risk of harm exists. As a result, school district officials have interpreted the statute in conjunction with the restrictions in FERPA to require that the determination be made solely by school officials.

Local police officials are often frustrated in their efforts to investigate allegations of criminal or other illegal activity when school officials refuse, under Minn. Stat. § 13.32, subd. 3(l), and FERPA, to provide information to follow up such complaints or to assist local police in solving crimes that have already taken place.

School boards are responsible to have policies in place that require school officials to report a student who possesses an unlawful firearm to law enforcement or the juvenile justice system. But schools are not allowed to release the name of a student in dangerous weapon reports involving use or possession of such weapons that are made to the Minnesota Department of Education.

Response: **Minn. Stat. § 13.32 should be clarified to allow local law enforcement agencies to work with school officials to jointly make the determination that an emergency or risk of harm exists in order to enable police enforcement actions to be taken in a timely manner.**

DP-4. Disclosure of Victim Data

Issue: Under the Minnesota Government Data Practices Act (MGDPA), the name and address of a victim or casualty of an accident or incident to which a law enforcement agency responds is public government data. In addition, the name and location of the health care facility to which victims or casualties are taken is public government data. The MGDPA allows for a crime victim to prevent the disclosure of public data, but no such provision exists for accident victims. Accident victims and their families can be traumatized by the events that caused their injuries. Publicly disclosing their identities and the location where they are receiving medical care places a burden on families and victims who may be questioned by reporters, solicited by lawyers, and contacted by other members of the community. While there are legitimate public policy reasons to make this information public, the MGDPA provides no discretion for city officials and law enforcement to temporarily withhold victim data when releasing it is not in the best interest of the victims. This not only makes the initial period of recovery more difficult for victims, but erodes the trust between victims and state and local government.

Response: **The Legislature should amend Minn. Stat. § 13.82 to temporarily prohibit the disclosure of victim data if the victim or victim's family specifically**

requests not to be identified publicly, and the agency or local government reasonably determines that access to the data would cause emotional or physical harm to the individual or otherwise impede the individual's recovery.

DP-5. Open Meeting Law

Issue: The Open Meeting Laws allows certain meetings to be held using interactive television provided that: all members of the body can hear and see one another and all discussion and testimony; members of the public can see and hear all discussion, testimony, and votes; at least one member of the body is physically present at the regular meeting location; and each remote location is open and accessible to the public. The Minnesota Department of Administration issued an advisory opinion (13-009) that allowed a city's use of Skype to conduct a remote meeting under Minn. Stat. § 13.02, subd. 1. A "common sense" approach was applied to technology questions, which recognizes the difficulty cities must face when interpreting the Open Meeting Law in light of ever-changing technology.

The Open Meeting Law also allows certain state bodies to conduct meetings via telephone and other electronic means, pursuant to Minn. Stat. § 13D.015. This useful tool should be expanded to local government to assure that members can attend meetings remotely if attendance at the regular meeting site is not possible. In order to ensure maximum public access, the Legislature should require that such meetings be allowed only if a quorum of members of the body is present at the regular meeting location.

The use of Facebook, Twitter, and other social media creates opportunities for cities to reach more constituents and to share more information faster than ever before. Social media creates new opportunities for citizen participation, and citizens increasingly expect that their elected officials will provide them with information via the internet and social media sites. This expectation is not always consistent with laws that require citizens to attend a meeting in order to participate in local government. The use of social medial by elected officials raises issues of compliance with laws that were drafted before social media existed, and increases the likelihood of unintentional violations. In recognition of these issues, the 2014 Legislature created a social media exemption to the Open Meeting Law, Minn. Stat. § 13D.065, which states that the use of social media by members of a public body does not violate the law so long as the use is limited to exchanges with all members of the general public.

Response: **The League of Minnesota Cities supports the Department of Administration's interpretation of the interactive television provision of the Open Meeting Law, and encourages the Legislature to authorize cities to conduct official meetings by telephone or other electronic means, as allowed by Minn. Stat. § 13D.015, provided that a quorum of members are present at the regular meeting site.**

The League supports the 2014 change to the Open Meeting Law, which grants cities and elected officials reasonable flexibility to use social media to communicate with citizens while maintaining the protections of the Open Meeting Law.

The League opposes any change to the open meeting law that would expand the award of attorney's fees to unintentional violations.

DP-6. Exceptions to the Open Meeting Law

Issue: The purpose of the Open Meeting Law generally requires that all meetings of public bodies must be open to the public. This presumption of openness serves three vital purposes: it prohibits actions from being taken at secret meetings, to assure the public's right to be fully informed, and to afford the public an opportunity to present views to the public body. The League of Minnesota Cities supports the Open Meeting Law, and recognizes the important role it plays in maintaining the public trust and the accountability of elected officials.

The Open Meeting Law must, however, balance the need for public information and the need to protect privacy rights and certain negotiation strategies to protect the use of public resources. Currently, there are seven exceptions to the open meeting laws that authorize the closure of meeting to the public. Under these exceptions, some meetings may be closed at the discretion of the governing body and some must be closed. Two challenges exist with current law.

The first concern is the hiring process for management level positions. While existing law allows a governing body to close a meeting to evaluate the performance of an individual subject to its authority, the statute doesn't grant the same level of privacy for the city council and prospective applicants. The statute should allow a governing body to close a meeting to interview applicants for employment if there is a quorum present; and, to allow a governing body to close a meeting to discuss the terms of an employment agreement to offer to a candidate to whom a job offer has been extended. This would be consistent with the existing authority for the governing body can to close a meeting to discuss labor negotiations strategy. Allowing a closed meeting so that a council can discuss the results of an interview process for a management-level position will allow council members to express opinions or ask questions they may have concerns about discussing in a public meeting, and preserves the integrity of the interview process of subsequent candidates.

The second concern with existing law is the inability for public bodies to conduct strategic negotiations regarding public/private partnerships. Current law allows the public body to close a meeting to discuss the purchase or sale of property and labor negotiations but does not allow the public body to discuss terms and conditions of an agreement with private and/or non-profit organizations. The ability for public bodies to close meetings in these situations provides public bodies the opportunity to form strategies in the best financial interest of the community. Allowing public bodies to close meetings to discuss public/private partnerships would be consistent with the importance of negotiation regarding purchase or sale of property and labor contracts.

Response: **The Legislature should amend the Open Meeting Law:**

a) **To allow a governing body or a committee created by a governing body to close a meeting to interview candidates for management-level positions such as city manager, administrator, clerk-treasurer, city attorney, superintendent, or department head, and to close a meeting to evaluate and discuss the candidates, and discuss salary and benefit negotiations.**
b) **To allow a governing body to close a meeting to discuss negotiation strategies for proposed contracts**

and/or agreements with private and/or non-profit agencies.

Such closed meetings should follow the same or similar procedures for conducting closed meetings currently required under the Open Meeting Law.

DP-7. Challenges to the Accuracy of Data

Issue: The Minnesota Government Data Practices Act (MGDPA) allows the subject of government data to challenge the accuracy or completeness of data maintained by the government entity. If the government entity denies the challenge, the Act allows the data subject to appeal that determination through a contested case proceeding under the Administrative Procedures Act (APA).

In the human resources context, a performance evaluation is a tool used to document and evaluate employee job performance. Performance evaluations are not discipline; however, some jurisdictions and some union contracts have appeal processes to challenge a performance evaluation. Performance evaluations are normally conducted once a year.

The Minnesota Supreme Court recently held that a public employee could use the MGDPA to challenge the accuracy of certain information contained in the employee's performance evaluation. *Schwanke v. Minn. Dept. of Admin.*, 851 N.W. 2d 591 (Minn. 2014). While the Court held that "dissatisfaction with a subjective judgment or opinion cannot support a challenge under the [MGDPA]," a data subject can still challenge data that supports the subjective judgment. There is currently no limitation on when a performance evaluation challenge may be brought. Often there is no retention period for the underlying data because it is rarely an official record. Furthermore, the more time that passes, the less likely those with the knowledge of a given performance evaluation may be still employed by the city. It is to everyone's benefit to have the challenge to accuracy of data conducted as soon as possible.

Under *Schwanke*, an invalid challenge to a subjective opinion can no longer be dismissed by the Department of Administration; it can only be dismissed in a contested-case proceeding. In even a frivolous challenge the data subject will have the right to submit evidence and call witnesses at taxpayer expense.

This right of review is in addition to any union grievance process, and can be exercised by an employee before or after such a grievance is undertaken. This process can result in conflicting decisions and has the potential to create a heavy burden on all levels of government, and impose significant costs on taxpayers.

Response: **In light of the *Schwanke* decision, the Legislature should modify the data challenge provision of Minn. Stat. § 13.04, subd. 4, to balance the rights of data subjects to challenge the accuracy and completeness of data with the administrative and financial burdens on local governments and taxpayers.**

DP-8. Law Enforcement Technologies

Issue: To aid law enforcement in work, law enforcement agencies need the flexibility to effectively use all available tools, including technology, in a manner that balances privacy interests of citizens, transparency of their work, and costs related to these technologies. The Legislature has balanced these concerns in the recent License Plate

Readers law and the Police-Worn Body Camera law.

License Plate Readers (LPRs) are an important tool that assist law enforcement agencies in locating wanted individuals, recover stolen vehicles, and many other types of investigations. Nevertheless, the use of this technology raises legitimate privacy concerns. In 2015, the Legislature passed compromise legislation regulating the use of LPRs, the classification of LPR data, and the retention period for LPR data that struck a fair balance between the need for robust law enforcement and individual privacy rights.

Police-worn body cameras (or portable recording systems) provide invaluable evidence when investigating crimes and prosecuting criminals, and strengthened trust of citizens in law enforcement by increasing the accountability between peace officers and the public. Different than other kinds of data, body camera data use involves the unique complexities of the sensitive nature in its use in private homes as well as the sheer volume of data in daily use. In 2016, the Legislature contemplated all of these issues and passed compromise legislation regulating use of body cameras, classification of body camera data, retention period for body camera data, release of body camera data, audit requirements, and written policy requirements.

Response: **Cities and/or law enforcement agencies should be allowed to decide whether to utilize technology and be given the flexibility to decide how they are used in the field. The League supports the continued use of License Plate Readers under the terms of the 2015 legislation, and opposes any further restrictions on their use or any reduction in the current 60-day retention period.**

The League supports the continued use of Police-Worn Body Cameras under the terms of the 2016 legislation, and opposes any further restrictions on their use, data classification, retention period, or written policy requirements.

Federal Employment Law

FED-1. Consolidated Omnibus Budget Reconciliation Act (COBRA)

Issue: The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) law, which requires employers to offer continued health and dental insurance group benefits after an employee terminates, has been interpreted to apply to Employee Assistance Programs (EAPs). The application of COBRA benefits to these programs results in unlikely and impractical outcomes.

Response: **Congress should clarify the intended benefits to which COBRA law should apply, excluding EAP programs.**

FED-2. Flexible Spending Accounts

Issue: Health care costs are rising dramatically and employees need financial relief. Flexible spending accounts provide some relief, but the current "use it or lose it" provision for medical spending discourages employees from participating in this program.

Response: **The League of Minnesota Cities supports legislation that would allow employees to roll unused funds over to the next plan year, or into a tax-qualified retirement plan, or a 457 plan.**

FED-3. IRS Regulations on Death Benefits

Issue: Current IRS regulations do not allow any type of death benefit to be included in a post-employment health savings plan and other tax-free funding vehicles. If the employee who owns the savings plan account dies, he or she cannot leave the remaining funds to a designated beneficiary (unless the beneficiary is a spouse or dependent child). If the employee does not have a spouse or dependent child, the funds are typically redistributed among plan participants. A death benefit provision is an attractive feature for many employee groups.

Response: **IRS regulations should be changed to allow post-employment health savings plans and other tax-free vehicles for both active employees and retirees to include a provision that allows the employee to designate beneficiaries in addition to spouses or children.**

FED-4. Federal Public Safety Collective Bargaining Bill

Issue: Congress is considering a bill that would require all states to establish collective bargaining procedures for all public safety employees. The bill directs the Federal Labor Relations Authority (FLRA) to determine, state by state, whether it meets the bill's requirements with regard to collective bargaining rights for public safety employees. While it appears Minnesota is likely to pass the tests set out by the bill, federal public sector lobbyists have expressed serious concern that the bill is very much open to interpretation. In addition, the bill directs the FLRA to "consider and give weight, to the maximum extent practicable, to the opinion of affected employee organizations."

Response: **The League of Minnesota Cities opposes the federal collective bargaining bill for public sector employees. Public sector collective bargaining should be left to the determination of each state.**

FED-5. Federal Health Care Reform

Issue: Certain provisions of the Patient Protection and Affordable Care Act (commonly referred to as the federal health care reform law or Affordable Care Act (ACA)) are problematic for cities. These issues range from administratively difficult to very costly. Tracking employee hours, particularly hours of seasonal and temporary employees and council members, is burdensome and will require significant administrative time and effort. Because most of these employees will not qualify for coverage under the ACA, the effort does not result in a worthwhile outcome. There are also situations where employees who are currently working more than 30 hours per week in a city will now be eligible for health care coverage by that city, which will drive up city costs significantly, particularly for cities using the "duty crew" concept at fire stations to ensure adequate daytime response. Finally, there are provisions which require the city to offer coverage to full-time students who are already covered by their parents' insurance and do not need the coverage through the city, which results in wasted effort. Furthermore, cities that provide health insurance coverage to their employees should not be subject to the federal excise or so-called Cadillac Tax, which will result in substantial costs to Minnesota taxpayers.

Response: **The League of Minnesota Cities supports the intent of the ACA to provide affordable health care coverage to all Minnesota residents. However,**

prior to implementation, Congress should:

a) **Exempt employees under age 26 who are covered by their parents' insurance;**
b) **Exempt (from coverage requirements) employees who work in recreational facilities and programs owned and operated by governmental entities;**
c) **Exempt elected officials from being counted as "employees" for the purposes of the ACA; and**
d) **Revise the provisions of the federal excise "Cadillac Tax" so that it does not penalize employers and instead provides incentives to strengthen wellness and disease prevention effort.**

IMPROVING FISCAL FUTURES

FF-1. State-Local Fiscal Relations

Issue: Since the 1970s, services provided by Minnesota cities have been largely funded through a combination of property taxes, state aids, and state property tax relief programs. This system of municipal finance has evolved to ensure that municipal services can be funded without excessive local tax burdens.

Over the past decade, the state-local partnership has vacillated with the state budget, challenging the ability of city officials to plan for the future fiscal needs of their communities.

Response: **The League of Minnesota Cities supports a strong state-local fiscal partnership. The state-local fiscal system, and any future modifications, should be consistent with the following principles:**

Accountability. **Cities believe a viable partnership with the state requires cities and the state to communicate effectively with each other and with the public about their roles and responsibilities. Cities and the state must also exercise sound financial stewardship, including maximizing efficiencies in service delivery and other means of cost containment whenever possible.**

Certainty. **Cities need to have more certainty and predictability in all of their available revenue sources, including the property tax and the amount of funding they receive from local government aid and similar programs. The current practice of almost annual adjustments to local government aid (LGA) and similar programs, recent unallotments of the appropriation and the imposition of levy limits do not allow for prudent financial planning and decisions. In addition, the 2011 state government shutdown further decreased the certainty of the system when the Department of Revenue indicated that despite the standing LGA appropriation, the shutdown of many state government operations would prevent the distribution of the LGA.**

Adequacy. **The revenue sources available to cities and the state must raise adequate funds to meet city needs, to fund mandates, and to maintain Minnesota's long-term competitiveness.**

Flexibility. **As cities become increasingly diverse in their characteristics and as existing aid and credit programs have eroded, a "one-size-fits-all" system that limits all cities to the property tax as the major, non-state aid revenue source is increasingly unworkable. Some cities have sufficient property tax base to sustain an adequate service level, but many do not. Cities should have greater access to other tax and revenue sources than currently permitted.**

Equity. **All citizens should receive adequate levels of municipal services at relatively similar levels of taxation. This means that the state should provide financial assistance to cities that have high costs, including costs related to overburden created by non-resident users of city services, low fiscal capacity, or both. State financial assistance should also reduce tax burden disparities among communities and between cities and surrounding areas.**

FF-2. Economic Contributions by Cities

Issue: Cities provide and maintain the physical infrastructure as well as the social and economic infrastructure necessary to support a large share of the state's economic activity. In addition, cities play a major role in statewide economic development activities that assist businesses with expansion and job creation. The importance of cities to the overall vitality of the state's economy is frequently overlooked in state policy discussions.

Response: **To provide lawmakers with information on the economic activity occurring within cities, the Department of Revenue should annually collect and compile information on major state tax collections within each city, in addition to county and regional reports.**

FF-3. State Budget Stability

Issue: In recent years, the Legislature has faced repeated budget deficits. Legislative actions to address these deficits have included permanent reductions in funding to local units of government for programs such as local government aid as well as the full elimination of programs such as the market value homestead credit. In addition, the Legislature has frequently relied on short-term solutions that have only shifted a large share of the deficit problem into the next biennium. These actions merely shift state budget problems to local units of government without permanently addressing the state budget problems.

The legislature has taken steps to reduce state budget volatility. As required under state law, 33 percent of any state general fund budget surplus identified in the November state budget forecast must be directed to the state budget reserve until the account reaches a targeted level.

Response: **To increase the stability of the state budget and avoid or reduce the impact of future state budget deficits, the Legislature:**

a) **Must consider all options, including revenue increases, with a particular focus on changes that increase state revenues and improve the stability of the state's revenue stream;**
b) **Must not further reduce funding for property tax relief programs to cities;**
c) **Must not accelerate the remittance of sales tax collections by retailers including municipal liquor operations, and should make steps to reverse past accelerations;**
d) **Must consider the aggregate impact on Minnesota taxpayers of previous budget cuts and tax increases;**
e) **Must reinstate estimates of inflationary increases to expenditure estimates;**
f) **Should continue to build at a minimum, a five-percent budget reserve and should establish state budget stability as a state priority. This includes prioritizing state budget stability ahead of sending back tax rebate checks as was done in 2000;**
g) **Should modify the unallotment statute to place a reasonable statutory limit on the percentage and timing of the state's budget that can be unallotted during a biennium without legislative approval; and**
h) **Must emphasize long-term budget solutions and budget stability and the continuation of both state and local government operations.**
i) **The League of Minnesota Cities supports the principle of representative democracy and opposes limiting the Legislature's flexibility in**

making financial decisions through new Constitutional amendments.

FF-4. Funding Local Government Aid

Issue: Local government aid (LGA) is an important component in the state's property tax relief system, and a critical tool to help equalize tax base to ensure needs for public services can be met. To avoid undue pressure on the property tax, funding for LGA must keep pace with inflationary pressures. Since 2013, the legislature has restored a total of $107 million in funding for LGA and updated the formula to reflect recent fiscal and demographic data. For 2018 and beyond, the LGA appropriation is frozen at $534.4 million. For 2018, the total unmet formula need (the difference between need and ability to raise revenue) is $814.6 million, leaving the current appropriation $280.2 million below the total unmet need.

During the 2015 legislative session, the House omnibus tax bill included an arbitrary limitation on the maximum per capita LGA distribution to cities of the first class that would have limited their LGA to 112.5 percent of the average per capita amount for all non-first class cities. This change would have been a significant deviation from the practice of using the formula to distribute LGA and could have jeopardized the long-term stability of the program.

During the 2017 legislative session, several bills were introduced that would have created offsets to a city's LGA distribution if the city spent funds for activities related to lobbying or a World's Fair, or would have reduced or eliminated LGA if the city enacted ordinances to ban plastic bags, impose certain local labor laws, ordinances, or policies that restrict city employees from enforcing immigration laws, unauthorized ordinances related to diversion programs.

Currently, LGA payments are made to cities on July 20 and December 26 each year. This distribution occurs late in the city fiscal year and can create short-term cash flow challenges for some cities. In 2017the Legislature included a one-time acceleration that will distribute 14.6 percent of each city's 2019 LGA in June.

Response: **In order to reduce pressure on the property tax, and to equalize property tax bases, the League of Minnesota Cities continues to support the existing LGA formula as the appropriate mechanism to distribute LGA resources and opposes artificial limits on any city or group of cities. In addition, the League supports an increase in the LGA appropriation to at least the level that would have been provided prior to the 2003 cuts, including the restoration of the annual inflation adjustment and ongoing appropriation increases to the LGA formula to move toward funding the total unmet need of all cities. The League also supports an acceleration of the annual LGA distribution to assist cities with cash flow needs. Increases to the LGA appropriation should be distributed based on the formula. The League opposes targeted reductions to specific cities as well as reductions or offsets for local policy or expenditure decisions.**

The legislature should avoid creating side-pots or special appropriations through the LGA (Minn. Stat. ch. 477A) program. If special circumstances such as a natural disaster warrant additional state assistance to specific cities, the criteria for the additional aid should be specifically enumerated and the appropriation should be separate and in addition to the appropriation through the general LGA formula.

FF-5. State Charges for Administrative Services

Issue: Currently, some state agencies have wide discretion in setting the fees for special services they provide to local governments.

Response: **State agencies should be required to justify their service fees or for increases in existing service fees and not charge more than what is fair, reasonable, and proportionate to the cost of service. Agencies should give adequate notice of increases to allow local governments to budget for the increases. State agencies should set administrative service fees as close as possible to the marginal cost of providing the service. Local government should be given the option to self-administer or contract with the private sector for the service if the state cannot provide the service at a reasonable cost.**

FF-6. Reporting Requirements

Issue: Budget and financial reporting requirements imposed on cities by the state often result in duplication and additional costs. In addition to the state mandated annual audits under Minn. Stat. §§ 471.697-.698, cities are required to prepare and submit or publish numerous other budget and financial reports including but not limited to:

a) Summary budget reports (Minn. Stat. § 6.745);

b) Treasurers report to the city clerk (Minn. Stat. § 412.141);
c) Statement of tax collections and other income by clerk to the city council (Minn. Stat. § 471.69);
d) Report on outstanding obligations and the purpose for each issue filed with the county auditor (Minn. Stat. § 471.70);
e) Publication of summary budget statement (Minn. Stat. § 471.6965);
f) Publication of statement of liquor store operations (Minn. Stat. § 477A.017);
g) Liquor store audited financial statements (Minn. Stat. § 471.6985);
h) TIF district plan and amendments (Minn. Stat. § 469.175, subd. 4a);
i) TIF district annual disclosure (Minn. Stat. § 469.175, subd. 5);
j) TIF district annual financial report (Minn. Stat. § 469.175, subd. 6);
k) Business subsidy reporting (Minn. Stat. §§ 116J.993-.995);
l) State required financial activity reports (Minn. Stat. § 6.74);
m) Local improvement requirements (Minn. Stat. § 429.031);
n) Development and permit fees report (Minn. Stat. § 326B.145);
o) Utility annual financial statements (Minn. Stat. § 412.381);
p) Housing and redevelopment authority annual financial report (Minn. Stat. § 469.013); and
q) Federal single audit or a program-specific audit (31 U.S.C. § 7502 (a)(1)).

Many cities have expanded the availability of information on their web sites in response to citizen requests and some cities have begun using new tools to assist citizens in understanding the city budget. Expanding state mandated financial reporting requirements could force cities to redirect scarce resources to the state mandate and stifle innovative ways to communicate with citizens.

Response: **Requirements for reporting and advertising financial and budget information should be carefully weighed to balance the need for information with the administrative costs of compiling and submitting this information. In addition, the legislature should direct all state agencies to review existing local government reporting mandates and**

eliminate redundant or superfluous requirements. To this point, the legislature should consolidate municipal government financial reporting requirements in the Office of State Auditor, include an electronic submission alternative to any remaining paper filing requirements and authorize the use of web publication where newspaper publication is currently required.

Finally, the legislature must not increase reporting burdens for local units of government. Any new reporting requirement should have a clearly defined statement of purpose and public need not currently met with existing reports, a sunset date to facilitate a future discussion of the usefulness of the requirement as well as full state funding for the costs associated with a new reporting mandate.

FF-7. Direct Property Tax Relief Programs

Issue: In 2013, the legislature expanded the homeowner property tax refund (PTR) program and renamed it the Homestead Credit Refund program. As a direct taxpayer relief program, the Homestead Credit Refund avoids the problems with the former Market Value Homestead Credit system where the state provided a credit on the homeowner's property tax statement but did not always reimburse cities and counties for the amount of the credit.

Response: **The League of Minnesota Cities supports providing additional, direct property tax relief through an expansion of the Homestead Credit Refund program, the renters' refund program, the targeting program or other programs that provide property tax relief directly from the state to taxpayers. In addition, the League supports the 2013 legislation that requires the Department of Revenue to notify potentially eligible homeowners of the program and would also support legislative modifications to these programs to eliminate the taxpayer filing requirement thereby making the tax relief payments automatic.**

The League opposes property tax credit programs that reimburse local units of government for reduced tax burden such as the former market value homestead credit system due to the fact that the reimbursements to local units of government can be cut while the credit to the taxpayer remains on the property tax statement. In addition, the League opposes reinstituting Limited Market Value, a program that reduces the taxable value of individual properties based on assessor's valuation increase. Limited Market Value creates inequities between similar properties based solely on the valuation increase determined by the assessor.

FF-8. Sales Tax on Local Government Purchases

Issue: The local government sales tax exemption enacted in 2013 and expanded in 2014 does not apply to all city purchases. Some purchases for municipal enterprise operations, such as liquor stores and golf courses are excluded from the exemption. In addition, in order to receive the sales tax exemption on construction materials under current law, cities must bid labor and materials separately and also designate a contractor to be a purchasing agent on behalf of the city. The existing Department of Revenue rules (Minnesota Rules 8130.1200, subp. 3) are complex and the implementation can be so complicated that it can cost cities more money to implement than they will save on the tax exemption. Finally, although cities currently do not pay

the motor vehicle sales tax on marked police vehicles or firefighting vehicles, other city vehicles are not exempt from the motor vehicle sales tax.

Response: **In order to ensure that taxpayers receive the full benefit of the local government sales tax exemption:**

a) **The exemption should apply to all purchases made by local units of government;**
b) **The process to receive the exemption for construction materials should be simplified or converted into a refund process; and**
c) **The exemption should be extended to all local government purchases that would otherwise be subject to the motor vehicle sales tax in Minn. Stat. ch. 297B.**

FF-9. Taxation of Electronic Commerce

Issue: Sales over the Internet and through other electronic means are projected to increase exponentially over the next several years. Under a Supreme Court decision [*Quill Corp. v. North Dakota* (91-0194), 504 U.S. 298 (1992)], retailers without a physical presence in MN are not required to collect state and local sales taxes on purchases made by Minnesotans due, in part, to the complexity of various state sales taxes. States have tried to simplify the administration of state and local sales taxes through the Streamlined Sales Tax Project, which has worked to develop sales tax standards. Unfortunately, Congress has not yet enacted legislation to overturn the Supreme Court ruling.

Response: **Federal tax policy should not place main street businesses at a competitive disadvantage to electronic retailers, must not jeopardize repayment of bonds backed by state and local sales tax revenues, and should ensure stability in state and local revenues. To address the challenges created by the growth of electronic commerce, the League of Minnesota Cities supports the multi-state effort to develop a streamlined sales tax system.**

The League also supports federal legislation, such as the Marketplace Fairness Act and the Remote Transactions Parity Act, which would provide congressional authority for states that comply with the Streamlined Sales and Use Tax Agreement to require remote retailers to collect and remit state sales taxes. Until Congress acts, the League supports the 2017 Minnesota legislative changes that broaden the definition of retailers, affiliates and related parties in order to expand sales tax collection responsibility.

FF-10. Local Lodging Taxes

Issue: In 2011, the legislature amended Minn. Stat. § 297A.61 to define accommodation intermediaries and clarified that their services are subject to the state sales tax as part of the tax imposed on lodging. Local lodging taxes collected by the state for local units of government under Minn. Stat. § 469.190, subd. 7, also clearly apply to services provided by these accommodation intermediaries since these taxes are required under Minn. Stat. § 270C.171 to use the definition for tax base contained in the general sales tax statute.

Since 2011, some accommodation intermediaries have not been collecting and remitting locally-administered lodging taxes based on the full cost of the accommodation plus the accommodation intermediary services. There are currently 120 cities and towns that individually or jointly impose

lodging taxes for tourism purposes under Minn. Stat. § 469.190. Another five cities impose a lodging tax that is administered locally under special law. Four local lodging taxes are currently administered by the state.

Response: **The League of Minnesota Cities supports legislation that will clarify that all lodging taxes, whether administered by the state or administered locally, apply to the total charges to the customer, including charges for services provided by accommodation intermediaries.**

FF-11. Taxation of Electric Generation Personal Property

Issue: Investor-owned utilities (IOUs) have a longstanding relationship with Minnesota cities. IOUs site baseload power plants in host communities, and in exchange pay personal property tax on attached generation machinery to the cities, counties and school districts hosting the plants. These plants bring jobs to our communities, but they also create nuisances such as air pollution, nuclear waste, noise, vibration, and coal train traffic. They also create security risks and take up land that could be used for other, less disruptive commercial and industrial development. Cities believe personal property taxes paid by IOUs are a fair compensation for the environmental and economic costs of hosting baseload power plants.

IOUs argue that personal property tax relief is important to pass along to their shareholders and ratepayers. However, only a few IOU shareholders and ratepayers actually live in the communities hosting baseload power plants. Further, almost all new power plants receive personal property tax exemptions from the Legislature, while host communities with existing, non-exempt baseload plants will continue to have them for decades to come.

Currently the taxation of electric generation personal property represents the best method for reimbursing host communities for the cost of hosting IOUs. However, a 2015 MN Department of Revenue study on electric generation taxation has generated proposals to change the state system of taxing electric generation which raise equal or greater revenues for host cities.

Response: **Personal property taxes on attached electric generation machinery are a fair way to spread the environmental and economic costs of electric generation power plants among all IOU shareholders and ratepayers. The League of Minnesota Cities supports the continuation of personal property taxes paid by IOUs to host communities for existing and new facilities or a tax system which generates equal or greater revenue for host communities. As the Department of Revenue analyzes methods of utility taxation in its Study of Electric Energy Producing Systems (Session Law 2014, Chapter 308), the League supports the inclusion of these environmental and economic costs in assessing the appropriate property taxes paid to host cities by electric generation facilities.**

FF-12. Electric Generation Taxation Reform

Issue: Currently, electric utilities are subject to a personal property tax on personal property which is part of an electric generating, transmission, or distribution system. This tax has a number of exemptions and exclusions which make a patchwork of taxation statewide. The Department of Revenue issued a report on February 15, 2015 which laid out the details of this tax system, stating, “The utility tax

base comprised of these energy producing facilities is not predictable. The unpredictability is a result of law and rule changes that determine the amount of utility tax base available for host communities."

Cities which host Investor Owned Utility base load power plants have faced unpredictability in tax base from both changes to state law regarding the personal property tax on electric generation equipment and from changes in valuation due to the upgrade/depreciation cycle of equipment.

The Minnesota Legislature has introduced a reform to the system of taxing electric generation. It repeals the personal property tax and all of its exclusions and exemptions, and replaces it with an "electric generation tax base" which is subject to local property taxes. This proposal also repeals the personal property tax on transmission and distribution and creates a "Valuation for Electric Transmission Line Tax Base," a "Valuation for Electric Substation Tax Base" and an "Electric Distribution Line Tax Base."

The proposal defines the tax base for electric generation in a new way for electric generation plants which use coal, oil, natural gas, nuclear fission, biomass and flowing water to generate electricity. Under the proposal, the Department of Revenue would annually assess the tax base of electric generation machinery under a set of statutory formulas. The new valuation which replaces the value of electric generating equipment is based on a combination of an individual facility's nameplate capacity, average energy production and amount of nuclear waste storage.

The proposal also replaces the taxable value of electric transmission and distribution with statutory formulas. The Department of Revenue would assess the value of the "electric transmission line tax base" according to the number of miles of electric transmission within the taxing jurisdiction, the value of the "electric substation tax base according to the sum of the capacity of a substation, and the value of the "electric distribution line tax base" according to the number of customers in the taxing jurisdiction that receives an electric distribution.

These new tax bases define the value for purposes of the ad valorem tax of hosting jurisdictions.

Factors such as inflation affect the expenses of host cities, so any proposal to change the system of taxing electric generation should account for changes in value over time, using an independently reported adjustment factor for changing values over time.

Statutory changes to the system of electric generation taxation should not adversely affect host city tax revenues. Any proposal to change the system must include some form of replacement aid which compensates cities for adverse effects due to changing state law on electric generation taxation.

Response: **The personal property tax on electric generation equipment as well as the exemptions, exclusions and sliding scales to that tax represent a patchwork of taxation rules statewide. Changes to state law which replace the personal property tax on electric generation equipment with a tax base valuation based on electric generation capacity, production, nuclear storage, transmission, and distribution will benefit IOU host cities so long as the change comes with a factor to increase the tax base valuation over time and reimbursement to cities for revenues lost due to a change in state law.**

FF-13. Taxation of Municipal Bond Interest

Issue: The federal and state laws that grant a tax exemption to bondholders for municipal bond interest lowers borrowing costs for cities and reduces property tax levies. Recent proposed Internal Revenue Service rules would potentially restrict some local government entities such as housing and redevelopment authorities, economic development authorities and port authorities from issuing tax exempt bonds.

Response: **Congress and the state should maintain the tax exemption for municipal bond interest income. Congress should also clarify the law to supersede proposed IRS rules and thereby continue to allow housing and redevelopment authorities, economic development authorities and port authorities to issue tax exempt debt.**

FF-14. Pollution Control Exemption

Issue: Minnesota grants electric utilities and several other industries a property tax exemption for personal and real property that is primarily used for pollution control. Minnesota adopted the property tax exemption that now extends to electrical generation systems, agricultural operations, and wastewater treatment facilities in 1967, before water and air pollution were heavily regulated by the Environmental Protection Agency and the Minnesota Pollution Control Agency. The language and the purpose of these statutes have evolved through the years. When states first began adopting these tax incentives in the 1960s, they hoped to encourage utilities, industrial plants, and others to install pollution control equipment. Gradually, as regulation increased, states adopted the exemptions to help companies offset the cost of the equipment.

This tax benefit erodes local tax bases. In 2013, more than $1.8 billion of personal and real property for electrical generation was exempted from the market value of utilities. The incentive value of this benefit is low because utility companies are required to install the equipment anyway. In addition, these companies frequently recover the cost of the equipment through rate riders granted by the Public Utilities Commission. Allowing the pollution control equipment exemption places the cost of this equipment on the citizens of the host community, rather than the purchasers of electricity.

Response: **The pollution control exemption places an undue burden on host communities without incentivizing the environmentally responsible behavior that it was originally created to encourage. The League of Minnesota Cities supports narrowing or eliminating the pollution control equipment exemption for investor owned electric generation facilities. The League would also support allowing utilities to continue to recover their costs relating to the pollution control equipment by spreading those costs to electricity users.**

FF-15. Local Elected Officials Authority to Establish Local Budgets

Issue: In 2015, the House omnibus tax bill included a reverse referendum provision that would allow a small number of voters (ten percent of those voting in the last general election) to petition for a referendum on a general city property tax levy increase. The outcome of the election could reverse the decision of the local elected officials on the local budget and property tax levy after months of planning and public hearings.

As recently as the 2013 legislative session, the legislature imposed levy limits on cities over 2,500 population for one year. Levy limits replace local accountability with a state judgment about the appropriate level of local taxation and local services. Additionally, state restrictions on local budgets can have a negative effect on a city's bond rating due to the restriction on revenue flexibility.

Levy limits also fail to account for the decertification of tax increment financing districts. Upon decertification, the property taxes that were formerly collected and used to support the public improvements in the TIF district can no longer be collected at the same rate and used to support ongoing general city operations.

Response: **Local elected officials are elected to make decisions about local budgets and meeting community needs. The League finds that it is inappropriate for the Legislature to undermine local elected officials decision-making and accountability through the continued imposition of levy limits or by enacting proposals such as a reverse referendum requirement or the "taxpayers' bill of rights." The League of Minnesota Cities supports the principle of representative democracy that allows local elected officials to formulate local budgets without state or other restrictions.**

FF-16. Tax Hearing and Notification Process

Issue: Cities must set a preliminary levy by September 30, which is the levy used to compute the parcel-specific property tax notification forms. With only a few limited exemptions (e.g., voter-approved levies, levies for natural disasters and levies for certain tort judgments), this preliminary levy, by law, becomes the maximum that cities can levy the following year. As a result, cities may be unable to budget for unforeseen needs that arise after September 30.

The 2009 Legislature eliminated the separate tax hearing requirement and replaced it with a requirement that the public be allowed to speak at a regularly scheduled meeting on the budget and tax levy. These changes erroneously repealed an exception to the tax hearing and notification process for cities adopting their levies at or less than the current rate of inflation.

With the major property tax changes enacted by the Legislature in 2011, city officials have found it difficult to explain to local taxpayers not only the effects of their budget and levy decisions but also the separate effects of the actions of the state Legislature. The 2017 Legislature moved the proposed levy certification date for most instrumentalities of local governments and special taxing districts from September 15th to September 30th.

Response: **Cities should have the authority to increase the final levy from the preliminary levy with the approval of the commissioner of the Department of Revenue, to meet additional, unforeseen and uncontrollable needs, including arbitrator awards resulting from labor negotiations, the impact of new and existing federal or state mandates including administrative rules, or other non-discretionary budget factors.**

The tax hearing and notification law should be carefully reviewed to assure that the legislative intent is reflected in the statutes.

Specifically, the League of Minnesota Cities supports the following:

a) **Modifying Minn. Stat. § 275.065 to clearly and fully exclude cities of population 500 and under from the budget and levy hearing requirements;**
b) **Reinstating the exception to the tax hearing and notification requirements for cities with more than 500 residents with a proposed levy increase below the implicit price deflator (IPD); and**

In order to assist local officials with the challenge of explaining legislative changes to the property tax system, legislators should attend and be encouraged to participate in local government budget hearings in their districts.

FF-17. General Election Requirement for Ballot Questions

Issue: Under current state law, when cities are required to seek voter approval on a ballot question or where statutes allow voters to petition for an election on a council action (reverse referendum), these referenda can generally be held at a general or special election. This flexibility allows cities to respond to local circumstances in a timely manner.

During the 2015 legislative session, the House omnibus tax bill included language that would have required referenda on most ballot questions be restricted to the November general election. If enacted, this requirement could limit the ability of cities to respond to unanticipated events or to undertake projects in a timely and cost-efficient manner.

Response: **Cities should be allowed to conduct elections on ballot questions at a date and time set by the city council and that complies with existing election notification statutes.**

FF-18. City Fund Balances

Issue: As a component of a prudent financial management plan, cities maintain a fund balance composed of cash flow funds, savings for projects, and rainy day reserves to maintain high level bond ratings and to minimize borrowing costs. Although the size of a city's fund balance should be determined through local financial needs and local preferences, some cities are being criticized for maintaining "excessive" reserves.

The Office of the State Auditor (OSA) report measures city fund balances on December 31, shortly after the city receives its largest sources of revenue from the property tax and state aid distributions. Measuring at this time, however, yields a picture of a high fund balance even though the city will spend down these funds to cash flow the next five to six months of its operations.

Response: **The state should respect local decisions on adequacy of local fund balances. The League of Minnesota Cities opposes any attempt to divert local reserves to benefit the state budget.**

FF-19. Local Option Sales Tax and City Revenue Diversification

Issue: Under current state law, the property tax is the only generally accessible form of local tax revenue for cities. Even with the restoration of $107 million in LGA funding since 2013, state aid funding remains below the 2002 funding level. Allowing cities to diversify their revenue stream would help prevent rapid additional future reliance on the property tax.

The basic public finance rationale for diversification of local tax systems is rooted in the fact that economists generally agree

that there is no perfect tax. Each tax has unique strengths and weaknesses and the more intensively any single tax type is used, the more obvious its shortcomings become. For example, the property tax is generally regarded as being very stable throughout the economic cycle and it is considered to be a relatively easy tax to administer and enforce. However, when property tax burdens become too high, there may be negative consequences for other public policy objectives such as business development and home ownership.

In addition to avoiding the problems created by excessive reliance on any single tax, a balanced and diversified revenue system for Minnesota cities may create a more favorable business climate and provide for greater stability of revenues to the recipient government unit throughout the course of the economic cycle.

Under Minn. Stat. § 297A.99, the Legislature has created a set of local sales tax rules and a defined process by which cities and other political subdivisions can impose a general local option sales tax. Although the statutory process requires the city council to adopt a resolution supporting the local sales tax and also requires the city to seek voter approval of the sales tax at a general election, the process continues to require the final authorization of the local sales tax by the Legislature through the passage of a special law. In 2017, the legislature granted local sales tax authority to seven additional cities.

Response: **Cities should be able to diversify their sources of revenues. The League of Minnesota Cities continues to support a statutory change that will allow a city to enact a local sales tax for public improvements and capital replacement costs, including but not limited to those specified in the 2017 legislation:**

a) **Convention or civic centers;**
b) **Public libraries;**
c) **Parks, trails, and recreational facilities;**
d) **Overpasses, arterial and collector roads, or bridges, on, adjacent to, or connecting to a Minnesota state highway;**
e) **Railroad overpasses or crossing safety improvements;**
f) **Transportation infrastructure improvements, including construction, repair of roadways, bridges and airports;**
g) **Flood control and protection;**
h) **Water quality projects to address groundwater and drinking water pollution problems;**
i) **Court facilities;**
j) **Fire, law enforcement, or public safety facilities; or**
k) **Municipal buildings.**

Local sales taxes would follow the process outlined in Minn. Stat. § 297A.99 but without the need for the approval by the Legislature and governor through the passage of special legislation. The League supports allowing the referendum to be conducted at either a general or a special election.

State law should also be modified to generally authorize any city to impose other types of taxes such as a local payroll tax or an entertainment tax with the adoption of a supporting resolution by the city council and after approval by the voters at a general or special election.

In addition, Minn. Stat. § 469.190 should amended to allow cities to impose up to a five percent local lodging tax and to allow cities to modify the uses of their local lodging tax revenues to meet local needs. Cities should also have general authority to create utilities, similar to the storm

sewer utility authority, in order to fund local services where benefit or usage of the service can be measured.

FF-20. City Franchise Authority

Issue: Under Minn. Stat. ch. 216B and Minn. Stat. § 301B.01, a city may require a public utility furnishing gas or electric utility services or occupying streets, highways or other public property within a municipality to obtain a franchise to operate within the community. In addition, cable system operators are required to obtain a franchise under Minn. Stat. ch. 238.

Under a franchise, the city may require the utility to pay a fee to the municipality to raise revenue or to defray increased municipal costs, such as maintenance and reconstruction costs, accruing as a result of utility operations, or both.

State law currently allows the franchise fee to be based upon gross operating revenues or gross earnings of the utility from its operations in the municipality. In this manner, all utility users within the municipality contribute to the public costs associated with the utility operation. In the absence of franchise fees, municipal costs resulting from utility operations are currently being funded by property tax payers.

Many cities also have policies related to utility company services and products that could be supported under conditions of a franchise agreement, such as local renewable energy and energy efficiency programs. Current statutes do not explicitly provide city authority to include those types of performance conditions in a franchise agreement.

Under current law, cities are permitted to engage citizens when discussing a new or renewed franchise fee arrangement in the manner that best fits the community. A recent legislative proposal would have added a prescriptive notification and reverse referendum requirement to the process of imposing or renewing a franchise agreement with a gas or an electric utility.

Response: **Municipal authority to collect franchise fee revenues from utilities is an important and equitable mechanism to offset the costs of maintaining public right-of-way and to generate a return on a publicly held asset. Municipal franchise authority must be preserved and should be expanded to allow city policy priorities to be addressed through conditions in franchise agreements that have the cost covered by local ratepayers, where appropriate, and can be accomplished within the local franchise boundaries. The League opposes adding a one-size-fits-all notification requirement and a reverse referendum procedure to the gas and electric franchise fee process. In addition, in situations where a local provider decides to sell their operations, the city must have the right of first refusal to purchase the assets of the utility.**

FF-21. Utility Valuation Transition Aid

Issue: In 2007, the Minnesota Department of Revenue revised its rules regarding the valuation of electric and natural gas utility property. This change in the rules resulted in valuation changes for utility property that dramatically reduced the amount of revenue that local governments will collect in property tax from these utilities.

Recognizing that the communities that host these utilities bear extraordinary burdens connected with stress on local infrastructure, public safety, and public nuisance due to the presence of these facilities in their

communities, the Legislature created the Utility Valuation Transition Aid program. This program compensates host communities that have lost more than 4 percent of their net tax capacity as a result of Department of Revenue's rule changes.

Currently the taxation of electric generation personal property represents the best method for reimbursing host communities for the cost of hosting IOUs. However, a 2015 MN Department of Revenue study on electric generation taxation has generated proposals to change the state system of taxing electric generation which raise equal or greater revenues for host cities.

Response: **The League of Minnesota Cities supports the continuation of the Utility Valuation Transition Aid program and opposes any efforts to change statutory language or to divert promised funds away from host communities for any purpose unless statutory language replaces promised funds with equal or greater revenue to host communities. If the Legislature does determine that it is necessary to re-allocate the funds in the Utility Valuation Transition Aid program for another purpose, the League supports other legislative efforts that would compensate the host communities for the economic and environmental costs of hosting these facilities through reimbursement from the investor owned utilities. These other efforts could include, but are not limited to, increasing the class rate on utility property to the extent that it would offset the negative effects of the utility valuation rule change.**

FF-22. Transition for Property Acquired by Tax-Exempt Entities

Issue: When an existing taxable property is acquired by a tax-exempt entity and removed from the tax base, the taxes formerly paid by the property owner are shifted to other, remaining taxable properties within the jurisdiction. When the acquired property is a large percentage of the tax base of a city or other local unit of government, the shift in taxes can be substantial.

Response: **To avoid immediate, large tax burden shifts when an existing taxable property is acquired by an entity qualifying for a Minnesota property tax exemption, state law should require the new owner to continue to pay the property taxes with a five-year phase-out of taxable value or the state legislature should create a program that provides a state-paid transition aid paid over a period of time to local units of government that experience tax exempt acquisitions, paid over a period of time.**

FF-23. Payments for Services to Tax-Exempt Property

Issue: Taxable property in many cities is being acquired by nonprofit and government entities. Converting the property to tax-exempt status can lead to serious tax base erosion without any corresponding reduction in the service needs created by the property.

In 2013, legislation was introduced that would have broadly exempted non-profit property from paying user fees or service charges for any service funded in part with property taxes over the previous five years. Under certain circumstances, this proposal could have potentially exempted non-profits from paying for even utility charges.

Response: **Cities should have the authority to collect payments from statutorily-exempt property owners to cover costs of service similar to the authority provided under the special assessment law. The League of Minnesota Cities opposes legislation that would**

exempt non-profits from paying for user fees and service charges that help fund services these organizations use.

FF-24. Fire Service Taxing Districts

Issue: Fire service districts have the potential to reduce duplication of equipment purchases and services, and to improve uniformity of service delivery throughout a region. One obstacle to establishing fire service districts is the absence of statutory authority to establish fire taxing districts. The Legislature has granted authority for special taxing districts to provide services such as watershed management and emergency medical services. In spite of growing funding and staffing challenges, this authority does not currently exist for providing fire protection services.

Response: **The League of Minnesota Cities recognizes that some regions of the state could sustain or improve fire protection services if fire taxing districts were authorized. The League supports authority for local units of government to establish fire service taxing districts provided that 1) participation in a district is a local decision, and 2) fire taxing districts must be governed by elected officials representing the participating entities.**

FF-25. Housing Improvement Areas and Special Service Districts Petitioned by Business

Issue: In 1996, cities were granted general authority under Minn. Stat. §§ 428A.11-.21 to use Housing Improvement Areas (HIAs) in order to finance housing improvements for condominium and townhome complexes. Several cities around the state have used this tool, and found it to be a useful mechanism for maintaining older association homes. The 2013 Legislature also granted HIA authority to a county Community Development Authority (CDA). As part of that authority, the CDA is required to gather local approval before creating an HIA.

In 1996, the Legislature also gave cities the general authority to create Special Service Districts (SSDs) under Minn. Stat. §§ 428A.01-.101. Cities around the state have used this tool to provide an increased level of service to commercial or industrial areas, commonly in areas of retail concentration. SSDs are established at the request of local businesses, who ultimately pay for and benefit from the increased level of service. A SSD may be established anywhere in a city but only business property (i.e. commercial, industrial, utility, or land zoned for commercial or industrial use) will be subject to the service charge. Some special services have included street and sidewalk cleaning, snow and ice removal, lighting, signage, parking, parking enforcement, marketing and promotion, landscaping, and security. A SSD may be established only by petition and the city adopts an ordinance to establish it. Minn. Stat. §§ 428A.09-10 establishes procedures for the business owners in the SSD to veto or end the SSD. The 2013 legislature extended the sunset for both tools for 15 years, making it set to expire on June 30, 2028. In 2017, the House considered legislation that was ultimately unsuccessful to repeal the general SSD authority for cities. There are currently over 15 cities that have established SSDs around the state.

As cities work to develop and/or redevelop commercial, industrial, and residential areas, new ways of paying for and providing increased levels of service should be available to local entities. Use of Special Service Districts in mixed-use development is one tool that could be available for this purpose.

Response: **The Legislature should give cities permanent authority to create HIAs and SSDs. The League of Minnesota Cities supports the authority for cities to work with their business communities to establish SSDs and opposes efforts to restrict general authority of the tool.**

The League also supports the potential use of SSDs for mixed-use districts that include residential and commercial/industrial properties. The law should be reviewed to determine to what extent mixed-use properties can and should contribute to a Special Service District from which they will benefit. The League would support legislation that expands SSDs to include mixed-use development to the extent it balances the benefits and obligations of residential properties within the district.

If the Legislature grants multi-jurisdictional entities the authority to create HIAs, creation of an HIA must require local approval.

FF-26. Tax-Forfeited Properties and Local Special Assessments

Issue: Special assessments are a charge, authorized by the Legislature and state law, imposed on properties for a particular improvement that benefits those selected properties. Cities follow complex, time-consuming statutory special assessment procedures to specially assess the appropriate amount of the local infrastructure improvements to those properties.

If a property with validly attached special assessments goes into tax-forfeiture, the county auditor cancels all of the local special assessments due and remaining unpaid on each parcel, which is authorized in Minn. Stat. § 282.07. Therefore, the city loses the funds previously budgeted and planned for to pay for the local improvements. To underline this point, the funds have already been expended and if not collected, result in losses to the city.

When tax-forfeited land returns to private ownership, and the parcel benefitted from an improvement for which the city canceled special assessments because of the forfeiture, the city may assess or reassess the parcel. But cities must go through the same cumbersome notice and hearing procedures in order to re-attach the assessments.

Response: **The Legislature should remove cancellation of local special assessments from state law, allowing cities to receive the funding validly assessed and counted on to fund local infrastructure improvements.**

FF-27. Distribution of Proceeds from the Sale of Tax-Forfeit Property

Issue: When properties go into tax forfeiture all levels of government lose tax revenue that would otherwise support the services they provide. It is always in the best interest of taxpayers to return these properties to the tax rolls as quickly as possible.

Although the tax forfeiture process is controlled by the county, and counties have a legitimate need to be reimbursed for reasonable administrative costs, the city often has more at stake financially in terms of costs fronted to facilitate development (e.g., assessments for public infrastructure and unpaid development or utility fees). While the tax forfeit procedure provides a process for the repayment of special assessments, it does not require the repayment of unpaid utility charges or unpaid building and development fees. Further, due to large assessments that some

cities are left with, it may not be practical to sell a tax-forfeited property subject to a special assessment, and city taxpayers may be forced to absorb the sunk costs of a project in order to sell the property.

State statutes governing the apportionment of the proceeds from the sale of tax forfeit property allow counties to first recover administrative costs related to the tax forfeiture process before subsequent allocations are made for special assessments and hazardous waste cleanup associated with the property. State law is unclear whether the proceeds from a tax forfeiture transaction should be used to reimburse the county only for the expenses associated with the transacted parcel, or if the proceeds can be used to reimburse the county for administrative costs associated with other parcels that were not transacted. When the latter allocation method is employed by a county, the transaction proceeds can be disproportionately applied to county administrative costs resulting in a lower allocation of remaining proceeds to cover existing special assessments, hazardous waste cleanup costs and ultimately the final allocation of residual tax forfeit sale proceeds to cities.

In addition, counties are allowed to use 30 percent of the amount remaining after the deduction for administrative expenses and the repayment of special assessments for forest development projects and then 20 percent of any remaining proceeds for county parks and recreation projects. The structure of the distribution of the proceeds frequently results in cities receiving a very small percentage of the initial forfeit sale proceeds. As a result, cities may not recoup even a portion of the unpaid taxes or special assessments owed on a property.

In most cases, cities and counties work collaboratively to ensure that properties are returned to the tax rolls quickly to benefit all taxpayers. However, when consensus is not reached, the tax forfeiture statutes place cities at a disadvantage and can disproportionately burden the taxpayers of the city in which the properties are located.

Response: **The League of Minnesota Cities believes the tax forfeiture statutes should be reviewed and amended as necessary to ensure that the needs of city and county taxpayers are properly balanced. Specifically, the League supports changes in the distribution of the proceeds from the sale of tax forfeit property contained in Minn. Stat. § 282.08 to elevate the priority for repayment of unpaid charges for electricity, water and sewer charges certified pursuant to Minn. Stat. § 444.075 subd. 3(e), and any unpaid fees prescribed pursuant to Minn. Stat. § 462.353 subd. 4(a), to require those unpaid charges and fees to be repaid immediately after unpaid special assessments.**

The proceeds from the sale of a tax forfeited parcel should be used to pay the assessments and administrative and development costs for the transacted parcel. Minn. Stat. § 282.09 should be amended to prevent the proceeds from the sales of a tax forfeited parcel to be used to pay excessive administrative costs or the costs for other parcels in the county until the city is fairly reimbursed for unpaid assessments and development costs of the transacted parcel.

Before the final distribution of any remaining proceeds from the sale of tax forfeited land are distributed to cities, counties, and school districts, Minn. Stat. § 282.08(4)(i) and (ii) give counties the right to take up to half of those proceeds for county forest development and county

park and recreation areas. The League also supports the elimination of these separate statutory apportionments while allowing counties to use their designated 40 percent share of the remaining proceeds for these uses.

FF-28. State Hazard Mitigation and Response Support

Issue: Cities in Minnesota are exposed to extreme weather events such as winds, flooding, fires, and drought and are facing the severe financial consequences of the clean-up, repairs, and community social and economic recovery, even though damages may be deemed "not of such severity and magnitude" as to qualify for federal assistance.

Response: **The League of Minnesota Cities calls on our legislators and state executive agencies charged with hazard mitigation planning to address not only a response to extreme weather events but to also put into place a proactive strategy to minimize or mitigate the financial consequences. At a minimum, this effort should offer a reasonable loan funding program that is easily accessible by cities, businesses and homeowners to financially recover and rebuild, with the ultimate goal of preserving jobs, industries, and communities.**

The state response should allow for the use of new technology and best management practices for any reconstruction of infrastructure to lessen the impact of future disasters and to mitigate the effects of disasters resulting from future extreme weather events.

FF-29. Impact Fees

Issue: New development and the resulting growth create an increased demand for public infrastructure and other public facilities. Severe constraints on local fiscal resources and dramatic forecasts for population growth have prompted cities to reconsider ways to pay for the inevitable costs associated with new development.

Traditional financing methods tend to subsidize new development at the expense of the existing community, discourage sound land-use planning, place inefficient pressures on public facilities, and allow under-utilization of existing infrastructure. Consequently, local communities are exploring methods to ensure new development pays its fair share of the true costs of growth. Given the existing authorization to impose fees on new development for water, sanitary and storm sewer, and park purposes, it is reasonable to extend the concept to additional public infrastructure and facilities improvement also necessitated by new development.

Response: **The Legislature should authorize local units of government to impose impact fees so new development pays its fair share of the off-site, as well as the on-site, costs of public infrastructure and other public facilities needed to adequately serve new development.**

FF-30. Library Funding

Issue: State law requires that local governments maintain a minimum level of funding for public library services. This is collectively known as "state-certified levels of library support," or more commonly known as, "maintenance of effort (MOE)" and is described in Minn. Stat. § 134.34.

A majority of public libraries in Minnesota belong a regional library system, which is the entity that receives library funding from the Minnesota Department of Education. Six of the 12 regional library systems are

structured as a federated system where the individual libraries or library systems operate autonomously from the regional library system but they can utilize certain services such as inter-library loan distribution, digital card cataloging, which capitalize on economies of effort from partnering with the other libraries in the regional system. The MOE for any city that taxes separately for library services is now set at 90% of the amount established in 2011 (see Minn. Stat. § 275.761). In 2011, it was calculated using a formula that included payments made in the form of the library employee salaries, payments toward operating the facility, purchasing materials from the library, and other operating costs, adjusted net tax capacity, and several other factors. The other half of the state's public library systems are consolidated systems, where the regional library system runs the libraries through a joint powers agreement with counties and participating cities. The regional library system has a board and hires the director. A city that participates in the regional system will have an MOE (calculated as described above). The city MOE may include dollars provided directly to the regional library system or operating dollars provided to support building costs (i.e. city-provided maintenance services).

In the metropolitan area, the seven county library systems and one city library system belong to the Metropolitan Library Services Agency (MELSA), the metro area regional library system. Most of the cities that operate libraries independently from their county library system belong to MELSA as affiliates of their county library system. The funding of libraries in MELSA may be from a county levy, a city levy, a city library fund from the general city levy or a combination.

Most libraries not only serve city residents, but also serve people that reside outside of city limits who, in some cases, are not fully contributing to the upkeep, maintenance or operations of the library through property tax levies. While counties do contribute to municipal libraries, this support falls well short of the per capita amounts contributed by city residents.

City officials support libraries and believe that a system of equitably funded libraries is needed. One approach that has been previously approved by the Legislature is providing for funding through regional tax levies designated as "library districts." A district would have the authority to levy for public library services in lieu of their member cities and counties. Under Minn. Stat. § 134.201, the Great River Regional Library System and the East Central Regional Library System already have authority to create "library districts."

Some cities also contribute a supplemental amount of funding separate from MOE requirements, usually to pay for building maintenance costs. When the state calculates the required MOE for each local unit of government, local building costs are included in city MOE requirements and all monies cities contribute to a library building, except capital, are taken into account. The MOE requirement is a mandate on cities that does not allow for local decision making. However, it provides a stable source of funding to protect the investment in library resources and services around the state. There are some groups that are advocating for a restoration of the MOE to levels at least as high as the 2010 level.

Response: **The League of Minnesota Cities supports equitable funding for local libraries to allow for local budget decision making. Changes to the maintenance of effort by the Legislature should be as follows:**

a) **The required annual payment should reflect the amount the city itself pays toward maintenance, upkeep, and capital improvements to the library in that year.**
b) **If the MOE reduction in Minn. Stat. § 275.761 is restored to a level at least as high as the 2010 level, it should be phased in over three years.**
c) **Any relief provided to the county MOE requirement should not result in additional funding requirements to cities.**

The authority for library systems to create library taxing districts should be expanded statewide.

The Legislature should allow municipal libraries the ability to charge non-residents for membership and\or other services without the loss of any State or Federal aids.

FF-31. Park and Library Land Tax Break

Issue: As the price for land increases, it is becoming more difficult for cities and other local units of government to compete with developers to save and secure land and easements that are deemed appropriate for park, library, trail, and green spaces.

Response: **The state should amend the tax laws to provide tax incentives for property owners who sell land and easements to local units of government when the land is to be used for park, library, trail or green space purposes.**

FF-32. Increasing Safe School Levy Authority

Issue: Strong partnerships between schools and local law enforcement are critical to school safety. Police School Resource Officers (SROs) are valued professionals in school communities and provide support, safety and security for students, staff and the public. Further, SROs can provide regular opportunities for informal, positive interactions between students and police personnel.

Under Minn. Stat. § 126C.44, the Safe Schools Levy allows school districts to levy for costs associated with student and staff safety based on student enrollment numbers. Some eligible expenses include police liaison services; drug abuse prevention programs; gang resistance education training; school security; crime prevention; and implementation of student and staff safety measures.

Using Safe Schools Levy authority, local school boards may raise additional resources for school safety and security. Almost every Minnesota school district currently levies the full amount of $36 per pupil. This amount does not cover the full cost of providing this important service, and local law enforcement agencies are not being fully compensated for providing SROs.

Response: **The League supports increasing the maximum Safe Schools Levy from $36 per pupil up to $60 per pupil to ensure schools and communities are able to continue providing safe schools programming**

FF-33. Equitable Funding of Community Education Services

Issue: Under Minn. Stat. § 124D.20, school districts are authorized to levy for community education programs that can include youth recreational activities. However, state statute limits the total amount of revenue that can be raised by the school district to fund community education programs and this limit has not been

sufficiently increased in recent years. In many instances, cities participate in the funding of these programs and with the statutory limit on the amount school districts can levy, the increased cost of these programs is increasingly falling on cities and their property taxpayers. In areas where the school district is significantly larger than the city, the burden of funding these programs is falling disproportionately on city taxpayers while the programs benefit the entire school district.

Response: **The League of Minnesota Cities supports a statutory increase in the community education revenue authorization for school districts. Increasing the amount of the community service revenue available to school districts would provide a steady source of revenue, which would be assessed against all properties in the school district, not just against properties in the city.**

FF-34. Street Reconstruction Bond Approval

Issue: Under Minnesota law, financing the maintenance of streets can be a challenge for city councils. Minn. Stat. § 475.58 subd. 3b, authorizes a city council, by two-thirds vote, to approve the issuance of bonds to finance street reconstruction or bituminous overlays without voter approval. The two-thirds council approval requirement is further subject to a reverse referendum process whereby a number equal to five percent of those voting in the last municipal general election can petition for a referendum to approve the issuance of the bonds.

Response: **Street maintenance is one of the essential functions of cities in Minnesota. The laws governing issuance of bonds to maintain streets should be amended to allow the approval of the bonds by a simple majority of the council. The existing reverse referendum process assures that taxpayers could trigger a referendum on the issuance of bonds if they can meet the five percent petition threshold.**

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METRO CITIES

Association of Metropolitan Municipalities

Legislative Policies

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Municipal Revenue & Taxation

1-A State and Local Fiscal Relationship

A functional state and local fiscal relationship must emphasize adequacy, equitability, sustainability and accountability for public resources, and effective communication among the state, cities, and the public on the roles and responsibilities of state and local governments. An effective partnership must also emphasize practices that strengthen collaboration and partnership between the state and local units of government.

Services provided by cities are traditionally funded through a combination of property taxes, fees/charges and state aids. Increasingly, cities are bearing more of the costs for services that have historically been the responsibility of the state.

Metro Cities supports a strong state and local fiscal partnership that emphasizes the following principles:

- Strong financial stewardship and accountability for public resources that emphasizes maximizing efficiencies in service delivery and effective communication between the state and local units of government, and to the public, about state and local roles and responsibilities;

- Certainty, predictability and reliability in revenue sources including the property tax and local government aids, and dedicated funds to meet specific local government needs. Metro Cities opposes the diversion of such dedicated funds to help balance state budgets;

- Adequate revenue sources available to cities that allow the needs of cities to be met, citizens to receive adequate services at similar levels of taxation, mandates to be funded, that maintain our state's economic vitality and competitiveness;

- Adequate and timely notification regarding new legislative programs or modifications to existing state programs or policies to allow cities sufficient time to plan for implementation; and any effects on local budgeting processes;

- The concept of performance measuring, but opposition to using state established local performance measurements to determine the allocation of state aids to local governments, or to deny local governments the authority to establish their own budgets and levies, as such measurements do not account for varying local needs and circumstances.

1-B Revenue Diversification and Access

Metro Cities supports a balanced and diversified revenue system that acknowledges diverse city characteristics, needs and revenue capacities, and allows for greater stability in revenues. Any diminished level in the provision of state aids creates severe challenges for

many cities in the provision of public services and increased reliance on the property tax.

Metro Cities supports greater access to other tax and revenue sources and the ability of cities to impose a local option sales tax for public improvements without the need for special legislation.

Metro Cities supports current laws that provide for municipal franchise fee authority, and opposes statutory changes such as reverse referendum requirements or other constraints that would reduce local authority and flexibility for establishing, amending, or renewing franchise fees and interfere with local public processes and goals for establishing such fees.

Metro Cities supports increasing statutory investment alternatives for cities. Such alternatives should balance the safeguarding of investment assets with a city's demonstrated financial record.

Metro Cities supports having local sales tax referendums conducted at a general or special election. The Legislature should recognize the equity considerations involved with local sales taxes, and continue to provide aids to cities that have high needs, overburdens and/or low fiscal capacity.

1-C Restrictions on Local Government Budgets

Metro Cities strongly opposes levy limits and other restrictions on local government budgeting processes. Levy limits undermine local budgeting processes, planned growth, and the relationship between locally elected officials and their residents by allowing the state to decide the appropriate level of local taxation and services, despite varying local conditions and circumstances.

Metro Cities also opposes the imposition of artificial mechanisms such as valuation freezes, payroll freezes, reverse referenda, super majority requirements for levy, or other limitations to the local government budget and taxing process.

1-D Budget and Financial Reporting Requirements

State laws require cities to prepare and submit or publish numerous budget and financial reports. These requirements often add significant costs to cities, and many requirements often result in duplication. Any additional reporting requirements should **have a clearly defined statement of public purpose and need not covered under existing reporting requirements and balance the need for additional information with the costs of compiling and submitting this information.**

In light of numerous existing reporting requirements, Metro Cities supports reducing the number of mandated requirements. **Metro Cities supports efforts to consolidate municipal government financial reporting requirements in the Office of the State Auditor, including an electronic submission alternative to any remaining paper filing requirements, and to authorize the use of web publication where newspaper publication**

is currently required.

1-E Local Government Aid (LGA)

Metro Cities supports Local Government Aid (LGA) as a means of ensuring that communities remain affordable places to live and work while meeting the basic public service demands of residents and businesses. Metro Cities' policies also recognize that the state's prosperity and vitality depend significantly upon the strength of the metropolitan region.

Metro Cities supported the 2013 modifications to the LGA program to help better address the needs of cities across the state, and of metro cities in their support of the state's economic growth.

To ensure an adequate appropriation level for the program, Metro Cities supports increasing the LGA appropriation to address cities' unmet need as defined by the LGA formula as well as increases in the LGA appropriation to account for inflation. By way of reference, the total need identified in the LGA formula for 2018 is estimated at $814.6 million, whereas the current funding is set at $534.4 million, putting the remaining need at $280.2 million.

Metro Cities supports formula-based allocations for increases to the LGA appropriation. Metro Cities strongly opposes freezes of the LGA appropriation, or reductions of LGA for balancing state budget deficits. Metro Cities also opposes artificial limits or reductions that single out specific communities. Metro Cities further opposes using LGA as financial leverage to influence particular activities and policy decisions at the local level.

1-F State Property Tax Relief Programs

Metro Cities supports state funded property tax relief programs paid directly to homestead property taxpayers such as the circuit breaker and enhanced targeting for special circumstances and supported the 2013 legislative expansion of these programs. Metro Cities also supports the state renter's credit program. Metro Cities supports an analysis of the state's property tax relief programs to determine their effectiveness and equity in providing property tax relief to individuals and families across the state.

Metro Cities supports efforts by the MN Department of Revenue to expand outreach and notification efforts about state property tax relief programs to homeowners, and notification of these programs to local units of government to help increase these efforts. Metro Cities also supports legislative modifications to these programs that make tax relief payments to taxpayers automatic.

Metro Cities supports the use of the Department of Revenue's "Voss" database to link income and property values, and the consideration of income relative to property taxes paid in determining eligibility for state property tax relief programs. Updates to the database should occur in a timely manner and data reviewed periodically to ensure the database's accuracy and usefulness.

1-G Property Valuation Limits/Limited Market Value

Metro Cities strongly opposes the use of artificial limits in valuing property at market for taxation purposes, since such limitations shift tax burdens to other classes of property and create disparities between properties of equal value.

1-H Market Value Homestead Exclusion Program

The Market Value Homestead Exclusion Program (MVHE) provides property tax relief to qualifying homesteads, through reductions in property tax values, which shifts property taxes within jurisdictions. The MVHE replaced a former Market Value Homestead Credit Program, which provided credits on local government tax bills to qualifying properties, with reimbursements provided by the state to local governments.

Metro Cities opposes restoration of the former Market Value Homestead Credit, as reimbursements to local governments were inconsistent, and encourages further study of the exclusion program, with input by city officials, to determine the program's overall efficacy and its effects on local tax bases.

1-I Metropolitan Area Fiscal Disparities Program

The Metropolitan Area Fiscal Disparities Program, enacted in 1971, was created for the purposes of:

- providing a way for local governments to share in the resources generated by the growth of the metropolitan area without removing existing resources;

- promoting orderly development of the region by reducing the impact of fiscal considerations on the location of business and infrastructure;

- establishing incentives for all parts of the area to work for the growth of the area as a whole;

- helping communities at various stages of development; and

- encouraging protection of the environment by reducing the impact of fiscal considerations to ensure protection of parks, open space and wetlands.

Metro Cities supports the Fiscal Disparities Program. Metro Cities opposes any diversion from the fiscal disparities pool to fund specific programs or projects as this

would contradict the purposes of the program. Metro Cities recognizes that laws enacted in the 2013 legislative session to assist the expansion for the Mall of America were not in accordance with Metro Cities' legislative policy on fiscal disparities. This law should not serve as a precedent for future legislative action with respect to funding specific projects or programs out of the fiscal disparities pool.

Legislation that would modify or impact the fiscal disparities program should only be considered within a framework of comprehensive reform efforts of the state's property tax, aids and credits system. Any proposed legislation that would modify or impact the fiscal disparities program must be evaluated utilizing the criteria of fairness, equity, stability, transparency and coherence in the treatment of cities and taxpayers across the metropolitan region, and must continue to serve the program's intended purposes.

Metro Cities opposes legislation that would allow for capturing and pooling growth in residential tax capacity to fund specific programs or objectives.

Further studies or task forces to consider modifications to the fiscal disparities program must include participation and input from metropolitan local government representatives.

1-J Constitutional Tax and Expenditure Limits

Metro Cities strongly opposes including tax and expenditure limits in the state constitution. This would eliminate any flexibility on the part of the Legislature or local governments to respond to unanticipated critical needs, emergencies, or fluctuating economic situations.
When services such as education, public safety and health care require increased funding beyond the overall limit, experiences in at least one other state indicate that other publicly funded services receive less than adequate resources. Constitutional limits result in a reduced base during times of economic downturn and the inability to recover to previous service levels when economic prosperity returns.

1-K State Property Tax

The state levies a property tax on commercial/industrial and cabin property. Since cities' only source of general funds is the property tax, Metro Cities strongly opposes extension of the state property tax to additional classes of property. Metro Cities opposes using the state property tax to fund specific programs or objectives generally funded through state income and sales tax revenue.

In the interest of increasing transparency, Metro Cities supports efforts to have the state provide information on the property tax statement regarding the state property tax. Metro Cities opposes exempting specific classes of property under the tax as such exemptions shift the costs of the tax onto other classes of property.

1-L Class Rate Tax System

Metro Cities opposes elimination of the class rate tax system or applying future levy increases to market value since this further complicates the property tax system.

1-M Regional Facility Host Communities

Municipalities hosting regional facilities (such as utilities, landfills or aggregate mining) incur costs and community effects such as environmental damage or lost economic development opportunities. Communities should be compensated to accommodate the effects of these facilities that provide benefits to the region and state. **Metro Cities supports legislative efforts to offset the negative impacts of these facilities and activities on host communities.** Metro Cities would prefer that cities and townships be allowed to collect a host fee that may be adjusted when state decisions impact those fees.

1-N Sales Tax on Local Government Purchases

Metro Cities supports the reinstatement of the sales tax exemption for purchases of goods and services made by cities.

To ensure that citizens receive the full benefit of this exemption, the law should treat purchases of all local government units the same, including purchases made by special taxing districts, joint powers entities, or any other agency or instrumentality of local government.

Metro Cities supports granting an extension of the motor vehicle sales tax exemption to all municipal vehicles that are used for general city functions and are provided by governmental entities. Currently, only certain vehicles, including road maintenance vehicles purchased by townships, and municipal fire trucks and police vehicles not registered for use on public roads, are exempt from the MVST.

Metro Cities supports simplifying the process around the exemption for construction materials, which is currently complex and cost ineffective, or converting the process to a refund program.

1-O City Revenue Stability and Fund Balance

Metro Cities opposes state attempts to control or restrict city fund balances. These funds are necessary to maintain fiscal viability, meet unexpected or emergency resource needs, purchase capital goods and infrastructure, provide adequate cash flow and maintain high level bond ratings.

1-P Public Employees' Retirement Association (PERA)

Metro Cities supports employees and cities sharing equally in the cost of necessary contribution increases and a sixty percent employer/forty percent employee split for the

PERA Police and Fire Plan. Metro Cities also supports state assistance to local governments to cover any additional contribution burdens placed on cities over and above contribution increases required by employees. Cities should receive sufficient notice of these increases so that they may take them into account for budgeting purposes.

Metro Cities opposes benefit improvements for active employees or retirees until the financial health of the PERA General Plan and PERA Police and Fire Plan are restored.

Metro Cities supports modifications to help align PERA contributions and costs, and reduce the need for additional contribution increases, including a modification of PERA eligibility guidelines to account for temporary, seasonal and part-time employment situations, the use of pro-rated service credit and a comprehensive review of exclusions to simplify eligibility guidelines. Further employer contribution rate increases should be avoided until other cost alignment mechanisms are considered.

Metro Cities supports cities and fire relief associations working together to determine the best application of State Fire Aid. Flexibility in the application of State Fire Aid, where combination departments exist, will ensure that fire services can be provided in the most cost effective means possible.

With regard to police pension contributions, Metro Cities supports a proactive review of factors contributing to the financial status of police and fire pension plans, to ensure that structural adjustments are considered in conjunction with potential increases in employee and employer contribution rates. Specifically, an area that could be considered is contractual overtime impacts on pension levels.

1-Q State Program Revenue Sources

Metro Cities opposes any attempt by the state to finance programs of statewide value and significance that are traditionally funded with state revenues, with local revenue sources such as municipal utilities or property tax mechanisms. Statewide programs serve important state goals and objectives, and should be financed through traditional state revenue sources such as the income or sales tax.

Metro Cities further opposes substituting traditionally state funded programs with funding mechanisms that would disparately affect taxpayers in the metropolitan area.

1-R Post-Employment Benefits

Metro Cities supported statutory changes that allow local governments to establish trusts from which to fund post-employment health and life insurance benefits for public employees, with participation by cities on a strictly voluntary basis, in recognition that cities have differing local needs and circumstances. Cities should also retain the ability to determine the level of post-employment benefits to be provided to employees.

1-S Health Care Insurance Programs

Metro Cities supports legislative efforts to control health insurance costs, but opposes actions that undermine local flexibility to manage rising insurance costs. Metro Cities encourages a full examination of the rising costs of health care and the impacts on city employers and employees. Metro Cities also supports a study of the fiscal impacts to both cities and retirees of pooling retirees separately from active employees.

1-T State Budget Stability

Metro Cities strongly supports a state revenue system that provides for stability, flexibility and adequacy in the system, reduces the volatility of state revenues and improves the long- term balance of state revenues and expenditures. Metro Cities supports a statutory budget reserve minimum that is adequate to manage risks and fluctuations in the state's tax system and a cash flow reserve account of sufficient size so that the state can avoid short term borrowing to manage cash flow fluctuations.

Metro Cities also supports an examination of the property tax system and the relationships between state and local tax bases, with an emphasis on state budget cuts and their impact on property taxes. State budget deficits must be balanced with statewide sources and must not further reduce funding for property tax relief programs and aids to local governments that result in local governments bearing more responsibility for the costs of services that belong to the state.

1-U Taxation of Electronic Commerce

Metro Cities supports efforts to develop a streamlined sales and use tax system to simplify sales and use tax collection and administration by retailers and states. Metro Cities supports policies that encourage remote retailers to collect and remit state sales taxes in states that are complying with the Streamlined Sales and Use Tax Agreement.

Metro Cities opposes legislation that allows accommodation intermediaries such as online travel companies a tax exemption that terminates obligations to pay hotel taxes to state and local governments, or otherwise restricts legal actions by states and localities. In 2011 the Legislature clarified that these services are subject to state sales tax. Metro Cities supports additional statutory changes to further clarify that all lodging taxes, whether administered by the state or locally, apply to total charges, including charges for services provided by accommodation intermediaries.

1-V Payments for Services to Tax Exempt Property

Metro Cities supports city authority to collect payments from tax exempt property owners to cover the costs of services to those entities similar to statutory authority for special assessments. Metro Cities opposes legislation that would exempt nonprofit entities from paying user fees and service charges.

1-W Proceeds from Tax Forfeited Property

Metro Cities supports changes to state laws governing the proceeds for tax forfeited properties. Currently, counties are allowed to recover administrative costs related to a property before other allocations are made and the law allows for the county to recoup a percentage of assessment costs once administrative costs are allocated. The result is often no allocation or a very low allocation, and usually insufficient level of proceeds available for covering special assessments, unpaid taxes and fees to cities. State processes addressing tax-forfeited properties can have implications for local land use plans and requirements and can result in unexpected and significant fiscal impacts on local communities. The current process also does not require the repayment of unpaid utility charges, or building and development fees.

Metro Cities supports statutory changes that balance repayment of unpaid taxes and assessments, utility charges and other fees and that more equitably allocates the distribution of proceeds between counties and cities.

2-A Mandates, Zoning & Local Authority

Metro Cities opposes statutory changes that erode local authority or create additional mandates that increase local costs without a corresponding state appropriation or funding mechanism. New unfunded mandates potentially increase property taxes and impede cities' ability to fund traditional service needs.

Metro Cities believes that zoning decisions should be made at the local level. Metro Cities supports legislation to give local officials greater authority and discretion to approve or deny variances to allow flexibility in responding to land use needs of their own community.

Metro Cities also supports legislation to remove barriers to uniform zoning ordinance amendment processes for all cities, regardless of city size classification.

To allow for greater collaboration and flexibility in providing local services, Metro Cities encourages the removal of barriers or hurdles to cooperation and coordination between cities and other units of government or entities. Metro Cities supports local decision- making authority.

2-B City Enterprise Activities

Creation of an enterprise operation allows a city to provide the desired service while maintaining financial and management control. The state should refrain from infringing on this ability to provide and control services for the benefit of community residents.

Metro Cities supports cities having authority to establish city enterprise operations in response to community needs, local preferences, state mandates or to ensure residents' quality of life.

2-C Firearms on City Property

Cities should be allowed to prohibit handguns and other weapons in city-owned buildings, facilities and parks and to determine whether to allow permit-holders to bring guns into municipal buildings, liquor stores, city council chambers and city sponsored youth activities. It is not Metro Cities' intention for cities to have the authority to prohibit legal weapons in parking lots, on city streets, city sidewalks or on locally approved hunting land.

Metro Cities supports local control to allow or prohibit handguns and other weapons on city-owned property.

2-D 911 Telephone Tax

Public safety answering points (PSAPs) must be able to continue to rely on state 911 revenues to pay for upgrades and modifications to local 911 systems, maintenance and operational support and dispatcher training.

Metro Cities supports state funding for technology and training necessary to provide the number and location of wireless and voice over internet protocol (VoIP) calls to 911 on computer screens and transmit that data to police, fire and first responders.

2-E 800 MHz Radio System

Metro Cities urges the Legislature to provide cities with the financial means to obtain required infrastructure and subscriber equipment (portable and mobile radios) as well as provide funding for operating costs, since the prime purpose of this system is to allow public safety agencies and other units of government the ability to communicate effectively.

Metro Cities supports the work of the Metropolitan Emergency Services Board (previously the Metropolitan Radio Board) in implementing and maintaining the 800 MHz radio system, as long as cities are not forced to modify their current systems or become a part of the 800 MHz Radio System unless they so choose.

2-F Building Codes

Thousands of new housing units are constructed annually in the metro area. Structural and water intrusion problems have surfaced in many houses and commercial buildings built in the last 20 years resulting in dissatisfied homeowners and conflicts among the state, builders and cities.

Metro Cities supports an equitable distribution of fees from the Construction Code Fund, with proportional distribution based on the area of enforcement where fees were received. Metro Cities further supports a joint effort by the state, cities and builders to collectively identify appropriate uses for the fund, including education, analysis of new materials and construction techniques, building code updating, building inspector training, and development of performance standards and identification of construction "best practices."

Metro Cities supports including the International Green Construction Code as an 'optional appendix' to the State Building Code to allow cities to utilize appropriate parts of those guidelines in their communities. Metro Cities also supports adopting the international energy conservation code to the state building code without amendments. Metro Cities does not support legislative solutions that fail to recognize the interrelationships among builders, state building codes and cities. Metro Cities supports efforts to increase awareness of the potential impacts and benefits of requiring sprinklers

in new homes and townhouses and supports discussion and the dissemination of information around these impacts via the code adoption process through the Department of Labor and Industry.

2-G Administrative Fines

Traditional methods of citation, enforcement and prosecution have met with increasing costs to local units of government. The use of administrative fines is a tool to moderate those costs. **Metro Cities supports the administrative fine authority granted to allow cities to issue administrative fines for defined local traffic offenses and supports further modifications to enhance the workability of the authority. Metro Cities continues to support all cities' authority to use administrative fines for regulatory ordinances such as building codes, zoning codes, health codes, and public safety and nuisance ordinances.**

Metro Cities supports the use of city administrative fines, at a minimum, for regulatory matters that are not duplicative of misdemeanor or higher-level state traffic and criminal offenses. Metro Cities also endorses a fair hearing process before a disinterested third party.

2-H Residential Programs

Sufficient funding and oversight is needed to ensure that residents living in residential programs have appropriate care and supervision and that neighborhoods are not disproportionately impacted by high concentrations of residential programs. Historically, federal and state laws have discouraged the concentration of residential group homes so as not to promote areas that reinforce institutional quality settings.

Under current law, operators of certain residential programs are not required to notify cities when they intend to purchase single-family housing for this purpose. Cities do not have the authority to regulate the locations of residential programs. Cities have reasonable concerns about high concentrations of these facilities in residential neighborhoods, and additional traffic and service deliveries surrounding these facilities when they are grouped closely together. Municipalities recognize and support the services residential programs provide. However, cities also have an interest in preserving balance between residential programs and other uses in residential neighborhoods.

Providers applying to operate residential programs should be required to notify the city when applying for licensure so as to be informed of local ordinance requirements as a part of the application process. Licensing agencies should be required to notify the city of properties receiving licensure to be operated as residential programs.

Metro Cities supports statutory modifications to require licensed agencies and licensed providers that operate residential programs to notify the city of properties being operated as residential programs. Metro Cities also supports the establishment of appropriate non- concentration standards for residential programs, to prevent

clustering, and supports enforcement of these rules by the appropriate county agencies.

2-I Annexation

Attempts have been made in recent years to reduce tensions between cities and townships around annexations. A Municipal Boundary Adjustment Task Force, whose work was published in 2009, worked to develop recommendations regarding best practices annexation training for city and township officials to better communicate and jointly plan potential annexations. While the task force could define the differences between cities and townships on the issue of annexation, no significant advancements were made in creating best practices.

Metro Cities supports continued legislative efforts to develop recommendations regarding best practices annexation training for city and township officials to better communicate and jointly plan potential annexations. Further, Metro Cities supports substantive changes to the state's annexation laws that will lead to better land use planning, energy conservation, greater environmental protection, fairer tax bases, clarification of fee reimbursement and fewer conflicts between townships and cities. Metro Cities also supports technical annexation changes that have been agreed to by cities and townships.

2-J Statewide Funding Sources for Local Issues with Regional Impact

Many issues including, but not limited to, the implementation of a metropolitan area groundwater monitoring network, emerald ash borer management and the cleanup of storm-water retention ponds, come with significant local costs, and have impacts that reach beyond municipal boundaries.

Metro Cities supports the availability of statewide funding sources to address local issues that have regional or statewide significance or are caused by state or regional actions.

Metro Cities opposes the requirement of enacting ordinances more restrictive than state law in exchange for access to these funds.

2-K Urban Forest Management Funding

Urban forests are an essential part of city infrastructure. Dutch elm disease, oak wilt disease, drought, storms, and emerald ash borer threaten public investments in trees. The costs for controlling these issues can be greatly consequential for city budgets. The Minnesota Department of Natural Resources, through its Urban and Community Forestry program, and the Minnesota Department of Agriculture, through its Shade Tree and Invasive Species program, currently have regulatory authority to direct tree sanitation and control programs. Although these programs allow for addressing some tree disease, pest, and other problems, funding levels have been inadequate to meet the need of cities to build capacity for urban tree programs and respond to catastrophic problems.

Cities share the goal of the state's Re-leaf Program—promoting and funding the inventory, planning, planting, maintenance, and improvement of trees in cities throughout the state. In addition, economic and environmental gains for storm water management, climate change mitigation, air quality management, tourism, recreation, and other benefits must be protected from tree loss. A lack of timely investment in urban forests costs cities significantly more in the long run.

Cities are facing immediate costs for the identification, removal, replacement, and treatment of emerald ash borer (EAB) as it spreads across the state. The state has no program to assist cities in covering those expenses.

Metro Cities supports funding for a state matching grant program to assist cities with building capacity for urban forest management and meeting the costs of preparing for, and responding to, catastrophic urban forest problems. Specifically, direct grants to cities are desperately needed for the identification, removal, replacement, and treatment of trees related to management of EAB. The state should establish an ongoing grant program with annual funding that is usable for those activities.

2-L Regulation of Harmful Substances and Products

In metropolitan regions where most cities share boundary lines with other cities, local bans of harmful drugs and substances such as synthetic drugs, which have been found to be dangerous, do not eliminate access to these products unless all cities take the same regulatory action.

Metro Cities supports the statewide regulation and prohibition of products or substances in circumstances where there is evidence that the products present a danger to anyone who uses them, for which there is broad local support for a ban and for which corresponding regulatory issues have regional or statewide significance.

In addition, the Legislature should provide for the regulation of products that are known to damage water quality, sewer collection, and storm and wastewater treatment systems, not just at the treatment and infrastructure maintenance levels, but at the consumer and manufacturing levels, through accurate labeling of products, public education, and recycling and re-use programs.

2-M Private Well Drilling Restriction Authority

Cities are authorized to enact ordinances that disallow the placement of private wells within city limits to ensure both water safety and availability for residents and businesses. This authority is important for the appropriate management of local water supply conservation efforts. Municipal water systems are financially dependent upon users to operate and maintain the system. A loss of significant rate payers as a result of unregulated private well drilling would economically destabilize water systems and could lead to contamination of the water

supply.

Metro Cities supports current law authorizing cities to regulate and prohibit the placement of private wells within municipal utility service boundaries and opposes any attempt to remove or alter that authority. **Metro Cities supports funding that can be used to cap private wells.**

2-N Organized Waste Collection

Cities over 1,000 in population are required by law to ensure all residents have solid waste collection available to them. A city can meet the statutory requirement by licensing haulers to operate in an open collection system, authorize city employees to collect waste, or implement organized collection through one or multiple haulers to increase efficiency, reduce truck traffic and control costs to residents.

Metro Cities supports current laws that allow cities to work with existing haulers to achieve the benefits of organized collection or investigate the merits of organized collection without the pressure of a rigid timeline and requirement to pass 'an intent to organize' at the beginning of the discussion process. Metro Cities opposes any legislation that would further increase the cost or further complicate the process cities are required to follow to organize waste collection or prohibit cities from implementing, expanding or using organized waste collection.

2-O Election Administration

Cities play a critical role in managing and ensuring the integrity of elections. Any changes made to election laws should not place undue financial or administrative burdens on local governments. **Additional costs resulting from election law changes should be the responsibility of the state.**

Eligible voters in Minnesota may vote by absentee ballot prior to Election Day. Starting 46 days before the election, a voter can request, receive and cast an absentee ballot in one visit to their county or city election offices.

As more and more voters choose to vote early with absentee balloting, improvements must be made to increase efficiency of administering absentee balloting before Election Day, reduce the potential for errors and to improve voter experience.

Metro Cities supports:

- **2016 laws allowing in-person absentee voters to place their ballots in a secure tabulator, and statutory changes to allow this for the duration of absentee voting**

- **Establishing an earlier deadline for ending in-person absentee voting;**

- **Revising absentee ballot regulations to allow any person 18 and older to witness the absentee process and sign the envelope as a witness; and**

- **Authorizing cities with health care facilities to schedule election judges to conduct absentee voting at an earlier date in health care facilities.**

2-P Utility Franchise Fees, Accountability and Cost Transparency

Minnesota cities are authorized by Minnesota statutes M.S. 216B and 301B.01 to require a public utility (gas or electric) that provides services to the city or occupies the public right of way within a city to obtain a franchise. Several metro area cities have entered agreements that require the utility to pay a fee to help offset costs of maintaining the right of way.

Cities are also adopting energy policies that use renewable energy resources to light or heat public facilities. Policies and programs have also been instituted in cooperation with the public utility franchisee to increase energy efficiency for all users. Cities also contract, at city expense, with public utilities to "underground" wires. State laws have also require energy companies to provide more electric energy from renewable sources. The specific amounts vary by type of utility.

Metro Cities supports:

- **State policies adopted by legislation or through rules of the Public Utility Commission that provide cities with the authority to include city energy policies and priorities in a franchise or similar agreement with a franchisee; and**

- **Greater accountability and transparency for city paid costs associated with underground utility and similar work performed by electric utilities as part of a local project.**

2-Q Water Supply

Municipal water suppliers are charged with meeting the water supply needs of their communities and work to do so with safe, reliable and cost-effective systems that are sustainable both for established cities and for all future growth.

The aquifers in the metropolitan area cross municipal boundaries and therefore require a coordinated regional approach to planning for their future availability. Currently, approximately 75% of municipal water supply in the metropolitan area comes from groundwater. With proper management of the resource, the current water supply in the region is adequate; however, Metropolitan Council projections predict localized declines in aquifer availability due to population growth estimates if current usage levels are maintained.

Regulation of water is complex and compartmentalized. Various agencies permit its use, plan for its availability, regulate stormwater, treat wastewater and protect the safety of water. To

ensure that water supply remains adequate and sustainable across the region, we must understand how much water can be sustainably drawn from the aquifers and what effect increases in re-use, conservation and recharge can have on the sustainability and availability of both groundwater and surface water. Many of these strategies cross agency jurisdictions and will require improved coordination and cooperation.

Municipal water suppliers have made significant infrastructure investments in their systems based on calculated water availability and DNR permits. Proposals to reduce the reliance on groundwater by switching municipal water systems from groundwater to surface water supplies will come with significant costs that could place excessive burdens on local resources.

The outcomes and benefits of re-balancing the mix of groundwater and surface water use for specific municipalities and the region must be identifiable before any projects are undertaken. The sustainability of our water supply is an issue of regional and statewide significance and the expense of any necessary projects that benefit the region should not fall on individual cities. Any attempts to address water supply sustainability must also take into account all water users, including municipal water suppliers, industry, private wells, agriculture and contamination containment.

The metropolitan region must consider the effects of groundwater use beyond the borders of the metropolitan area on the region's groundwater availability and the cost of treating contaminants in surface water that comes into the metropolitan area for use.

Metro Cities supports the removal of barriers to wastewater and storm water re-use, improved inter-agency coordination, clarifying the appropriate roles of local, regional and state governments with respect to water, streamlining and consolidating permit approval processes and the availability of statewide resources to plan for and ensure the future sustainability of water supply in the metropolitan area. Metro Cities also encourages the Metropolitan Council, in consultation with municipalities, to find ways to re-use wastewater and to develop other strategies to improve conservation.

Metro Cities supports state funding for costs associated with converting water supply from groundwater to surface water and funds to encourage and promote water conservation as a strategy to improve water sustainability and to improve and protect water quality.

2-R Regulation of Massage Therapists

In the absence of statewide regulation for massage therapy practitioners, many cities have enacted local ordinances that require massage therapists to obtain a local professional license to assist law enforcement in differentiating between legitimate providers and illegitimate businesses fronting as massage therapy establishments.

Metro Cities supports statewide registration or licensure of massage therapists to aid local law enforcement efforts in this area. Metro Cities supports cities' ability to continue to license massage therapy businesses.

Policies 3-A to 3-J: Introduction

While the provision of housing is predominantly a private sector, market-driven activity, all levels of government – federal, state, regional and local – have a role to play in facilitating the production and preservation of affordable housing in Minnesota.

Adequate affordable housing is a significant concern for the metropolitan region and effective approaches require participation from all levels of government, the private sector and nonprofit groups.

3-A City Role in Housing

All cities facilitate the development of housing via land use planning, zoning ordinances, subdivision regulations and rental licensing. Cities should have sufficient authority and flexibility to promote housing types best suited to meet local needs, public purposes and goals.

While local government financial resources constitute a relatively small portion of the total costs of providing housing, many cities take on a significant administrative burden by providing financial incentives and regulatory relief, participating in state and regional housing programs and supporting either local or countywide housing and redevelopment authorities and community development agencies.

Cities are responsible for much of the ground-level housing policy in Minnesota; including land use planning, code enforcement, rental licensing, and often times the packaging of financial incentives. Cities are also responsible for ensuring the health and safety of local residents and the structural soundness and livability of the local housing stock via building permits and inspections. It is the responsibility of cities to periodically review local requirements such as land use regulations and ordinances to ensure that they are consistent with these purposes.

Metro Cities strongly opposes any effort to reduce, alter or interfere with cities' authority to carry out these functions in a locally determined manner.

3-B City Role in Affordable and Life Cycle Housing

Metro Cities supports housing that is affordable and appropriate for people at all stages of life. A variety of housing opportunities are important to the economic and social well-being of individual communities and the region. The region faces challenges in meeting the existing and future housing needs of low and moderate-income residents. Existing housing stock is aging, with roughly half older than 40 years old, according to the U.S. Census Bureau. Older housing stock can be more affordable; however, it requires investments to remain viable. Private investors have purchased subsidized and unsubsidized rental units, made improvements and charged higher rents that have made access to previously affordable units prohibitive for low and

moderate-income residents. The Metropolitan Council has projected the region will add nearly 35,000 households between 2021 and 2030 that will need affordable housing and require a subsidy of $5 billion to meet the needs of households earning up to 50 percent area median income.

Cities should work with the private and nonprofit sectors, counties, state agencies and the Metropolitan Council to ensure the best use of new and existing tools and resources to produce new housing and preserve existing affordable housing. Cities can facilitate the production and preservation of affordable and life cycle housing by:

- Applying for funding from available grant and loan programs;
- Using city and county funds to support affordable housing. This can include creating a local or regional housing trust fund to support affordable housing;
- Providing information on the Section 8 Housing Choice Voucher program to landlords;
- Working with developers and residents to blend affordable housing into new and existing neighborhoods, including locations with access to amenities and services;
- Periodically examining local requirements, policies and review processes to determine their impacts on the construction of affordable housing;
- Supporting housing design that is flexible for residents at multiple stages of life;
- Periodically reviewing locally imposed development costs and policies;
- Employing innovative strategies to advance affordable housing needs such as public private partnerships or creative packaging of regulatory relief and incentives; and
- Using available regulatory mechanisms to shape housing communities.

3-C Inclusionary Housing

While Metro Cities believes there are cost savings to be achieved through regulatory reform, density bonuses as determined by local communities and fee waivers, Metro Cities does not believe a mandatory inclusionary housing approach can achieve desired levels of affordability solely through these steps. Several cities have established local inclusionary housing policies, in some cases requiring the creation of affordable units if the housing development uses public financial assistance. The Metropolitan Council, in distributing the regional allocation of housing need, must recognize both the opportunities and financial limitations of cities. The Council should partner with cities to facilitate the creation of affordable housing through direct financial assistance and/or advocating for additional resources through the Minnesota Housing Finance Agency.

Metro Cities supports the location of affordable housing in residential and mixed-use

neighborhoods throughout a city. Metro Cities supports a city's authority to enact its own inclusionary housing policy. However, Metro Cities does not support passage of a mandatory inclusionary housing state law imposed on local governments that would require a certain percentage of units in all new housing developments to be affordable to households at specific income levels.

3-D Metropolitan Council Role in Housing

The Metropolitan Council is statutorily required to assist cities with meeting the provisions of the Land Use Planning Act (LUPA). The LUPA requires cities to adopt sufficient standards, plans and programs to meet their local share of the region's overall projected need for low and moderate-income housing. The Council's responsibilities include the preparation and adoption of guidelines and procedures to assist local government units with accomplishing the requirements of the LUPA.

The Metropolitan Council also offers programs and initiatives to create affordable housing opportunities, including the Livable Communities Program and operation of a metropolitan housing and redevelopment authority.

Unlike parks, transit and wastewater, housing is not a statutory regional system. The Metropolitan Council's role, responsibilities and authority are more limited in scope, centered on assisting local governments by identifying the allocation of need for affordable housing, projecting regional growth and identifying available tools, resources, technical assistance and methods that cities can use to create and promote affordable housing opportunities in their communities.

The Metropolitan Council should work in partnership with local governments to ensure that the range of housing needs for people at various life-cycle and incomes can be met.

- **Metro Cities opposes the elevation of housing to "Regional System" status.**

- **Metro Cities supports removing the Metropolitan Council's review and comment authority connected to housing revenue bonds under M.S. 462C.04.**

In 2014, the Metropolitan Council released a housing policy plan, the first of its kind in nearly 30 years. A housing policy plan should include defined local, regional and state roles for the provision of housing in all sectors, identify the availability of and need for tools and resources for affordable and lifecycle housing, be explicit in supporting partnerships for the advocacy for state and federal resources for housing, and encompass policies, best practices and technical guidance for all types of housing. The plan should also recognize the diversity in local needs, characteristics and resources.

Metro Cities supports strategies such as regional and sub-regional cooperation and the sharing of best practices among local governments and other entities and partners to address the region's affordable housing needs.

A policy plan should allow for ongoing research and analysis by the Metropolitan Council to provide communities with timely and updated information on regional and local housing needs and market trends as regional and local needs change and evolve. **Metro Cities supports the solicitation and use of local data, inputs and analyses in this work and local government review of data and analyses.**

Metro Cities supports continued city representation in additional developments or updates to the housing policy plan.

3-E Allocation of Affordable Housing Need

The allocation of affordable housing need methodology determines how many affordable housing units will be needed in the region, and distributes the need by assigning each city its fair share through an affordable housing need number. State law requires cities to guide sufficient land to accommodate local shares of the region's affordable housing need.

Metro Cities supports the creation of a variety of housing opportunities. However, the provision of affordable and lifecycle housing is a shared responsibility between the private sector and government at all levels, including the federal government, state government and Metropolitan Council. Land economics, construction costs and infrastructure needs create barriers to the creation of affordable housing that cities cannot overcome without assistance.

Therefore, Metro Cities supports a Metropolitan Council affordable housing policy and allocation of need methodology that recognizes the following tenets:

- **Regional housing policies characterize individual city and sub-regional housing numbers as a range of needs in the community;**

- **Cities need significant financial assistance from the federal and state government, as well as the Metropolitan Council, to make progress toward creating additional affordable housing and preserving existing affordable housing;**

- **Metropolitan Council planning and policies must be more closely aligned to help ensure that resources for transportation and transit are available to assist communities in addressing their local share of the regional affordable housing need and to ensure that all populations have adequate mobility to reach jobs, education and other destinations regardless of where they live;**

- **Absent significant resources to assist cities, the Metropolitan Council will not hold cities responsible if a city cannot meet its affordable housing need number and the Met Council will reassess biennially the range of needs to recognize the deficiency;**

- **The Metropolitan Council, with input by local government representatives, should examine the allocation of need methodology with respect to the relationship between the regional allocation and the local share of the need. The formula should also be routinely evaluated to determine if market conditions have changed or if underlying conditions**

should prompt readjustment of the formula;

- **The Council should use a methodology that incorporates data accumulated by individual cities and not limited to census driven or policy driven growth projections;**

- **The formula should be adjusted to better reflect the balance and breadth of existing subsidized and naturally occurring affordable housing stocks; and**

- **The Council should work with local governments through an appeals process in order to resolve any local issues and concerns with respect to the need allocations.**

3-F Housing Performance Scores

The Metropolitan Council calculates a city's housing performance score annually. Scores are determined using an annual city survey as well as Council data. The Council uses city Housing Performance Scores when scoring the Regional Solicitation for federal transportation points and the Council's Livable Communities grant programs. Cities may review their own as well as other cities' Housing Performance Scores periodically to gauge recent activity on affordable housing preservation and new construction.

Metro Cities supports Housing Performance Score criteria that recognize varying local resource capacities, tools, programs and policies to support housing production and the market nature of housing development, and that do not limit cities to a prescriptive list of tools and policies. The criteria for determining the score should adequately recognize the current tools, policies and resources employed by local governments.

Metro Cities supports a process for local governments to review, comment on and appeal preliminary Housing Performance Scores as well as provide additional information to be used in calculating the scores.

Metro Cities supports a consistent schedule for sending the annual housing production survey to cities.

In considering Housing Performance Score uses and criteria:

- **The Council should engage in a periodic review of the formula;**

- **Any proposed new or expanded uses or programs in which the Housing Performance Scores would be used should be reviewed by local officials; and**

- **The Council should recognize market factors such as downward economic cycles when setting timelines and look backs in calculating recent affordable housing production.**

3-G State Role in Housing

The state must be an active participant in providing funding for housing, including direct

funding, financial incentives and initiatives to assist local governments and developers to support affordable housing and housing appropriate for people at all stages of life. State funding is a major and necessary component for the provision of housing. Current resource levels are insufficient to meet the spectrum of needs in the metropolitan region and across the state.

Primarily through programs administered by the Minnesota Housing Finance Agency (MHFA), the state establishes the general direction and prioritization of housing issues, and financially supports a variety of housing, including transitional housing, supportive housing, senior housing, workforce housing and family housing. The state must continue to be an active partner in addressing life cycle and affordable housing needs.

Workforce housing is generally defined as housing that supports economic development and job growth and is affordable to the local workforce. A statewide program, administered through the Minnesota Housing Finance Agency, supports workforce homeownership efforts in the metropolitan area. State policies and funding should recognize that affordable housing options that are accessible to jobs and meet the needs of a city's workforce, are important to the economic competitiveness of cities and the metro region. In addition, significant housing related racial disparities persist in Minnesota, especially as it relates to the percentage of households of color who pay more than 30 percent of their income in housing costs, and as it relates to the significant disparity gap in homeownership rates.

Metro Cities supports:

- **Increased state funding for programs that support life cycle, workforce and affordable housing; address homeownership disparities; address foreclosure mitigation; and support senior, transitional and emergency housing for the metro region;**

- **A state match for local and regional housing trust fund investments and local policies in support of affordable housing. State funds should be issued on a timeline that works with a city's budget process;**

- **Private sector funding for workforce housing;**

- **Housing programs that assist housing development, preservation and maintenance of existing housing stock, including unsubsidized, naturally occurring affordable housing that is affordable to residents throughout the low-to-moderate income range;**

- **Housing programs designed to develop market rate housing in census blocks with emerging or high concentrations of poverty, where the private market might not otherwise invest, as a means of reconciling affordable housing with community development goals;**

- **Continuing the policy of using the Minnesota Housing Finance Agency's investment earnings for housing programs;**

- **City input into state legislation and administrative policies regarding distribution of tax credits and tax exempt bonding;**

- **Exemptions from, or reductions to sales, use and transaction taxes applied to the development and production of affordable housing;**

- **Consideration of providing state tax credits to leverage cross-subsidized affordable units in a market rate development project. This incentive could be used in conjunction with city, regional, or other state incentives;**

- **Consideration of the use of state bond proceeds and other appropriations for land banking, land trusts, and rehabilitation and construction of affordable housing;**

- **Programs that help avoid foreclosures, improve homeownership rates and reduce racial disparities through homeownership assistance programs and counseling services, including pre-purchasing counseling to improve financial wellness and inform homeowners and potential homeowners of their rights, options and costs associated with owning a home;**

- **An affordable housing tax credit to help spur construction and secure additional private investment; and**

- **Maintain existing municipal authority to establish a housing improvement area (HIA). If the Legislature grants multi-jurisdictional entities the authority to create HIAs, creation of an HIA must require municipal approval.**

3-H Federal Role in Affordable and Workforce Housing

Federal funding plays a critical role in aiding states and local governments in their efforts to maintain and increase affordable and workforce housing. Providing working families access to housing is an important piece to the economic vitality of the region.

Metro Cities encourages the federal government to maintain and increase current levels of funding for affordable and workforce housing. Federal investment in affordable and workforce housing will maintain and increase the supply of affordable and life cycle housing as well as make housing more affordable through rental assistance programs such as the Section 8 housing choice voucher program.

In July 2015, the U.S. Department of Housing and Urban Development (HUD) released a final rule on affirmatively furthering fair housing (AFFH) with an aim to provide communities that receive HUD funding with clear guidelines to meet their obligation under the Fair Housing Act of 1968 to promote and reduce barriers to fair housing and equal opportunity.

Metro Cities strongly encourages the following:

- **Preserving and increasing funding for the Community Development Block Grant Program (CDBG) and the federal HOME program that are catalysts for creating affordable housing;**

- **Preserving and increasing resources and incentives to sustain existing public housing**

throughout the Metro Area;

- **Maintaining the federal tax credit program to help spur construction and secure additional private investment, including making the four percent Low Income Housing Tax Credit a fixed rate as was done with the nine percent credit in 2015;**

- **Creating and implementing a more streamlined procedural method for local units of government to participate in and access federal funding and services dealing with grants, loans, and tax incentive programs for economic and community development efforts;**

- **Additional resources to assist communities to meet obligations to reduce barriers to and promote fair housing and equal opportunity;**

- **Maintaining and increasing resources to Section 8 funding and to support incentives for rental property owners to participate in the program; and**

- **Federal funding to provide short-term assistance for HRAs to facilitate the sale of tax-exempt bonds.**

3-I Vacant, Boarded, and Foreclosed Properties and Properties at Risk

Abandoned residential and commercial properties can harm communities when vacant buildings result in reduced property values and increased crime. The additional public safety and code enforcement costs of managing vacant properties are a financial strain on cities.

Metro Cities supports solutions to vacant and boarded properties that recognize: (1) Prevention is more cost effective than a cure. (2) The causes of this problem are many and varied, thus the solutions must be as well. (3) It is not simply a "city" problem so cities must not be expected to bear the bulk of the burden of mitigation.

Further, Metro Cities supports:

- **Registration of vacant and boarded properties;**

- **Allowing cities to acquire vacant and boarded properties before deterioration and vandalism result in unsalvageable structures; including providing financial tools such as increasing eminent domain flexibility;**

- **Improvements to the cost assignment process to ensure that cities can recoup their costs of managing vacant properties;**

- **Improving the ability of cities to recoup the increased public safety and enforcement costs related to vacant properties;**

- **Improvement of the redemption process to provide increased notification to renters, strengthen the ability of homeowners to retain their properties, and reduce the amount of**

time a property is vacant;

- **Expedition of the tax forfeiture process;**

- **Increasing financial tools for neighborhood recovery efforts, including tax increment financing; and**

- **Year-round notification by utility companies of properties not receiving utility service.**

3-J Housing Ordinance Enforcement

A Minnesota State Supreme Court ruling, Morris v. Sax, stated that provisions of the city of Morris' rental housing code were invalid because there were subjects dealt with under the state building code and the city was attempting to regulate these areas "differently from the state building code." M.S. 16B.6s subdivision 1 states: "The state building code applies statewide and supersedes the building code of any municipality. A municipality must not by ordinance or through development agreement require building code provisions regulating components or systems of any residential structure that are different from any provision of the state building code."

Metro Cities supports the ability of cities to enforce all housing codes passed by a local municipality to maintain its housing stock.

3-K Economic Development, Redevelopment and Workforce Readiness

The economic viability of the metro area is enhanced by a broad array of economic development tools that create infrastructure, revitalize previously developed property, provide incentives for business development, support technological advances, support a trained workforce, and address disparities in economic development and workforce development. It should be the goal of the state to champion development and redevelopment by providing enough sustainable funding to assure competitiveness in a global marketplace. Economic development and redevelopment are not mutually exclusive – some projects require a boost on both counts. The State of Minnesota should recognize cities as the primary unit of government responsible for the implementation of economic development, redevelopment policies and land use controls.

3-K (1) Economic Development

For purposes of this section, economic development is defined as a form of development that can contain direct business assistance, infrastructure development, technical assistance and policy support with the goal of sustainable job creation, job retention, appropriate state regulation or classification, or to nurture new or retain existing industry in the state. The measure of return on investment of public business subsidies should include the impact (positive or negative) of "spin-off development" or business development that is ancillary and supportive of the primary business.

A strength of the regional economy has been its economic diversity. Greater MSP and the Metropolitan Council have identified multiple industry clusters and sectors that employ a specialized, trained workforce and support entrepreneurs in developing new businesses. Partnerships and collaborations among the state and local levels of government, higher education and industry should continue to develop, to commercialize new technologies and to support efforts to enhance the economic vitality of the region.

While cities are the primary unit of local government responsible for the implementation of economic development, counties have an interest in supporting local economic development efforts. Any creation of a county CDA, EDA or HRA with economic development powers should follow M.S. 469.1082 that requires a city to adopt a resolution electing to participate. Cities can work with the public and private sectors to support the region's economic growth by reducing barriers to economic participation by people of color.

Metro Cities supports state funded programs that support new and expanding businesses, infrastructure development and public-private partnerships. This includes the Minnesota Investment Fund, Job Creation Fund and Angel Tax Credit. Programs using statewide funding should strive to award funds balanced between the metro region and greater Minnesota. Metro Cities supports competitive funding for statewide grant programs such as the Minnesota Investment Fund (MIF) as opposed to direct legislative appropriations for projects from these funds. Metro Cities supports a percentage of MIF loan repayments to cities.

Metro Cities supports economic tools that facilitate job growth without relying solely on the property tax base; green job development and related innovation and entrepreneurship; programs to support minority business start-ups; small business financing tools including a state new markets tax credit program mirrored on the federal program; tools to attract and retain data centers and other IT facilities; and maintaining existing municipal authority to establish a special service district (SSD). Metro Cities supports further study of allowing mixed-use buildings that have both commercial and residential uses to be included in an SSD.

3-K (2) Redevelopment

Redevelopment involves the development of land that requires "predevelopment." The goal of redevelopment is to facilitate the development of "pre-used" land, thereby leveling the playing field between greenfield and brownfield sites so that a private sector entity can rationally choose to locate on land that has already been used. The benefits of redevelopment include a decrease in Vehicle Miles Traveled (VMTs), more efficient use of new or existing public infrastructure (including public transit), ameliorated city costs due to public safety and code enforcement, and other public goods that result when land is reused rather than abandoned and compact development is encouraged.

Metro Cities supports increased funding from state and regional sources. The Metropolitan Council's Livable Communities Act programs fund redevelopment activities that support cleanup and tax base revitalization. **Metro Cities supports allowing a maximum levy amount**

for this program, as provided under law. Metro Cities supports increased and sustained general fund and state bond funds for DEED-administered programs like the Redevelopment Grant Program, dedicated to metropolitan area projects; innovative Business Development Public Infrastructure grants; as well as increased, flexible and sustained funding for the Contamination Cleanup and Investigation Grant Program.

The expansion of transit service throughout the region brings opportunity for redevelopment and transit oriented development (TOD). **Metro Cities supports financing, regulatory tools and increased flexibility in the use of TIF to nurture TOD. Metro Cities supports funding Transit Improvement Areas (TIAs) and ensuring that the eligibility criteria encourage a range of improvements and infrastructure and accommodate varying city circumstances and needs.**

Correcting and stabilizing polluted soils and former landfill sites allows cities to redevelop and reuse properties. **Metro Cities supports expansion of existing tools or development of new funding mechanisms to correct unstable soils as well as city authority to redevelop land previously used as landfills and dumps. If a city receives initial approval from a state regulatory authority, a city's redevelopment project approval should be considered final.**

Local governments and cities may choose to revitalize historic structures rather than construct new buildings. **Metro Cities supports extension of the sunset of the state income tax credit and maintaining the federal tax credit for preservation of historic properties.**

Metro Cities supports state funding to allow cities and/or their development authorities to assemble small properties so that business expansion sites will be ready for future redevelopment.

3-K (3) Workforce Readiness

A trained workforce is important to a strong local, regional and state economy. Cities have an interest in the availability of qualified workers and building a future workforce as part of their economic development efforts. Cities can work with the public and private sectors to address workforce readiness to include issues such as addressing racial disparities in achievement and employment gaps. The state has a role to prepare and train a qualified workforce through the secondary, vocational and higher education systems and job training and retraining programs in the Department of Employment and Economic Development, including youth employment programs.

Metro Cities supports:

- **Increased funding for the Job Skills Partnership, youth employment programs and other workforce training programs administered by the state that lead to jobs that**

provide a living wage and benefits, and help address racial disparity gaps in employment;

- **Innovative workforce programs and partnerships that foster workforce readiness;**
- **A payroll tax credit for job training programs that invest in employees; and**
- **A city's authority to tie workforce requirements to local public finance assistance.**

3-L Tax Increment Financing

Tax Increment Financing (TIF) continues to be the primary tool available for local communities to assist economic development, redevelopment and housing. Over time, statutory changes have made this critical tool increasingly difficult to use. At the same time, federal and state development and redevelopment resources have been steadily shrinking. The cumulative impact of TIF restrictions, shrinking federal and state redevelopment resources and highly restrictive eminent domain laws constrain cities' abilities to address problem properties, which leads to an accelerated level of decline of developed cities in the metropolitan area. Thus, the only source of revenue available to accomplish the scope of redevelopment necessary is the value created by the redevelopment itself, or the "increment." Without the use of the increment, development will either not occur or is unlikely to be optimal.

Metro Cities urges the Legislature to:

- **Not adopt any statutory language that would further constrain or directly or indirectly reduce the effectiveness of TIF;**
- **Not adopt any statutory language that would allow a county, school district or special taxing district to opt out of a TIF district;**
- **Incorporate the Soils Correction District criteria into the Redevelopment District criteria so that a Redevelopment District can be comprised of blighted and contaminated parcels in addition to railroad property;**
- **Expand the flexibility of TIF to support a broader range of redevelopment projects;**
- **Amend MN Statutes to clarify that tax increment pooling limitations are calculated on a cumulative basis;**
- **Increase the ability to pool increments from other districts to support projects;**
- **Continue to monitor the impacts of tax reform on TIF districts and if warranted provide cities with additional authority to pay for possible TIF shortfalls;**
- **Allow for the creation of transit zones and transit related TIF districts in order to shape development and related improvements around transit stations but not require the use of TIF districts to fund the construction or maintenance of the public transit line itself**

unless a local community chooses to do so;

- **Allow TIF eligibility expansion to innovative technological products, recognizing that not only physical items create economic value;**

- **Support changes to TIF law that will facilitate the development of "regional projects";**

- **Shift TIF redevelopment policy away from a focus on "blight" and "substandard" to "functionally obsolete" or a focus on long range planning for a particular community, reduction in greenhouse gases or other criteria more relevant to current needs;**

- **Encourage DEED to do an extensive cost-benefit analysis related to redevelopment, including an analysis of the various funding mechanisms, and an analysis of where the cost burden falls with each of the options compared to the distribution of the benefits of the redevelopment project;**

- **Support TIF for neighborhood recovery efforts in the wake of the foreclosure crisis;**

- **Consider creating an inter-disciplinary TIF team to review local exception TIF proposals, using established criteria, and make recommendations to the legislature on their passage;**

- **Encourage the State Auditor to continue to work toward a more efficient and streamlined reporting process. There are an increasing number of noncompliance notices that have overturned longstanding practices or limited statutorily defined terms. The Legislature has not granted TIF rulemaking authority to the State Auditor and the audit powers granted by statute are not an appropriate vehicle for making administrative or legislative changes to TIF statutes. If the State Auditor is to exercise rulemaking authority, the administrative power to do so must be granted explicitly by the Legislature. The audit enforcement process does not create a level playing field for cities to challenge the Auditor's interpretation of statutes. The Legislature should provide a process through which to resolve disputes over TIF policy that is fair to all parties;**

- **Clarify the use of TIF when a sale occurs after the closing of a district;**

- **Revise substandard building test to simplify, resolve ambiguities and reduce continued threat of litigation; and**

- **Amend TIF statute to address, through extending districts or other mechanisms, shortfalls related to declining market values during economic crises.**

3-M Eminent Domain

Significant statutory restrictions on the use of eminent domain have resulted in higher public costs for traditional public use projects like streets, parks, and sewers, and have all but restricted the use of eminent domain for redevelopment to cases of extreme blight or contamination.

The proper operation and long term economic vitality of our cities is dependent on the ability of a city, its citizens and its businesses to continually reinvest and reinvent. Reinvestment and reinvention strategies can occasionally conflict with the priorities of individual residents or business owners. Eminent domain is a critical tool in the reinvestment and reinvention process and without it our cities may deteriorate to unprecedented levels before the public reacts.

Metro Cities strongly encourages the Governor and Legislature to revisit eminent domain laws to allow local governments to address redevelopment problems before those conditions become financially impossible to address. Specifically, Metro Cities supports:

- **Clarifying contamination standards;**

- **Developing different standards for redevelopment to include obsolete structures or to reflect the deterioration conditions that currently exist in the metro area;**

- **Allowing for the assembly of multiple parcels for redevelopment projects;**

- **Modifying the public purpose definition under Chapter 117 to allow cities to more expediently address properties that are vacant or abandoned in areas with high levels of foreclosures, to address neighborhood stabilization and recovery;**

- **Providing for the ability to acquire land from "holdouts" who will now view a publicly funded project as an opportunity for personal gain at taxpayer expense; i.e. allow for negotiation using balanced appraisals for fair relocation costs;**

- **Examining attorney fees and limit fees for attorneys representing a property owner;**

- **Allowing for relocation costs not to be paid if the city and property owner agree to a sale contract;**

- **A property owner's appraisal to be shared with the city prior to a sale agreement; and**

- **Appropriately balanced awards of attorney fees and costs of litigation with the outcome of the eminent domain proceeding.**

3-N Community Reinvestment

Communities across the metropolitan region have aging residential and commercial structures that need repair and reinvestment. Reinvestment prevents neighborhoods from falling into disrepair, revitalizes communities and protects a city's tax base.

Metro Cities supports state programs and incentives for reinvestment in older residential and commercial/industrial buildings, such as, but not limited to, tax credits and/or property tax deferrals.

Historically, the state has funded programs to promote reinvestment in communities, including the "This Old House" program, that allowed owners of older homestead property to defer an increase in their tax capacity resulting from repairs or improvements to the home and "This Old Shop" for owners of older commercial/industrial property that make improvements that increase the property's market value.

3-O Business Incentives Policy

Without a thorough study, the Legislature should not make any substantive changes to the Business Subsidy Act, as defined in M.S. 116J.993, but should look to technical changes that would streamline both state and local processes and procedures. The Legislature should distinguish between development incentives and redevelopment activities. In addition, in order to ensure cohesive and comprehensive regulations, the legislature should limit regulation of business incentives to the Business Subsidy Act.

Metro Cities supports additional legislation that includes tools to help enhance and facilitate economic development and job creation.

3-P Broadband Technology

Where many traditional economic development tools have focused on managing the costs and availability of traditional infrastructure - roads, rail and utilities - the 21st century economy is dependent on reliable, cost effective, high bandwidth communications capabilities. This includes voice, video, data and other services delivered over cable, telephone, fiber-optic, wireless and other platforms.

The state has increased its role in expanding broadband infrastructure across the state by funding broadband access for residents and businesses. The Governor's Broadband Task Force regularly recommends updates to state broadband speed goals and funding levels to expand statewide broadband access. The Office of Broadband Development in the Department of Employment and Economic Development supports the role of broadband in economic development. The Office coordinates broadband mapping and administers state broadband grant funds.

Cities play a vital role in achieving significantly higher broadband speeds. Local units of government are contributing to increasing broadband capacity and ensuring internet connectivity, reliability, and availability. However, attempts have been made in Minnesota and other states to restrict or stop cities from facilitating the deployment of broadband services or forming partnerships with private sector companies to provide broadband services to unserved or underserved residents or businesses. Restricting municipal authority is contrary to existing state law on electric utility service, telecommunications, and economic development. **Metro Cities opposes the adoption of state policies that further restrict a city's ability to finance, construct or operate broadband telecommunications networks.**

Metro Cities supports:

State policies and support programs that substantially increase speed and capacity of broadband services statewide, including facilitating solutions at the local level. The state should offer incentives to private sector service providers to respond to local or regional needs and to collaborate with cities and other public entities to deploy broadband infrastructure capable of delivering sufficient bandwidth and capacity to meet immediate and future local needs as well as policies which seek to position Minnesota as a state of choice for testing next-generation broadband;

Metro eligibility for broadband funds, including increased capacity for areas with existing levels of service;

Municipal authority and encouragement of local governments to play a direct role in providing broadband service. This includes repealing Minnesota Statute 237.19. The state should clarify that cities have the authority to partner with private entities to finance broadband infrastructure using city bonding authority;

Local authority to manage public rights-of-way, to zone, to collect compensation for the use of public assets, or to work cooperatively with the private sector. Cities may exercise local authority over zoning and land-use decisions for wireless service facilities; and

Public-private collaboration that support broadband infrastructure and services at the local and regional level, including partnerships and cooperation in providing last-mile connections.

3-Q City Role in Environmental Protection and Sustainable Development

Historically, cities have played a major role in environmental protection, particularly in water quality. Through the construction and operation of wastewater treatment and storm water management systems, cities are a leader in protecting the surface water of the state. In recent years, increased emphasis has been placed on protecting ground water and removing impairments from storm water. In addition, there is increased emphasis on city participation in controlling our carbon footprint and in promoting green development.

Metro Cities supports public and private environmental protection efforts to reduce greenhouse gas emissions and to further protect surface and ground water. Metro Cities also supports "green" design and construction techniques to the extent that those techniques have been thoroughly tested and are truly environmentally beneficial, economically sustainable and represent sound building practices. Metro Cities supports additional, feasible environmental protection with adequate funding and incentives to comply.

Green jobs represent employment and entrepreneurial opportunities that are part of the green economy, as defined in M.S. 116J.437, including the four industry sectors of green products, renewable energy, green services and environmental conservation. Minnesota's green jobs policies, strategies and investments need to lead to high quality jobs with good wages and benefits, meeting current wage and labor laws.

3-R Impaired Waters

Metro Cities supports continued development of the metropolitan area in a manner that is responsive to the market, but is cognizant of the need to protect the water resources of the state and metro area. Since all types of properties are required to pay storm water fees, Metro Cities opposes entity-specific exemptions from these fees. Metro Cities supports the goals of the Clean Water Act and efforts at both the federal and state level to implement it.

Metro Cities supports continued funding of the framework established to improve the region's ability to respond to market demands for development and redevelopment, including dedicated funding for surface water impairment assessments, Total Maximum Daily Load (TMDL) development, storm water construction grants and wastewater construction grants.

Local units of government should not bear undue cost burdens associated with completed TMDL reports. As recent TMDL reports show, non-point agricultural sources are producing more run off pollution than urban areas at a rate of 13:1. Cities must not be required as primary entities for funding the clean-up and protection of state and regional water resources. Benefits of efforts must be proportional to the costs incurred and agricultural sources must be held responsible for their share of costs.

4-A Goals and Principles for Regional Governance

The Twin Cities metropolitan region is home to a majority of the state's population and businesses and is poised for significant growth in the next two decades. At the same time, the region faces significant challenges and opportunities. The responses to these opportunities and challenges will determine the future success of the region and its competitiveness in the state, national and world economies.

The Metropolitan Council was created to manage the growth of the metropolitan region, and cities are responsible for adhering to regional plans as they plan for local growth and service delivery.

The region's cities are the Metropolitan Council's primary constituency, with regional and local growth being primarily managed through city comprehensive planning and implementation, and the delivery of a wide range of public services. To function successfully, the Metropolitan Council must be accountable to and work in collaboration with city governments.

The role of the Metropolitan Council is to set broad regional goals and to provide cities with technical assistance and incentives to achieve those goals. City governments are responsible and best suited to provide local zoning, land use planning, development and service delivery. Any additional roles or responsibilities for the Metropolitan Council should be limited to specific statutory assignments or grants or authorization, and should not usurp or conflict with local roles or processes, unless such changes have the consent of the region's cities.

- **Metro Cities supports an economically strong and vibrant region, and the effective, efficient and equitable provision of regional infrastructure, services and planning throughout the metropolitan area.**

- **Metro Cities supports the provision of approved regional systems and planning that can be provided more effectively, efficiently or equitably on a regional level than at the local level by individual local units of government.**

- **The Metropolitan Council must involve cities in the delivery of regional services and planning and be responsive to local perspectives on regional issues, and be required to provide opportunities for city participation on Council advisory committees and task forces.**

- **The Metropolitan Council must involve cities at all steps of planning, review and implementation around the regional development guide, policy plans, systems statements, and local comprehensive plan requirements to ensure transparency, balance and Council adherence to its core mission and functions. These processes should allow for stakeholder input before policies and plans are released for comment and finalized.**

4-B Regional Governance Structure

Metro Cities supports the appointment of Metropolitan Council members by the Governor with four year, staggered terms for members, to stabilize ideological shifts and provide for continuity of knowledge on the Council, which is appropriate for a long-range planning body. The appointment of the Metropolitan Council Chair should coincide with the term of the Governor.

Metro Cities supports a nominating committee process that maximizes participation and input by local officials. Metro Cities supports expanding the nominating committee from seven to 13 members, with a majority of a 13-member committee being local elected officials. Of the local officials appointed to a nominating committee, two thirds should be elected city officials, appointed by Metro Cities.

Consideration should be given to the creation of four separate nominating committees, with committee representation from each quadrant of the region.

Metro Cities supports having the names of recommended nominees or other individuals under consideration for appointment to the Council by the Governor to be made public at least 21 days prior to final selection by the Governor, and a formal public comment period before members are appointed to the Council.

Metro Cities supports the appointment of Metropolitan Council members who have demonstrated the ability to work with cities in a collaborative manner and commit to meet with local government officials regularly, and who understand the diversity and the commonalities of the region, and the long-term implications of regional decision-making. A detailed position description outlining the required skills, time commitment and understanding of regional and local issues and concerns, should be clearly articulated and posted in advance of the call for nominees.

4-C Comprehensive Analysis and Oversight of Metropolitan Council

Metro Cities supports the comprehensive study of the Metropolitan Council's governance structure recently conducted by the Citizens League, the recommendations of which are largely consistent with Metro Cities' governance policies.

The metropolitan region will continue to expand while simultaneously facing significant challenges for the effective, efficient and equitable provision of resources and infrastructure. Metro Cities supports an objective study of the Metropolitan Council's activities and services as well as its geographical jurisdiction to ensure that the Metropolitan Council's services are positioned to be effective and adequate in addressing the future needs of the region. Such work must include the participation of local officials. The Metropolitan Council should also examine its scope of services to determine their benefit and efficiency, and be open to alternative methods of delivery to assure that services are provided at high levels of effectiveness for the region.

Metro Cities supports appropriate legislative oversight of the Metropolitan Council, to

regularly review the Council's activities, and to provide transparency and accountability of its functions and operations.

4-D Funding Regional Services

The Metropolitan Council should continue to fund regional services and activities through a combination of user fees, property taxes, and state and federal grants. The Council should set user fees through an open process that includes public notices and public hearings. User fees should be uniform by type of user and set at a level that supports effective and efficient public services based on commonly accepted industry standards, and allows for sufficient reserves to ensure long-term service and fee stability. Fee proceeds should be used to fund regional services or programs for which they are collected.

Metro Cities supports the use of property taxes and user fees to fund regional projects so long as the benefit conferred on the region is proportional to the fee or tax, and the fee or tax is comparable to the benefit cities receive in return.

4-E Regional Systems

Regional systems are statutorily defined as transportation, aviation, wastewater treatment and recreational open space. The purpose of the regional systems and the Metropolitan Council's authority over them is clearly outlined in state law. To alter the focus or expand the reach of any of these systems, the Metropolitan Council must seek a statutory change.

Systems plans prepared by the Metropolitan Council for the regional systems should be specific in terms of size, location and timing of regional investments to allow for consideration in local comprehensive planning. Systems plans should clearly state the criteria by which local plans will be judged for consistency and criteria that will be used to find that a local plan is more likely than not to have a substantial impact on or contain a departure from metropolitan system plans.

Additional regional systems should be established only if there is a compelling metropolitan problem or concern best addressed through the designation. Common characteristics of the existing regional systems include public ownership of the system and its components and established regional or state funding sources. These characteristics should be present in any new regional system that might be established. Water supply and housing do not meet necessary established criteria for regional systems. Any proposed additional system must have an established regional or state funding source.

4-F Regional Water Supply Planning

The 2005 Legislature authorized the Metropolitan Council to carry out regional planning activities to address the water supply needs of the Metro Area. A Metropolitan Area Water Supply Advisory Committee that includes state agency representatives and local officials was concurrently established to assist the Council in developing a master water supply plan that includes recommendations for clarifying the roles of local, regional and state governments,

streamlining and consolidating approval processes and recommending future planning and capital investments. The Master Water Supply Plan serves as a framework for assisting and guiding communities in their water supply planning, without usurping local decision making processes. Many cities also conduct their own analyses for use in water supply planning.

The committee's now permanent status allows it to play a key role in the development and direction of water supply planning activities as the Master Plan is updated and implemented with additional information and data as they become available.

As the Met Council continues its assessment of the region's water supply and issues for sustainability, the Council must work cooperatively with local policymakers and professional staff throughout the region on an on-going and structured basis to ensure a base of information for water supply decision making that is sound, credible and verifiable, and considers local information, data, cost-benefit analyses and projections before any policy recommendations are issued.

Metro Cities encourages the Metropolitan Council to consider the inter-relationships of wastewater treatment, stormwater management and water supply. Any state and regional regulations and processes should be clearly stated in the Master Water Supply Plan. Further, regional monitoring and data collection benefits should be borne as shared expenses between the regional and local units of government.

Metro Cities supports Metropolitan Council planning activities to address regional water supply needs and water planning activities as prescribed in statute. Metro Cities opposes the insertion of the Metropolitan Council as another regulator in the water supply arena. Further, while Metro Cities supports regionally coordinated efforts to address water supply issues in the metropolitan area, Metro Cities opposes the elevation of water supply to "Regional System" status, or the assumption of Met Council control and management of municipal water supply infrastructure.

Metro Cities supports laws that expanded municipal representation on the water supply advisory committee and eliminated the requirement that city comprehensive plans be consistent with the regional water supply plan. These laws serve to strengthen input and collaboration for water supply planning, and help to ensure sound scientific analyses and models are developed before legislative solutions to these issues are considered. Metro Cities supports the technical advisory committee to the MAWSAC that maximizes participation by municipal officials.

Metro Cities supports efforts to identify capital funding sources to assist with municipal water supply projects. Any fees or taxes for regional water supply planning activities must be consistent with activities prescribed in M.S. 473. 1565, and support activities specifically within the region.

4-G Review of Local Comprehensive Plans

In reviewing local comprehensive plans and plan amendments, the Metropolitan Council

should:

- Recognize that its role is to review and comment, unless it is found that the local plan is more likely than not to have a substantial impact on or contain a substantial departure from one of the four system plans;

- Be aware of the statutory time constraints imposed by the Legislature on plan amendments and development applications;

- Provide for immediate effectuation of plan amendments that have no potential for substantial impact on systems plans;

- Require the information needed for the Metropolitan Council to complete its review, but not prescribe additional content or format beyond that which is required by the Metropolitan Land Use Planning Act (LUPA);

- Work in a cooperative and timely manner toward the resolution of outstanding issues. When a city's local comprehensive plan is deemed incompatible with the Met Council's systems plans, Metro Cities supports a formal appeals process that includes a peer review. Metro Cities opposes the imposition of sanctions or monetary penalties when a city's local comprehensive plan is deemed incompatible with the Met Council's systems plans or the plan fails to meet a statutory deadline when the city has made legitimate, good faith efforts to meet Met Council requirements;

- Work with affected cities and other organizations such as the Pollution Control Agency, Department of Natural Resources, Department of Health and other stakeholders to identify common ground and resolve conflicts between respective goals for flexible residential development and achieving consistency with the Council's system plans and policies; and

- Require entities, such as private businesses, nonprofits, or local units of government, among others, whose actions could adversely affect a comprehensive plan, to be subject to the same qualifications and/or regulations as the city.

4-H Comprehensive Planning Process

Metro Cities supports an examination of the comprehensive planning process to make sure that the process is streamlined and efficient and avoids excessive cost burdens or duplicative or unnecessary planning requirements by municipalities in the planning process. Metro Cities supports resources to assist cities in meeting regional goals as part of the comprehensive planning process, including planning grants and technical assistance. Grants and other resources should be provided to all eligible communities through a formula that is equitable, and recognizes varying city needs and capacities.

4-I Comprehensive Planning Schedule

Cities are required to submit comprehensive plan updates to the Metropolitan Council every 10 years, with the next plan updates due at the end of 2018. A city's comprehensive plan represents

a community's vision of how the city should grow and develop or redevelop, ensure adequate housing, provide essential public infrastructure and services, protect natural areas and meet other community objectives.

Metro Cities recognizes the merit of aligning comprehensive plan timelines with the release of census data. However, the comprehensive plan process is expensive, time consuming and labor intensive for cities, and the timing for the submission of comprehensive plans should not be altered solely to better align with census data. If sufficient valid reasons exist for the schedule for the next round of comprehensive plans to be changed or expedited, cities should be provided with financial resources to assist them in preparing the next round of plans.

Metro Cities opposes cities being forced into a state of perpetual planning because of regional and legislative actions. Should changes be made to the comprehensive planning schedule, Metro Cities' supports financial and other resources to assist cities in preparing and incorporating policy changes in local planning efforts.

Metro Cities supports a 10-year time frame for comprehensive plan update submissions.

4-J Local Zoning Authority

Local governments are responsible for zoning and local officials should have full authority to approve variances to remain flexible in response to the unique land use needs of their own community. Local zoning decisions, and the implementation of cities' comprehensive plans, should not be conditioned upon the approval of the Metropolitan Council or any other governmental agency.

Metro Cities supports local authority over land use and zoning decisions, and opposes the creation of non-local appeals boards with the authority to supersede city zoning decisions

4-K Regional Growth

The most recent regional population forecast prepared by the Metropolitan Council projects a population of 3,738,047 people by 2040.

Metro Cities recognizes cities' responsibility to plan for sustainable growth patterns that integrate transportation, housing, parks, open space and economic development that will result in a region better equipped to manage population growth, to provide a high quality of life for a growing and increasingly diverse metropolitan area population and improved environmental health.

In developing local comprehensive plans to fit within a regional framework, adequate state and regional financial resources and incentives, and maximum flexibility around local planning decisions are imperative. The regional framework should assist cities in managing growth while being responsive to the individual qualities, characteristics and needs of metropolitan cities, and should encourage sub-regional cooperation and coordination.

In order to accommodate this growth in a manner that preserves the region's high quality of life:

- Natural resource protection will have to be balanced with growth and development/reinvestment;

- Significant new resources will have to be provided for transportation and transit; and

- New households will have to be incorporated into the core cities, first and second-ring suburbs, and developing cities through both development and redevelopment.

In order for regional and local planning to result in the successful implementation of regional policies:

- The State of Minnesota must contribute additional financial resources, particularly in the areas of transportation and transit, community reinvestment, affordable housing development, and the preservation of parks and open space. If funding for regional infrastructure is not adequate, cities should not be responsible for meeting the growth forecast set forth by the Metropolitan Council;

- The Metropolitan Council and Legislature must work to pursue levels of state and federal transportation funding that are adequate to meet identified transportation and transit needs in the metropolitan area;

- The Metropolitan Council must recognize the limitations of its authority and continue to work with cities in a collaborative, incentives-based manner;

- The Metropolitan Council must recognize the various needs and capacities of its many partners, including but not limited to cities, counties, economic development authorities and nonprofit organizations, and its policies must be balanced and flexible in their approach; and

- Metropolitan counties, adjacent counties and school districts must be brought more thoroughly into the discussion due to the critical importance of facilities and services such as county roads and public schools in accommodating forecasted growth.

- **Metro Cities opposes statutory or other regulatory changes that interfere with established regional and local processes to manage growth in the metropolitan region, including regional systems plans, systems statements, and local comprehensive plans. Such changes erode local planning authority as well as the efficient provision of regional infrastructure, disregard established public processes, and create different guidelines for communities that may result in financial, environmental and other impacts on surrounding communities.**

- Greater recognition must be given to the fact that the "true" metropolitan region extends beyond the traditional seven-county area and the need to work collaboratively with adjacent counties in Minnesota and Wisconsin, and the cities within those counties. The region faces

environmental, transportation, and land use issues that cannot be solved by the seven-county metro area alone. **Metro Cities supports an analysis to determine the impacts of Metropolitan Council's growth management policies and infrastructure investments on the growth and development of the collar counties, and the impacts of growth in the collar counties on the metropolitan area.**

4-L Natural Resource Protection

Metro Cities supports the Metropolitan Council's efforts to compile and maintain an inventory and assessment of regionally significant natural resources for providing local communities with additional information and technical assistance. The state and region play significant roles in the protection of natural resources. Any steps taken by the state or Metropolitan Council regarding the protection of natural resources must recognize that:

- The protection of natural resources is significant to a multi-county area that is home to more than 50 percent of the state's population and a travel destination for many more. Given the limited availability of resources and the artificial nature of the metropolitan area's borders, neither the region nor individual metropolitan communities would be well served by assuming primary responsibility for financing and protecting these resources;

- The completion of local Natural Resource Inventories and Assessments (NRI/A) is not a regional system nor is it a required component of local comprehensive plans under the Metropolitan Land Use Planning Act;

- The protection of natural resources should be balanced with the need to accommodate growth and development, reinvest in established communities, encourage more affordable housing and provide transportation and transit connections; and

- Decisions about the zoning or land use designations, either within or outside a public park, nature preserve or other protected area are, and should remain, the responsibility of local units of government.

Metro Cities supports the Metropolitan Council's efforts to compile and maintain an inventory and assessment of regionally significant natural resources for providing local communities with additional information and technical assistance.

The Metropolitan Council's role with respect to climate change, as identified in the 2040 regional development guide, should be focused on the stewardship of its internal operations (wastewater, transit) and working collaboratively with local governments to provide information, best practices, technical assistance and incentives around responses to climate change.

Metro Cities urges the Legislature and/or the Metropolitan Council to provide financial assistance for the preservation of regionally significant natural resources.

4-M Inflow and Infiltration (I/I)

The Metropolitan Council has identified a majority of sewered communities in the metropolitan region to be contributing excessive inflow and infiltration into the regional wastewater system or to be on the threshold of contributing excessive inflow and infiltration. Inflow and infiltration are terms for the ways that clear water (ground and storm) makes its way into sanitary sewer pipes and gets treated, unnecessarily, at regional wastewater plants. The number of identified communities is subject to change, depending on rain events, and any city in the metropolitan area can be affected.

The Metropolitan Council establishes a surcharge on cities determined to be contributing unacceptable amounts of I/I into the wastewater system. The charge is waived when cities meet certain parameters through local mitigation efforts.

Metro Cities recognizes the importance of controlling I/I because of its potential environmental and public health impacts, because it affects the size, and therefore the cost, of wastewater treatment systems and because excessive I/I in one city can affect development capacity of another. However, there is the potential for cities to incur increasingly exorbitant costs in their ongoing efforts to mitigate excessive I/I.

Metro Cities continues to monitor the surcharge program and supports continued reviews of the methodology used to measure excess I/I to ensure that the methodology appropriately normalizes for precipitation variability and the Council's work with cities on community specific issues around I/I.

Metro Cities supports state financial assistance for Metro Area I/I mitigation through future Clean Water Legacy Act appropriations or similar legislation and encourages the Metropolitan Council to partner in support of such appropriations. Metro Cities also supports resources, including identified best practices, information on model ordinances, public education and outreach, and other tools, to local governments to address inflow-infiltration mitigation for private properties.

Metro Cities recognizes the recommendations of a 2016 Inflow-Infiltration Task Force that support considering the use of a portion of the regional wastewater charge for private property inflow-infiltration mitigation. Any proposal to utilize the wastewater fee for this purpose must include the opportunity for local officials to review and comment on specific proposals.

Metro Cities supports continued state capital assistance to provide grants to metro area cities for mitigating inflow and infiltration problems into municipal wastewater collection systems.

4-N Sewer Availability Charge (SAC)

Metro Cities supports a SAC program that emphasizes equity, transparency, simplification and lower rates.

Metro Cities supports a "growth pays for growth" approach to SAC If state statutes are modified to establish a "growth pays for growth" method for SAC, the Metropolitan

Council should convene a group of local officials to identify any technical changes necessary for implementing the new structure.

Metro Cities supports allowing the Council to utilize the SAC 'transfer' mechanism provided for in state statute, when the SAC reserve fund is inadequate to meet debt service obligations. Any use of the transfer mechanism must be done so within parameters prescribed by state law and with appropriate notification and processes to allow local official input and should include a timely 'shift back' of any transferred funds from the wastewater fund to the SAC reserve fund. Efforts should be made to avoid increasing the municipal wastewater charge in use of the transfer mechanism.

Metro Cities supports principles for SAC that include program transparency and simplicity, equity for all served communities, and between current and future users, support for cities' sewer fee capacities, administrative reasonableness, and weighing any program uses for specific goals with the impacts to the program's equity, transparency and simplicity. As such, Metro Cities opposes the use of the SAC mechanism to subsidize and/or incent particular Metropolitan Council goals and objectives.

Metro Cities supports current SAC policy that enhances flexibility in the SAC credit structure for redevelopment purposes, and supports continued evaluation of SAC fees to determine if they hinder redevelopment.

Metro Cities supports the Metropolitan Council providing details on how any changes to the SAC rate are determined. Metro Cities supports a periodic review of MCES' customer service policies, to ensure that its processes are responsive and transparent to communities, businesses and residents. Metro Cities supports continued outreach by MCES to users of the SAC program to promote knowledge and understanding of SAC charges and policies.

4-O Funding Regional Parks & Open Space

In the seven-county metropolitan area, regional parks essentially serve as state parks, and the state should continue to provide capital funding for the acquisition, development and improvement of these parks in a manner that is equitable with funding for state parks. State funding apart from Legacy funds should equal 40 percent of the operating budget for regional parks. Legacy funds for parks and trails should be balanced between metro and greater Minnesota.

Metro Cities supports state funding for regional parks and trails that is fair, creates a balance of investment across the state, and meets the needs of the region.

4-P Livable Communities

The Livable Communities Act (LCA) provides a voluntary, incentive-based approach to affordable housing development, tax base revitalization, job growth and preservation, brownfield clean up and mixed-use, transit-friendly development and redevelopment. Metro Cities strongly supports the continuation of this approach, which has been widely accepted and is fully utilized

by local communities. Since its inception in 1995, the LCA program, administered by the Metropolitan Council, has generated billions of dollars of private and public investment, created thousands of jobs and added thousands of affordable housing units in the region.

Metro Cities supports a review of the LCA programs and any necessary statutory changes to ensure that the LCA program criteria are flexible and promote the participation of all participating communities, and to ensure that all metropolitan area cities are eligible to participate in the Livable Communities Demonstration Account (LCDA).

Metro Cities supports increased funding and flexible eligibility requirements in the LCDA to assist communities with development that may not be exclusively market driven or market proven in their particular location and in order to support important development and redevelopment goals.

Metro Cities supports the statutory goals and criteria established for the Livable Communities Act, and opposes any changes to LCA programs that constrain flexibility around statutory goals, program requirements and criteria.

Metro Cities opposes funding reductions to the Livable Communities Program and the transfer or use of these funds for purposes outside of the LCA program.

Metro Cities supports statutory modifications in the LCDA to reflect the linkages among the goals, municipal objectives, and Met Council system objectives.

Metro Cities supports the use of LCA funds for projects in transit improvement areas, as defined in statute, if funding levels for general LCA programs are adequate to meet program goals and the program remains accessible to participating communities.

Use of interest earnings from LCA funds should be limited to covering administrative program costs. Remaining interest earnings should be considered part of LCA funds and used to fund grants from established LCA accounts per established funding criteria.

4-Q Density

Any Met Council density policy and density determination must consider the impacts of market trends on city development and redevelopment activities.

Metro Cities supports a Met Council density policy that reflects density projections based on local data, actual local development patterns, is flexible and accommodates cities at various development stages.

Transportation Policies and Funding Introduction

Metro Cities supports a comprehensive transportation system as a vital component in planning for and meeting the physical, social and economic needs of the state and metropolitan region.

A comprehensive transportation system includes streets and bridges, transit and multi-modal solutions that work cohesively to best meet state, regional and local transportation needs.

Adequate and stable sources of funding are necessary to ensure the development and maintenance of a high quality, efficient and safe transportation system that meets these needs and that will position the state and region to be economically competitive in the years ahead. Failure to maintain a functional transportation system will have adverse effects on the state's ability to attract and retain businesses and create jobs.

Transportation funding and planning must be a high priority for state, regional and local policymakers so that the transportation system can meet the needs of the state's residents and businesses as well as projected population growth. Funding and planning for regional and statewide systems must be coordinated at the federal, state, regional and local levels to optimally achieve long term needs and goals.

5-A Road and Bridge Funding

Under current financing structures that rely primarily on local property taxes and fees as well as the motor vehicle sales tax (MVST) receipts, road and bridge needs in the metropolitan region continue to be underfunded. **Metro Cities strongly supports stable, sufficient and sustainable statewide transportation funding and expanded local tools to meet the transportation system needs of the region and local municipal systems. Consideration should be given to using new, expanded and existing resources to meet these needs.**

In addition, cities lack adequate tools and resources for the maintenance and improvement of municipal street systems, with resources restricted to property taxes and special assessments. It is imperative that alternative revenue generating authority be granted to municipalities and that state resources be made available for this purpose to aid local communities and relieve the burden on the property tax system. **Metro Cities supports Municipal State Aid Street (MSAS) funding. MSAS provides an important but limited revenue source that assists eligible cities with street infrastructure needs, and is limited to twenty percent of a city's street system.**

Metro Cities supports state funding to assist cities over-burdened by cost participation responsibilities from improvement projects on the state's arterial system and county state aid highway (CSAH) systems.

Metro Cities supports state funding for state highway projects, including congestion, bottleneck and safety improvements. Metro Cities also supports state financial assistance, as well as innovations in design and construction, to offset the impacts of regional transportation construction projects on businesses.

Metro Cities opposes statutory changes restricting the use of local funds for transportation projects. Metro Cities opposes restrictions on aesthetic related components of transportation projects, as these components often provide important safety and other benefits to projects.

Metro Cities supports further research into the policy implications for electric and autonomous vehicles on roadways, transit, and other components of transportation systems. Metro Cities encourages the state to study the impact of electric and autonomous vehicles on transportation related funding and policies.

5-B Regional Transit System

The Twin Cities Metropolitan Area needs a multi-modal regional transit system as part of a comprehensive transportation strategy that serves all users, including commuters and the transit dependent. The transit system should be composed of a mix of HOV lanes, a network of bike and pedestrian trails, Bus Rapid Transit, express and regular route bus service, exclusive transit ways, light rail transit, streetcars and commuter rail corridors designed to connect residential, employment, retail and entertainment centers. The system should be regularly monitored and adjusted to ensure that routes of service correspond to the region's changing travel patterns.

Current congestion levels and forecasted population growth require a stable, reliable and growing source of revenue for transit construction and operations so that our metropolitan region can meet its transportation needs to remain economically competitive. **Metro Cities supports an effective, efficient and comprehensive regional transit system as an invaluable component in meeting the multimodal transportation needs of the metropolitan region and to the region's economic vibrancy and quality of life. Metro Cities supports strategic expansion of the regional transit system.**

Metro Cities supports a regional governance structure that can ensure a measurably reliable and efficient system that recognizes the diverse transit needs of our region and addresses the funding needs for all components of the system.

Metro Cities recognizes the need for flexibility in transit systems for cities that border the edges of the seven-county metropolitan area to ensure users can get to points outside of the seven - county area. **Metro Cities encourages the Metropolitan Council to work with border counties to help coordinate planning so riders can get to and from destinations beyond the boundaries of the region.**

Metro Cities opposes statutory changes restricting the use of local funds for planning or construction of transit projects. Restricting local planning and funding limits the ability of cities to participate in transit corridor planning and development.

Metro Cities is opposed to legislative or Metropolitan Council directives that constrain the ability of metropolitan transit providers to provide a full range of transit services, including reverse commute routes, suburb-to-suburb routes, transit hub feeder services or new, experimental services that may show a low rate of operating cost recovery from the fare box.

In the interest of including all potential options in the pursuit of a regionally balanced transit system, Metro Cities supports the repeal of the gag order on the Dan Patch Commuter Rail Line and opposes the imposition of legislative moratoriums on the study, planning, design, or construction of specific transit projects.

In the interest of safety and traffic management, Metro Cities supports further study of rail safety issues relating to water quality protections, public safety concerns relating to derailments, traffic implications from longer and more frequent trains and the sensitive balance between rail commerce and the quality of life impacts on the communities through which they pass.

5-C Transit Financing

The Twin Cities metropolitan area is served by a comprehensive regional transit system that is expanding to include rail transit and dedicated busways. Shifting demographics in the metropolitan region will mean increased demand for transit in areas with and without current transit service. **Metro Cities supports stable and growing revenue sources to fund operating and capital expenses for all regional transit providers and Metro Mobility at a level sufficient to meet the growing operational and capital transit needs of the region and to expand the system to areas that currently have insufficient transit options.** MVST revenue projections are unpredictable, and the Legislature has repeatedly reduced general fund support for Metro Transit. Thus, regional transit providers continue to operate at a funding deficit.

Operating subsidies necessary to support a regional system should come from regional and statewide funding sources and not local property taxpayers. In addition, capital costs for the expansion of regional transit system should be supported through state and regional sources, and not the sole responsibility of local units of government. Metro Cities continues to support an advisory role for municipal officials in decisions associated with local transit projects.

5-D Street Improvement Districts

Funding sources for local transportation projects are limited to the use of Municipal State Aid Street Program (MSAS), property taxes and special assessments. In addition, cities under 5,000 in population are not eligible for MSA. With increasing pressures on city budgets and limited tools and resources, cities are finding it increasingly difficult to maintain aging streets.

Street improvement districts allow cities in developed and developing areas to fund new construction as well as reconstruction and maintenance efforts.

The street improvement district is designed to allow cities, through a fair and objective fee structure, to create a district or districts within the city in which fees are raised on properties in the district and spent within the boundaries of the district. Street improvement districts would also aid cities under 5,000 with an alternative to the property tax system and special assessments.

Metro Cities supports the authority of local units of government to establish street improvement districts. Metro Cities also supports changes to special assessment laws to make assessing state-owned property a more predictable process with uniformity in the payment of assessments across the state.

5-E Highway Turnbacks & Funding

Cities do not have the financial capacity, other than through significant property tax increases, to absorb additional roadway responsibilities without new funding sources. The existing municipal turnback fund is not adequate based on contemplated turnbacks.

Metro Cities supports jurisdictional reassignment or turnback of roads (M.S. 161.16, Subd. 4), on a phased basis using functional classifications and other appropriate criteria subject to a corresponding mechanism for adequate funding of roadway improvements and continued maintenance.

Metro Cities does not support the wholesale turnback of county or state roads without the consent of municipality and the total cost, agreed to by the municipality, being reimbursed to the city in a timely manner.

5-F "3C" Transportation Planning Process: Elected Officials' Role

The Transportation Advisory Board (TAB) was developed to meet federal requirements, designating the Metropolitan Council as the organization that is responsible for a continuous, comprehensive and cooperative (3C) transportation planning process to allocate federal funds among metropolitan area projects. Input by local officials into the planning and prioritization of transportation investments in the region is a vital component of these processes.

Metro Cities supports continuation of the TAB with a majority of locally elected municipal officials as members and participating in the process.

5-G Photo Enforcement of Traffic Laws

Enforcement of traffic laws with cameras has been demonstrated to improve driver compliance and safety.

Metro Cities supports the use of photo enforcement technology.

5-H Airport Noise Mitigation

Acknowledging that the communities closest to MSP and reliever airports are significantly impacted by noise, traffic and other numerous expansion-related issues:

Metro Cities supports the broad goal of providing MSP-impacted communities greater representation on the Metropolitan Airports Commission (MAC). Metro Cities wants to encourage continued communication between the MAC commissioners and the cities they represent. Balancing the needs of MAC, the business community and airport host cities and their residents requires open communication, planning and coordination. Cities must be viewed as partners with the MAC in resolving the differences that arise out of airport projects and the development of adjacent parcels. Regular contact between the MAC and cities throughout the project proposal process will enhance communication and problem solving. The MAC should provide full funding for noise mitigation for all structures in communities impacted by flights in and out of MSP.

Metro Cities supports noise abatement programs and expenditures and the work of the Noise Oversight Committee to minimize the impacts of MAC operated facilities on neighboring communities. The MAC should determine the design and geographic reach of these programs only after a thorough public input process that considers the priorities and concerns of impacted cities and their residents. The MAC should provide full funding for noise mitigation for all structures in communities impacted by flights in and out of MSP.

5-I Funding for Non-Municipal State Aid (MSAS) City Streets

Cities under 5,000 in population do not directly receive any non-property tax funds for collector and arterial streets. Cities over 5,000 residents have limited eligibility for dedicated Highway User Tax Distribution Fund dollars, which are capped by the state constitution as being available for up to twenty percent of streets. Current County State Aid Highway (CSAH) distributions to metropolitan counties are inadequate to provide for the needs of smaller cities in the metropolitan area. Possible funding sources include the five-percent set-aside account in the Highway User Tax Distribution Fund, modification to county municipal accounts, street improvement districts, and/or state general funds.

The 2015 Legislature created a Small Cities Assistance Account that is distributed through a formula to cities with populations under 5,000. While the account will remain in statute, future appropriations will have to be appropriated by future legislatures.

Cities need long-term, stable, dedicated funding for street improvements and maintenance. Metro Cities supports additional resources and flexible policies to meet local infrastructure needs and increased demands on city streets. Metro Cities also supports dedicated and sustainable state funding sources for non-MSAS city streets, including funding for the Small Cities Assistance Account as well as support for the creation and funding of a Large Cities Assistance Account.

5-J County State Aid Highway (CSAH) Distribution Formula

Significant resource needs remain in the metro area CSAH system. Revenues provided by the Legislature for the CSAH system have resulted in a higher number of projects being completed, however, greater pressure is being placed on municipalities to participate in cost sharing activities, encumbering an already over-burdened local funding system. When the alternative is not building or maintaining roads, cities bear not only the costs of their local systems but also pay upward of fifty percent of county road projects. **Metro Cities supports special or additional funding for cities that have burdens of additional cost participation in projects involving county roads.**

CSAH eligible roads were designated by county engineers in 1956 and although only 10 percent of the CSAH roads are in the metro area, they account for nearly 50 percent of the vehicle miles traveled. The CSAH formula passed by the Legislature in 2008 increased the amount of CSAH funding for the metropolitan area from 18 percent in 2007 to 21 percent in 2011. The formula helps to better account for needs in the metropolitan region, but is only the first step in addressing needs for additional resources for the region.

Metro Cities supports a new CSAH formula more equitably designed to fund the needs of our metropolitan region.

5-K Municipal Input/Consent for Trunk Highways and County Roads

State statutes direct the Minnesota Department of Transportation (MnDOT) to submit detailed plans, with city cost estimates, at a point one-and-a-half to two years prior to bid letting, at which time public hearings are held for community input. If MnDOT does not concur with requested changes, it may appeal. Currently, that process would take a maximum of three and a half months and the results of the appeals board are binding on both the city and MnDOT.

Metro Cities supports the municipal consent process, and opposes changes to weaken municipal consent or adding another level of government to the consent process. Metro Cities opposes changes to current statutes that would allow MnDOT to disregard the appeals board ruling for state trunk highways. Such a change would significantly minimize MnDOT's need to negotiate in good faith with cities for appropriate project access and alignment, and would render the public hearing and appeals process meaningless. Metro Cities also opposes the elimination of the county road municipal consent and appeal process for these reasons.

5-L Plat Authority

Current law grants counties review and comment authority for access and drainage issues for city plats abutting county roads.

Metro Cities opposes any statutory change that would grant counties veto power or that would shorten the 120-day review and permit process time.

5-M City Speed Limit Control

Cities are moving to incorporate multiple modes of transportation within existing right of way through local Complete Streets policies on residential roads where traffic safety also affects pedestrians and users of alternative transportation modes. **Metro Cities supports design standards that result in slower speeds on local roads. Any statutory speed limit change must be uniform and provide adequate state funding for education and enforcement to ensure public awareness and compliance.**

At cities' or counties' discretion, Metro Cities also supports a year-round reduction of speed limits within 500 feet of any city or county parks and schools or on roads that are in the process of becoming more residential or developed but do not currently justify a reduction under a MnDOT sanctioned speed study.

5-N MnDOT Maintenance Budget

The state has failed in its responsibility for maintaining major roads throughout the state by requiring, through omission, that cities bear the burden of maintaining major state roads.

MnDOT should be required to meet standards adopted by cities through local ordinances, or reimburse cities for labor, equipment and material used on the state's behalf to improve public safety or meet local standards. Furthermore, if a city performs maintenance, the city should be fully reimbursed.

Metro Cities supports MnDOT taking full responsibility for maintaining state-owned infrastructure and property, including, but not limited to, sound walls and right of way, within city limits. Metro Cities supports cooperative agreements between cities and MnDOT, which have proven to be effective in other parts of the state.

5-O Transit Taxing District

The transit taxing district, which funds the capital cost of transit service in the Metropolitan Area through the property tax system, is inequitable. Because the boundaries of the transit taxing district do not correspond with any rational service line nor is being within the boundaries a guarantee to receive service, cities within and outside of the taxing district are contributing unequally to the transit service in the Metropolitan Area. This inequity should be corrected.

Metro Cities supports a stable revenue source to fund both the capital and operating costs for transit at the Metropolitan Council. However, Metro Cities does not support the expansion of the transit taxing district without a corresponding increase in service and an overall increase in operational funds. To do so would create additional property taxes without a corresponding benefit.

5-P Complete Streets

A complete street may include: sidewalks, bike lanes (or wide paved shoulders), special bus lanes, comfortable and accessible public transportation stops, frequent and safe crossing opportunities, median islands, accessible pedestrian signals, curb extensions, narrower travel lanes and more.

A complete street in a rural area will differ from a complete street in a highly urban area, but both are designed to balance safety and convenience for everyone using the road.

Metro Cities supports options in state design guidelines for streets that would give cities greater flexibility to:

- **Safely accommodate all modes of travel;**
- **Address stormwater needs; and**
- **Ensure livability in the appropriate context for each city.**

Metro Cities opposes state imposed mandates that would increase street infrastructure improvement costs in locations and instances where providing access for alternative modes including cycling and walking are deemed unnecessary or inappropriate as determined by local jurisdictions.

Municipal Revenue & Taxation

Brad Martens (Chair), City Administrator, Corcoran

Patrick Antonen, City Administrator, Circle Pines
Sasha Bergman, Government Relations Representative, Minneapolis
Brooke Bordson, Senior Project Coordinator, Metropolitan Council
Kirt Briggs, Mayor, Prior Lake
Daniel Buchholtz, City Administrator/Clerk/Treasurer, Spring Lake Park
Gary Carlson, IGR Director, League of MN Cities
Mark Casey, City Manager, St. Anthony Village
Heather Corcoran, IGR Member Relations Coordinator, League of MN Cities
Bill Coughlin, Councilmember, Burnsville
Bob Crawford, Mayor, Elko New Market
Jim Dickinson, City Administrator, Andover
Lori Economy-Scholler, Chief Financial Officer, Bloomington
Luke Fischer, Administrative Services Director, Plymouth
Dana Hardie, Administrative Services Director, Burnsville
Lisa Herbert, Finance Director, Rogers
Marvin Johnson, Mayor, Independence
Judy Johnson, Councilmember, Plymouth
Merrill King, Finance Director, Minnetonka
Katie Knutson, Government Relations Manager, St. Paul
Kathy Lantry, Public Works Director, St. Paul
Tom Lawell, City Administrator, Apple Valley
Melissa Lesch, Senior Government Relations Representative, Minneapolis
Kristi Luger, City Manager, Excelsior
Scott Lund, Mayor, Fridley
John McCarthy, Chief Budget Analyst, St. Paul
Melanie Mesko Lee, City Administrator, Hastings
Candy Petersen, Councilmember, North St. Paul
Lori Peterson, HR Manager, Eagan
Gene Ranieri, IGR Director, Minneapolis
Steven Stahmer, City Administrator, Rogers
Matt Stemwedel, City Manager, Coon Rapids
Steven Tyacke, Councilmember, Wayzata

Housing & Economic Development

Jenni Faulkner (Chair), Community Development Director, Burnsville

Gene Abbott, Councilmember, Savage
Patty Acomb, Councilmember, Minnetonka
Myron Bailey, Mayor, Cottage Grove
Karl Batalden, Housing & Economic Development Coordinator, Woodbury
Josh Berg, Councilmember, Elko New Market
Kim Berggren, Community Development Director, Brooklyn Park
Sasha Bergman, Government Relations Representative, Minneapolis
Brooke Bordson, Senior Project Coordinator, Metropolitan Council
Jim Bownik, Assistant City Administrator, Lauderdale
Maria Carrillo-Perez, Assistant to the City Manager, Coon Rapids
Sheila Cartney, Community Development Coordinator/City Planner, Rogers
Heather Corcoran, IGR Member Relations Coordinator, League of MN Cities
Bob Crawford, Mayor, Elko New Market
Jeffrey Dahl, City Manager, Wayzata
Grant Fernelius, Community Development Director, Coon Rapids
Marie Franchett, Project Manager – Planning & Economic Development, St. Paul
Jason Gadd, Councilmember, Hopkins
Shannon Guernsey, Executive Director, MN NAHRO
Janice Gundlach, Planning Director, New Brighton
Bryan Hartman, HRA Program Manager, Bloomington
Joe Hogeboom, Community Development Director, Columbia Heights
Michael Howard, Councilmember, Richfield
Judy Johnson, Councilmember, Plymouth
Margaret Kaplan, Community Development Director, Minnesota Housing Finance Agency
Jason King, Councilmember, Blaine
Katie Knutson, Government Relations Manager, St. Paul
Molly Koivumaki, Housing & Community Services Manager, Eden Prairie
Melissa Lesch, Senior Government Relations Representative, Minneapolis
Cara Letofsky, Council Member, Metropolitan Council
Logan Martin, City Administrator, Rosemount
Anne Mavity, Councilmember, St. Louis Park
Casey McCabe, Community Development Director, Prior Lake
Jacquel Nissen, Housing and Economic Development Coordinator, White Bear Lake
Rebecca Noecker, Councilmember, St. Paul
Bruce Nordquist, Community Development Director, Apple Valley
Anne Norris, City Manager, Crystal
Jon Oleson, Councilmember, Bloomington
Loren Olson, Government Relations Representative, Minneapolis
Terry Quigley, Councilmember, Shoreview
Maria Regan Gonzalez, Councilmember, Richfield
Sam Richie, MN NAHRO
Dan Ryan, Councilmember, Brooklyn Center

Cara Schulz, Councilmember, Burnsville
Steven Stahmer, City Administrator, Rogers
Bob Streetar, Community Development Director, Oakdale
Patrick Trudgeon, City Manager, Roseville
Tony Wagner, Councilmember, Minnetonka
Julie Wischnack, Community Development Director, Minnetonka
Laura Ziegler, IGR Liaison, League of MN Cities

Metropolitan Agencies

Susan Arntz (Chair), City Administrator, Waconia

Myron Bailey, Mayor, Cottage Grove
Dave Bartholomay, Mayor, Circle Pines
Sasha Bergman, Government Relations Representative, Minneapolis
Brooke Bordson, Senior Project Coordinator, Metropolitan Council
Kirt Briggs, Mayor, Prior Lake
Connie Buesgens, Councilmember, Columbia Heights
Heather Butkowski, City Administrator, Lauderdale
Bob Crawford, Mayor, Elko New Market
Steve Devich, City Manager, Richfield
Jim Dickinson, City Administrator, Andover
Jerry Faust, Mayor, St. Anthony Village
Mike Franklin, Councilmember, Jordan
Rick Getschow, City Manager, Eden Prairie
Elizabeth Glidden, Councilmember, Minneapolis
Tom Goodwin, Councilmember, Apple Valley
Chuck Haas, Councilmember, Hugo
Gary Hansen, Councilmember, Eagan
Dana Hardie, Administrative Services Director, Burnsville
James Hovland, Mayor, Edina
Judy Johnson, Councilmember, Plymouth
Steve Juetten, Community Development Director, Plymouth
Elizabeth Kautz, Mayor, Burnsville
Mike Knight, Councilmember, Andover
Katie Knutson, Government Relations Manager, St. Paul
Melissa Lesch, Senior Government Relations Representative, Minneapolis
Mark Maloney, Public Works Director, Shoreview
Tim McNeil, Mayor, Dayton
Mark Nagel, Assistant City Administrator, Elko New Market
Tom Nikunen, City Administrator, Jordan
Loren Olson, Government Relations Representative, Minneapolis
Aaron Parrish, City Administrator, Forest Lake
Judd Schetnan, Director of Government Affairs, Metropolitan Council
Craig Schlichting, Community Assets & Development Director, New Brighton
Terry Schneider, Mayor, Minnetonka
Annette Thompson, Councilmember, Prior Lake
Janet Williams, Mayor, Savage

Transportation & General Government

Mary Hamann-Roland (Chair), Mayor, Apple Valley

Steve Albrecht, Public Works Director, Burnsville
Susan Arntz, City Administrator, Waconia
Kristin Asher, Public Works Director, Richfield
Geralyn Barone, City Manager, Minnetonka
Josh Berg, Councilmember, Elko New Market
Sasha Bergman, Government Relations Representative, Minneapolis
Brooke Bordson, Senior Project Coordinator, Metropolitan Council
Frank Boyles, City Manager, Prior Lake
Gary Carlson, IGR Director, League of MN Cities
Heather Corcoran, IGR Member Relations Coordinator, League of MN Cities
Bob Crawford, Mayor, Elko New Market
Steve Elkins, Council Member, Metropolitan Council
Robert Ellis, Public Works Director, Eden Prairie
Anne Finn, Assistant IGR Director, League of MN Cities
Mike Franklin, Councilmember, Jordan
Jason Gadd, Councilmember, Hopkins
Edwina Garcia, Councilmember, Richfield
Ruth Grendahl, Councilmember, Apple Valley
Gary Hansen, Councilmember, Eagan
Chris Hartzell, City Engineer, South St. Paul
Laurie Hokkanen, City Manager, Victoria
James Hovland, Mayor, Edina
Craig Johnson, IGR Representative, League of MN Cities
Irene Kao, IGR Counsel, League of MN Cities
Karl Keel, Public Works Director, Bloomington
Mike Knight, Councilmember, Andover
Katie Knutson, Government Relations Manager, St. Paul
Melissa Lesch, Senior Government Relations Representative, Minneapolis
Kim Lindquist, Community Development Director, Rosemount
Ann Lindstrom, IGR Representative, League of MN Cities
Dean Lotter, City Manager, New Brighton
Scott Lund, Mayor, Fridley
John Maczko, Transportation Director, St. Paul
Mark Maloney, Public Works Director, Shoreview
Mary McComber, Mayor, Oak Park Heights
Mark McNeill, City Administrator, Mendota Heights
Jonathan Mellberg, Councilmember, Dayton
Heidi Nelson, City Administrator, Maple Grove
Paul Oehme, Public Works Director/City Engineer, Chanhassen
Loren Olson, Government Relations Representative, Minneapolis
Becky Petryk, Councilmember, Hugo
Gene Ranieri, IGR Director, Minneapolis

Dan Ryan, Councilmember, Brooklyn Center
Sue Sanger, Councilmember, St. Louis Park
Judd Schetnan, Director of Government Affairs, Metropolitan Council
Russ Stark, Councilmember, St. Paul
Jay Stroebel, City Manager, Brooklyn Park
Michael Thompson, Public Works Director, Plymouth
George Tourville, Mayor, Inver Grove Heights
Kevin Watson, City Administrator, Vadnais Heights
Jeff Wosje, Councilmember, Plymouth

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ANOKA COUNTY BOARD OF COMMISSIONERS

RHONDA SIVARAJAH
Chair
District 6
763-274-4213

SCOTT SCHULTE
Vice Chair
District 7
763-300-6244

MATT LOOK
District 1
612-558-9111

JULIE BRAASTAD
District 2
763-238-2355

ROBYN WEST
District 3
612-804-8207

JIM KORDIAK
District 4
763-788-9651

MIKE GAMACHE
District 5
763-286-0167

Anoka County
MINNESOTA

Anoka County Government Center
2100 3rd Ave. | Anoka, MN 55303
Ph: 763-324-4000 (switchboard)

Anoka County
MINNESOTA
Respectful, Innovative, Fiscally Responsible

2018
Anoka County Legislative Platform

2018 PRIORITIES

TRANSPORTATION

STATE FUNDING FOR COUNTY-LED PROJECTS ON THE STATE TRUNK HIGHWAY SYSTEM IN ANOKA COUNTY

The Anoka County Board recommends:

Funding for multiple transportation improvements in Anoka County on the Trunk Highway System operated by MnDOT. Some of the most significant transportation issues in Anoka County are not on the County Highway System, but on the Trunk Highway System. In addition to the US 10/169 improvements in the City of Anoka, other key corridor improvements are needed on:

- US 10 3rd Lane Expansion in Coon Rapids
- US 10/169 Hybrid Freeway Conversion in Ramsey
- TH 65 Hybrid Freeway Conversion in Spring Lake Park, Blaine and Ham Lake
- TH 47 Railroad Grade Separation and Realignment at BNSF Railroad and Expansion from TH 10 to Bunker Lake Boulevard in Anoka

STATE FUNDING FOR US HWY 10/169 SAFETY AND MOBILITY IMPROVEMENTS IN THE CITY OF ANOKA

The Anoka County Board recommends:

Funding for the reconstruction of US 10/169 from West Main Street through Thurston Boulevard in the City of Anoka. This project includes a grade separated underpass at Fairoak Avenue, grade separated interchange at Thurston Boulevard, the reconstruction of US 10/169 and associated local street connections and improvements.

HUMAN SERVICES

The Anoka County Board recommends:

- The legislature discontinue the practice of shifting costs to counties.
- Clarification of self-employed income/assets to reduce welfare fraud.
- Pilot a collaborative case load model for the management of cases who pose a risk of re-offending and incarceration due to mental illness.

LEASED MOTOR VEHICLE SALES TAX

The Anoka County Board recommends:

Maintaining the current statutory distribution of the Leased Motor Vehicle Sales Tax. Provisions of the distribution have been gradually implemented since its establishment in 2008. Now that the full apportionment of these funds has been fully enacted, Anoka County along with the other four suburban metro counties and outstate transit agencies receiving these funds, rely on this dedicated and reliable funding source to maintain and upgrade its State Aid Highways.

METROPOLITAN COUNCIL GOVERNANCE REFORM

The Anoka County Board recommends:

Reform of the Metropolitan Council governance structure that supports a regional constituency of those impacted by its decisions.

FISCAL DISPARITIES AND COMPREHENSIVE PROPERTY TAX REFORM

The Anoka County Board recommends:

Any changes being made to the Fiscal Disparities Program should only be considered within a framework of comprehensive property tax reform. Anoka County opposes future diversion from the Fiscal Disparities Program to fund specific programs or projects, as this would contradict the purposes of the program.

Anoka County
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North Metro Mayors

2018 Legislative Action Plan

Transportation Funding

- Work with the Minnesota Department of Transportation, legislative leadership and transportation committees, Governor's administration, Metropolitan Council, Minnesota Transportation Alliance and key congressional members and staff to secure increased transportation funding.

Rail Crossings and Rail Safety

- Support funding for modernization and separation of rail-vehicle traffic as a critical matter of public safety and congestion relief along all major rail lines in the North Metro.
- Assist Ramsey to secure funding for road/rail separation at Ramsey and Sunfish Lake Boulevards along the BNSF main line, adjacent to US Highway 10.
- Assist MnDOT to secure funding for road/rail separation along the BNSF main line at Trunk Highway 47 in Anoka.

Collaboration Builds Communities

Transportation Advocacy

- Support the regional efforts of:
  - North Metro I-35W Corridor Coalition MnPASS Lane Project between Minneapolis and Blaine
  - North Trunk Highway 65 Coalition
  - Highway 10 Workgroup
  - 169 Coalition to relieve congestion on Highway 169 in the North Metro
  - Highway 252 Conversion Group
  - Connect Blue Line Now! Coalition to address barriers and begin construction on Blue Line Light Rail (Bottineau) project
- **Trunk Highway 65**--Assist Blaine to provide significant capacity enhancements including upgrading major intersections.
- **Highway 169** at 101st Avenue, Brooklyn Park--Assist Brooklyn Park, Maple Grove, and Champlin to secure funding for an interchange and other improvements.
- **Trunk Highway 10**--Assist Coon Rapids and Anoka to secure funding to construct a third lane between Hanson Boulevard and 7th Avenue in Anoka. Assist Ramsey and Anoka to secure funding to construct all recommended Trunk Highway 10 Access Planning Study improvements.
- **Trunk Highway 610**--Assist Maple Grove to secure funding to complete 610 and advocate for improvements through the Fish Lake split and expanding capacity on I-94 from Maple Grove to the west. Assist Coon Rapids to secure funding for full interchange on 610 in Coon Rapids
- **Trunk Highway 252**--Work with Brooklyn Center, Brooklyn Park, Hennepin County, the Minnesota Department of Transportation and the Metropolitan Council to resolve transportation system safety and congestion issues.
- Assist North Metro cities to secure funding for County State Aid Highway (CSAH) reconstruction/improvement projects.

Fiscal Policy

- Work with the NMMA legislative delegation, League of Minnesota Cities, Metro Cities, Anoka County, Hennepin County, Ramsey County and other stakeholders to be sure the collective North Metro voice is heard and to ensure that the Local Government Aid and Metro Area Fiscal Disparities programs remain intact. Advocate for NMMA perspectives in debates over comprehensive tax reform proposals.
- Support and advocate for TIF legislation sought by member cities and support the use of TIF as a tool for cities to promote economic development.
- Continue to join with other county and city organizations opposing reverse referenda.
- Oppose legislative efforts to restrict city use of, or add a reverse referendum process, to the gas and electric franchise fee statutes.

Who We Are

The North Metro Mayors Association was created in 1988 to serve as the non-profit champion organization to encourage private and public investments in the northern suburbs.

Within our territory, which is defined by legislative districts, member cities represent more than 464,000 residents in Andover, Anoka, Blaine, Brooklyn Center, Brooklyn Park, Champlin, Circle Pines, Coon Rapids, Maple Grove, Mounds View, New Brighton, New Hope, Ramsey, and Spring Lake Park.

Community Partners, which include multiple chambers of commerce, non-profits and businesses of all sizes, help demonstrate our united front in sustaining and growing the North Metro.

Governance

- Work with the League of Minnesota Cities, Metro Cities and other local government partners in a collaborative manner to advance key local governmental legislative objectives.
- Support Metropolitan Council changes, including staggered terms, elected city officials' significant participation in nominating Metropolitan Council members, and increased transparency in the appointment process.
- Engage NMMA Community Partners in legislative efforts to more effectively carry the NMMA message to elected officials and the governor's administration.
- Conduct legislative candidate forums in NMMA member city districts to inform candidates on NMMA issues and to assist voters in determining their choices.

Water

- Support efforts of the NMMA Water Work Group to establish policy positions on water issues.
- Engage NMMA stakeholders to endorse and promote regional water supply facilities.
- Monitor the Minnesota Pollution Control Agency and potential regulation changes which would make it more difficult for cities to develop closed dump sites.

Additional Issues

- **PUBLIC SAFETY:** Support the expansion of the North Metro Law Enforcement Training Facility in Maple Grove.
- **HOUSING:** Support consistent application of state housing financing programs to help facilitate local housing goals in addition to state goals.
- **ENVIRONMENT:** Support the Minnesota Pollution Control Agency and Andover's efforts to secure funding for removing the hazardous waste pit at the Waste Disposal Engineering (WDE) Landfill.
- **ELECTIONS:** Support legislation creating early voting opportunities that create administrative and financial efficiencies for local governments.
- **REGIONAL RECREATION:** Assist in securing funding for a competition sized swimming pool in New Hope.

NMMA Contacts

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North Metro Mayors

North Metro Mayors Day at the Capitol

Wednesday, March 7, 2018
10:00 AM – 5:30 PM

Attendees:	NMMA elected officials, city staff, Community Partners
Materials:	NMMA Day at the Capitol packet, including 2018 legislative platform and NMMA fact sheet, a map of the capitol complex

10:00 AM – 3:00 PM	**Legislative Meetings** 10-15 minute meetings with NMMA legislators, meeting will be with a mixture of NMMA members	State Office Building and Minnesota Senate Building
3:30 PM – 5:30 PM	**NMMA Board of Directors Meeting**	League of Minnesota Cities Building

Additional Notes

Meetings: Each legislative appointment will be with an NMMA legislator and a combination of at least two NMMA officials (mayors, city administrators/managers, city council members, Community Partners). Meetings can be arranged by Ewald staff, if they have NMMA members' availability on March 7 from 10 a.m. to 3 p.m.

Capitol Tours: Hosted by the Minnesota Historical Society. The tours of the newly renovated capitol building can be set up by request. Tours start at the top of every hour near room 126 of the capitol building, and take roughly 45 minutes.

Parking: There are various spots to park on the capitol complex, including the Dept. of Transportation ramp, the Sears parking lot, street parking, and parking ramps in the surrounding area.

Lunch: There are two main places on the capitol complex to get lunch: the Dept. of Transportation building and the basement of the Capitol building. There are also restaurants nearby.

Contact: On March 7, Owen can be reached at (651) 357-8921 Troy can be reached at (763) 381-7894 Jill can be reached at (612) 889-2611.

ANNUAL MOMENTUM PLANNER

What are your objectives for the year?

This is your yearly overview and is meant to show the rough structure of the year. What major objectives are you going to work on each month? Flesh out the details in more fine-grained views in quarterly, monthly, weekly, and daily planners.

Annual Goals What will you accomplish this year?	**Values, Themes, or Challenges** What are this year's values, themes, or challenges?		**Major Events** What's happening this year?	
1 Legislative work plan progress	1 Regional champion-value	V T C	Month Feb.	Olympic event
2 Membership retention	2 Legislative gridlock-challenge	V T C		Legislative session Feb.-May
3 NAJPP growth	3 Scope review for association-theme	V T C	Fall	Candidate forums Sept.-Oct.
4 Leadership transition	4	V T C	Fall	Scope/budget/dues approval. NMMA election
5 Outreach/awareness building	5	V T C		

Quarter 1 Objectives What will you accomplish this quarter?	**Quarter 2 Objectives** What will you accomplish this quarter?	**Quarter 3 Objectives** What will you accomplish this quarter?	**Quarter 4 Objectives** What will you accomplish this quarter?
1 Olympics event Feb. 9	1 Legislative session ends May 22	1 Candidate forums	1 Candidate forums
2 SWOT with Op Comm	2 Invoicing for CPs	2 Golf event in Brooklyn Center?	2 Adoption of budget, dues, scope
3 Legislative session, Day at Cap	3 Water group reignited	3 Legislative plan updates begin	3 NMMA election
4 Hirshfields contract/mrktg push on IOS	4 Op Comm works on scope, budget, dues,	4	4 Finish legislative work plan for 2019
5 Distribute NAJPP dividends	5	5	5

JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC
									NMMA DRAFT Jan. 9, 2018		
									Comments to Jill Brown		
									JillCBrown@msn.com or 612-889-2611		

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2018 City of Ramsey Legislative Platform

1. U.S. Highway 10 Priority Projects

ISSUE: U.S. Highway 10 is a principal arterial roadway providing significant transportation connections from Minneapolis – St. Paul to the northwest suburbs and Greater Minnesota. The 4-lane roadway (Anoka/Sherburne County line to the Rum River in Anoka) carries average daily traffic volumes ranging from 33,500 to 61,000 vehicles per day.

This corridor is commonly congested and has much higher than average crash and crash severity rates than comparable corridors. In addition, the corridor has four signalized intersections and numerous direct access points (14.5 per mile); which contribute to the degradation of the U.S. Highway 10. Over the past ten (10) years, thirteen (13) people have died in crashes on this 7-mile corridor. Four (4) fatalities were pedestrians; including (3) from 2013 to 2014.

Highway 10 has been studied numerous times over the past decade, each time a full-freeway status was identified as the ultimate solution. However, due to limited funding opportunities at the State and Federal level, full-freeway status would be difficult to achieve within the next 20 years.

As a result of funding constraints, MnDOT and Bolton & Menk completed a study to achieve freeway-like status for U.S. Highway 10 in the fall of 2014. This study is known as: *The U.S. Highway 10 Access Planning Study*. This study achieves 90% of the safety and operational benefits of a full-freeway for 50% of the cost. The intent of this study is to identify high-benefit improvements that are fiscally responsible so that improvements can be funded, programmed, and implemented incrementally. This study has been formally adopted by MnDOT, Anoka County, the City of Anoka and the City of Ramsey.

The City of Ramsey supports the City of Anoka and Anoka County in efforts to secure the balance of funding needed to complete the Thurston/Fair Oak Interchange Project.

Information Source, Highway 10 Access Planning Study

RECOMMENDATIONS:

A. Included in the U.S. Highway 10 Access Planning Study is a recommended, prioritized, list of improvement projects. The City of Ramsey recommends State and Federal funding sources be secured to implement both “immediate” and “short-tem” priority projects.
B. The City of Ramsey’s general position on U.S. Highway 10 is more resources must be dedicated to all components of the State’s transportation system, and local units of government must have access to resources and funding tools to meet growing needs.
C. The City of Ramsey specifically supports the City of Anoka and Anoka County in efforts to secure the balance of funding needed to complete the Thurston/Fair Oak Interchange Project.
D. The City of Ramsey’s position on rail crossing improvements along U.S. Highway 10 is the City opposes legislation and policies that disproportionately shift authority, costs, and/or liability away from railroad companies and onto units of government. Additionally, the City supports funding for separation of rail-vehicle traffic as a critical matter of public safety and congestion.

TOPIC IS CONSISTENT THE FOLLOWING ORGANIZATIONS LEGISLATIVE PLATFORMS:
>Anoka County: State Funding for Transportation and U.S. Highway10/169 Hybrid Freeway Conversion in Ramsey
>League of Minnesota Cities: Adequate Funding for Transportation, LE-33
>League of Minnesota Cities: Railroads, LE-39
>Metro Cities: Road and Bridge Funding, 5-A
>North Metro Mayor’s Association, Transportation Funding
>North Metro Mayor’s Association, North Metro Highway Construction Projects
>North Metro Mayor’s Association, Rail Crossings and Rails Safety

2. Water Supply

ISSUE: A clean and reliable source of water is critical to the function of any healthy community. In many cases, communities utilize aquifers as their primary source of water. The City of Ramsey is located in a "recharge zone" for aquifers utilized throughout the Twin Cities Metro region, known as the "Anoka County Sand Plain."

The City of Ramsey is a developing community and anticipates significant growth over the next two decades. As a result, additional water supply will be required to meet the demand of future development. In 2007, the City of Ramsey explored the ability to use surface waters, such as the Mississippi River for a municipal water supply as a possible benefit for regional water resources. The Minnesota DNR assisted with this effort in order to identify options for preserving existing, and future, ground water supplies of communities throughout the entire Twin Cities Metro region.

As a result, the City of Ramsey identified an option of using a surface water treatment plant sometime in the future, which would draw from the Mississippi River, but only it were part of a regional solution. Under a surface water option, the City would retain its ground water supply system as a back-up to a surface water supply. The estimated cost of the proposed surface water treatment plant in Ramsey is significant, at $36.5 million. Costs for retaining the ground water supply system will be minimal compared to the treatment facility costs. For this reason, significant funding from outside the City would be required.

Clearly, utilization of water resources is not solely a local issue, as aquifers and "recharging zones" span across the entire Twin Cities metro region. The need for the City of Ramsey to switch from a ground water system to a surface water system is not a result of development in the City of Ramsey alone; it is the result of demand across the entire Twin Cities metro region.

RECOMMENDATION: The City of Ramsey supports continued regional analysis and planning efforts to utilize ground and surface water throughout the Twin Cities as a whole, rather than community-by-community. The City of Ramsey opposes actions limiting the ability of Ramsey to develop in order to sustain, or allow new development, in other Twin Cities communities affected by the Anoka County Sand Plain "recharge zone." The City of Ramsey supports regional solutions to address regional ground water supply concerns; specifically including, regional equitable funding sources.

TOPIC IS CONSISTENT THE FOLLOWING ORGANIZATIONS LEGISLATIVE PLATFORMS:
>League of Minnesota Cities: Municipal Public Water Supplies, SD-64
>Metro Cities: Water Supply, 2-Q
>North Metro Mayor's Association, Water

3. Zip Code

ISSUE: United States Postal Service (USPS) provides the City of Ramsey postal services from the Anoka Post Office, located near downtown Anoka (55303 Zip Code). For the past decade, the City of Ramsey and the Ramsey Economic Development Authority (EDA), have identified a need for the Ramsey to secure a unique zip code and post office. This item has been identified a priority for two major reasons (1) confusion by businesses, residents, and visitors about differentiating the City of Ramsey from the City of Anoka; which results in problems in multiple applications, and (2) degradation of community identity.

From an equity perspective, when the City of Ramsey is compared to nearby communities that do have zip codes/ post offices, the City of Ramsey appears to be a unique outlier in terms of current population. The City of Ramsey is one of twelve nearby cities with a current population of over 12,000 that does not have a unique post office and zip code. There are seven cities located nearby the City of Ramsey with populations ranging from 466 to 7,000 that have a unique post office and zip code. With current population comparisons in mind, it should be noted, the City of Ramsey is a rapidly growing community with several hundred acres of land available for future development. The demand for USPS services is expected to continuously increase with time.

RECOMMENDATION: In order for the City of Ramsey to move forward with a request to USPS for a new post office and zip code, the City of Ramsey needs to document clear and consistent support. Therefore, the City of Ramsey support the solicitation of letters of support from our County, State, and Federal elected officials for the purpose of advocating for a Ramsey-unique zip code via the USPS Northland District Manager, Anthony Williams: 100 1st Street South, Minneapolis, MN 55401.

4. Fiscal Disparities and Local Government Aid (LGA)

***ISSUE**:* Authored by former Anoka State Legislator, Charles R. Weaver, the Twin Cities Area Fiscal Disparities program, enacted in 1971, was created for the purposes of:

1. Providing a way for local governments to share in the resources generated by the growth of the metropolitan area without removing existing resources;
2. Promoting orderly development of the region by reducing the impact of fiscal considerations on the location of business and infrastructure;
3. Establishing incentives for all parts of the area to work for the growth of the area as a whole;
4. Helping communities at various stages of development; and
5. Encouraging protection of the environment by reducing the impact of fiscal considerations to ensure protection of parks, open space, and wetlands.

Fiscal Disparities affects cities, counties, special taxing districts, and school districts within the seven-county metro area. It has reduced tax base disparity throughout the seven-county metropolitan area to a level of 3-to-1 (instead of the previous 10-to-1). Historically, the City of Ramsey (and Anoka County) have been a net recipients of fiscal disparities funding. Meaning, the amount of dollars Ramsey receives from the program is greater than the dollars Ramsey contributes to the program (about 1.63 factor in 2014 for Ramsey).

Local Government Aid for Ramsey has fluctuated (see chart below) from a high of $396,382 in 2001, to the current level of $0 in 2017. The basic formula was changed in 2014 and some level of LGA was restored for the next three years (approximately $100,000 per year), however the same formula has now resulted in the elimination of all LGA for Ramsey and similar developing suburbs.

FY 2000 - $359,771
FY 2001 - $396,382
FY 2002 - $303,894
FY 2003 through 2013 - $0
FY 2014 - $91,381
FY 2015 - $110,352
FY 2016 - $111,311
FY 2017 - $0

RECOMMENDATION: Any future legislation that would modify or impact the Fiscal Disparities program should only be considered within a framework of comprehensive reform efforts of the State's property tax, aids and credits system. Any proposed legislation that would modify or impact the Fiscal Disparities program must be evaluated utilizing the criteria of fairness, equity, stability, transparency and coherence in the treatment of cities and taxpayers across the metropolitan region, and must continue to serve the program's intended purposes.

The Ramsey City Council is in support of the Fiscal Disparities program. The Ramsey City Council opposes future diversion from the Fiscal Disparities Program to fund programs or projects that would contradict the purpose of the program. The City does not support efforts to exempt Ramsey (or Anoka County) from any future Fiscal Disparity program amendment discussions.

Ramsey supports revision of the LGA formula that recognizes the needs of developing suburbs and restores LGA to developing suburbs for long-term capital needs.

>Similar language as 2018 Anoka County Adopted Legislative Platform
>League of Minnesota Cities Policy FF-4 Funding Local Government Aid
>NMMA Fiscal Policy

Funding for Non-State Aid City Streets

ISSUE: Minnesota has over 141,000 miles of roadway, and more than 22,500 miles—or 16 percent--are owned and maintained by Minnesota's 853 cities. The Minnesota Constitution limits eligibility for dedicated Highway User Tax Distribution Fund dollars to up to twenty percent of streets in cities with populations over 5,000 (147 of 853 cities). This means almost 85 percent of municipal streets are ineligible for municipal state aid (MSA) funds and must be paid for with property taxes and special assessments. Funding challenges are compounded by city cost participation requirements in state and county highway projects, which divert resources from city-owned streets.

Recognizing the unique street funding needs in cities under 5,000 population, the 2015 legislature created the Small Cities Assistance Account (Minn. Stat. § 162.145). Funds in the account are distributed through a formula to all cities under 5,000 population for street maintenance and reconstruction. Unfortunately, funding for the account was only provided for one year.

Maintenance costs increase as road systems age, and no city--large or small—is spending enough on roadway capital improvements to maintain a 50-year lifecycle. For every one dollar spent on maintenance, a road authority--and therefore taxpayers--save seven dollars in repairs. According to a report released in late 2012 by the governor's Transportation Finance Advisory Committee, cities collectively need an additional $400 million per year to bring city streets up to an economically competitive standard.

RECOMMENDATIONS: City streets are a separate but integral piece of the network of roads supporting movement of people and goods. Cities need greater resources and flexible policies in order to meet growing demands for street improvements and maintenance. The City of Ramsey supports:

A. dedicated and sustainable state funding source for non-MSA city streets in large and small cities statewide;
B. enabling legislation that would allow cities to create street improvement districts (similar to sidewalk improvement districts already allowed under Minn. Stat. § 435.44);
C. and the creation of a new fund within the Local Road Improvement Program that would provide grants to cities burdened by cost participation requirements related to trunk highway and county state-aid projects.

>Similar language as 2018 LMC Legislative Platform, LE-36

5. Publishing Public Notices: Improving and Increasing Citizen Access to Information

ISSUE: State law requires that cities publish certain types of information in a "qualified" newspaper designated by the city. While the requirements vary based on city population size, most cities must publish: ordinances before they can take effect; advertisements for bids; various financial reports; meeting and hearing notices; notices of elections; dates for filing affidavits of candidacy; and sample ballots. Collectively, these items are referred to as "official notices," legal notices" and "public notices" in state statute.

There are several requirements in statute for a newspaper to be a "qualified" or "official" newspaper for the city. For instance, there can only be one newspaper chosen for the city; it must be printed in English in a newspaper format; if it is a daily newspaper, it must be distributed at least five days each week; if not a daily paper, it may be distributed twice a month with respect to the publishing of government public notices; it must be circulated in the city which it purports to serve, and either have at least 400 copies regularly delivered to paying subscribers or have at least 400 copies distributed without charge to local residents.

As technology has evolved, citizens have become more accustomed to the instantaneous availability of online information. Because cities are committed to providing information to citizens and responding to this demand, they have invested heavily in their websites and in growing a robust online presence. They survey citizens about what method of communication is preferred and based on this, cities update, reform, evolve, and advance communication tools and often, they do so with limited means and resources to ensure citizens have access to information about their city.

Because of the publishing mandate outlined in state statute, cities continue to publish in newspapers with limited resources while simultaneously providing information to citizens in the format they actually demand online. These requirements originated in 1949 and to ensure the original intent of the law – providing citizens access to their local government – it is time to eliminate these outdated requirements and make communicating with citizens more efficient.

RECOMMENDATION: The City of Ramsey supports legislation eliminating outdated and unnecessary publication requirements that are no longer relevant or representative of the technology we now have that has significantly increased access to government. Cities should have the authority to determine whether web publication should replace or supplement newspaper publication based on the unique needs of each community.

>Similar language as 2018 LMC Legislative Platform, SD-14

6. Administering Absentee Balloting

ISSUE: Eligible voters in Minnesota may vote by absentee ballot prior to Election Day. Starting 46 days before the election, a voter can request an application for an absentee ballot and if approved, receive and cast an absentee ballot in one visit to their county or city election offices. Ballots can also be requested, applied for and received by mail and returned by the voter to the election office by 3:00 pm on Election Day or by 8:00 pm on Election Day if delivered by mail or package delivery. Absentee balloting results are not known until combined with polling place results when the polls close on Election Day. For those voting absentee in - person, the absentee ballot application process is burdensome and confusing as voters expect the same process they encounter in their polling place on Election Day. The application process should be replaced by having the voter verify their identity on a paper or electronic roster. Currently electronic signatures are not allowed by state law; having the authority to use electronic signatures would make the process more efficient. Streamlining the voter check-in procedures would increase efficiency and decrease the time voters spend in line waiting to cast their absentee ballot. Seven days before Election Day, elections administrators can begin processing absentee ballots received by mail and in-person absentee voters can place their ballots directly into a tabulator. Currently, a voter can request to place their ballot in a series of envelopes similar to those returned by mail to be processed after they have left the building. Following legislative changes in 2016 allowing voters to place their ballot into a tabulator, few, if any, voters request to place their ballot into envelopes. State law allows alternative sites for conducting absentee balloting but requires that these sites remain open for the full 46 days prior to Election Day. Because of the increase in voting before Election Day, cities should have the authority to conduct in-person absentee balloting in alternative sites for the time period during which voters are allowed to place their ballots directly into a tabulator. Additionally, to respond to the voter demand to vote early, this time period should be increased from seven to 14 days before Election Day. Current law allows for in-person absentee voting until 5:00 p.m. on the day before Election Day. This does not leave adequate time for election officials to process absentee ballots, prepare supplemental lists indicating which voters have already cast absentee ballots and deliver the lists to precincts prior to opening of the polls on Election Day. The current absentee voting process further requires that additional supplemental lists of final absentee voters be delivered to the polls after the last mail delivery on Election Day and often leads to administrative challenges and increased potential for errors in the process. As more and more voters choose to vote early with absentee balloting, improvements must be made to increase efficiency of administering absentee balloting before Election Day, reduce the potential for errors, and to improve voter experience.

>Similar language as 2018 LMC Legislative Platform, SD-68

RECOMMENDATIONS:

A. Replacing the in-person absentee ballot application process with paper or electronic rosters similarly to those used in polling places on Election Day and allow voters to use an electronic signature for electronic rosters;
B. Eliminating the option to place an in-person absentee ballot in a series of envelopes instead of a tabulator;
C. Increasing the time period that an in-person absentee voter can place their ballot directly into a tabulator from seven to 46 days;
D. Allowing alternative in-person absentee voting sites to be established for 14 days prior to Election Day instead of the full 46 days currently required by state law;
E. Establishing an earlier deadline for ending in-person absentee voting; and
F. Revising absentee ballot regulations to allow any person 18 and older to witness the absentee process and sign the envelope as a witness.

g. Authorizing cities with health care facilities to schedule election judges to conduct absentee voting at an earlier date in health care facilities.

7. Metropolitan Council Governance

ISSUE: The issue of Metropolitan Council governance was an issue raised in 2016 in which the City adopted a resolution taking the position outlined below. Since this is an issue that is likely to continue into 2017, including this in the 2017 *Legislative Platform* acts to reaffirm the City's previous position that was adopted in March of 2016.

Background: This topic was reviewed by the City Council at work session on April 23, 2016, and brought forward to the Council with modifications reflecting that discussion.

Recently, Anoka County and three other metropolitan counties, put together a coalition that is advocating for a change in the structure of the Metropolitan Council. As part of that meeting, the Council received documents explaining the County position, and documents outlining the position of the Metro Cities organization.

Below are the points/observations put together by staff for consideration:

- Staff supports consideration of options for a Metropolitan Council governance structure that may increase accountability and address concerns of regional stakeholders and policy makers.
- Staff believes that there should be opportunities for local communities to provide input on ideas before any legislative change in Metropolitan Council governance is made.
- Staff recognizes the support Metropolitan Council has provided for past projects in the City of Ramsey:
    - Parking Ramp
    - Sunwood Drive
    - Center Street
    - Sunwood Townhomes (TH 47)
    - Sunwood Village
    - The Draw Park and Amphitheater
    - Rail Station
- The Metropolitan Council has provided support for the planning and implementation of future projects:
    - Mississippi Skyway
    - Housing projects in The COR
    - Housing projects within the community as a whole
- The City of Ramsey expects to continue an ongoing partnership with the Metropolitan Council, especially as we endeavor upon updating our Comprehensive Plan.
- Staff recognizes that the Metropolitan Council has made progress toward making the Comprehensive Plan Update and Amendment processes more user friendly within the past 12 months.

RECOMMENDATIONS:

A. That reform to the Metropolitan Council should ensure that the Metropolitan Council is a responsible, responsive, and accountable partner for regional development and progress; and
B. That in order to recognize the responsibility that the Metropolitan Council has to local units of government, local governments shall have a decision role in the appointment process for representatives to the Metropolitan Council; and
C. That in order to promote the stability and continuity of governance, the terms of office for Metropolitan Council members shall be staggered.

- Metro Cities Policy 4B
- Anoka County Policy on Metro Governance

CC Work Session **2. 3.**

Meeting Date: 02/27/2018

Information

Title:

Discussion Regarding Proposed Updates to the Personnel Policy

Purpose/Background:

The City Council met briefly during the work-session held on February 12, 2018, to discuss the Personnel Policy. The purpose of this discussion is to provide the City Council with additional information on proposed updates now that the City Attorney has completed his review of the policy and to seek feedback regarding any revisions the City Council would like to see included in the updated policy.

Sections within the policy containing substantive changes are listed below and can be found within the attached policy on the pages as noted below:

Section 4 - Group Benefits / page 17-19
4.1 Health Insurance Eligibility
4.3 PERA Phased Retirement
4.4 Employee Savings Plans
4.8 Non-union Post Employment HealthCare Savings Plan

Section 7 - Conduct / page 37 - 46
7.1 Code of Conduct
7.2 Harassment Policy

Section 9 - Travel Training and Education / page 55-58
9.6 Training and Education Policy

Section 12 - Drug Free Workplace Policy / page 75 -78
12.2 Drug and Alcohol Testing

Note: There have been several proposed changes included within the attached policy. Please pay close attention to all mark-ups.

Non-substantive changes have been proposed for clarity and general updates. All proposed changes are shown on the draft attachment and called out using mark-up.

Timeframe:

15 - 30 minutes

Funding Source:

Not applicable

Responsible Party(ies):

Colleen Lasher, Human Resources Manager

Outcome:

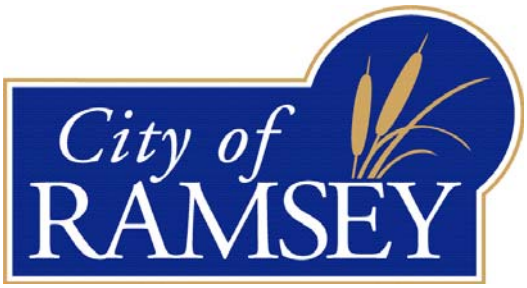
To progress toward an updated Personnel Policy, to be adopted by resolution at the March 13, 2018 or March 27, 2018 regular City Council meeting.

Attachments

Draft Personnel Policy 022318

Form Review

Inbox	Reviewed By	Date
Kurt Ulrich	Kurt Ulrich	02/22/2018 02:48 PM
Form Started By: Colleen Lasher		Started On: 02/13/2018 03:34 PM
Final Approval Date: 02/22/2018		



PERSONNEL POLICY

Adopted August 11, 2014

Draft working copy to be considered by the City Council 02-27-18

Dear City of Ramsey Employee:

The city of Ramsey is a vibrant, growing community that promotes excellence in everything we do and we are pleased to have you on our team.

As part of our team, you are expected to behave in a consistent manner with the City's mission and vision, core values, guiding principles, and this personnel policy.

This personnel policy was prepared to generally describe the terms, conditions, benefits, rights, and responsibilities of employment. The application of specific sections of this policy to any particular situation may depend on the specific facts or conduct at issue. Please become familiar with this personnel policy within ten (10) business days of your receipt of this policy. I hope you will find the policy informative and useful in making the most of the many opportunities available to you as a City employee.

After you have had an opportunity to familiarize yourself with the personnel policy, you must sign the last page of the policy, entitled "Acknowledgement of Receipt of the city of Ramsey Personnel Policy," and submit it to the Human Resources Office. Should you have questions regarding the personnel policy or any aspect of your employment relationship with the City, please feel free to contact me or your supervisor.

Sincerely,

Colleen Lasher

Colleen Lasher
Human Resources Manager

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SECTION 1 INTRODUCTION

1.1 How to use this Personnel Policy

This personnel policy is provided as a reference and as a summary of the city of Ramsey's personnel policies, work rules, and benefits. It replaces, revokes, and supersedes any previous personnel policies, interpretations, or practices, and is only valid until amended or replaced by the City Council. Accordingly, you will find it to your advantage to read the entire personnel policy promptly so that you will have a complete understanding of the material covered.

The purpose of this personnel policy is to provide for a safe, orderly, and disciplined employment environment. This policy will promote knowledge of what is expected of personnel generally, which should result in a greater degree of self-assurance in all positions. In relationships between positions it should be each City employee's individual aim to build mutual respect and confidence which is essential to local government service.

Any local, state, or federal laws that impose stricter requirements or regulations shall be used in lieu of policies or procedures outlined in this personnel policy, whenever they apply.

Additional information or clarification as to each section of this personnel policy may be obtained from your supervisor, Department Head or the Human Resources Manager. The text of this policy, however takes precedence over and controls any inconsistent communication from any City employee or elected official.

This personnel policy summarizes the various policies and benefits currently provided by the city of Ramsey. Nothing contained in this personnel policy or in any other City document, and nothing said or done by a City employee, may be construed as an employment contract between the City and an employee, a guarantee of continued employment, or terms and conditions of employment. The City and the employee both have the right to terminate the employment relationship at any time. Except as modified by an individual contract or a collective bargaining agreement, all employment with the City is "at-will" employment.

The City reserves the right to modify, revoke, suspend, or change this personnel policy, in whole or in part, at any time, with or without notice, at the City Council's sole discretion.

1.2 Scope of Policy

This personnel policy generally applies to all City employees, including probationary employees, and elected officials. Certain provisions of this policy may be inapplicable to the following individuals:

1) Elected officials;
2) Appointed personnel; i.e. City Attorney;
3) Members of City boards, commissions, and committees;
4) Paid-on-call Firefighters and volunteer personnel;
5) Emergency employees who are employed for emergency work caused by natural disaster;

Deleted: , elected officials, and appointed officials.

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6) Temporary full-time and temporary part-time employees and those working less than 14 hours per week.

Deleted: Other employees working temporarily, less than 14 hours per week.

Any employee included in a collective bargaining agreement entered into in accordance with the Public Employment Labor Relations Act shall be exempt from any provision of this policy that is inconsistent with such agreement. Any employee within the jurisdiction of a personnel board or civil service commission established under Minnesota state law is exempt from any provision of this policy that is inconsistent with such statute or rules and regulations adopted hereunder. Nothing in this Section is intended to modify or supersede any provision of the Minnesota Veterans' Preference Act.

1.3 Employee Responsibility

It is the individual employee's responsibility to know and understand thoroughly the policies and subjects covered in this personnel policy. Updated material may be added periodically. Each employee is responsible for going over any new material added. Any questions about the material covered in this policy can be answered by the employee's supervisor, Department Head or Human Resources.

1.4 Data Practices Advisory:

In accordance with the Minnesota Government Data Practices Act, the City is required to inform employees of their rights as they pertain to any private information that the City collects from them. During the course of City employment, an employee will likely be asked to provide information which is classified by state law as either private or confidential. Private data is information which generally cannot be given to the pubic but can be given to the subject of the data. Confidential data is information which generally cannot be given to either the public or the subject of the data. Much of the data the City has about individual employees, however, is classified as public according to Minnesota Statutes, section 13.43, subdivisions 2 and 3. All public data is available for inspection and copying by members of the public, with or without the employee's consent.

Information about employees requested by the City may be used for the following purposes: (1) process payroll, including accounting for wages and fringe benefits and to justify any reimbursed expenses; (2) enroll in benefit programs and pension plans (3) evaluate the employee's job performance, eligibility and abilities; (4) distinguish the employee from other applicants and employees and identify the employee in the correct personnel file; (5) determine the employee's eligibility for employment or promotion, and make employment decisions about the employee's performance; (6) contact the employee or other significant persons in case of an emergency; (7) compile equal opportunity and affirmative action reports; (8) make decisions regarding the employee's eligibility for sick leave, family and medical leave, parenting leave, and other available leave; (9) make decisions regarding the employee's eligibility for workplace accommodations, including accommodations for disabilities; (10) comply with workers compensation requirements in the event of an injury; and (11) provide information during workplace investigations. Such information may also be used and disclosed for other purposes consistent with applicable law. The information provided by the employee may be used in performance evaluations, determinations

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regarding merit pay, applications for different employment positions, and other matters which involve a review of the employee's personnel file and past performance.

Unless the employee is told otherwise, the employee is required to provide this information. If the employee refuses to supply the information, the employee may face disciplinary action. Any information which the employee is required to provide cannot be used against the employee in a criminal proceeding. Even if the employee is not required to provide information, it is generally to the employee's best interest to provide it. Without the requested information, the City may not be able to determine the employee's eligibility for employment opportunities, compute wages, or grant the employee other benefits. The employee's refusal to provide information during an employment investigation may also necessitate that the investigation be completed without his or her input.

Federal law permits government agencies to require individuals to provide their social security number for the administration of any tax. Please be aware that when an employee is asked to give his or her social security number on revenue forms, this collection is mandated by law. This information will be shared with the Minnesota Department of Revenue, the Internal Revenue Services, and security tax programs. In most other cases, the disclosure of an employee's social security number is voluntary.

Any information an employee is asked to provide may be shared with individuals within the City whose job duties reasonably require access, as well as individuals outside of the city whose duties require access, such as insurance vendors, consultants, attorneys, and retirement plan employees. Information may also be shared with other agencies authorized by law to receive specific data.

If litigation arises, the information may be provided in documents filed with the court which are available to any member of the public. If it is reasonably necessary to discuss the information at a City Council meeting, it will be available to members of the public. To the extent that some or all of the information is part of the basis for a final decision on disciplinary action, that information is available to any member of the public.

1.5 Equal Employment Opportunity Statement

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This is to affirm the city of Ramsey's policy of providing Equal Opportunity to all employees and applicants for employment and complying with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of Federal, State and Local governing bodies or agencies thereof. This policy extends to all applicants and employees and to all aspects of the employment relationship, including, but not limited to, recruiting, hiring, promotion, transfer, discipline, and compensation.

The city of Ramsey is an Equal Opportunity Employer. The City provides equal employment and advancement opportunity on the basis of merit within the context of its unique business environment and without regard to race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, familial status, status with regard to public assistance, or any other characteristic protected by state or federal law.

The city of Ramsey will take affirmative action to ensure that all employment practices are free of discrimination. Such employment practices include, but are not limited to the following; hiring,

upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

1.6 Unlawful Acts

No person shall knowingly make any false statement, certificate, mark, rating, or report in regard to any test, certificate, or appointment held or made under the City personnel system or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions of this policy.

No person seeking employment to or promotion in the City service shall either directly or indirectly give, render, or pay any money, service, or other valuable consideration to any person, or on account of or in connection with the employee's test, appointment, or promotion, or proposed appointment or promotion.

No person shall be employed, promoted, demoted, or terminated by the City or in any way favored or discriminated against because of, race, creed, color, national origin, religion, sex, sexual orientation, marital status, familial status, age, status with regard to public assistance or disability, other characteristics protected by state or federal law, or because of actions taken with regards to the rights under provisions of the Public Employment Labor Relations Act. No person who is over 18 years of age shall be discriminated against with reference to City employment in any way forbidden by federal and state law.

1.7 Exceptions

No exception to any provision of this personnel policy may be made except by the City Administrator, the City Administrator's designee as noted in specific sections of this policy, or the City Council as required under the City's Charter. Such exceptions shall be made only on a case by case basis and only after the City Administrator or the City Council has adopted sufficient findings of fact showing the justification for the exception.

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SECTION 2 DEFINITIONS

For purposes of these policies, the following definitions will apply:

Authorized Hours - The number of hours an employee was hired to work. Actual hours worked during any given pay period may be different than authorized hours, depending on workload demands or other factors, and upon approval of the employee's supervisor.

Benefits -Privileges granted to qualified employees in the form of paid leave and/or insurance coverage.

Benefit Earning Employees -Employees who are eligible for at least a pro-rated portion of some City provided benefits. Such employees must be year-round employees who work at least 20 hours per week on a regular basis.

Casual Employee – Temporary employees who periodically work "special projects" for the City such as the Pet Clinic, Elections and Happy Days. This classification includes, but may not be limited to, Rink Attendants, Snow Plow Drivers, and other employees working less than 14 hours per week.

Demotion -The movement of an employee from one job class to another within the City, where the maximum salary for the new position is lower than that of the employee's former position.

Department Head - Employees that are responsible for the efficient administration of their respective departments including substantial supervisory control of a permanent nature over other municipal employees. Department Heads shall initiate, with the approval of the City Administrator, whatever practices, functions, programs and procedures that are necessary to fulfill that responsibility. All Department Heads will report directly to the City Administrator. The City Administrator shall serve as the Department Head for the Administrative Services Department.

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Direct Deposit -As permitted by state law, all City employees are required to participate in direct deposit.

Division Heads – Employees that are responsible for the efficient administration of their respective divisions, including substantial supervisory control of a permanent nature over other municipal employees. Division Heads shall initiate, with the approval of their Department Head, whatever practices, functions, programs and procedures that are necessary to fulfill that responsibility.

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Eligible Sick Leave Severance Pay - Eligible sick leave severance shall be defined as a lump sum payment upon termination of employment based on thirty-three (33) percent of employee's unused, accumulated sick leave after five (5) years of continuous employment. After fifteen (15) years of continuous employment, the employee will instead receive thirty-five (35) percent of said employee's unused, accumulated sick leave. After twenty (20) years of continuous employment, the employee will instead receive thirty-seven (37) percent of unused accumulated sick leave. After twenty-five (25) years of continuous employment, the employee will instead receive forty (40) percent of said employee's unused, accumulated sick leave. If applicable, sick leave severance pay is subject to the

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rules of the non-union post-employment healthcare savings plan. In order to obtain eligible sick leave severance pay, an employee must leave City employment in "good standing," as provided in Policy 3.14.

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Employee - An individual who has successfully completed all stages of the selection process including the training period.

Exempt Employee – Any employee excluded from overtime and compensatory time off provisions of the Minnesota and federal Fair Labor Standards Act ("FLSA").

Non-Exempt Employee –- Employees who are covered by the federal or state Fair Labor Standards Act. Such employees are normally eligible for overtime pay or compensatory time off at 1.5 times their regular hourly wage for all hours worked over forty (40) in any given workweek.

FICA (Federal Insurance Contributions Act) - FICA is the federal requirement that a certain amount be automatically withheld from employees' earnings. Specifically, FICA requires an employee contribute a percentage for Social Security and for Medicare. The City contributes a matching percentage on behalf of each employee. Certain employees are exempt or partially exempt from these withholdings (e.g., police officers).

Fiscal Year -The period from January 1 to December 31.

Full-time Employee - Employees who are required to work forty (40) or more hours per week year-round in an ongoing position. In accordance with federal health care reform laws and regulations, the City shall offer health insurance benefits to eligible employees and their dependents that work on average or are expected to work 30 or more hours per week or the equivalent of 130 hours or more per month. In order to comply with Health Care Reform law while avoiding penalties, part-time employees will be scheduled with business needs and in manner which ensures positions retain part-time status under which intended.

Hours of Operation - City Hall's hours of operation are Monday through Friday, from 8:00 a.m. to 4:30 p.m.

Part-time Employee - Employees who are required to work less than forty (40) hours per week year-round in an ongoing position. In accordance with federal health care reform laws and regulations, the City shall offer health insurance benefits to eligible employees and their dependents that work on average or are expected to work 30 or more hours per week or the equivalent of 130 hours or more per month. In order to comply with Health Care Reform law while avoiding penalties, part-time employees will be scheduled with business needs and in manner which ensures positions retain part-time status under which intended.

PERA (Public Employees Retirement Association) - Statewide pension program in which all City employees meeting program requirements must participate in accordance with Minnesota law. The City and the employee each contribute to the employee's retirement account.

Promotion - Movement of an employee from one job class to another within the City, where the maximum salary for the new position is higher than that of the employee's former position.

Reclassify - Movement of a job from one classification to another classification because of a significant change in the position's duties and responsibilities.

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Seasonal Employee – Temporary Employees who work only part of the year (100 days or less) to conduct seasonal work. Seasonal employees may be assigned to work a full-time or part-time schedule. Seasonal employees do not earn benefits or credit for seniority.

Service Credit -Time worked for the City. An employee begins earning service credit on the first day worked for the City. Some forms of leave will create a break in service.

Supervisor – Any person having authority in the interests of the employer to perform or effectively recommend a majority of the following actions: hires, transfer, suspensions, promotions, discharges, discipline, reward, assignments and work direction, adjustment of grievances and performance evaluations.

Temporary Employee - Employees who work in temporary positions. Temporary jobs might have a defined start and end date or may be for the duration of a specific project. Temporary employees may be assigned to work a full-time or part-time schedule. Temporary employees do not earn benefits or credit for seniority.

Transfer – Movement of an employee from one City position to another of equivalent pay.

Work Week - The regular work week for City employees is forty hours, in addition to a lunch period, Monday through Friday, except as otherwise established by the City Administrator or designee in accordance with needs of the department.

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SECTION 3 EMPLOYEE RECRUITMENT, SELECTION, EMPLOYMENT & TERMINATION

3.1 Scope

The City Administrator or a designee will manage the hiring process for positions within the City. While the hiring process may be coordinated by staff, the City Council is responsible for the final hiring decision and must approve all hires to City employment. All hires will be made according to merit and fitness related to the position being filled.

3.2 Features of the Recruitment System

The City Administrator or designee will determine if a vacancy will be filled through an open recruitment or by promotion, transfer or some other method. This determination will be made on a case-by-case basis. The majority of position vacancies will be filled through an open recruitment process. Position vacancies may be filled on an "acting" basis as needed.

Application for employment will generally be made on application forms provided by the City. Other materials in lieu of a formal application may be accepted in certain recruitment situations as determined by the City Administrator or designee. Supplemental questionnaires may be required in certain situations. All candidates must complete and submit the required application materials by the posted deadline, in order to be considered for the position. The deadline for application may be extended by the City Administrator. Unsolicited applications will not be kept on file.

3.3 Testing and Examinations

Applicant qualifications will be evaluated in one or more of the following ways: training and experience rating; written test; oral test or interview; performance or demonstrative test; physical agility test, or other appropriate job-related exam.

Internal recruitments will be open to any City employee who: (1) has successfully completed the initial training period; (2) meets the minimum qualifications for the vacant position; and (3) currently is and for the past year has been in good standing with the City.

The City Council or designee will establish minimum qualifications for each position with input from the appropriate supervisor. To be eligible to participate in the selection process a candidate must meet the minimum qualifications.

3.4 Pre-Employment Medical Exams

The City Administrator or designee may determine that a pre-employment medical examination, which may include a psychological evaluation, is necessary to determine fitness to perform the essential functions of any City position. Where a medical examination is

required, an offer of employment is contingent upon successful completion of the medical exam.

When a pre-employment medical exam is required, it will be required of all candidates who are finalists and/or who are offered employment for a given job class. Information obtained from the medical exam will be treated as confidential medical records.

When required, the medical exam will be conducted by a licensed physician designated by the City with the cost of the exam paid by the City. (Psychological/psychiatric exams will be conducted by a licensed psychologist or psychiatrist.) The physician will notify the City Administrator or designee that a candidate either is or isn't medically able to perform the essential functions of the job, with or without accommodations and whether the candidate passed a drug test, if applicable.

If the candidate requires accommodation to perform one or more of the essential functions of the job, the City Administrator or designee will confer with the physician and candidate regarding reasonable and acceptable accommodations.

If a candidate is rejected for employment based on the results of the medical exam, he/she will be notified of this determination, to the extent required by law.

3.5 Selection Process

The selection process will be a cooperative effort between the City Administrator or designee and the hiring supervisor, subject to final hiring approval of the City Council. Any, all or none of the candidates may be interviewed.

The City has the right to make the final hiring decision based on qualifications, abilities, experience and city of Ramsey needs.

3.6 Background Checks

All finalists for employment with the City will be subject to a background check to confirm information submitted as part of application materials and to assist in determining the candidate's suitability for the position. Except where already defined by state law, the City Administrator will determine the level of background check to be conducted based on the position being filled.

3.7 Criminal Background Investigations

Authority

State law authorizes city police departments to conduct criminal history background investigations on applicants for City positions using Minnesota Computerized Criminal History data.

Applications

This section applies only to applicants who are finalists for regular, temporary, seasonal, casual, and volunteer status positions. Before a finalist is eligible to receive a conditional job offer or begin employment with the City, and to the extent permitted by law, the applicant must authorize

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the Police Department, in writing, to undertake a criminal history background investigation and to release the information to the City Council, City administrator and/or other City staff as appropriate.

Rejection of Applications

Except in the case of exceptions set forth in Minnesota state law, as may be amended from time to time, if the City rejects an application for employment due partly or solely to the applicant's prior conviction of a crime which relates directly to the position sought, the City's Human Resources Manager will notify the applicant in writing of the following:

1) The Grounds and reasons for denial;
2) The applicant complaint and grievance procedure set forth in Minnesota State law, as may be amended from time to time;
3) The earliest date the applicant may reapply for employment or a volunteer position; and
4) That all competent evidence of rehabilitation will be considered upon re-application.

Only public conviction information related directly to the position sought will be considered in denying employment. In situations where identity is questioned, fingerprint verifications will be allowed, to the extent permitted by law. The City reserves the right to consider the applicant's criminal history, including any and all evidence of rehabilitation, when evaluating him or her for employment with the City, to the maximum extent permitted by law.

Deleted: ***3.8 Training Period***¶
The training period is an integral part of the selection process and will be used for the purpose of closely observing the employee's work and for training the employee in work expectations. Training periods apply to new hires, transfers, promotions and rehires. Training periods are six months in duration, but may be extended by, for example, an unpaid leave of absence.¶

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3.8 Reclassification and New Position / Vacant Position

Reclassification

When a position's duties and responsibilities change (increase or decrease), the position is considered a reclassification and may be automatically filled by the incumbent of the original position; contingent upon the incumbent's ability to meet the position's minimum requirements and necessary knowledge, skills, and abilities, at the City's discretion.

New Position

If the City creates a new position to meet its public service needs the position will be filled according to the City Administrator's direction.

3.9 Nepotism

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The potential for conflicts of interest are increased when personnel who are related are employed by the same employer; and real or implied conflicts of interest can result in distrust and a general lack of harmony among other employees.

Whenever possible, and with due regard for job-relevant qualifications, merit, and fitness, the employer shall avoid the appointment of any person related to an appointed officer or regular full-time or regular part-time employee of the City. Appointments or assignments of persons related to an employee in the same department in which the employee works is prohibited.

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This provision does not apply to marital status or familial status, as protected under the Minnesota Human Rights Act. Employment of the spouse of an elected or appointed officer or employee is not prohibited; however, appointment or assignment of an employee's spouse in the same department in which the employee works is prohibited, if the appointment or assignment would result in an employee directly supervising or influencing the recruitment, employment, salary, fees, or performance review of the employee's spouse.

Appointment to a position with the City shall not be construed as an employment contract between the city of Ramsey and an employee. All employees whose positions are covered by this policy are appointed by - and serve - at the sole discretion of the employer.

3.10 Probation

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Subject to the provisions of an applicable collective bargaining agreement, every original appointment and every promotional appointment, is subject to a probationary period of six (6) months, except for patrol officers, paid-on-call firefighters, and Department Heads who have a one-year probationary period. During the probationary period a probationary employee may be terminated at the sole discretion of the City. If terminated during the probationary period, the employee shall be notified in writing of the termination and shall have no right to appeal the termination.

Employees may use sick and vacation leave during their probationary period at the discretion of the Department Head.

At the sole discretion of the City Administrator, an employee's probationary period may be extended for 90 calendar days. Completion of the probationary period or any extended probationary period is not, and cannot be construed as, a promise of continued employment or otherwise altering the at-will nature of employment.

Deleted: Qualified veterans are protected by law and must be afforded certain benefits from the date of hire and may not be discharged without sufficient cause, as provided by law. If a veteran is proposed for discharge at any time, including the probationary period, the veteran will be afforded the rights provided in the Minnesota Veterans Preference laws. If such employee is a veteran, the procedure prescribed in Minnesota Statutes shall be followed.¶

3.11 Supplemental Employment

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No city of Ramsey patrol officer shall work as a police officer or keeper of the peace directly for any establishment in the City or at any special private functions within the City. Officers needed at special functions shall work as city of Ramsey employees and shall be paid directly by the City. The City, in return, will bill the person or entity requesting the officers' presence at the function from which payment the City will reimburse itself for the officers' services.

3.12 Performance Evaluations

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Performance evaluations are used to assess employee performance in terms of specific job requirements and provide measures for setting up training and development programs for improvement and opening communication channels. On the anniversary date of an employee's current position, or in January if so determined by the Human Resources Manager, as well as when an employee is completing their probationary period, a formal performance evaluation may be completed. If a formal performance evaluation is completed, it will be reviewed with the employee.

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For Department Heads, the City Administrator will make note of any City Council feedback regarding Department Head performance and summarize the Council's comments when writing the Department Head's performance evaluation. The City Administrator will review the performance evaluation with the Department Head. The Department Head will have the opportunity to discuss the performance evaluation with the City Council at a closed City Council meeting if he/she so chooses.

The City will consider each employee's performance evaluation when considering salary increases or potential promotional opportunities. As a general rule, an employee who receives an overall rating of "Needs Improvement" or "Poor" will not be eligible for promotional opportunities, salary increases, except for any "cost of living" adjustment made by the City. Further, an employee who receives an overall rating of "Needs Improvement" or "Poor" must follow a performance improvement plan to bring performance to an acceptable level. If performance is not brought to an acceptable level as described in the performance improvement plan, discipline may be imposed, up to and including termination. Conducting, or the results of, performance evaluations does not alter the at-will nature of employment.

3.13 Resignations

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As at-will employees, all City employees may resign at any time, for any reason. In order to be considered "in good standing" at the time of resignation, an employee must file with employee's Department Head, at least 14 days before leaving, a written resignation stating the effective date of the resignation. Department Heads wishing to resign "in good standing" should give the City as much advance notice as possible, but must provide at least 30 days' notice. Failure to comply with this 14 day or 30 day notice procedure may be considered cause for denying the employee future employment by the City and denying termination benefits. Unauthorized absence from work for a period of three working days may be considered by the Department Head as a resignation "not in good standing" and without benefits.

3.14 Lay-offs

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After at least two weeks' notice to the employee, the City Administrator may lay off any employee when such action is necessary because of shortage of work or funds, the abolition of a position, or changes in organization.

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SECTION 4 BENEFITS

4.1 Group Insurance

To be eligible for group health, dental, or life insurance benefits with the city of Ramsey employees must be a regular employee scheduled to work at least 30 hours per week. The City provides a contribution to health insurance, single dental insurance and basic life insurance for full-time employees as approved by the City Council annually. Members of the City Council are eligible for group health insurance in the City's group health insurance plan without affecting Councilmembers' total compensation from the City. The City will continue to provide basic life insurance for employees participating in PERA's Phased Retirement program as permitted by the carrier.

In accordance with federal health care reform laws and regulations, the City shall offer health insurance benefits to eligible employees and their dependents that work on average or are expected to work 30 or more hours per week or the equivalent of 130 hours or more per month. In order to comply with Health Care Reform law while avoiding penalties, part-time employees will be scheduled with business needs and in manner which ensures positions retain part-time status under which intended

4.2 Long Term Disability ("LTD")

Mandatory LTD - Long term disability is a mandatory, employee-paid benefit provided to sworn police personnel and other full-time, non-union employees.

Deleted: public safety employees.

Voluntary LTD - Long term disability is available to other employee groups as a voluntary employee-paid benefit.

The terms of the long term disability coverage, including the formula used to calculate the benefit and the waiting period before an employee may receive long term disability benefits will be established by the City.

4.3 Public Employment Retirement Association ("PERA")

Almost all city employees in the State of Minnesota are covered by a public pension system known as the PERA. Both the City and employees contribute to PERA. For specific information regarding annual contribution rates, contact Human Resources. Vesting time varies depending on membership eligibility date and the pension is portable among public employers throughout the state. Being vested means qualifying for benefits at the minimum allowable age.

In normal situations, employees and employers both contribute a percentage of the employee's eligible gross salary to PERA. However, Minnesota law provides that some income received by an employee are not eligible for PERA contributions. Employees should contact Human Resources with specific questions regarding PERA contributions.

The City offers PERA's Phased Retirement Option on a case-by-case basis after approval by the HR Manager, Department Head and the City Administrator, as deemed beneficial to the City in

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meeting the goals of the strategic plan. The agreement can be terminated at any time. Employees interested in this option should see Human Resources for more information.

4.4 Employee Savings Plans

All employees eligible to enroll in PERA are also eligible to place a portion of their earnings in 457 savings plans; pre-tax and/or post tax programs.

Please contact Human Resources regarding maximum annual contribution amounts and for any other specific information regarding these plans.

4.5 Flexible Spending Account

Employees can establish flexible spending accounts and have pre-tax deductions made from their payroll checks to pay for eligible childcare and eligible medical expenses. The law limits the maximum contributions that employees can make to their flexible spending account and the specific expenses that can be paid out of such accounts. Employees should contact Human Resources for additional details.

4.6 Retiree Benefits

Minnesota law provides for continuation of health and dental coverage to certain former employees who are receiving a disability benefit or an annuity from PERA, or who have met PERA age and service requirements. Former employees are responsible for paying the entire premium. Failure to do so will result in termination of coverage. Employees should contact Human Resources for additional details.

4.7 COBRA

Employees participating in the City's group health insurance plan who terminate employment with the City or experience another event which triggers their legal entitlement to insurance continuation will receive a notice of their right to elect continued insurance coverage consistent with state and federal law, including, but not limited to, the Consolidated Budget Omnibus Reconciliation Act of 1985 ("COBRA") (as amended). The notice will be provided in accordance with such laws and employees must comply with those laws if they wish to continue coverage after separating from the City's employment, including, but not limited to, paying the entire premium for the duration of the continuation coverage. Employees should contact Human Resources for additional details.

4.8 Non-union Post-employment Healthcare Savings Plan (PEHCSP)

The PEHCSP is an employer-sponsored program that allows employees to invest in a tax-preferred medical savings account while employed by a Minnesota public employer.

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All non-union employees hired after January 1, 1984 will participate in the post-employment healthcare savings plan, as follows:

PERA COORDINATED MEMBERS

- WAGES: Contribute 2% after 5 years of service (starting with the 6th year of service) and greater to the PEHCSP
- MAXED OUT SICK LEAVE: Contribute unused sick leave hours that would normally convert to vacation time (all hours greater than 960 at a conversion rate of 2 to 1) to the PEHCSP.
- VACATION: Upon separation of employment/contribute unused accrued vacation time, as follows:
  - 50% after 5 years of service through 10 years of service and then
  - 75% with 11 years of service through 15 years of service and then
  - 100% after 16 years of service and greater shall be contributed to the PEHCSP
- SICK LEAVE: Upon separation of employment/contribute unused eligible accrued sick time, as follows: 100% of eligible unused accrued sick leave after 5 years of service and greater

PERA POLICE & FIRE MEMBERS

- WAGES: Contribute 1% for all employees until 5 years prior to normal retirement age (55), at which time ongoing contributions will be 4% of salary.
- MAXED OUT SICK LEAVE: Contribute all unused sick leave hours that would normally convert to vacation time (all hours greater than 960 at a conversion rate of 2 to 1) to the PEHCSP.
- VACATION Upon separation of employment/contribute unused accrued vacation time, as follows: 100% -- Regardless of years of service
- SICK LEAVE: Upon separation of employment/contribute unused eligible sick leave, as follows: 100% of eligible unused accrued sick leave -- regardless of years of service.

Eligible sick leave severance shall be defined as a lump sum payment upon termination of employment, contributed to the PEHCSP, based on thirty-three (33) percent of employee's unused, accumulated sick leave after five (5) years of continuous employment. After fifteen (15) years of continuous employment, the employee will instead receive thirty-five (35) percent of said employee's unused, accumulated sick leave. After twenty (20) years of continuous employment, the employee will instead receive thirty-seven (37) percent of unused accumulated sick leave. After twenty-five (25) years of continuous employment, the employee will instead receive forty (40) percent of said employee's unused, accumulated sick leave. In order to obtain eligible sick leave severance pay, an employee must leave City employment in "good standing," as provided in Policy 3.14.

4.9 Employee Assistance Program

The City offers an employee assistance program (EAP) at no cost to assist employees and their families with a variety of services from mental health and substance abuse counseling to child care resources. The EAP will provide confidential counseling services by highly trained clinicians or suggest other professional resources that may be useful to employees and their families.

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SECTION 5 CLASSIFICATION AND COMPENSATION

5.1 General

Employees of the City shall be compensated according to the schedule established by the City Council. Any wage, salary, or other monetary benefit so established is the total remuneration for employment which may be allowed for the conduct of official business. Unless approved by the City Administrator, no employee shall receive pay from the city in addition to the salary authorized for the position or positions to which the employee has been appointed, or for hours beyond the normal work week without prior approval by the City Administrator or designee.

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Non-exempt employees who work for a period less than the regularly scheduled work-week will earn wages based on the actual number of hours worked. Regular part-time employees are eligible to earn vacation and sick leave in proportion to that earned by regular full-time employees based on the number of hours worked. Holidays are earned in proportion to those earned by regular full-time employees and are based on work hours budgeted on January 1. Vacation and sick leave, and holidays count toward total budgeted work hours for the year. Temporary employees are not eligible for vacation or sick leave, holiday pay, or health or life insurance.

Employees shall be paid biweekly via mandatory direct deposit. When a pay day falls on a holiday, employees shall receive their pay on the preceding work day.

No employee shall be permitted to receive from any third party payment for services and labor performed while such employee is working regular hours or while working additional overtime hours for the City, unless approved in advance by the City Administrator and subject to a written agreement with the third party--such as with Anoka County.

5.2 Classification Plan / Position Descriptions

The City will establish and maintain a position classification plan for all positions in accordance with federal and state laws. The Human Resources Manager, under the direction of the City Administrator, and in conjunction with Department Heads, shall be responsible for establishing, periodically revising, and maintaining current position descriptions. The position description shall state the essential duties, responsibilities and qualification requirements which distinguish a given position from other positions. The position description shall describe the typical types of work which may be assigned to a particular position but shall not be construed to restrict the assignment of other duties related to the position. Supervisors may direct their subordinates to perform tasks not expressly identified in the position description, as they see fit.

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Each position description shall contain:¶
¶
a. Essential duties and responsibilities of the position.¶
b. Examples of work which are illustrative of the duties of the position.¶
c. Descriptions of the level of knowledge, skills and abilities necessary to perform the essential duties and responsibilities.¶
d. Minimum requirements of the position which will include the desired level of education, experience, education and training for recruitment into the position.¶
e. Working conditions and physical demands of the position.¶

Purpose

The purpose of the classification plan / position description is to:

a. Establish reasonable compensation relationships between job classifications.
b. Establish qualification standards for recruitment and testing purposes.
c. Provide the appointing authority with means for analyzing work distribution, areas of responsibility, lines of authority, and other relationships between positions.
d. Assist the appointing authority in determining budget requirements.
e. Provide the basis for developing standards of work performance.

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f. Indicate training needs.
g. Provide uniform titles to positions.

Class

A class shall be comprised of one or more positions that are substantially similar with respect to the type, difficulty, and responsibility of work performed.

Administration of the Classification Plan / Position Descriptions

The classification plan shall be established and maintained through recommendation of the Department Head and the Human Resources Manager to the City Administrator. The City Administrator may establish a new class, create a new position within a class or reclassify a position upon approval by the City Council.

When a new position is proposed by a Department Head or the Human Resources Manager, a request for the position along with a description of the duties and responsibilities of the position shall be submitted to the City Administrator. The position shall be analyzed and evaluated based on the duties and responsibilities without regard to the personal characteristics, abilities or qualifications of the incumbent. The final approval of the classification shall be by the City Council.

5.3 Reclassification

When the duties and responsibilities of a position change, the Department Head may initiate a request for a change in classification. This request must be submitted in writing to the Human Resources Manager accompanied by a proposed updated position description prepared by the Department Head. The Human Resources Manager shall submit the request to the City Administrator for review and approval or denial, at his or her discretion. If the City Administrator denies a request for reclassification, no similar request may be submitted for one year. The Human Resources Manager, acting under the direction of the City Administrator, may also review the classification of existing positions from time-to-time, regardless of whether a Department Head proposed reclassification within the preceding year.

Factors that could lead to conducting an analysis of existing positions include, but are not limited to, the following:

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a. Change in the existing organizational or reporting relationship.
b. Significant additions, reductions or changes in the essential functions for which the position is accountable which affect the level of skill, knowledge, responsibility or working conditions of the position.
c. Change in the supervisory functions assigned to the position.
d. Change in the qualifications required of the position.

5.4 Compensation Plan

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The compensating plan shall be reviewed annually by the City Administrator and presented to the City Council as part of the annual budget process. The City Administrator may modify any or all of the pay ranges or grades as set forth in the plan at any time, at his or her discretion, subject to approval by the City Council. The City Administrator may also set effective dates for the pay plan. All pay ranges shall be construed as policy declarations and not binding, permanent contractual obligations between the City and its employees. Any amendment to the pay plan shall be based on changes in the responsibility or the duties of the position, recruiting experience, rates of pay and benefits in the public and private sector, the City's financial status, general economic conditions, federal or state law, including the Minnesota Pay Equity law, or other pertinent factors warranting such action.

In addition, from time to time the position and pay classification plan may be amended by City Council resolution upon receipt of a recommendation from the City Administrator. In making such recommendations, the City Administrator shall consider the following factors:

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a. Maintenance of equitable relationship between classes, based on their relative duties and responsibilities.
b. Indicators, from the appropriate labor market, for comparable work under similar conditions.
c. Current recruitment and retention experience.
d. Comparable worth for all positions within the organization.
e. Ability of the city of Ramsey to fund the position.

Content of Pay Plan

The pay plan presented to the City Council for its consideration shall consist of the minimum and maximum rate of pay for each position in the organization. Each position shall be assigned to a pay class and all positions in the pay class shall be compensated according to the established pay range. A pay range will be assigned to each class according to the responsibilities of the position, the duties and pay for other positions, prevailing rates of pay for comparable positions in public and private employment in the area, fringe benefits received by employees, the financial policy of the City, federal and state statutes and other pertinent economic factors.

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Pay Plan Administration

The City Administrator shall be responsible for administering the Pay Plan according to this section.

Beginning Salary Rate – The beginning rate for a new employee will be the minimum rate in the established class for his or her position classification. The Employer, at its sole discretion, may approve a pay rate above the minimum rate to:

a. Mitigate recruiting obstacles.
b. Hire a person with superior qualifications.
c. Correct salary inequities.
d. Give credit for prior service.

Method of Progression

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After appointment or promotion and pending satisfactory performance, an employee shall be eligible for advancement through his/her respective salary range as specified in the collective bargaining agreement or as authorized by the City Council.

Market Adjustment Pay–
Occasionally positions within the City may fall behind in pay with regard to the market value. When this becomes apparent, the Human Resources Manager may, in his or her sole discretion, make a recommendation for the appropriate salary adjustment to the City Administrator. Upon approval by the City Administrator, the employee in said position will receive a salary range adjustment. The employee will retain her or his original anniversary date for the purposes of step increases and performance evaluations. Any increases that result in more than a five percent increase shall be submitted to the City Council for approval or denial.

Extra Duty Pay / Interim Pay
The City Administrator shall have the authority to grant short-term extra duty pay. Any extra duties that qualify for extra duty pay would be responsibilities that fall well outside of the respective employee's job description and would have a defined end date, but would not exceed six months. Typically, extra duty pay would be tied to a special project or event. At the City's discretion, extra duty pay may be paid via a payroll stipend. Interim pay would include, for example, filling in for a vacancy, FMLA or leave absence. Interim pay shall not exceed 10% over the current base salary. The City Administrator's approval of extra duty pay or interim pay is subject to available funding within the budget.

Overtime Compensation for Exempt Employees who also Work in a Non-Exempt Position Within the City
Federal law allows exempt City employees working two or more positions with the City to agree, in advance, to receive overtime compensation for the secondary position if it is non-exempt, subject to certain restrictions and limitations. Exempt employees holding two or more positions within the City at least one of which is non-exempt, should consult with Human Resources regarding the possibility of overtime. No overtime will be paid pursuant to this provision without prior written approval from Human Resources.

Overtime pursuant to this section will be paid for hours worked in a secondary position only if the employee worked at least 40 hours at the primary position during the normal workweek. Sick and vacation leave, holidays and compensatory time off count as time worked as per the Personnel Policy.

5.4 Payroll Deductions

Certain deductions from earnings, such as federal and state income taxes and social security taxes, are required by law. These deductions will be identified on the direct deposit vouchers. The amount of these required deductions may change since they are affected by changes in the amount earned, and in the case of income tax, they are affected by changes in the number of dependents claimed. Monies earned during a two (2) week pay period, cannot be divided into two payroll checks. Employees should contact Human Resources with any specific questions.

5.5 Meal Periods and Breaks

When working under conditions where a break period is practicable, all hourly employees are entitled to two (2) 15 minute breaks with pay per eight (8) hour shift at times designated by the

supervisor. Most employees also receive a thirty (30) minute unpaid meal period during each eight hour work day.

Deleted: With the exception of officers, employees are not compensated during the meal period.

5.6 Overtime Compensation/Compensatory Time Off

Non-exempt, non-union employees will be paid overtime compensation for all hours worked in excess of forty (40) hours per work week at a rate of one and one-half times the regular rate of pay. Paid holidays, vacation leave, compensatory time off, and sick leave are considered time worked for the purposes of calculating overtime hours. No employee will be permitted to work overtime without the prior approval of the applicable Department Head.

Overtime pay will not be paid for time not worked. Exempt employees, as defined by the Fair Labor Standards Act, are not entitled to overtime pay.

Non-exempt, non-union employees will be allowed to take compensatory time off in lieu of receiving over time compensation. Compensatory time off is computed at a rate of one and one-half times the hours worked in excess of the forty (40) hour work week. Accrued compensatory time off shall not exceed 120 hours at any time. Once an employee has accrued 120 hours of compensatory time off, compensation for additional hours worked must be paid in cash, rather than accrued as compensatory time off.

The City reserves the right to payout any compensatory time off hours in excess of 80 hours, as it deems necessary.

The City allows employees to cash out up to a maximum 40 hours of compensatory time off annually; to be paid out up to twice annually, January 1 through January 15, and November 1 through November 15 of each year, to total a maximum payout of 40 hours of compensatory time off. Note: upon terminating employment with the City, all compensatory time off will be paid out at 100% of the accrued balance.

For the purposes of calculating overtime, an employee using paid holidays, vacation leave, sick leave, or compensatory time off is considered to be working.

Accrued compensatory time off may be used with prior approval from the employee's Department Head. Upon an employee's separation from the City, there will be a pay-out of accrued and unused compensatory time off at the then current hourly rate of pay.

Exempt employees, as defined by the Fair Labor Standards Act, are not entitled to compensatory time off.

For the purposes of computing overtime compensation and compensatory time, overtime hours worked shall not be pyramided, compounded, or paid twice for the same hours worked.

5.7 Severance Pay

Severance pay is available to employees who have at least five (5) years of continuous service with the City and resign "in good standing," as that phrase is used in Section 4.11 of this policy.

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Employees who are discharged are not “in good standing” and may not receive severance pay pursuant to this policy.

Qualifying employees who resign “in good standing” shall receive a lump sum payment upon termination of employment with the city of Ramsey based on thirty-three (33) percent of employee’s unused, accumulated sick leave after five (5) years of continuous employment. After fifteen (15) years of continuous employment, the employee will instead receive thirty-five (35) percent of said employee’s unused, accumulated sick leave. After twenty (20) years of continuous employment, the employee will instead receive thirty-seven (37) percent of unused accumulated sick leave. After twenty-five (25) years of continuous employment, the employee will instead receive forty (40) percent of said employee’s unused, accumulated sick leave. Eligible severance pay will be applied per the applicable PEHCSP agreement as provided in Policy 4.8.

Receipt of severance pay terminates all seniority rights and ends all city of Ramsey liability with regard to other benefits, except as otherwise provided by law and any applicable collective bargaining agreement.

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Non-union severance pay is subject to the post-employment healthcare savings plan rules.

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SECTION 6 LEAVE

6.1 Vacation Leave

The city of Ramsey provides eligible employees vacation benefits to promote rest and relaxation away from work. Requests for scheduled vacation should be made to the Supervisor/Department Head by January 31 of each year. When considering whether to grant conflicting vacation requests submitted during January of each year, seniority by department will prevail; thereafter, vacation leave shall be initiated on forms submitted to the Department Head at least two weeks prior to requested vacation time off. Exceptions to this policy are granted on a very limited basis. To assure efficient functioning of the City, it is necessary to limit the number of employees on vacation at the same time.

An employee's banked vacation leave must be within two times the yearly accrual by December 31st, unless approved by the City Administrator. Once an employee has banked the maximum amount of vacation hours allowed, all additional hours accrued are forfeited. Employees are responsible for monitoring their own balances. Additional pay in lieu of vacation is not permitted.

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For the purposes of accumulating additional vacation leave, an employee using earned vacation leave, sick leave, compensatory time off, or paid holidays is considered to be working.

At the discretion of the Department Head, an employee may use accrued vacation leave during the probationary period. An employee who separates from the City "in good standing," as that term is defined in Section 4.11 of this policy, shall be compensated for vacation accrued and unused through the last date of employment, per section 4.8 non-union post-employment healthcare savings plan.

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New employees will begin employment with a vacation balance of zero, followed by vacation accruals based on one of the following vacation accrual schedules. However, at the discretion of City Administrator, a one-time vacation credit may be negotiated and in order to:

a. Mitigate recruiting obstacles.
b. Hire a person with superior qualifications.
c. Give credit for prior service.

The bi-weekly accrual rate will not be accelerated due to any upfront vacation credits.

Vacation Accrual Schedules

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Department Head Vacation Accrual Schedule		
Effective Date	**Bi-weekly Accrual Rate**	**Vacation Days/Year**
Start date	4.62 hours/pay period	15 days
6th Anniversary	5.54 hours/pay period	18 days
7th Anniversary	6.15 hours/pay period	20 days
12th Anniversary	6.46 hours/pay period	21 days
16th Anniversary	6.77 hours/pay period	22 days
17th Anniversary	7.08 hours/pay period	23 days
18th Anniversary	7.38 hours/pay period	24 days
19th Anniversary	7.69 hours/pay period	25 days

Full-Time, Management Vacation Accrual Schedule		
Effective Date	**Bi-weekly Accrual Rate**	**Vacation Days/Year**
Start date	4.62 hours/pay period	15 days
6th Anniversary	5.54 hours/pay period	18 days
8th Anniversary	5.85 hours/pay period	19 days
10th Anniversary	6.15 hours/pay period	20 days
12th Anniversary	6.46 hours/pay period	21 days
16th Anniversary	6.77 hours/pay period	22 days
17th Anniversary	7.08 hours/pay period	23 days
18th Anniversary	7.38 hours/pay period	24 days
19th Anniversary	7.69 hours/pay period	25 days

Full-Time, Non-Union Vacation Accrual Schedule		
Effective Date	**Bi-weekly Accrual Rate**	**Vacation Days/Year**
Start date	3.08 hours/pay period	10 days
6th Anniversary	4.62 hours/pay period	15 days
12th Anniversary	6.15 hours/pay period	20 days
16th Anniversary	6.46 hours/pay period	21 days
17th Anniversary	6.77 hours/pay period	22 days
18th Anniversary	7.08 hours/pay period	23 days
19th Anniversary	7.38 hours/pay period	24 days
20th Anniversary	7.69 hours/pay period	25 days

Regular part-time employees are eligible to earn vacation leave in proportion to that earned by regular full-time employees based on the number of hours worked. Vacation leave will count toward total budgeted work hours for the year.

6.2 Sick Leave

Sick leave may be authorized when an employee is unable to perform work duties due to illness, disability, the necessity for medical, dental, or chiropractic care, childbirth, or exposure to contagious disease where such exposure may endanger the health of others with whom the employee would come in contact in the course of performing work duties. Sick leave may also be authorized to care for the employee's absences due to an illness of or injury to the employee's child, adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent or for any purpose authorized by law, including, but not limited to, Minnesota Statutes, section 181.9413 (as amended). For additional information as to when sick leave may be utilized, employees should contact Human Resources

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To be eligible for sick leave with pay, an employee shall:

a. Report as soon as possible to the employee's immediate supervisor the need to be absent and identify if the absence is due to the employee's illness or the employee's immediate family, as listed above;
b. Keep the employee's immediate supervisor informed of such employee's need for continued absence;
c. For any absence that exceeds three days, upon request by the City Administrator, submit a medical certificate before the employee will be allowed to return to work.

Using or claiming sick leave for a purpose not authorized may be cause for disciplinary action. For the purpose of accumulating additional sick leave, an employee using earned vacation leave, sick leave, compensatory time off, or paid holidays is considered to be working. At the discretion of the Department Head, an employee may use accrued sick leave during the probationary period. After the end of the probationary period, an employee is entitled to use sick leave accrued from the start of the probationary period.

Sick Leave Accrual

Every probationary and regular employee is entitled to earn sick leave with pay at the rate of 1 day (based on an 8-hour day) for each calendar month of full-time service or major fraction thereof. Sick leave may be accrued to 120 days (960 hours); unused sick leave in excess of 120 days (960 hours) at the end of a calendar year (December 31st) shall be converted to vacation at a rate of one hour of vacation for each two hours of sick leave, subject to the maximum amount of accrued vacation leave provided in this policy. All hours in excess of 960, as defined in section 4.8 non-union post-employment healthcare savings plan, will be applied per the applicable agreement.

Regular part-time employees are eligible to earn sick leave in proportion to that earned by regular full-time employees based on the number of hours worked. Sick leave will count toward total budgeted work hours for the year.

Sick Leave for Wellness *(Non-union and AFSCME Employees Only)*

Use of Sick Leave for Wellness Activities: Employees who have been employed with the

city of Ramsey for at least five (5) years and who have accrued a minimum sick leave balance of 300 hours will be allowed to use up to 24 hours of sick leave annually for cash payment for approved wellness activities, described below.

Sick leave used for wellness activities will be paid according to the City's sick leave severance schedule based on the employee's years of service and wage at the time the request for payment is made. The City's severance schedule at the time of this writing is as follows: 33% after five years of service; 35% after 15 years of service; 37% after 20 years of service; and 40% after 25 years of service. Once the benefit is received it is non-reversible and the employee's sick leave accrual will be reduced by the number of hours claimed and/or approved.

Income Taxes and Effect to Sick Leave Accruals

Payments other than to deferred compensation will be taxable income to the employee and subject to all applicable taxation requirements.

Required Documentation

Requests for using sick leave for wellness activities will be accepted twice annually, from June 1-15 and December 1-15. Such requests will be processed in July and December, respectively, unless otherwise indicated. An activity for which payment is requested must have occurred in the same calendar year in which the request for payment is made. All claims shall be submitted to Human Resources via a Sick Leave for Wellness Request Form accompanied by proper documentation for each activity.

Approved Medical and Dental Expenses

Sick leave may be used to pay employees for the employee's medical and dental expenses not covered by the City's insurance plans. Accumulated sick leave used for this purpose will be paid according to the City's sick leave severance schedule based on the employee's years of service and wage at the time the request for payment is made. To receive the payment, the employee will fill out a Sick Leave for Wellness Request Form and submit proof of the expense to Human Resources.

Approved Wellness-Related Activities

a. Individual employee memberships in approved health clubs and/or a sum equal to an individual membership for those employees holding family memberships which include the employee. An approved health club would be one that provides facilities for aerobic and strength training activities.
b. Programs designed to improve health such as classes on weight loss, smoking cessation or stress management are also allowed. This includes jazzercise, exercise classes, learning to eat, and weight watchers.
c. Regular (meaning at least once a week) fitness activities resulting in a moderate to high aerobic benefit and their fees and memberships will also be eligible for payment. This includes activities such as singles tennis, racquetball, handball, court fees associated with these sports, basketball, exercise classes, hockey, soccer, martial arts training, skating, cross country skiing and gymnastics.
d. Fitness/exercise equipment (e.g., stationary bikes, treadmill, stair stepper, rowing machine, ice/inline skates, skis)

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The following activities are not eligible for payment:

a. Activities and equipment with a relatively low aerobic benefit, such as bowling, golf, dancing, horseback riding, archery, and baseball/softball. Also excluded are whirlpools, saunas, and massage therapy.
b. Any clothing costs, competitive registration fees or costs for food will not qualify for payment.
c. Membership fees for clubs that are primarily social in nature (i.e., country clubs, golf/tennis clubs).
d. Accessory items (e.g., book holders, water bottles/holders, bike racks), assembly charges, shipping fees and maintenance contracts.

Employees are advised to have a physical examination by their physician if they are beginning a new program of physical activity. Employee may not participate in any Sick Leave for Wellness eligible program on City time. Sports, activities and equipment not listed will be evaluated on a case by case basis by Human Resources.

Approved Deferred Compensation Contributions

Eligible employees will be allowed to convert accumulated sick leave to deferred compensation deposits. Deposits in combination with all other payments to the deferred compensation accounts are subject to maximum deferral regulations. Accumulated sick leave used for deferred compensation contributions will be paid according to the City's sick leave severance schedule based on the employee's years of service and wage at the time that the contribution to deferred compensation is requested. Requests for contributions under this section must be submitted to Human Resources by December 15. Contributions will be made to deferred compensation plans via payroll deduction in December pre-tax. Requests for contributions under this section must be submitted to Human Resources by December 31. Contributions will be made to deferred compensation plans via payroll deduction in January of the following year and will not be taxable.

Employees who are in the process of terminating employment are not eligible for payments under this program. All requests for payment under this program must be approved by Human Resources.

6.3 Holidays

The city of Ramsey recognizes twelve (12) holidays for non-union employees. Regular employees are eligible for holiday pay provided they work the day preceding, and the day following, the holiday, (unless the day(s) off were previously approved by the supervisor). Regular employees who are scheduled to work the holiday will be given another day off with pay. Paid holidays include:

1.	New Year's Day	January 1st
2.	Martin L King Day	3rd Monday in January
3.	President's Day	3rd Monday in February

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4.	Memorial Day	Last Monday in May
5.	Independence Day	July 4th
6.	Labor Day	1st Monday in September
7.	Veteran's Day	November 11th
8.	Thanksgiving Day	4th Thursday in November
9.	Friday after Thanksgiving Day	(Non-union, AFSCME and LELS Captains only)
10.	Christmas Eve	December 24th
11.	Christmas Day	December 25th
12.	Eight Hour Floating Holiday	To be used Jan. 1 to Dec. 31

All employees in full-time regular positions are entitled to time off with full pay on holidays. The City shall be closed for business on each such holiday, but employees may be required to work on paid holidays when the nature of their duties or other conditions requires them to do so.

Regular part-time employees are eligible to earn paid holidays in proportion to that earned by regular full-time employees based on work hours budgeted on January 1. Paid holidays will count toward total budgeted work hours for the year.

If an approved holiday falls on a day a part-time employee is not scheduled to work, the employee must take the paid holiday leave during the same pay period in which the holiday occurred.

Employees may be required to work on paid holidays when the nature of their duties or other conditions require them to do so. A non-exempt, non-union employee required to work on a holiday shall receive their full pay for the holiday, as well as a minimum of 2-hours pay at a rate of 1-1/2 times the employee's base hourly pay rate for the time worked on such holiday. All holidays specified will be paid in dollars or as earned compensatory time off.

When New Year's Day, Independence Day, Veteran's Day, Christmas Eve or Christmas Day falls on Sunday, the following Monday is considered the paid holiday and if any such day falls on Saturday, the preceding Friday is considered the paid holiday. Each holiday commences at the beginning of the first shift on the day on which the holiday occurs and continues for 24 hours thereafter. Eligible employees shall receive pay for official holidays at their normal rate of pay if they are at work or on a leave of absence with pay the last regular shift to which they would have been assigned prior to the holiday and the first regular shift to which they would have been assigned following the holiday.

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New employees hired after December 1st are not eligible for the floating holiday during the calendar year in which they were hired. Floating holidays may not be carried over.

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6.4 Family and Medical Leave

Eligible employees may be entitled to take unpaid leave pursuant to the Family and Medical Leave Act ("FMLA") for the purposes described in 29 U.S.C. § 2612 (as amended). All such leave, including the responsibilities of the City and its employees related to such leave, is subject to the conditions prescribed in the FMLA and the Department of Labor's regulations implementing the FMLA.

For additional information regarding FMLA leave, including the circumstances in which such leave may be taken, employees should consult the posted notices. In addition, as

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permitted by the FMLA, the City places the following restrictions on eligible employees' use of FMLA leave:

The City has designated a "rolling" 12 month period for purposes of determining employees' entitlement to FMLA leave. The "rolling" 12 month period begins on the date the employee uses "any" FMLA leave.

An eligible husband and wife couple employed by the City are permitted to take a combined total of 12 work weeks of FMLA leave in a single 12-month period if the FMLA leave is: (1) due to the birth of a son or daughter of the employees, (2) due the placement of a son or daughter with the employees for adoption or foster care, or (3) in order to care for a parent of the eligible employee.

Employees may request leave under this policy based on: (1) the birth of a son or daughter of the employee; (2) the placement of a son or daughter with the employee for adoption or foster care; (3) their own serious health condition; (4) to care for a parent, spouse, or child's serious health condition; (5) military caregiver leave; (6) a qualifying military exigency as defined in the FMLA, or, (7) or any another eligible circumstances contingent upon the FMLA. Employees are required to submit a completed medical certification that complies with the requirements of the FMLA. Medical certification forms are available from Human Resources. Employees who request leave under this policy are required to submit medical certificate outlining the dates on which treatment is expected and the expected duration The City reserves the right to request a second opinion, at the expense of the City, to the extent permitted by the FMLA. If the results of the employee's certification differs from the results of the City's certification, the City may obtain a third opinion at the City's expense. The City also reserves the right to require periodic recertification, to the extent allowed by the FMLA and to contact the certifying medical provider to authenticate or clarify the medical certification in lieu of seeking a second opinion.

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Separate certification may also be required regarding the nature of the family member's military service and/or the existence of a qualifying exigency, if leave is requested for that purpose.

Except in emergency situations, the employee is required to provide written notice of the need to take leave to the employee's supervisor not less than 30 days before the date the leave is to begin. If the leave is to begin in less than 30 days, the employee shall provide such written notice as soon as practicable.

Employees are required to use all accrued sick leave, vacation leave, and any other accrued paid leave, except a combined total of forty hours of accrued paid leave and/or compensatory time off, concurrently with leave provided under the FMLA. The combined paid and unpaid leave cannot exceed the applicable 12 week or 26 week maximum FMLA leave time. FMLA leave may run concurrently with a worker's compensation absence if the on-the-job injury or illness also qualifies as a serious health condition under the FMLA.

Subject to the terms, conditions, and limitations of applicable plans, eligible employees are entitled under the FMLA to the same health insurance benefits provided by the City while on FMLA leave to the same extent as if the employee were not on FMLA leave. Employees who contribute toward their health care coverage must continue to make that contribution while on leave, either through payroll deduction (if using paid leave) or by personal check (if using unpaid leave). If the employee fails to return to work after taking family or medical leave, the City may recover the premiums paid by the City for group health and life insurance unless the serious health condition of

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the spouse, child, parent or employee continues or for other circumstances beyond the control of the employee.

Vacation, sick, and holiday leave will not be earned during a period of unpaid FMLA leave. FMLA leave - whether paid or unpaid – will not constitute a break in service for purposes of computing years of service.

To the extent provided in the FMLA, employees generally have the right to return to an equivalent position with equivalent benefits, pay and other terms and conditions of employment upon returning to work after a period of FMLA leave. However, employees who fail return to work following, or require additional time away from work after exhausting, their FMLA leave in the designated "12 month period" no longer have FMLA protections of leave or job restoration. In addition, an employee who fails to return to work at the end of FMLA leave, in most cases, will be considered to have voluntarily resigned his/her position with the City. Employees who do not return to work at the end of their FMLA leave may be terminated.

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The City requires a medical certificate attesting to the employee's fitness for duty prior to the employee being allowed to return to work. The fitness for duty report must be based on the particular health condition(s) for which the leave was approved and must address whether the employee can perform the essential functions of the job. The Human Resources Manager may consult with a physician or other expert to determine reasonable accommodations for any employee who is a "qualified disabled" employee under the Americans with Disabilities Act. If a fitness for duty certification is required, the City may deny reinstatement until it is provided.

Records on family and medical leave will be kept along with normal personnel records except that any medical record will be maintained separately in accordance with applicable laws.

The FMLA is a complex area of law with detailed federal regulation that is impacted by other related issues. Questions should be directed to Human Resources.

6.5 Extended Medical Leave

When medically necessary, and upon receipt of a medical certificate from an employee's treating physician, the City Administrator may, at his or her sole discretion, approve a request for an unpaid medical leave extension of up to three months due to the employee's serious medical condition or to care for a spouse, parent or child who has suffered a serious medical condition.

Before using unpaid leave under this section, the employee must use all paid leave except a combined total of forty hours of accrued vacation leave, sick leave, holiday pay, and/or compensatory time off.

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The medical certificate described herein is required before sick leave will be authorized.¶

Health and life insurance benefits will continue to be paid by the City for an employee who is on extended medical leave at the same level as if the employee were working. Employees who contribute toward their health care coverage must continue to make that contribution while on leave, either through payroll deduction (if using paid leave) or by personal check (if using unpaid leave). If the employee fails to return to work after taking extended medical leave, the City may recover the premiums paid by the City for group health and life insurance unless the serious health

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condition of the spouse, child, parent or employee continues or for other circumstances beyond the control of the employee.

Vacation, sick, and paid holiday leave will not be earned during a period of unpaid extended medical leave. Use of approved extended medical leave will not constitute a break in service for purposes of computing years of service. The city of Ramsey does not guarantee job restoration after a period of extended medical leave.

The City requires a medical certificate attesting to the employee's fitness for duty prior to the employee being allowed to return to work. The fitness for duty report must be based on the particular health condition(s) for which the leave was approved and must address whether the employee can perform the essential functions of the job. The Human Resources Manager may consult with a physician or other expert to determine reasonable accommodations for any employee who is a "qualified disabled" employee under the Americans with Disabilities Act. If a fitness for duty certification is required, the City may deny reinstatement until it is provided.

6.6 Bone Marrow Donation Leave

State law provides for paid leaves of absence to an employee who works an average of at least 20 hours per week and seeks to undergo a medical procedure to donate bone marrow. The length of the leave shall not exceed 40 work hours, unless agreed to by the City. Bone Marrow Leave is not chargeable against accrued vacation or sick leave or compensatory time off. The City may require certification from the treating physician regarding the purpose and length of the leave requested by the employee.

6.7 Temporary Light Duty

Consistent with public service needs, the City may assign light duty to employees who are temporarily unable to fully perform all work duties. The City reserves the sole right to determine, on a case-by-case basis, whether light duty will be assigned and, if assigned, what duties the employee will be expected to perform and the duration of the assignment, which cannot exceed four weeks. The City does not guarantee that any light duty will be available, and is under no obligation to create a new position to accommodate any employee's inability to perform the essential functions of their job. Police Department and Fire Department employees are not eligible for light duty assignments, unless approved by the Department Head and the Human Resources Manager.

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The procedure for applying for a light duty assignment will be as follows:

A. When an employee is unable to provide full performance of all assigned work duties, the employee may request light duty by submitting a written request to the Human Resources Manager. The request shall be accompanied by the treating physician's medical certification indicating diagnosis, current treatment, and the extent and duration of any work restrictions.

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B. The City may require an independent evaluation conducted by a physician selected by the City to verify the diagnosis, current treatment, work restrictions and expected length of disability.

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C. Determinations regarding light duty will be made on a department-by-department, case-by-case basis. The Human Resources Manager, in consultation with the Department Head, will consider such factors as public service needs and budgetary consideration, the need for work which may be assigned as light duty, the employee's capability of performing the work, the number of employees not available for work due to injury or illness, and other relevant factors, as determined by the Human Resources Manager's sole discretion. The City does not guarantee that any light duty will be available, and is under no obligation to create a new position to accommodate any employee's inability to perform the essential functions of their job.

D. The City will determine what job duties the employee will perform. These duties may include those currently assigned to the employee's job classification or any other duties the City considers to be appropriate. Duration of light duty will be determined at the sole discretion of the City.

E. If the treating physician requires a continuation of light duty beyond the initial two weeks, the employee must submit the treating physician's documentation for the Human Resources Manager's review in order to determine if the City can grant additional light duty. The City, at its sole discretion, reserves the right to terminate a light duty assignment at any time based upon, but not limited to, the factors set forth in sub-item C above.

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6.8 Military Leave

State and federal laws provide for and regulate military leave for employees who are called to military service, whether in the Reserves or full-time service. Leave from employment to participate in military duty is addressed in federal law in the Uniformed Services Employment & Re-employment Rights Act (USERRA). Public employees in Minnesota engaged in military service have additional benefits under Minnesota Statutes. Every city of Ramsey employee, whether in the Reserves or full-time service, will be afforded the benefits entitled to them under federal and state law. Employees should contact Human Resources for additional details.

6.9 Parenting Leave

Parenting Leave, as provided for in Minnesota Statutes, grants qualifying employees unpaid leave of up to twelve (12) weeks for: (1) a biological or adoptive parent in conjunction with the birth or adoption of a child; or (2) a female employee for prenatal care, or incapacity due to pregnancy, childbirth, or a related health condition. Parental Leave is considered to be taken simultaneously with FMLA leave. If leave is taken due to the birth or adoption of a child, the leave must begin within twelve (12) months of the birth or adoption, unless the child remains in the hospital after the mother has been discharged, in which case the leave must begin within twelve (12) months after the child leaves the hospital.

6.10 School Conference and Activities Leave

Any qualifying employee may take leave of up to 16 hours during any 12-month period to attend school-related activities related to the employee's child attending school, provided the school-related activities cannot be scheduled during non-work hours.

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When the leave cannot be scheduled during non-work hours and the need for the leave is foreseeable, the employee must provide reasonable prior notice of the leave and make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employer. Employees may use accrued vacation leave or compensatory time off concurrently with leave granted pursuant to this section.

6.11 Jury or Witness Duty

Any employee who is required to serve as a juror or who is under subpoena as a witness in court for job related purposes, shall be granted a leave of absence with pay while serving in such capacity. An employee cannot receive more than the employee's normal take-home pay as a result of any employer pay supplemented to Jury Duty pay. Jury duty pay excluding transportation reimbursement, must be remitted to the City within 30 days after receipt of payment from judicial agency. When employees are excused from jury duty or serving as a witness during their regular working hours, they are expected to return to work if practicable.

6.12 Funeral Leave

Employees are allowed funeral leave up to 24 hours twice annually per occurrence (a maximum of 48 hours during any calendar year) for a death in the immediate family. Funeral leave is not chargeable against any accrued vacation leave, sick leave, or compensatory time off. All funeral leave for a particular occurrence must be taken within five (5) calendar days from start to finish. Additional funeral leave may be taken with prior approval from the employee's supervisor. Such additional leave will be deducted from the employee' sick leave (up to three (3) consecutive days), vacation leave or compensatory time off as the employee may choose and have available.

Immediate family, for the purposes of this section, shall be defined as spouse, parent, stepparent, children, step-children, brother, sister, grandparents, grandchildren or a like member of employee's spouse's family.

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SECTION 7 CONDUCT

7.1 Code of Conduct

Policy Statement

It is the policy of the city of Ramsey to maintain a respectful work environment free from violence, discrimination, and offensive or degrading remarks or conduct. Preserving a respectful environment in which to work is the shared responsibility of both management and employees. Inappropriate conduct or communication can interfere with an individual's employment or use of public services, or create an intimidating, hostile or offensive work environment. Any employee found to have acted in violation of this policy shall be subject to appropriate disciplinary action, which may include dismissal from employment.

Scope

This policy governs the conduct of all City personnel, including: elected officials; union, non-union, supervisory, non-supervisory, managerial, full-time, part-time and temporary employees; and members of City boards and commissions.

Definitions of Prohibited Behaviors

Violent behavior includes the use or threat of physical force or intimidation to cause pain, fear or hurt.

Discriminatory behavior includes inappropriate remarks about or conduct related to an employee's race, color, creed, religion, national origin, disability, sex, marital status, familial status, age, sexual orientation, membership or activity in a local human rights commission, status with regard to public assistance, or other characteristic protected by State or federal anti-discrimination law.

Offensive behavior may include, but is not limited to, such work-related actions as rudeness, exclusionary behavior, creating or displaying graphics depicting co-workers or customers inappropriately, angry outbursts, inappropriate joking, vulgar obscenities, name calling, disrespectful language, or the intentional filing of an unfounded complaint under this policy.

Policies

1) Expected Conduct of City Employees in General

Employees of the City shall conduct themselves at all times while on duty or on the employer's premises, in such a manner as to reflect most favorably on the City. Conduct unbecoming a City employee shall include violent behavior, discriminatory behavior, offensive behavior, harassment, and any conduct that tends to bring the City into disrepute

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or reflects negatively on the City, or that which has an adverse impact on the functioning of one or more City employees or departments, or the City as a whole.

2) Conduct in Dealing with the Public

While representing the City, employees shall be courteous to all members of the public. They shall be tactful in the performance of their duties, control their tempers and exercise patience and professional judgment. They shall not engage in argumentative discussions or behavior prohibited by this policy, even if provoked. They shall not use coarse, violent, profane or disrespectful language or gestures, and shall not express any prejudice concerning race, color, creed, religion, national origin, disability, sex, marital status, familial status, age, sexual orientation, membership or activity in a local human rights commission, status with regard to public assistance, other characteristic protected by State or federal anti-discrimination law, lifestyle, or other personal characteristics. Employees shall not engage in violent behavior, discriminatory behavior, or offensive behavior when interacting with any member of the public.

In the event a member of the public becomes abusive, employees should refrain from escalating the situation and if possible, employ tactics to defuse the situation. While each employee is expected to use his or her best professional judgment to determine the most appropriate and effective way to interact with members of the public, some potential tactics include, lower the voice or ask the person to sit down. If the situation doesn't improve, the employee can refer the person to a supervisor or request that a police officer be called to the scene, if necessary. Employees are not required to continue conversations that include profanity or threats. In those situations, the employee should refer the individual to a supervisor or inform a caller, as courteously as possible, that the employee is hanging up and will talk with the caller after the caller has calmed down.

3) Conduct between Employees

Employees shall cooperate with and be courteous to co-workers at all levels. Employees shall control their tempers and refrain from engaging in violent behavior, discriminatory behavior, or offensive behaviors. Employees shall act professionally and courteously when interacting with their coworkers. Inappropriate behavior prohibited by this policy includes, but is not limited to: slamming doors, pounding tables, kicking furniture, unwanted and/or unwarranted physical contact of any nature, including "roughhousing" such as punching in the arm, pinching, arm twisting, etc., and other, similar unwanted conduct, making threats, berating or belittling others, speaking in raised voices, using coarse, violent or profane language or gestures, refusing to speak or respond when spoken to, and refusing to provide assistance when requested.

Employees shall treat each other with respect. They shall refrain from making remarks about or using nicknames for other employees that are disparaging or based on a personal characteristic; producing cartoons or other graphics displaying other employees in an unfavorable light; communicating threatening or disparaging remarks via any medium (voice, e-mail, notes, etc.); engaging in unwanted horseplay or practical jokes; failing to relay written, verbal or telephone messages;

4) Reporting Inappropriate Workplace Behaviors

Any employee who believes that another City employee or elected official has engaged in behavior prohibited by this policy is encouraged to address the situation as described in paragraphs (a), (b), and (c) below. However, if the alleged conduct involves violent behavior, discriminatory behavior, or harassment prohibited by City policy, the employee is responsible for reporting the situation to the appropriate supervisor in accordance with the City's anti-harassment policy and paragraph (c) of this policy.:

a) If possible, politely but firmly tell the person who is behaving inappropriately that you are uncomfortable with or offended by the behavior and ask them to stop.

b) Write a memorandum for personal reference that describes the inappropriate behavior, the date the inappropriate behavior occurred, how it made you feel, what you did, how the offending party responded, and the names and titles of any witnesses.

c) Report the conduct to your supervisor or department head or the employee's supervisor or department head. If the individual allegedly engaging in behavior is an elected official, report the conduct to the City's Human Resources Manager, City Administrator, the Mayor, or a member of the City Council, as appropriate.

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d) The complaining party should be prepared to provide the following information:

1. The complainant's name, department and position title.
2. The name, department, and position title of the offending party, if known.
3. The specific facts of the alleged inappropriate behavior, how long it has allegedly gone on, and any alleged employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) that was supposedly taken against the employee who is filing the complaint.
4. Names of witnesses, if any, to the alleged harassment.
5. Whether the complainant has previously reported the alleged misconduct and, if so, to whom.

5) Investigation of Complaints of Inappropriate Conduct

All supervisors and Department Heads receiving complaints of behavior prohibited by this policy shall report them to the Human Resources Manager. If the complaint involves alleged conduct by the Human Resources Manager, the supervisor or Department Head shall instead report the complaint to the City Administrator.

The Human Resources Manager, the City Administrator, or a designee of the City Administrator, shall investigate complaints of inappropriate workplace conduct prohibited by this policy.

6) Consequences of Engaging in Inappropriate Workplace Conduct

Employees who are found to have engaged in conduct prohibited by this policy or to have intentionally filed a false claim of such conduct may be subject to disciplinary action, up to and including immediate termination, subject to the provisions of the Personnel Policy, applicable policies of the Police and Fire Departments, applicable collective bargaining agreements or other contracts, and applicable law.

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Supervisors are required to deal swiftly and appropriately with employees who treat others disrespectfully. Any supervisor who condones or allows subordinates to engage in conduct prohibited by this policy or fails or refuses to respond appropriately to complaints of inappropriate workplace conduct prohibited by this policy, may be subject to disciplinary action as described in the preceding paragraph, whether or not the supervisor actually engaged in inappropriate workplace conduct.

7) Retaliation for Complaints of Inappropriate Workplace Conduct

All employees are prohibited from retaliating or threatening to retaliate against anyone who complains of inappropriate workplace conduct or participates in the investigation or response to such conduct. Any employee found to engage in retaliatory actions is subject to discipline, up to and including immediate termination, subject only to the provisions of this personnel policy, applicable policies of the Police and Fire Departments, applicable collective bargaining agreements or other contracts, and applicable law.

8) Relationship of Code of Conduct to Harassment Policy

This policy supplements and does not replace the City's policies prohibiting discrimination, harassment in the workplace, and workplace violence.

7.2 Harassment Policy

This policy applies to all City employees, personnel, and volunteers without exception including elected officials, temporary employees, employees working under contract for the City and members of the paid-on-call fire department.

It is the policy of the City that all employees should be able to enjoy a respectful workplace and a work atmosphere free from all forms of unlawful harassment, including implied or expressed forms of sexual harassment. Harassment infringes on an employee's right to a comfortable, respectful work environment, against City policy, and will not be tolerated. All employees are expected to treat their coworkers, subordinates, supervisors, and public contacts with respect at all times. The City does not tolerate any form of sexual harassment in the workplace, including acts of non-employees.

Any form of sexual harassment or other protected class harassment, as defined in this policy, is prohibited and may result in disciplinary action, up to and including immediate termination.

Sexual Harassment and Other Protected Class Harassment

For purposes of this policy, the term "sexual harassment" includes unwelcome physical or verbal conduct relating to an individual's sex or gender or directed at an individual because of sex or gender, unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual or gender-related nature, when

1. Submission to such conduct is made either implicitly or explicitly as a term or condition of an individual's employment;

2. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting the individual's employment;

3. Such conduct has the purpose or effect of substantially interfering in an individual's employment or in creating an intimidating, hostile, or offensive working environment.

Violation of this Policy by an employee may subject that employee to disciplinary action, up to and including immediate discharge.

Examples of sexually harassing conduct under this policy may include, but are not limited to, the following:

1. Use of offensive or demeaning terms, which have a sexual connotation or a negative gender connotation;

2. Objectionable physical proximity or physical contact;

3. Any unwelcome, sexually motivated touching;

4. Repeated, unwelcome suggestions regarding, or invitations to, social engagements or work-related social events;

5. Any indication, express or implied, that an employee's job security, job assignment, opportunities for advancement, or other terms or conditions of employment may depend on the granting of sexual favors to any other employee or, supervisor;

6. Any action relating to an employee's job status, which is taken as a direct result of the granting or refusal of social or sexual favors;

7. The deliberate or careless creation of an atmosphere of sexual harassment or intimidation;

8. The deliberate or careless expression of jokes or remarks of a sexual nature to, or in the presence of, employees who may find such jokes or remarks offensive;

9. The deliberate or careless dissemination or display of materials such as cartoons, articles, pictures, other graphics of a sexual nature, etc., which have a sexual content and which are not necessary for work;

10. The use of suggestive facial expressions or gestures of a sexual nature.

Other protected class harassment is offensive conduct or communication based on an individual's' race, color, creed, religion, national origin, sex, sexual orientation, disability, age, marital status, familial status, status with regard to public assistance, or any other characteristic protected by State or federal law when:

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1. Submission to such conduct is made either implicitly or explicitly as a term or condition of an individual's employment;

2. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting the individual's employment;

3. Such conduct has the purpose or effect of substantially interfering in an individual's employment or in creating an intimidating, hostile, or offensive working environment.

All employees should keep in mind that the absence of intent to harass an individual is not a defense to a complaint of harassment. It is the impact and nature of the conduct, not the intent, which determines whether the conduct is harassing.

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Any employee who believes he or she is being subjected to sexual harassment or other protected class harassment in any form, or any employee with knowledge or belief of conduct on the part of another employee or other individual which may constitute a violation of this policy, is required to report the alleged conduct immediately to a supervisor or the Human Resources Manager. If the Human Resources Manager is the person alleged to have engaged in conduct prohibited by this policy, complaints should instead be made to the City Administrator. While the City encourages written reports of the alleged conduct, verbal reports will be accepted. The individual receiving the report should be prepared to supply the following information:

1. Date, time and location of incident

2. Identification of the offender(s)

3. A detailed description of the incident

4. Any materials in the complaining employee's possession related to the incident (e.g. cartoons, articles, pictures)

5. Identification of any potential witnesses to the incident

Additionally, at the time of the incident, if you are the employee being subjected to the inappropriate behavior and feel comfortable in so doing, you may, but are not required to, courteously, but firmly, tell the individual(s) engaging in the inappropriate behavior to stop the behavior because the behavior makes you feel intimidated, offended or uncomfortable. Include a summary of this discussion in your report to the supervisor, Human Resources Manager, or City Administrator.

Supervisors are responsible for maintaining a work environment that is respectful and free from discrimination in any form. These responsibilities include proactively maintaining the compliance of all employees with this policy.

Any supervisor who receives a formal or informal, oral or written report of harassment, or have personal knowledge or reason to believe that such harassment has occurred shall inform the Human Resources Manager immediately without screening or investigating the report, unless the Human Resources Manager is involved or have a conflict of interest, in which case the report shall be made to the City Administrator pursuant to the reporting procedures. Failure of any

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supervisory employee to forward such a report to the appropriate party may be grounds for discipline. If appropriate, the Human Resources Manager shall inform the Department Head of the report of harassment.

Upon receipt of a report or complaint of sexual harassment or other protected class harassment, the Human Resources Manager or City Administrator shall undertake or authorize an investigation. The investigation may be conducted by City officials or by a third party designated by the City. The City may take immediate steps, at its discretion, to protect the complainant and other employees or members of the public pending completion of the investigation.

The investigation methodology will be determined by the investigator depending on the specifics of each complaint. Investigations typically include, at a minimum, interviews with the reporting employee, the complaining employee (if different from the reporting employee) and alleged offender(s). The investigation methodology may additionally include additional interviews, document review, and other methods deemed pertinent by the investigator.

Every effort will be made to respect the privacy and identity of all parties to a complaint brought under this policy, subject to any applicable law, including the Minnesota Government Data Practices Act ("MGDPA"). In addition, the City has an obligation to investigate, to take necessary action to address allegations, and to comply with relevant state and federal regulations, and retains the right to disclose the identities of parties to a complaint, including witnesses, and the substance of complaints or witness statements as permitted or required by applicable law, including the MGDPA.

The investigator will forward a summary of the investigation, including the investigator's findings and conclusions, to the Human Resources Director or City Administrator, as appropriate. The City will take all appropriate action, including, but not limited to, disciplinary action, to address any confirmed violation of this policy.

The City will not tolerate acts of retaliation against employees who have made a good faith report of suspected violations of this policy or any person who assists or participates in an investigation or assists or participates in a proceeding related to such investigation. The City will discipline or take other appropriate action against any employee, personnel, elected official, or volunteer who engages in acts of retaliation towards such individuals. For purposes of this policy, retaliation includes but is not limited to: any form of intimidation, reprisal or harassment.

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7.3 Workplace Violence Policy

Purpose and Definitions

The city of Ramsey is committed to maintaining a safe environment for its employees and customers, free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Accordingly, the City will not tolerate any acts of violence toward employees or customers of the City, or to property. Any employee who commits or threatens an act of workplace violence may be subject to investigation and discipline, up to and including immediate termination. It is the goal of the City to provide a workplace that is free of intimidation, threats, and violence. This policy will also seek to provide guidance to employees when they encounter a situation that they believe could result in violence.

For purposes of this policy, the following definitions will be used:

Workplace Violence - The term "workplace violence" encompasses a wide range of behaviors that include, but is not limited to, any act of physical, verbal, or written aggression against an employee or customer of the City, or threats to inflict physical harm, or damages to property, family members of an employee, or any purposeful or knowing behavior which would cause a reasonable person to feel threatened by an employee or non-employee in the workplace. Workplace violence does not include reasonable force in the defense of oneself or others. Workplace violence also does not include the appropriate use of force or weapons by law enforcement officers or others acting lawfully to protect and defend life and property, effectuate an arrest or detainment, or other purposes for which law enforcement officers are authorized to use force.

Threat - an expression by word or conduct of intent to commit violence that places the listener or reader in fear of imminent bodily harm or is of such character that another individual could be placed in fear of imminent bodily harm. The overall context of statement, including non-verbal communications will be taken into account to determine if such an expression is a threat covered by this rule.

Employee Responsibilities

Employees are expected to treat co-workers, citizens, and property with respect. No employee is permitted to commit or threaten violence against another employee or customer of the City. Examples of prohibited conduct include, but are not limited to, physical abuse, verbal threats to inflict physical harm, vandalism, arson, and use of weapons.

Employees are not permitted to bring a weapon into the City workplace or onto City property unless the weapon is required to fulfill the employee's job duties, such as those of a police officer.

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City employees should not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If anyone on the City premises displays such behavior, regardless of whether he/she is a City employee, such behavior should be reported immediately to the employee's supervisor. Employees are responsible for making the report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person(s) who was threatened or who was the focus of the threatening behavior.

Employees shall be alerted to and immediately report suspicious or threatening behavior and incidents of workplace violence to their supervisor and should contact 911 in the case of an immediate serious threat or crime. In the event of imminent danger to persons or property, employees shall always take action to safeguard persons or property before making a formal report. Except as noted above, reports shall be made as soon as possible after a threat or act of workplace violence – preferably within 4-6 hours, or sooner if reasonably able to do so.

Even without an actual threat, employees shall report any behavior they have witnessed which they regard as threatening or violent.

Employees who have identified City work locations as being protected for purposes of restraining or protective orders shall immediately notify their supervisor. The City understands the sensitivity of the information and will endeavor to handle the matter respectfully while also providing necessary notification and advance warning to fellow employees.

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Supervisory Responsibilities

Supervisors are expected to appropriately and safely intervene when they see an employee on the receiving end of abuse, whether from another employee or a member of the public. Supervisors and Department Heads who witness workplace violence or receive a complaint of workplace violence must notify the Human Resources Manager of the situation as soon as possible. The responding supervisor shall assess whether there is a current significant risk of violence that could result in physical harm to people and/or property and establish command and determine the appropriate level of emergency response. The supervisor or Department Head's efforts may include the following actions:

- Assuring that 911 has been called.
- Alerting other employees in the immediate area about the situation.
- Attempting to move individuals at risk to a safer location.
- Implementing the appropriate evacuation proceeding if rapid evacuation of the building seems warranted.
- Controlling staff involved so that they do not interfere with or hinder the efforts of law enforcement or other emergency personnel who may respond to the incident.
- Assuring that necessary medical attention and/or emotional support is provided to the employees affected by the incident.
- Contacting the Human Resources Manager to arrange for relief from duty of the employee(s) who committed the workplace violence, coordinate an investigation and to handle disciplinary/return to work issues.
- The Human Resources Manager may, in addressing the situation, consider the following:
  - Assessing the needs of victims and other employees impacted by the incident.
  - Any additional security measures that need to be put into place, taking into consideration:
    -the likelihood of violence
    -the costs and benefits of security measures
    -the impact of security measures on the employee(s) involved and the rest of the workforce
    -the impact of security measures on the City's ability to meet the needs of its customers
- When a supervisor or Department Head is notified of an employee having identified City work locations as being protected areas for purposes of restraining or protective orders, OR of a domestic violence situation, the Human Resources Manager is to be consulted immediately to determine what actions may be appropriate.
- The Human Resources Manager may consult with the Police Department to determine what appropriate security measures need to be taken with regard to any reported or potential workplace violence incident.

Due to the need to allow public access to City facilities and services, the City cannot guarantee that violence will not occur on its premises.

The City subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to, informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating

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the consequences for violating this rule, and providing a hierarchy within which to report incidents of violence without fear of reprisal.

Any City employee who violates this policy may be subject to disciplinary action, up to and including immediate termination.

Any customer of the City who violates this policy may be denied access to City business locations. Anyone who engages in violence may be subject to criminal sanctions.

7.4 Domestic Violence

At the request of the employee, the City will attempt to make reasonable accommodations for a period of time to shield or protect an employee from abuse while at work through the screening of telephone calls and visitors, or other temporary measures. In accordance with Minnesota law, employees may also use sick leave for "safety" leave related to domestic violence situations.

7.5 Appearance and Dress Policy

The appearance and dress of City employees has a direct reflection on the professionalism of our services. A neat, well-groomed employee presents a positive image of the City and demonstrates the pride of City employees. Appearance and attire have an impact on the way community members perceive City staff and the confidence customers have in the City's ability to provide quality services. The standard office attire for employees Monday through Friday will be Business Casual or Formal Business, with some exceptions on Friday's as noted below.

Appropriate Business Casual or Business Attire

The following information should guide employees on proper dress in the work place. Although it is difficult to develop a policy that will cover all individual variations in dress and style for each work situation or circumstance. The following appearance and dress guidelines have been established based on public perception and job safety, as follows:

- Suits, Pant Suits, Sport Coats.
- Dress slacks, pants, khakis.
- Dress shirt with or without a tie.
- Dresses and skirts (no more than 3 inches above the knee).
- Blouses, shirts, or sweaters.
- Any type of business shoe.

Appropriate attire for Fridays:

- Casual sweaters or shirts (no t-shirts) (slogans or advertising may not exceed 2 inches, other than city logos).
- Casual slacks, pants, denim jeans (as long as they are in good condition with no tears or holes).
- Capris within 3 inches of the knee.

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The City subscribes to the concept of a safe work environment and supports the prevention of workplace violence. Prevention efforts include, but are not limited to, informing employees of this policy, instructing employees regarding the dangers of workplace violence, communicating the consequences for violating this rule, and providing a hierarchy within which to report incidents of violence without fear of reprisal.¶
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Any City employee who violates this policy may be subject to disciplinary action, up to and including immediate termination.¶
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Any customer of the City who violates this policy may be denied access to City business locations. Anyone who engages in violence may be subject to criminal sanctions. ¶

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Appropriate business casual dress includes:¶
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- Clean athletic shoes in good condition.

Employees who take Friday off may not substitute another day for "casual Friday."

Inappropriate Attire

Except as specifically allowed on casual Fridays, the following items are not appropriate for the office environment.

- T-shirts, halter tops, tank tops, tube tops, muscle shirts.
- Flip flops
- Athletic wear (sweatpants, sweat suits, workout clothes, tennis shoes).
- Denim jeans
- Shorts, mini-skirts
- Body-hugging clothes.
- Garments revealing the midriff or off-the-shoulder
- Dirty, ripped, wrinkled or stained clothing.
- Transparent or tight garments.
- Clothing with advertisements or logos larger than 2" (other than City logos).
- Any clothing that is overly revealing or outlandish so as to cause distraction.
- Any clothing or visible tattoos with images or wording that are offensive or derogatory.
- Visible body piercings, other than earrings, all other visable body piercings must be removed during work hours.

Employees Who Work Outdoors

Employees who work outside must follow the dress code established by their Department Head
Clothing must always be neat, clean, and not overly worn, faded, or in disrepair. Work shirts may not be sleeveless and employees may not go shirtless while on duty. Solid color shorts and jeans are acceptable when appropriate and with prior approval from the Department Head.

Uniformed Personnel

Uniforms, which are provided to some city employees, are expected to be neat, fresh and clean when reporting for duty. Each department is responsible for seeing to it that employees follow regulations regarding uniforms, related accessories and equipment. Uniforms bearing city identification may not be worn during off-duty hours.

Under certain circumstances, as a condition of employment, employees may be required to wear clothing identifying them as a city of Ramsey employee. If applicable, a payroll stipend may be benefited and applicable taxes will be withheld according to the Internal Revenue Service.

Religious Considerations

Nothing in the policy is intended to infringe upon an individual's desire to observe and exercise religious practices. The City will make reasonable effort to accommodate religious practices

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regarding dress to the extent that is able to do so without affecting employee or customer health and safety.

Enforcement

Department Heads or their designee have the responsibility and the authority to enforce this policy. If counseling is ineffective, violations of this policy may result disciplinary action, up to and including immediate termination. Employees sent home to change clothes shall not be paid as regular duty pay; the employee may use vacation time or unpaid leave.

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7.6 Off-duty Conduct

The City's effectiveness depends upon the respect and confidence of residents, business owners and employees. Inappropriate off-duty conduct detracts from community or employee respect and confidence. It is the City's policy to investigate circumstances suggesting that a City employee has engaged in inappropriate off-duty conduct that reflects unfavorably on the City. If inappropriate off-duty conduct is determined to have occurred that affects the City's business or reputation, discipline may be imposed, up to and including immediate termination.

Examples of inappropriate off-duty conduct include, but are not limited to the following:

- Applicable, concerning moving violations
- Theft
- Violence
- Use of City position to manipulate or control
- Conviction of a gross misdemeanor or felony

This policy applies to all City employees (full-time, part-time, paid-on-call, temporary, casual, etc.); to acts that occur within or outside of City limits; and to acts that occur during or outside work hours.

7.7 Employee Parking

To ensure that the public has easy access to the front doors, employees parking at the City offices must park personal vehicles in the Municipal Parking Ramp; unless otherwise approved by the Department Head.

7.8 Conflict of Interest and Divided Allegiance

The City Council and the City Administrator are committed to governing the City organization in a manner that is free of personal conflicts. For the purposes of this Policy, the term "conflicts" means both "conflicts of interest" as they are defined under applicable state and federal law, and "divided allegiances," as they are defined in this Policy.

This Policy addresses how the City approaches actual or perceived conflicts. The definitions that apply cover more than the specific conflict of interest scenarios addressed by state or federal laws.

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A conflict of interest not identified in this policy may be a violation of those laws. City officials may have a legal conflict of interest even if their conduct does not amount to a conflict of interest under this Policy. Nothing in this Policy authorizes, or should be interpreted as authorizing, City officials to have an interest in a transaction that is prohibited by state or federal law. Employees and elected officials who have a conflict of interest recognized by state or federal law are subject to all of the consequences provided by law.

The purpose of this Policy is to inform City elected officials, appointed commission members, and staff of the City's broad definition of Conflicts and to establish procedures to follow to declare and monitor conflicts as they arise. The City Council requires each elected official, appointed commission members and staff member to be advised of this Policy, and each of said persons are to be provided a copy of this Policy, immediately upon assuming their City's duties or relationship. All individuals subject to this Policy are responsible for knowing and observing the Policy.

This Policy recognizes that a conflict of interest may exist, from a practical perspective, whenever the personal or professional interests of an elected official, appointed commissioner or staff member are potentially at odds with City's interest(s). Since the City Council is responsible for ensuring that the organization's management serves the City's best interests, over and above the interests of any insider, this Policy broadly defines potential conflicts of interest to include all instances when a person within the organization may be able to exert his or her authority, influence, or bias on any issue in which he or she may have divided allegiances.

The City Council recognizes that conflicts may exist not only when an individual has a financial interest in a transaction, but also when his or her nonfinancial interests are involved. In all cases, the City Council is committed to ensuring that whenever a dual interest between an individual's personal, business, organizational or professional affiliations and the position and interests of the City exists, disclosure of such conflict is given and the resulting decision-making is fairly and appropriately managed. Furthermore, this Policy's procedures apply not only when an actual conflict is demonstrated, but also when the interests or concerns of another party to which one has allegiance may reasonably be seen as competing with City's interests or concerns. The decision of the City Council to effect a level of higher scrutiny and procedures when an elected official, appointed commissioner, or staff member of the City appears to have a conflict acknowledges the public's increasing sensitivity to self-dealing and/or lax management by elected officials, appointed commissioners, and staff.

The three types (or "Tiers") of conflicts defined in the Policy are not mutually exclusive. An interest that qualifies as a conflict of interest under one Tier may be a conflict of interest under either of the other Tiers as well, depending on the specific facts.

Conflict of Interest and Divided Allegiances, Definitions

Tier 1 -- Direct conflict: A direct conflict exists whenever there is any proposed transaction or action of the City in which an elected official, appointed commissioner, or staff member has any direct involvement or interest. Direct conflict of interest occurs when a decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict. These transactions are subject to the highest scrutiny.

Tier 2 -- Indirect conflict: An elected official, appointed commissioner or staff member has an indirect involvement or interest in a proposed transaction or action of the City whenever:

a) Any other party to the transaction or party affected by the action is a "family member"

(i.e., a relative) of the elected official, appointed commissioner, or staff member, or, there is a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on the make a decision or recommendation that would affect one or more of those relationships, affiliation, or interests.

b) Any other party to the transaction or party affected by the action is an entity in which the elected official, appointed commissioner or staff member has a material financial interest,

c) The elected official, appointed commissioner or staff member is an officer, director, trustee, staff member or partner of any other party to the transaction or party affected by the action.

Conflicts involving more immediate relatives should generally be subject to a higher level of scrutiny by the City than those involving relatives who are removed, although each situation involves individual circumstances to be weighed by the City Council and City Administrator.

Tier 3 -- Potential conflict or the appearance/perception of conflict: elected official, appointed commissioner and staff members should follow the disclosure procedures of this Policy when the interests or concerns of any elected official, appointed commissioner or staff member, or of any of those individual's relatives, or any other individual group or organization to which such person has allegiance, may reasonably be seen by a third party as competing with the interests or concerns of the City; that conflicting duties or loyalties exist.

For purposes of this Policy , the term "relative" includes all of the following individuals: spouses, parents, children, children's spouses, siblings, spouses of siblings, aunts, uncles, first cousins, step-parents and step-children.

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Deleted: ["Domestic-partner-in-fact" is used with respect to those designated as the intended life partner of an individual or otherwise identified as being related to that individual through intended long term ties of love, affection, responsibility, and commitment common to those undertaken in marriages recognized by the State, regardless of whether such relationship is defined by or otherwise recognized by any governmental authority.]

For purposes of this Policy, a "material financial interest" exists when an individual or their relative has rights (whether or not yet vested) to be paid compensation, employee or retiree benefits, dividends, or profit-sharing, or to have their expenses reimbursed or obligations or other liabilities repaid, etc. The term is intended to include any and all remunerative expectations.

The City's elected officials, appointed commissioners, staff, and consultants, shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, donors, grantees or parties to sub-agreements, with the exception that unsolicited gifts, such as trinkets or mementos costing $5.00 or less, not given regularly may be accepted.

When there is any doubt as to whether a conflict exists, either pursuant to this Policy or under applicable law, the matter shall be resolved by the City Attorney.

All local officials, as defined in Minnesota law, must comply with Minnesota law regarding the receipt of gifts.

Procedure When Appointed Officials have a Conflict

When conflicts arise, the interested appointed official must:

1. Prepare a written statement or make a verbal announcement at the applicable public meeting describing the matter requiring action or decision and the nature of the potential conflict of interest.
    a. Deliver a copy of the notice to the chair of that board, commission or committee. If the chair has the conflict, notice should go to the appointing authority - the city council.

Procedure when Elected Officials have a Conflict

When conflicts arise, the interested elected official must:

2. Prepare a written statement or make a verbal announcement at the applicable public meeting describing the matter requiring action or decision and the nature of the potential conflict of interest.
    a. Deliver a copy of the notice to the presiding officer (typically the mayor)
    b. If the mayor has the conflict, notice should go to the acting presiding officer.

Procedure When Staff have a Conflict

1. Each staff member has a duty to disclose to the City Administrator, Finance Director and/or Human Resources Manager of the City the material facts of any proposed transaction of the City in which such person has any conflict(s) identified by this Policy.

2. The disclosure required under 1 (above) is to be made immediately, and to the extent possible, before any consideration of such proposed transaction by the City. If a staff member does not recognize the existence of a conflict prior to a decision regarding the transaction, the staff member has a duty to disclose the material facts of the conflict as soon as it is recognized.

3. A staff member having a conflict shall not participate in the deliberation or decision by the City regarding the transaction under consideration, unless invited by the City Council, City Administrator, Finance Director, and/or Human Resources Manager to do so, after consideration of the significance to the City of the disclosed conflict. The City Council, City Administrator, Finance Director, and/or Human Resources Manager of the City may also request that he or she provide the City with any relevant information regarding the matter.

4. The City Council, City Administrator, Finance Director and/or Human Resources of the City shall take such additional action as may be required to ensure that the conflict is properly noticed to management and that appropriate steps are employed as the transaction and its terms are brought forth for decision-making and/or implementation. Furthermore, the City Administrator, Finance Director, and/or Human Resources Manager of the City shall maintain a record of the existence, procedures employed in managing, and resolution of the conflict.

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SECTION 8 DISCIPLINE/GRIEVANCE PROCEDURES

8.1 Discipline

City employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities, including failure to observe proper workplace conduct adopted by the City Council. It is the policy of the City to administer disciplinary penalties without discrimination. Except for probationary employees and as expressly described in this Policy, employees may use the grievance procedure as per the personnel policy with respect to any disciplinary action. To the extent practicable, the supervisor or Department Head shall investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

Nothing in this Policy shall be interested as altering the City employees' status as "at-will" employees or creating any type of "just cause" standard for discipline or termination. When determining whether to impose discipline, including termination, the City may consider all relevant factors, including, but not limited to, the seriousness and frequency of misconduct, and the employee's discipline history.

Discipline may be in one or more of the following forms, although The city of Ramsey reserves the right to take any disciplinary action at any time:

a) Oral reprimand
b) Written reprimand
c) Suspension
d) Demotion
e) Termination

a. Oral reprimand. A verbal reprimand may be imposed by a Department Head for minor violations or incidents. The Department Head must maintain a record of each verbal reprimand. A verbal reprimand may not be appealed or submitted through the grievance process.

b. Written reprimand. A written reprimand shall state that the employee is being reprimanded for misconduct and describe the misconduct. The employee shall be given a copy of the written reprimand and sign the original acknowledging that he/she has received the reprimand. The signature of the employee does not necessarily indicate that they agree with the reprimand. If the employee refuses to sign the original reprimand, such refusal will be noted on the reprimand. The reprimand shall be placed in the employee's personnel file.

c. Suspension without pay. Prior to the suspension or as soon thereafter as possible, the employee shall be notified in writing of the reason for the suspension and its length. The employee shall sign the original suspension notice acknowledging that he/she has received it. The signature of the employee does not necessarily indicate that they agree with the suspension. If the employee refuses to sign the suspension notice, such refusal will be noted on the notice. A copy of each written statement shall be placed in the employee's personnel file.

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d. Demotion. The City may demote an employee as it deems necessary in order to address disciplinary concerns or due to performance problems or other factors related to meeting public service needs; demotion results in a reduction in pay, classification, or duties.

e. Termination. The City may terminate an employee at any time, for any lawful reason or no reason at all. All employees will be notified in writing of the reason for the termination. The employee shall sign the original dismissal notice acknowledging that he/she has received the notice. If the employee refuses to sign, such refusal will be noted on the dismissal notice. The signature of the employee does not mean that he/she agrees with the dismissal. For employees subject to the Minnesota Veterans' Preference Act, the City will provide written notice of the charges against the employee and follow all other provisions of Minnesota Statutes, Section 197.46, as amended.

In any case of suspension, demotion or termination, the employee shall be granted a hearing before the City Council if the employee submits a written request for such a hearing to the City Council within five (5) working days of notification of the action taken. At its sole discretion, the Council may hold the hearing at its next regularly scheduled meeting or any date within thirty (30) days of such meeting. The City Council has the sole discretion to conduct the hearing or to appoint a subcommittee to conduct the hearing. If the Council appoints a subcommittee, the subcommittee shall make its recommendation to the Council at the next regularly scheduled meeting of the Council following the hearing. The Council's decision is final. In the event the Council overturns the disciplinary decision pursuant to this provision, the employee will be reinstated to his/her position with back pay.

For purposes of the Minnesota Government Data Practices Act, the initial disciplinary decision constitutes the final disposition of a disciplinary matter, unless the employee files a timely appeal with the City Council. In such cases, the Council's decision constitutes the final disposition.

Employment at the city of Ramsey may be terminated at the will of either the employee or the City, at any time, and for any lawful reason or no reason at all.

8.2 Grievance Procedure

It is the policy of the City, whenever possible, to prevent the occurrence of grievances and to deal promptly with those that occur. For purposes of this policy, a grievance is defined as a dispute or disagreement as to the interpretation or application of this personnel policy.

Employees shall have the right to present grievances either individually or as a group. Grievances shall be presented to the City Administrator, in writing, within five (5) calendar days of the occurrence of the alleged grievance.

The City Administrator shall respond to an employee's grievance within fourteen (14) calendar days after receiving the alleged grievance. The decision of the City Administrator is final, except that when the City Administrator is directly involved in the facts giving rise to the grievance, appeal may be made to the City Council for final decision within fourteen (14) calendar days of the City Administrator's decision. In such an appeal, the City Council's decision is final. In the event that the City Administrator does not respond to the grievance within fourteen (14) calendar days of

receipt, the grievance shall be considered denied for purposes of the appeal time period discussed above.

In compliance with federal or state law, an employee may also grieve any alleged unsafe act or practice, adverse working conditions, violation of civil rights, and alleged hazardous materials management.

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SECTION 9 TRAVEL, TRAINING AND EDUCATION

9.1 Travel Policy

PURPOSE

The city of Ramsey recognizes the need for continued training and professional development for its elected officials and City staff. As part of such training, elected officials and staff may be required to travel to attend workshops, conferences, and other assignments. This policy sets forth the conditions under which such travel will be reimbursed by the City.

POLICY

A request by a Council Member for reimbursement for travel expenses must be approved by the full City Council at an open meeting prior to registering for the event. A request by an employee for reimbursement for travel expenses must be approved by the Department Head prior to registering for the event. Requests for travel will be evaluated on all relevant factors, including but not limited to the following:

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- Whether the person traveling will be receiving training on issues relevant to the City or to his or her job duties
- Whether the person traveling will be viewing or studying a facility or function that is similar to one being operated by- or considered by-the city of Ramsey
- Whether the person has been specifically assigned by the City Council to testify on behalf of the City before federal or state officials
- Whether the City has sufficient funding available in the budget to pay the cost of the trip

No reimbursements will be made for attendance at events sponsored by- or affiliated with- political parties.

9.2 TRANSPORTATION/AIRLINE TRAVEL CREDITS

The most cost-efficient mode of travel should be used, taking into consideration reasonable time constraints.

Whenever City funds are used to pay for airline travel by an elected official or City employee, all arrangements must be approved by the City Council or Department Head, respectively, prior to City funds being used. All commercial transportation shall be tourist or coach. First-class fares will not be reimbursed. Printed detailed receipts are required airfare and should accompany a request for reimbursement form.

Individuals shall not accept or accumulate travel credits; i.e. travel credits shall be declined by the traveler.

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9.3 MILEAGE REIMBURSEMENT

A City vehicle should be used whenever one is available. If a City vehicle is not available, and the Department Head approves use of an employee's personal vehicle for City travel, the City will reimburse the employee for miles driven in excess of the employees' normal mileage to and from work if not leaving from or returning to the work location at the current IRS rate per mile. Mileage is not reimbursable through petty cash. Each request for reimbursement must show the following:

1. Online mapping directions printed showing total miles traveled on City business.
2. If not leaving from employees work location and or returning to work location, then online mapping directions printed showing total miles to and from the employee's home an normal work location, in order to subtract from #1 above, no exceptions.
3. Net miles claimed for the reimbursement. See examples below.
4. Business purpose of the trip, name of the event and entity/building location name.
5. Starting and ending addresses for each location to substantiate mileage claim.

This level of detail must be documented and included on the request for reimbursement.

If it is necessary to rent a vehicle to conduct City business, the City will reimburse employees or City Council Members for the cost of renting a vehicle. Care should be taken to rent the least expensive vehicle available.

9.4 LODGING

When on City business outside the seven-county metropolitan area, (40 miles or more away from City Hall) lodging accommodations may be provided by the City. All requests for lodging must be submitted, and approved by the Department Head prior to payment. Actual costs for a single occupancy room will be reimbursed, but charges shall be reasonable and consistent with the facilities available. Each employee traveling on City business pursuant to this policy must obtain his or her own hotel rooms. Employees are no allowed to share rooms while traveling on City business, unless otherwise approved in advance by the City Administrator or his/her designee. In order to keep costs at a minimum, the employee or elected official shall stay at a host hotel or motel, or a less expensive hotel at the discretion of the attendee's Department Head. The City will not reimburse for costs associated with the attendance of a family member at a workshop, conference, and other assignment. Printed detailed receipts are required for lodging and should accompany a request for reimbursement form.

9.5 MEALS

When on City business, a maximum of three meals per day will be reimbursed by the City. Attendees shall take advantage of all meals that are provided for and included in the registration fee for workshops, conferences, or other assignments. The City will not reimburse for alcoholic beverages, tobacco products or costs associated with family members.

Printed detailed meal receipts are required for and should accompany a request for reimbursement form. The detailed meal receipt must include the food and beverage items ordered. The request for reimbursement form must include an explanation of the public purpose for the meal and a list of

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Examples:¶
¶
The Department Head has approved a full day training at the City of Anoka offices. The employee does not start or end the trip at their normal work location, but rather from home.¶
. Total miles from home to Anoka . 16¶
. Return trip home . . . . 16¶
. . TOTAL MILES DRIVEN . . 32¶
¶
. Normal miles from home to work . (10)¶
. Normal miles from work to home . (10)¶
. . TOTAL MILES REIMBURSED . 12¶
¶
Example #2:¶
The Department Head has approved a half day training at the City of Anoka offices. The employee DOES start and end the trip at their normal work location.¶
Total miles from work to Anoka . . 16¶
. Return trip to work . . . . 16¶
. . TOTAL MILES DRIVEN . . 32¶
¶
. . TOTAL MILES REIMBURSED . 32¶
¶
Example #3:¶
The Department Head has approved a half day training at the City of Anoka offices. The employee DOES start from work location but travels home directly from the training. Online maps should be printed showing all locations of travel and mileages.¶
Total miles from work to Anoka . . 16¶
. Return trip directly to home . . 24¶
. . TOTAL MILES DRIVEN . . 40¶
¶
. Normal miles from work to home . (10)¶
. . TOTAL MILES REIMBURSED . 30¶
¶
Example #4:¶
The Department Head has approved a half day training at the City of Anoka offices. The employee DOES start from work location but travels home directly from the training. Online maps should be printed showing all locations of travel and mileages.¶
Total miles from work to Anoka . . 16¶
. Return trip directly to home . . 10¶
. . TOTAL MILES DRIVEN . . 26¶
¶ ... [1]

Deleted: The Department Head has approved a full day training seminar held in the City of Anoka. The employee does not start or end the trip at City offices.¶
¶
. Total miles from home to Anoka . . . . 16¶ ... [2]

Moved up [1]: If it is necessary to rent a vehicle to conduct City business, the City will reimburse employees or City Council Members for the cost of renting a vehicle. Care should be taken to rent the least expensive vehicle available. ¶
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the attendees. The receipts and reimbursement request form shall be submitted to the Finance Department for payment.

The maximum reimbursement rates for meals, taxes, and tip are as follows: Note: The City will reimburse tips up to 20% of the bill, prior to taxes. Employee's choosing to tip greater than 20% will not be reimbursed for the difference.

Breakfast	$10
Lunch	$16
Dinner	$26

The City Council recognizes the public purpose of the City Administrator's business meetings with developers, staff, consultants, Council members and others; therefore, the City Council grants discretion to the City Administrator to seek reimbursement from the City for business meals, regardless of where or when those meals occur.

9.6 Training and Education Policy

The city of Ramsey is charged with the responsibility of delivering services to a broad constituency of residents and organizations. These services are delivered by staff persons, consultants, and outside agencies. The Ramsey City Council, in an effort to ensure ongoing quality service delivery, provides for a program of training its staff.

It is the primary objective of the training program that training dollars are spent on learning which addresses organizational goals and follows a progression of skill development. On an annual basis, each department is charged with projecting individual staff training needs for the next five years.

The department budget requests and future projections are to be evaluated to ensure compliance with organizational goals and budget allocations. The Department Head is charged with presenting the annual training budget to the City Administrator. The City Administrator is to present his/her recommendations to the City Council as part of the annual budget process.

All departments will be afforded opportunities to ensure training goals are met. However, it is understood that each departments/staff will have varying levels of training needs. The City will not allocate training dollars to specific staff given the varying needs of the organization and the public.

Training Reimbursement Training shall be defined as short-term specific training in order to gain specific job skills, typically attainable in hours, days or a few weeks.

- The City will pay for job-related, position specific training approved by the Department Head and City Administrator and deemed necessary to effectively complete the requirements of the position, provided there is adequate funding in the budget appropriation for training and at the City Administrator's sole discretion.
- The City will pay for, or reimburse employees for, any and all training required by the City to attain or maintain job-related certification.
- Conference and seminar training shall provide for meals and lodging, if necessary, for in-state and out-of-state training. Travel expenses for in-state training shall be provided through the budget process. Travel expenses shall be provided for out-of-state training with prior approval of the Department Head and City Administrator.

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- Department Heads are responsible for providing the Human Resources Manager with records on all employee training done at City expense; upon request a report will be prepared which documents training received and funds expended.

Post-secondary Tuition Reimbursement

Tuition reimbursement shall be defined as eligible costs incurred as a result of attending a post-secondary accredited educational institution; typically classes or courses are completed during one half of an academic year for up to 18 weeks.

With pre-approval, regular City employees are eligible to participate in tuition reimbursement. However it is the expectation of the city of Ramsey that new hires come to the City fully qualified for their position. Therefore, post-secondary tuition reimbursement shall not be provided during an employee's first year of service.

Completion of additional education is not a basis for requesting a salary increase. Courses should be taken outside of work hours; however, when unavoidable courses may be taken during the work day with prior approval from the Department Head.

Employees wishing to utilize the City's tuition reimbursement funds must: 1) submit a request via a "Pre-Approval for Tuition Reimbursement" form prior to registration of classes; this process should be completed prior to the applicable annual budget process, and 2) submit a reimbursement request form after successful completion of classes; employees should be aware of the following key points

- Employees attending an accredited college or university or post-secondary classes at accredited colleges, universities, and vocational/technical institutes can apply for City reimbursement for 50% of the cost of tuition, books and course specific fees, including technologies fees; non-reimbursable fees include fees for supplies, transportation, student activity fees, late registration fees, school entrance fees, and graduation fees.
- In order to be eligible for reimbursement, the degree program or classes must be deemed by the Department Head, City Administrator, and Human Resources Manager to be job-related and a benefit to the employer before the employee registers for the class.
- Reimbursement will only be made upon receipt of a "C" or better for the course.
- Reimbursement will also be made when employees elect to take classes on a Pass / Fail or Credit / No Credit basis, subject to receipt of successful completion.
- Employees seeking reimbursement must present a paid fee statement and grade transcript in order to receive reimbursement.
- Reimbursement for classes taken at private institutions shall not exceed the tuition charged by Minnesota State Colleges and Universities.
- Reimbursements are on a first come, first served basis and shall not exceed the department budget.
- In the event a department receives reimbursement requests that exceed its budget allocation for education reimbursement, the Department Head and City Administrator shall have the discretion to apportion the available funds, including the discretion to refuse reimbursement.
- In the event an employee leaves the City's employment, any reimbursement for education received during the 12 months prior to leaving must be returned to the City.
- Reimbursements will be made through payroll as either a non-taxable reimbursement or taxable reimbursement; contingent upon current IRS guidelines.

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SECTION 10 HEALTH AND SAFETY

10.1 Policy Statement

The city of Ramsey's Safety Program is based on the premise that each and every one of our employees is entitled to a safe and healthy work environment. The Safety Program is designed specifically for the protection of our employees and visitors. All city of Ramsey employees are directed to make safety and loss control important matters.

The City believes that every employee is concerned for their own safety and that of their co-workers and will recognize that the rules and policies contained herein are for their protection. The goals that we have set for our Safety Program can only be achieved through a cooperative effort between all employees. Safe working habits and an awareness of all safety rules and policies are a condition of your employment at the city of Ramsey. All employees are required to familiarize themselves with every rule and policy set forth and to abide by them. These rules and policies will be enforced just as any other City policy and failure to comply can result in reprimand, suspension, or employment termination.

All employees are encouraged to make suggestions which will assist in maintaining safe working conditions, and to bring to the attention of their supervisor any unsafe working conditions. It is through our joint participation that accidents can be prevented, but the individual employees, can make safe work practices a habit.

This policy toward safety is in no way limited to the rules that follow, and any unsafe practices, whether listed here or not, will be addressed on a case-by-case basis.

The city of Ramsey is committed to providing its employees with a safe and healthy work environment.

10.2 Health and Personal Safety

Health and personal safety are some of the best guarantees for the successful performance of employees' work. Employees must work safely using the safety devices and equipment provided by the City for their protection. Employees must promptly report safety hazards to their supervisor. Unsafe conditions will be investigated and corrected, as necessary.

10.3 Workers' Compensation / Injuries and Illness at Work

Both Minnesota Worker's Compensation laws and the state and federal Occupational Safety and Health Acts require that all on the job injuries and illnesses be reported as soon as possible by the employee, or on behalf of the injured or ill employee, to his/her supervisor. The employee's immediate supervisor is required to complete a First Report of Injury and any other forms that may be necessary related to an injury or illness on the job. First Report of Injury forms must be submitted to Human Resources as soon as possible, but no later than 3 business days from the date of injury.

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Pursuant to Minnesota State law, the officials of the City elected or appointed for a regular term of office or appointed to complete the unexpired portion of a regular term are included in the coverage of the Minnesota Workers' Compensation Act.

10.4 Medical Procedures

It is the policy of the city of Ramsey, within the confines of the Minnesota Human Rights Act, to require its employees to be examined by a physician after an injury is sustained, whenever conditions make this desirable for the employee or the City, or whenever the Human Resources Manager, or designee, determines that the interests of the City and the employee will be served thereby. Physical examinations administered at the request of Human Resources Manager, or designee, shall be paid for by the City.

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10.5 Smoking Policy

The city of Ramsey bans smoking in all municipal buildings, equipment and city vehicles. Smoking for the purpose of this policy means inhaling or exhaling from any lighted cigar, cigarette, pipe or any other lighted tobacco, plant product, or substance that may be used for smoking in lieu of tobacco intended for inhalation via any of the means listed above. Use of electronic devices which simulate smoking are also prohibited. This includes, but is not limited, to electronic or "e" devices such as e-cigarettes, e-cigars, e-pipes. Electronic devices are prohibited regardless of whether they provide vapor of liquid nicotine, lobelia, and/ or other substances. Non-electronic devices which simulate smoking and smokeless tobacco products (chewing tobacco, snoose, and snuff) are also prohibited.

10.6 Inclement Weather Policy

On occasions when the severity of the weather may cause City offices to be closed, the City Administrator will make a determination as to whether the offices will be closed. The City Administrator or designee will then notify the IT Manager to post the closure to the City's website. If it is broadcast that City offices are closed prior to the shift start time, then the employee will be paid as if it were a regular workday. If, however, the office is not officially closed, staff will be instructed to take vacation time or compensatory time off for any absence from work that occurs. If the office is officially closed after the start of the shift, staff will receive their regular pay for the remainder of the shift. Compensatory time off or vacation will be taken for time absent from work prior to the official closure. This policy will apply to office employees only and does not include Public Works or Public Safety (fire and police) employees. In circumstances where the City Administrator is out of town, the Acting City Administrator will provide the decision on whether or not to keep City offices open due to inclement weather.

Deleted: staff via email of the closure. Staff that do not have email access are responsible for contacting their supervisor.

10.7 Municipal Center Severe Weather Plan/Other Emergency Plan

In the event that severe weather or another emergency occurs during the course of the day, staff and occupants of the Municipal Center shall seek shelter in designated areas while also maintaining accountability of all persons in building.

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Requirements:

Anoka County Dispatch (911) may activate the outdoor warning devices when a certified weather spotter witnesses severe weather or the National Weather Service indicates that severe weather will threaten all or part of Anoka County. Although the County has the ability to sound the sirens in zones, its common practice is to alert the entire County. If the outdoor warnings do not activate or there is a different emergency, a member of Public Safety (Police or Fire) shall have the authority to enact the emergency plan.

During normal business hours when the outdoor warning sirens sound or as directed by a member of Public Safety (Police or Fire), all employees will move to the primary shelter area. If the primary site is full, then the secondary locations will be used.

- Police Locker Rooms (Men and Women) - Primary.
- If necessary, the stairwell will be utilized as determined by a member of Public Safety and employees and visitors will move to that area as directed.

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If non-staff members are present in the Municipal Center, staff should direct them to move to the primary site. If the primary site is full, then the secondary sites will be used. If any members of the public or visitors are within the Municipal Center at the time when a weather emergency, it is the responsibility of the Department Heads to get them to the shelter location.

A member of Public Safety will notify all areas when the situation has become stable and all persons may return to normal activities.

During non-business hours a member of Building Maintenance will guide all groups to the Police Locker Rooms and remain with the group until the situation has become stable. When weather has been determined safe, the Building Maintenance person will allow the groups to return to their normal activities.

Responsibilities:

If necessary the Department Head or their designee will determine accountability of their respective group and/or other departments. A member of Public Safety will gather names of the individuals at all shelter sites to determine personnel accountability.

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A member of public safety will make a sweep of the Municipal Center to ensure that all employees and any of the general public have evacuated to the shelter area.

Field Employees:

During an actual severe weather incident, city personnel working outside of a City building, should seek shelter based on their respective Department's severe weather plan or in an area that they feel creates the safest environment.

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10.8 Hepatitis-B Vaccine Policy

Hepatitis-B is a viral liver infection which can be debilitating and in some cases, fatal. Because Hepatitis-B is transmitted through body fluids such as blood, certain groups of people are at a greater risk of infection than others.

The Federal Occupational Safety and Health Administration (OSHA) has stated that all employers must evaluate their employees to assess the risk of Hepatitis-B infection, as it relates to their jobs. If a substantial exposure risk is assessed, the employer must offer the vaccine to those employees at no cost to the employee.

The employees within the city of Ramsey who have been identified at substantial risk of Hepatitis-B infection are Public Works Maintenance staff, Engineering Technicians, Police Officers, Community Service Officers, Reserve Officers, and Fire Fighters.

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Any employee who, while on the job, is exposed to blood, body fluids or a needle stick is required to: 1) Contact their supervisor as soon as possible, and 2) Complete a First Report of Injury form to be submitted to Human Resources immediately. The supervisor will initiate appropriate action or contact their Department Head for guidance.

10.9 Housekeeping

All employees need to assume a share of the responsibility in maintaining a high standard of cleanliness and orderliness, and cooperate in maintaining safe, healthful and sanitary conditions in all work areas. A clean work area will make your work more pleasant and help maintain the high standards of quality necessary to meet the professional requirements of the City's services.

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SECTION 11 USE OF CITY PROPERTY

All staff members are responsible for the safekeeping and proper care of all property used by them and belonging to the City. Property shall only be used for official purposes and in the capacity for which it was designed.

City employees shall have no expectation of privacy in any property or equipment of the City, including, but not limited to, offices, cubicles, desks, files, vehicles, filing cabinets, voice mail, text messages on City paid cellular telephones, PDAs, computers, laptops, mass storage devices, e-mails, electronic media or devices of any kind, or any other type of equipment, property, or space provided by the City. Except when accessed by the Police Department for law enforcement purposes, any such property or equipment may be accessed by the City at any time, for any purpose, with or without notice to the employee, and with or without reasonable suspicion.

11.1 Public Information

All staff members shall become familiar with- and must comply with- all applicable laws dealing with public and non-public information. Misuse and improper disclosure of public or non-public information is prohibited and may result in discipline, up to and including immediate termination.

11.2 Telephone Use

The proper use of telephone communication is required. Always answer the telephone with a pleasant voice and respond politely to the caller. Personal telephone calls must be brief. Frequent use of the telephone for other than City business is not permitted and may result in discipline, up to and including immediate termination.

11.3 Information Technology Policy

Purpose

The purpose of the city of Ramsey IT Policy is to set standards to protect the City's IT systems from business interruption, unauthorized or inappropriate access, and to maintain appropriate security. The policy is to be adhered to by all users (full-time, part-time, and temporary employees, vendors, consultants, volunteers, interns, and others) who have access to or use the city of Ramsey IT systems both on and off City property. IT systems include, but are not limited to, computers, e-mail, Internet access, printers, phones, mobile devices and various software, etc.

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Violations

Violations of this policy will be addressed consistent with the City's Personnel Policy or union contract and may include disciplinary action, up to and including immediate termination.

Exceptions

Exceptions to the following policy must be reviewed on a case by case basis by the Department Head and approved by the City Administrator.

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Glossary of Terms

Configuration: The way a system is set up or the assortment of components that make up the system. Configuration can refer to either hardware or software or both.

Downloads: To copy data from a main source to a computer or mobile device.

Electronic Mail (e-mail): A network application that allows users to exchange messages over communications networks with others.

File Server: An enhanced computer with network operating software that is used for file storage, application functionality, and managing network resources.

Information Technology (IT): Managing and processing information.

Information Technology Systems: Includes, but not limited to, computers, printers, software, e-mail, Internet, telephone, voice mail, cell phones, etc.

Internet: A global network connecting millions of computers.

Intranet: A website or series of sites accessible only within an organization. An intranet 's Web sites look and act just like any other web site, but firewall security restricts unauthorized access.

Deleted: Network base access

Local Area Network (LAN) – A localized computer network.

Licensing: Legal compliancy of assets.

Social Networking Sites: Sites which focus on building online communities of people who share interests and activities and /or exploring the interests and activities of others. Examples of social networking websites include: Facebook, Linked In, Twitter, and sites that allow users to post personal blogs, etc.

Deleted: MySpace, Friendster,

Software: Software includes the operating system and all utilities that enable the computer to function. Application software includes programs that do real work for users (i.e. word processors, spreadsheets, and database management systems).

Portable Equipment: Hardware that is small and lightweight (i.e. laptop computers, hand-held computers, tablets, smart phones, Blackberrys, projectors, digital cameras, etc).

Users: Full-time, part-time, and temporary employees, vendors, consultants, volunteers, interns, and others who have been granted access to the City's Information Technology Systems.

Information Technology Use

Purpose

Inform and provide direction to all users regarding appropriate usage and management of

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the City's IT systems and resources. All users must be authorized to use City IT systems by their Department Head, supervisor, or IT.

Auditing

The city of Ramsey reserves the right to monitor and audit use of its IT systems at any time without the user's consent. An audit may result in the removal of hardware and/or software not compliant with this policy, revocation of permission to use the City's IT systems, employee discipline, up to and including immediate termination, and/or criminal charges, depending on the nature of the violation.

Reporting

Users should notify their immediate supervisor, the IT Manager, Human Resources, or the City Administrator upon learning of violations of this policy.

Expectation of Privacy

As discussed above, all City owned equipment and Information Technology Systems, including e-mail, are City property and subject to inspection by the City at any time, without notice, and for any reason or no reason at all. Users should have no expectation of privacy. In addition, the City is subject to the Minnesota Government Data Practices Act and other laws governing the collection, storage, use, and disclosure of data. All files and documents, including personal messages and internet logs, created, received, collected, or generated by City employees or using the City's Information Technology Systems are subject to those laws and may be disclosed in certain circumstances without the permission of the employee or user.

Violation of Policy

Violations of this policy will be addressed consistent with the City's Personnel Policy or union contract and may include discipline up to and including immediate termination., revocation of permission to use the City's IT systems, and/or criminal charges, depending on the nature of the violation.

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Hardware and Software Acquisition

The IT Manager must approve all hardware and software prior to acquisition to ensure consistency with the design and architecture of the City's IT network. Users are prohibited from installing, downloading, or acquiring hardware and software, including product demonstrations, without prior approval from the IT Manager. Software applications not required for official City business are strictly prohibited.

Installation, Downloads, and Configuration

No user will be allowed to manipulate hardware and software standard configurations. The IT Manager must be contacted for hardware and software support. No user should change the computer setup or configuration files. Customizing a computer should be limited to items including City-owned software such as wallpaper, screen savers, icons, toolbars and colors. Users are prohibited from downloading, or installing any software including

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personal, through the Internet, e-mail, and/or vendor demonstrations without prior approval from the IT Department. In order to maintain optimal functioning, users are encouraged to accept updates to currently authorized programs such as Adobe Acrobat and other previously installed software.

Licensing

To ensure license compliancy all software must be purchased by and licensed to the City.

a. Development**:** Any software programs (i.e. custom designed Microsoft Access databases, etc.) developed for use by the City becomes the property of the City. Software programs may not be sold or distributed without prior approval.

b. Home: City-owned software may not be loaded on non-City owned equipment unless there is prior approval of the Department Head and the IT Manager.

c. Copyright Laws: City users are required to abide by software and documentation copyright laws and licensing agreements. Question about the legality of the software and documentation should be directed to the IT Manager. At no time should any users make copies of City-owned software and documentation. To prove legal ownership of software, the City must have the original media and manuals stored on City property. The IT Manager will periodically check for software that may be in violation of the above policy.

Data Management and Protection

a. Under the provisions of the Minnesota Data Practices Act, all data stored on computer media owned, leased or rented by the City is considered to be owned by the City is subject to the Minnesota Data Practices Act, which governs its use and dissemination and data classification. All data is also subject to review and investigation at the discretion of the City Administrator, Department Heads, IT Manager, and/or law enforcement. The City Clerk should be contacted with questions regarding the classification of public and private data.

b. Data Ownership: All information developed or introduced to a City technology system by a user in conjunction with employment with the City is the property of the City.

c. Data Storage: All City data must be saved to a network drive on a City server.

d. Data Deletion: Users are responsible for deleting outdated files that are no longer needed for compliance with of the City Records Retention Schedule; this includes data files and e- mail messages. The City Clerk should be contacted with questions regarding the City Records Retention Schedule.

e. Data Back-up: The IT department backs up all data stored on the file servers. Workstation hard drives or any other devices are not backed up.

Portable Information Systems

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<#>¶
<#>Password Protection: If any software product that the City has purchased has the option to have file's password protected, the password must always be shared with the appropriate management personnel and/or the IT Manager.

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Portable personal computer(s), digital cameras, projectors, and other City owned portable equipment can be used for City business, outside of City facilities. When users check out portable equipment they are expected to provide appropriate "common sense" protection against theft, accidental breakage, environmental damage and other risks. Desktop computers and attached devices are not to be removed from City buildings. The user is responsible for the backup of or loss of any data stored on the standalone or portable computer. IT staff is available to assist in the development of procedures for disaster recovery of portable units.

City Issued Cellular Phones

a. City issued cellular telephones are intended for the use by City employees in the conduct of their official City work to perform services to Ramsey citizens and businesses. Department Heads are responsible for the cellular telephones assigned to their departments, determining service levels for their employees, and exercising discretion in their use. Employees will manage their cell phone use so as not to exceed their service level as approved by their supervisor. Occasional overages will be reviewed by the supervisor on a case by case basis. After a review of the monthly billing statement, employees may be required to reimburse the City for overages in cell use and/or texts, depending on the nature of the calls/texts made during the month. Employees will make an effort to utilize other methods before utilizing cellular minutes. Nothing in this policy will limit Department Head discretion to allow reasonable and prudent use of such telephones or equipment provided that:

    i. Its use in no way limits the conduct of work of the employee or other employees
    ii. No personal profit is gained or outside employment is served

b. A Department Head may authorize an employee to use their own personal phone for City business and be reimbursed by the City for those calls. An employee will not be reimbursed for business-related calls without prior authorization from his or her Department Head. Department Heads may also prohibit employees from carrying their own personal cell phones during working hours if it interferes with the performance of their job duties.

c. Use of public resources by City employees for personal gain and/or private use including, but not limited to, outside employment or political campaign purposes, is prohibited. Incidental and occasional personal use may be permitted with the consent of the department director and direct supervisor.

d. Personal calls made by employees on a City-provided cellular phone will be made or received only when absolutely necessary and when they do not interfere with working operations and should be completed as quickly as possible.

e. The Administrator, or designee, will have primary responsibility for implementation and coordination of this policy. All Department Heads and supervisors will be responsible for enforcement within their departments and divisions.

Smart Phones/Tablets

The city may at its discretion provide devices to members of staff it deems appropriate.

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Electronic Mail (e-mail)/SMS (text) Messaging

a. The City e-mail system and City owned or issued cellular phones are tools to be used for matters directly related to the business activities of the City and as a means to provide services that are efficient, accurate, timely and complete. E-mail messages and texts are subject to regulation under the Minnesota Data Practices Act. The content of the message determines whether a message is public or non-public/private. E-mail is intended as a medium of communication, not for information storage; therefore, e-mail should not be used for the storage or maintenance of official City records or other City information. Users may receive inappropriate and unsolicited e-mail messages. Any such messages should be reported immediately to the IT department.

   Inappropriate non-business use of the City e-mail system and cellular phones includes, but is not limited to; the transmission of non-business audio, graphic or movie files; games; jokes; instant messaging; chain emails; content of an offensive, indecent, or pornographic nature; copyrighted material and large data files not directly related to City business. These items must not be sent or accepted as e- mail attachments. These types of files can adversely affect the network or computer performance.

b. Users must practice the utmost respect while texting and may not use text messaging, e-mails, or other forms of communication provided or authorized by the City to harass another employee, citizen or other individual. "Textual harassment" is considered harassment and is subject to investigation and disciplinary action as described in the Anti-harassment Policy.

c. The City retains the right to use management software to eliminate the delivery of junk e- mail (SPAM), including e-mails that contain profanity.

Internet/World Wide Web

a. The Internet is available to users for research, education, and communications directly related to the mission, charter, or work tasks of the City. Users must honor copyright laws regarding protected commercial software or intellectual property. Users accessing Internet through the City's IT systems should minimize unnecessary network traffic that might interfere with the ability of others to make effective use of this shared network resource. Users are responsible for adhering to City standards when browsing the Internet. Failure to adhere to City standards puts the City and the individual at risk for legal or financial liabilities, potential embarrassment and other consequences, including immediate termination of employment or other disciplinary actions.

b. The City retains the right to use management software to monitor end user activity. This software may monitor and limit Internet activity.

Prohibited Use

This list includes, but is not limited to illegal activities; profit or commercial activities; outside employment; any other public office or employment which is incompatible with

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City employment responsibilities, as determined by the City Administrator; wagering, betting, or selling chances; annoying or harassing other individuals; fund-raising, except for City approved activities; any political or religious activities; unethical activities; pornographic, obscene, or indecent images or content; forwarding of junk e-mail, advertisements, and/or chain email.

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Personal Use

a. The city of Ramsey offers users the privilege of personal use of its technology. Personal use is allowed under the following guidelines listed below and only during break times or before/after normal business hours, as follows: Users must obtain approval from their immediate supervisor prior to personal use of IT systems; only City users are to use the computers and computer related peripherals; users must use their own media (flash drives, CD's) and paper. No personal files or data are to be stored on the City file servers; users must not use IT systems for items listed above in Prohibited Use.

b. E-mail: E-mail may, on a very limited basis, be used for personal correspondence, as long as it does not interfere with the normal duties of the employee and the above-listed guidelines are followed. Using the City Internet e-mail to participate in any kind personal listservs or broadcast mailing list is prohibited.

c. Inappropriate non-business use of e-mail and the Internet can cause a burden on resources or carry computer viruses. Examples of this includes, but is not limited to: the transmission of non- business audio, graphic or movie files; games; jokes; instant messaging; content of an offensive or pornographic nature; copyrighted material and large data files not directly related to business. These items must not be downloaded from the Internet. These types of files can be large and affect the network or computer performance or carry viruses.

d. Desk Telephones: Desk telephones may be used for short, infrequent personal use as long as it does not interfere with the normal duties of the employee and the above guidelines are followed. Employees must pay any costs associated with personal long distance calls within 30 days.

e. Copiers, Fax Machines, Printers: Users will reimburse the city of Ramsey for personal copies, faxes, and print requests, at the rate listed in the City fee schedule. Personal use fees must be reimbursed within 24 hours from the date the expense was incurred.

Personal Social Networking on City-owned equipment

Individuals must not use City-owned or operated equipment to post to personal sites, including social networking sites, except during break times or before/after work.

Personal Social Networking while off duty and the City's Responsibility:

The city of Ramsey has a duty to protect the reputation of the organization and its employees as well as guard against any liability and potential legal risk regardless of when and where social networking activity occurs. With this in mind, employees must use social media in a manner that follows the following guidelines, as follows:

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individuals should exercise caution and good judgment when social networking; individuals shall not represent that they are speaking or acting on behalf of the city of Ramsey or presenting any interests of the city of Ramsey; individuals are not permitted to display the city of Ramsey logo on any part of their online profiles; individuals never have the right to post non-public and confidential information such as information related to coworkers without first obtaining the individuals' express written consent, personnel data, medical information, or claims or lawsuits against the City; individuals who use personal social media accounts are not immune from the law.

In general, all users of social networking should be aware that the content of these social networking sites can be subpoenaed and used in criminal and civil trials. Individuals need to be aware that they have no reasonable expectation of privacy when social networking and use of personal social media accounts are subject to all pertinent city of Ramsey polices, as well as local, state and federal laws. Content that violates existing City policies that exhibit hate, bias, discrimination, pornography, libelous or otherwise defamatory content will not be tolerated. Individuals are prohibited from using social networking sites to harass or attack others, including those who work for the city of Ramsey

City Facebook page or other City social networking sites:

a. Authorized city staff responsible for updating social media sites must use the greatest care to portray the City in the possible best light.
b. If the author of a given post is quoting another individual's comments, the comments must be called out as a quote with quotation marks.

c. In general, all posts should be reviewed by a supervisor.

d. All posts to the City's social media sites and other official City publications must comply with these policies.

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Information Technology Security

Purpose

Ensure secure, protect, and allow appropriate access to city of Ramsey IT systems and resources.

Logins and Passwords

All users must use and maintain unique IT-issued login IDs for computer and network-related access. Login IDs are not to be shared with others, and corresponding passwords must remain confidential. Multi-user or generic login IDs are permissible only in special circumstances approved and maintained by IT. User passwords must adhere to the following requirements:

- Have a minimum of at least six alphanumeric characters in length
- Must be changed every 90 days
- Have at least one numeric digit as well as letters, for example: 1FishTwoFish
- Have not been previously used in the last five password rotations
- Automatic screen lock is initiated after 15 minutes of

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inactivity.

Appropriate network access shall be assigned by the IT department to each user login ID, and users may only log into computers and equipment with their assigned login ID. Passwords are not to be shared with anyone, and will be forced to change periodically. New passwords should not be easily guessed. Any employee who forgets their password or suspects that their password's security has been compromised, should contact the IT department immediately.

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Physical Security

a. City users are expected to provide reasonable security to their computer workstations and related IT equipment. This includes ensuring that passwords are not written down in accessible places, removable media must be kept in a secured area, and that confidential data is not displayed in such a manner that unauthorized personnel can view it.

b. All IT equipment is City property and must remain on current premises. Users may not move IT equipment outside of its assigned area without prior approval from the IT department. Designated portable equipment, such as projectors, laptop computers, and digital cameras, may be removed from City buildings only for City business. Portable equipment must be reserved and checked out only to City users. Users are expected to provide appropriate "common sense" protection against theft, breakage, environmental damage, and other risks.

c. Users are required to log off computer workstations when absent for an extended time, such as end of day. Users may, however, "lock" their workstation instead when absent for a short period of time, such as during a meeting or over lunch.

Virus Protection

All computer workstations, laptops, and servers must be protected from viruses using up- to-date antivirus software. Users may not alter their system's configuration or take other steps to defeat virus protection devices or systems. All files on removable media must be scanned for viruses prior to installation onto or access from City computer equipment. Any files suspected or known to contain viruses must be immediately reported to the IT department for proper handling.

Wireless Access

Unauthorized wireless access into the City's computer network is strictly prohibited. Wireless access is defined as, but not limited to, 802.11 (Wi-Fi), Bluetooth, WiMax, and cellular technologies. Users may not attempt to scan, connect to, or install any wireless computing device on City equipment or property. Wireless access must be authorized and configured by the City's IT department. Any authorized wireless access must utilize standards-based encryption, and conform to adopted security practices as governed by LOGIS and/or state and federal government guidelines.

11.4 Vehicle Use Policy

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Staff members shall operate City vehicles in a careful and prudent manner and shall obey all laws of the state and all City orders pertaining to such operation. Staff members shall set a proper example for others when operating City vehicles. Any City employee who drives a City vehicle regularly or occasionally in order to conduct City business, must promptly report loss or suspension of a driver's license to the Department Head.

The intent of this policy is to ensure appropriate use of City vehicles by municipal employees and to ensure a clear understanding thereof.

a. Conferences, schools, seminars and meetings: For purposes of this policy it is intended that training opportunities during the regular work shift ~~within a 40 mile distance of the work location~~ is considered an acceptable work-related activity in as much as the vehicle will be returned to the work site either during or shortly after the completion of the shift.

b. Out-of-town and overnight conferences and schools: For travel which has a duration of more than one work day in length, or for travel beyond the 40-mile radius noted above, the employee is to utilize a non-fleet vehicle, the use for which will be compensated at the approved rate. Alternatively, upon prior approval of the City Administrator, the employee can receive the use of a vehicle previously determined as an excess vehicle by the City Council.

c. Lunch hours and authorized breaks: For purposes of this policy when an employee is scheduled to work at a site other than their normal reporting location, and for Police Officers on duty, use of a City vehicle for travel within one mile of the City limits for the purpose of lunch and other authorized breaks shall not be considered personal use.

d. Overnight use: It is the intent of this policy that all municipal vehicles will have returned to their designated work location by the end of the work shift unless prior written authorization has been received from the City Administrator.

e.. Personal use: Personal use of City vehicles by City employees or elected officials is prohibited without the express written consent of the City Administrator or his/her designee.

11.5 Telecommuting Policy

Telecommuting is a work arrangement where the employee works from home or another remote work site away from the primary traditional work place.

Purpose
Consideration for telecommuting arrangements may be made on a case by case basis and only in situations where the employee can demonstrate a benefit to the City. Telecommuting is not appropriate for all employees, it is not a City wide benefit or entitlement, in no way changes the terms and conditions of employment with the City and is not a substitute for dependent care.

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Participation
Full-time employees, except those under collective bargaining agreements, may apply to participate. Employees must have successfully completed probation, received a satisfactory rating on their last performance evaluation and not had any disciplinary action taken against them during the past year. Seniority will not be a basis for selecting employees to participate in this program.

Application Process
The telecommuting application must be completed indicating how the telecommuting will benefit the City. All applications must be signed by the Department Head and then forwarded to Human Resources. The Department Head, Human Resources and the City Administrator will evaluate the application to determine whether or not the application will be approved or denied, at the sole discretion of the City Administrator. The Department Head will then meet with the employee regarding the determination.

Telecommuting Program
It is recommended that employees who telecommute do so for a maximum of two days per week, or on a short-term project basis. The telecommuter and the Department Head should agree upon a regular schedule of work hours and work location. Following the regular work schedule is necessary to ensure maximum accessibility. However, the employee must be willing and able to return to the primary work place at the request of the Department Head for any reason with minimal notice. An employee's salary, benefits and job responsibilities will not be affected by participating in telecommuting. Overtime must have prior approval. A remote work site is considered a City work space and the employee, therefore, continues to be governed by applicable City policies, procedures, or practices.

The employee is to be available for telephone, computer and/or fax communication with the City at the times as agreed by the signers on the application. The employee will respond to telephone calls at the telecommuting work location, and will respond to telephone messages left for the employee at the employee's City work location.

The Department Head and telecommuter must establish an agreed upon schedule where the telecommuter contacts the office to report progress.

The telecommuting projects must have measurable objectives. For example, writing a section of a manual, working on a special project, or preparing spreadsheets and financial analysis where being out of the "office environment" could lead to its accomplishment in a more timely manner.

Equipment
If an employee is approved for telecommuting and the project requires the use of a computer, printer or other computer equipment, the cost of the equipment, maintenance repair of the equipment, equipment insurance, electricity, and/or phone lines are the employee's responsibility.

The cost of installing and licensing software will be at the City's expense as long as a software license already exists for that particular user.

In the case where an employee owns a personal computer, the employee must provide a copy of the appropriate documents to verify that the software being used is legally licensed and receive virus-detection training from the IT Division. The City assumes no liability for loss, damage or wear of employee-owned equipment.

Telecommuters will take all precautions necessary to secure confidential and/or proprietary information and prevent unauthorized access into any City system.

Insurance
The employee will be covered by Worker's Compensation while working at the telecommuting work address during the hours of work as indicated on the Telecommuting Application. The city of Ramsey's liability is limited to injuries resulting directly from the work and only if the injury occurs in the designated work area. Any claims will be handled according to regular Workers Compensation procedures. If injured while telecommuting, the employee should follow the appropriate procedures for reporting the injury. Other family members or visitors to the telecommuting work address are not covered by the City's Worker's Compensation program. The city of Ramsey is not liable for any injuries to family members, visitors, or others in the employee's home. Employees should consider carrying insurance to cover these instances.

Telecommuters working at home will have a designated space maintained by the employee. With advance notice, the employer may visit the work site to ensure that safe work conditions exist. For projects involving extensive computer use, staff may request an ergonomics evaluation of the work area.

Expenses
The City will not reimburse the employee for any expenses the employee incurs to participate in telecommuting. This includes equipment, utilities, supplies and furniture. The City will provide a small and reasonable number of office supplies (such as pens, paper, post-it notes, and paper clips) for use by the telecommuter.

Travel time from the home to the workplace is not compensatory, even if the employee reports to the regular workplace on a day scheduled for telecommuting.

SECTION 12 Drug Free Workplace Policy

12.1 Drug Free Workplace Policy Statement

In accordance with the "Drug-Free Workplace Act of 1988", the city of Ramsey hereby notifies its employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, as defined by law, is prohibited at the cand in the course of any activities performed in conjunction with the employee's work-related responsibilities. It is important to note that not only is the use of illegal drugs unlawful, but also the illegal dispensing of legal (prescription) drugs.

As a condition of employment with the city of Ramsey, all employees will abide by the terms of this Drug-Free Workplace Policy and will notify the City Human Resources Manager in writing of any criminal drug arrest or conviction no later than five days after such arrest or conviction. Employees who violate this policy may be subject to disciplinary actions which may include suspension or immediate termination.

Employees who are convicted of a drug related violation in the workplace or while engaged in work-related responsibilities may be required to participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency. Appropriate personnel action shall be taken against such convicted employee up to and including termination of employment. The City reserves the right to terminate any employee who has been arrested for, pled guilty to, or convicted of any crime involving the operation of a motor vehicle under the influence of illegal drugs, alcohol, or other controlled substances. This includes all such crimes occurring outside of work hours and all such crimes involving the use of any vehicle owned or leased by the City, the employee's personal vehicle, or any other vehicle.

Employees are also encouraged to attend one of the drug-free awareness programs which may be offered periodically. Other parts of the drug-free program may include drug counseling and employee assistance programs in the future.

12.2 Drug and Alcohol Testing

General Policy: It is the policy of the City to provide a drug-free environment. The City's goal is to establish and maintain a healthy and efficient workforce free from the effects of drug and alcohol abuse in compliance with the requirements of the federal Drug-Free Workplace Act of 1988 and other applicable state and federal law.

The City recognizes drug and alcohol abuse as potential health, safety and security problems. Employees needing help in dealing with drug and alcohol problems are encouraged to make use of the medical resources available through their health insurance plans.

Employees are required to report to work on time and in appropriate mental and physical condition for work. No employee shall be under the influence of any illegal drug, alcohol, or

other controlled substance while the employee is working, while the employee is on the employer's premises, representing the City away from the workplace during work hours, or operating the employer's vehicle, machinery or equipment, except to the extent authorized by a valid medical prescription.

Unless specifically authorized as part of the employee's work duties, no employee shall use, possess, manufacture, distribute, dispense, sell, or transfer drugs, alcohol, or drug paraphernalia while the employee is working, while the employee is on the employer's premises, representing the City away from the workplace during work hours, or operating the employer's vehicle, machinery or equipment, except to the extent authorized by a valid medical prescription. Off duty employees may use or possess alcohol on City premises such as parks and parking lots when said use and possession is not prohibited to members of the general public. The sale of alcohol which is part of an employee's job duty is an exception to this policy.

Violations of this policy will result in disciplinary action, up to and immediate including termination, and may have legal consequences.

To assist employees in understanding the perils of drug and alcohol abuse, the City has established a Drug-Free Awareness Program. This drug and alcohol policy constitutes the City's drug free awareness program and fulfills the notification requirements of the federal Drug-Free Workplace Act of 1988. The City will use this program as an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. The program will inform employees of the dangers of drug and alcohol abuse, explain the City's Drug and Alcohol Policy and the sanctions imposed for its violation, and highlight any treatment, counseling, and rehabilitation referral services that may be available to employees in the City. Nothing set forth in this policy is intended to conflict with state or federal law, rules, or regulations.

As a condition of employment, each and every employee of the City must abide by the terms of this policy and must report in writing any instance of the employee's own conviction under a criminal drug statute. Any such conviction must be reported to the City Human Resources Manager within five (5) days after the conviction. Upon receipt of such notification, the City shall notify the appropriate federal agency of such conviction within the time period required by law.

An employee convicted of a criminal drug offense committed in the course of employment will be subject to appropriate disciplinary action and/or required to complete successfully an appropriate rehabilitation program at the employee's own expense unless provided to the employee through insurance coverage. The City, in its sole discretion, shall determine what disciplinary action is appropriate.

Drug and Alcohol Testing:

(a) Purpose: The purpose of this policy is to provide for the testing of employees and job applicants in conformance with the requirements of Minnesota State law.

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(b) Scope: This drug and alcohol testing policy applies to all employees of the City and to all job applicants who have received a conditional offer of employment by the City.

(c) Application of Law: All drug and alcohol testing shall conform to the requirements of applicable state and federal law. To the extent that any provision of this policy conflicts with such law, the law is controlling.

(d) Employees Subject to Federal Testing Requirements: Federal law imposes specific drug and alcohol testing requirements for employees holding certain types of driver's licenses or engaging in certain duties. All testing for such employees will comply with the federal requirements, which may be more strict, or different than, the procedures described in this policy. The City will also follow all federally required procedures regarding the results of such testing.

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Definitions: For purposes of the Policy, the following definitions will apply, unless such definitions are inconsistent with applicable law. In the event of such a conflict, the terms will be given the meaning imposed by law:

- Alcohol: Ethyl alcohol.
- Confirmatory Test and Confirmatory Retest: A drug or alcohol test that uses a method of analysis authorized by Minnesota law for providing specific data as to the drugs, alcohol, or their metabolites detected in an initial screening test.
- Conviction: A finding of guilty (including a plea of guilty or "nolo contenders") or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of state or federal
- Drug: A controlled substance as defined in applicable law.
- Drug and Alcohol Testing, Drug or Alcohol Testing, and Drug or Alcohol Test: Analysis of a body component sample in a manner consistent with Minnesota law for the purpose of measuring the presence or absence of drugs, alcohol, or their metabolites in the sample tested.
- Drug Paraphernalia: An item or items described as drug paraphernalia in Minnesota State law.
- Employee: A person, independent contractor, or person working for an independent contractor who performs services for compensation, in whatever form, for the City. "Employee" shall also mean a volunteer who provides services to the City for no or nominal compensation.
- Employer: The city of Ramsey acting through its designees of the City Council.
- Initial Screening Test: A drug or alcohol test which uses a method of analysis authorized by Minnesota law, as being capable of providing data as to general classes of drugs, alcohol, or their metabolites.

- Job Applicant: A person, independent contractor, or person working for an independent contractor who applies to become an employee of the City, and includes a person who has received a job offer made contingent on the person passing drug or alcohol testing.
- Premises: All property and locations that the City owns, is operating, or has established a presence.
- Positive Test Result: A finding of the presence of drugs, alcohol, or their metabolites in the sample tested by a confirmatory test in levels at or above the threshold detection levels established by Minnesota law. An alcohol test will be considered positive if the testee has an alcohol concentration level of at least .02 or a lesser level if it is accompanied by an odor of an alcoholic beverage or signs of physical impairment.
- Reasonable Suspicion: A belief by the Human Resources Manager, City Administrator, or other supervisory personnel trained in reasonable suspicion observation that the appearance, behavior, speech or body odors of an employee are indicative of the use of a controlled substance or alcohol based on the observation of at least one supervisor or official who has received training in the identification of behaviors indicative or drug and alcohol use.
- Safety – Sensitive Position: A job, including any supervisory or management positions, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person.
- Under the Influence: Having the presence of a drug or alcohol at or above the level of a positive test result.

Circumstances Under which Testing may Occur: Any employee or job applicant of the City may be tested under the following circumstances:

1) Job Applicant: A job applicant may be requested or required to undergo drug testing after a job offer has been conditionally made and before commencing employment in the position. Alcohol testing will not be a part of a post-offer pre-employment physical examination.

2) Treatment Program Testing: The City may test any employee referred by the City for chemical dependency treatment or evaluation at any time and without prior notice during the period of treatment or evaluation and for up to two (2) years following completion of any prescribed chemical dependency treatment or evaluation program in accordance with Minnesota State law.

3) Reasonable Suspicion Testing: No employee will be tested for drugs or alcohol under this provision without the person's consent. If, however, the City asks an employee to undergo a drug or alcohol test and the employee refuses, the employee may be subject to disciplinary action, up to and including immediate termination.

The City may request or require an employee to undergo drug or alcohol testing if the employer has a reasonable suspicion that the employee:

Is under the influence of drugs or alcohol; has violated the employer's written work rules prohibiting the use, possession, sale, or transfer of drugs or alcohol while the employee is working or while the employee is on the employer's premises or operating the employer's vehicle,

Deleted: or

Deleted:

machinery, or equipment; has sustained or cause another person to sustain a work related personal injury; or has caused a work related accident or was operating or helping to operate machinery, equipment, or vehicle involved in a work related accident.

Random Testing and Testing without Prior Notice: Random testing may be given without prior notice during regularly scheduled work hours to those employees who are in "safety sensitive" positions including any supervisory or management positions in which an impairment caused by drug or alcohol use would threaten the health or safety of any person. Under the random selection process, there is an equal probability that an employee in a safety sensitive position subject to the selection mechanisms will be selected for testing. The City does not have discretion to waive the selection of any employee chosen on a random selection basis.

The City declares that all Fire Department positions (including but not limited to, union, non-union, supervisory and management positions) are hereby designated as "safety sensitive" positions.

The City declares that all Public Works Maintenance Division positions, (including but not limited to, union, non-union, supervisory and management positions) are hereby designated as "safety sensitive" positions.

Testing without prior notice may be conducted on employees who have been referred by the City for chemical dependency treatment or evaluation, or who are participating in a chemical dependency treatment program under an employee benefit plan, or who have participated in such a chemical dependency treatment program in the prior two years.

Criteria for Selecting Testing Laboratories: The City will only use the services of a testing laboratory that meets one or more of the criteria for drug testing or other such applicable criteria as established under Minnesota law, as amended.

Refusal to Undergo Testing:

- Job Applicants: Job applicants may refuse to undergo drug testing. However, if a job applicant refuses to undergo drug or alcohol testing requested or required by the employer, no such test shall be given, and the job applicant shall be deemed to have withdrawn the application for consideration for employment.

- Employees: Employees may refuse to undergo drug testing. However, if an employee refuses to undergo drug and alcohol testing carried out in conjunction with this Policy the employee may be subject to discipline including, but not limited to, immediate termination.

Tampering with the Urine or Blood Sample:
If an employee or job applicant tampers with his or her own urine or blood sample, or in any way deliberately causes a sample to be invalid, the employee may be subject to discipline including, but not limited to, immediate termination.

Confirmatory Testing. If a positive test is obtained, a second test will be performed on the same sample for confirmation before disciplinary action is initiated. If a sample which tests positive in

the initial test and is negative in the confirming test, the employee will be reported as negative. Employees whose samples test positive in both tests shall be reported positive. An employee has the right to have a confirmed positive sample retested at the same or another City approved laboratory at the employee's own expense (approved laboratories must be in compliance with the Clinical Laboratory Improvement Act.).

In addition, upon a positive test result, an employee may show that he or she is taking a prescription drug under the supervision of a physician, or a nonprescription drug in accordance with its directions, and the positive test result will be reevaluated in light of the drug and dosage used. If such a reevaluation shows that the positive result was caused by such use of prescription or nonprescription drugs, the result will be reported is negative.

Failure to Pass Drug and/or Alcohol Testing: Employees who test positive for drugs or alcohol on a confirmatory test or confirmatory retest may be subject to discipline. Employees may be given the opportunity to go through rehabilitation following a first positive test. All discipline pursuant to this policy will be consistent with applicable law, including but not limited to, Minnesota Statutes, section 181.953 (as amended).

If a job applicant for an affected position tests positive on a confirmatory test for drugs, any offer of employment will be withdrawn and the individual will not be considered for employment by the City. If a positive confirmatory test is caused by the lawful use of a drug prescribed for the job applicant or an over-the-counter substance consumed in accordance with instructions, the City will not withdraw a job offer. However, a job offer will be withdrawn if an applicant is not reasonably able to perform the assigned duties of the position.

Rights of Employee or Job Applicant:
An employee or job applicant who receives a positive test result on a Confirmatory Test has the right to receive a copy of the test result report and, within three (3) working days of notice of the original positive Confirmatory Test result, to submit information to the City in addition to any information already submitted to explain that result, or within five (5) working days to notify the City in writing of the employee's intention to obtain a Confirmatory Retest of the original sample at the employee's or job applicant's own expense.

If the Confirmatory Retest is conducted in accordance with rules established by the Commissioner of the Minnesota Department of Health by a qualified laboratory, and if it is not positive, the City shall reimburse the employee or job applicant for the actual cost of the Confirmatory Retest in an amount not to exceed $100.00 and no adverse personnel action shall be taken against the employee or job applicant based on the original Confirmatory Test.

General Testing Procedures:
All testing will be performed by a licensed laboratory that certifies its compliance with the requirements of Minnesota State law. When the City decides to test for drug or alcohol use on any of the grounds enumerated in Section 4 the following procedures will apply:

Initial Screening Test: Acknowledgement. Before the Initial Screening Test, the employee or job applicant shall be informed of the City's testing policy and given a form on which the employee or job applicant can acknowledge being so informed.

If the Initial Screening Test produces a negative result, written notice of such result will be given to the individual who took the test within three (3) working days after the City receives the test result report. The employee or applicant will also be notified that they have the right to request and receive a copy of the test report.

The testing laboratory will perform a Confirmatory Test on all samples that produce a positive test result on the Initial Screening Test.

Confirmatory Test. If the Initial Screening Test produces a positive test result, a second test (known as the Confirmatory Test) will be conducted by the laboratory. If the Confirmatory Test is not positive, the City will send written notice of this fact to the employee or job applicant within three (3) working days after receiving the result.

If the Confirmatory Test produces a positive test result, the City will take the following four steps: (1) The City will send written notice of the positive test result within three working days after receiving it to the employee or job applicant. (2) The employee or job applicant will be informed of the right to receive a copy of the test result. (3) The employee or job applicant will be told of the right to explain the positive result by indicating any medication (prescription, signed for, or over-the-counter) that the individual is currently taking or has recently taken and other information relevant to the reliability of or explanation for a confirmatory positive test result. (4) The employee or job applicant will be informed of the right to request a Confirmatory Retest of the original sample at the employee's or job applicant's expense. The employee or job applicant has five working days in which to notify the City of this request in writing.

Confirmatory Retests: After an employee or job applicant chooses to request a Confirmatory Retest, the employee or job applicant has five (5) working days within which to notify the City of this request in writing. Within three (3) days of the receipt of such request, the City will notify the original testing laboratory that it is to conduct a Confirmatory Retest or transfer the sample to another certified laboratory for retesting. If the Confirmatory Retest does not confirm the original positive test result, no adverse personnel action will be taken by the City. If the Confirmatory Retest is positive, the City may withdraw its conditional offer of employment to a job applicant or terminate an employee if such employee chooses not to participate in a chemical dependency treatment or evaluation program.

Data Privacy:
Test result reports and other information acquired in the drug and alcohol testing process are private data on individuals as defined in Minnesota law, and may not be disclosed to another employer or to a third party individual, governmental agency, or private organization without the written consent of the employee or applicant tested, unless otherwise permitted by law or required by court order.

Other Misconduct:

Nothing in this Policy limits the right of the City to discipline or discharge an employee on grounds other than a positive test result in a Confirmatory Test. For example, possession, observed consumption of a controlled substance, the sale of a controlled substance on City premises, or conviction under any criminal drug statute for a violation occurring in the workplace, may by themselves, be grounds for discipline or discharge. Any City employee may be subject to discipline up to and including termination for violation of this Policy or any rules adopted by the City with respect to the manufacture, use, sale, or transfer of drugs and alcohol.

Administrative Responsibility:
The City Administrator, or his or her designees, shall be responsible for implementing this Policy. Each Department Head and supervisor shall be responsible for informing their employees of this Policy. Each employee of the City shall be notified of this Policy. Employees shall acknowledge, in writing, receipt of this Policy.

Collective Bargaining Unit Conflict:

Nothing set forth in this Drug Free Workplace Policy is intended to conflict or interfere with the terms of a collective bargaining agreement, if any, between the City and its employees.

Employee Assistance Program: The City contracts with an outside Employee Assistance Program (E.A.P.) to provide free, confidential assessment and referral services for any number of personal problems including drug and alcohol abuse and misuse. Employees are encouraged to use this service to obtain assistance for themselves or family members. To obtain more information, contact Human Resources.

SECTION 13 ACKNOWLEDGEMENT OF RECEIPT OF THE PERSONNEL POLICY

I acknowledge that I have received a copy of the city of Ramsey Personnel Policy. I understand that this document contains important information regarding the City's general personnel policies and my privileges and obligations as an employee. I will familiarize myself with the personnel policy and I understand that I am governed by its contents. I further understand that the personnel policy is not an employment contract and that the City may change, rescind or add to any policies, benefits, or practices at its sole discretion with or without prior notice.

_____ _____

Employee's Signature Date

_____

Employee's Name (typed or printed)

_____ _____

Witness' Signature Date

_____

Witness' Name (typed or printed)

Examples:

The Department Head has approved a full day training at the City of Anoka offices. The employee does not start or end the trip at their normal work location, but rather from home.

Total miles from home to Anoka	16
Return trip home	16
TOTAL MILES DRIVEN	32
Normal miles from home to work	(10)
Normal miles from work to home	(10)
TOTAL MILES REIMBURSED	12

Example #2:
The Department Head has approved a half day training at the City of Anoka offices. The employee DOES start and end the trip at their normal work location.

Total miles from work to Anoka	16
Return trip to work	16
TOTAL MILES DRIVEN	32
TOTAL MILES REIMBURSED	32

Example #3:
The Department Head has approved a half day training at the City of Anoka offices. The employee DOES start from work location but travels home directly from the training. Online maps should be printed showing all locations of travel and mileages.

Total miles from work to Anoka	16
Return trip directly to home	24
TOTAL MILES DRIVEN	40
Normal miles from work to home	(10)
TOTAL MILES REIMBURSED	30

Example #4:
The Department Head has approved a half day training at the City of Anoka offices. The employee DOES start from work location but travels home directly from the training. Online maps should be printed showing all locations of travel and mileages.

Total miles from work to Anoka	16
Return trip directly to home	10
TOTAL MILES DRIVEN	26
Normal miles from work to home	(28)
TOTAL MILES REIMBURSED	0

The Department Head has approved a full day training seminar held in the City of Anoka. The employee does not start or end the trip at City offices.

Total miles from home to Anoka	16
Return trip to home	16
TOTAL MILES DRIVEN THAT DAY	32
Normal mileage to and from work is 10 miles each way	(20)
TOTAL MILES TO BE REIMBURSED	12

This level of detail must be documented on the request for reimbursement.

Our Mission: To work together to resposibly grow our community, and to provide quality, cost-effective, and efficient government services.

CC Work Session **2. 4.**

Meeting Date: 02/27/2018

Submitted For: Patrick Brama, Administrative Services

By: Patrick Brama, Administrative Services

Information

Title:

2018 City of Ramsey Resident Survey

Purpose/Background:

PURPOSE

Review attached 2018 draft survey. Provide feedback. Authorize staff to execute this work.

BACKGROUND (resident survey):

As a result of the 2013 Council strategic planning process, direction was provided to initiate a regular, statistically significant, resident surveying process (one survey every two years). Generally, survey results benefit the City in a wide range of applications (budgeting process, policy discussions, capital improvement plan, strategic plan, comprehensive plan, etc.). The City completed a resident survey in 2014 and 2016 (see attached).

PROCESS

Please see attached timeline. We are anticipating this survey to be completed by residents in March/April, and for results to be back to Council by June/ July.

Notification:

NA

Observations/Alternatives:

DETAILED BACKGROUND INFO:

- National Research Center (NRC). This organization is based out of Colorado and is backed by the International City/County Managers Association (ICMA).
- The NRC conducts a standardized survey known as the National Citizen Survey (NCS). This survey holds value in that it was created by cities, for cities.
- By using/ implementing the NCS across the Country for several years, the NRC now has a vast inventory of comparable/ trend data for cities to utilize (nationally, regionally, and locally).
- The standardized NCS (Nation Citizen Survey) also has efficiencies. This surveying alternative is much more cost effective than a custom survey (about half the price). However, maintaining this efficiency means the NCS (and NRC) are fairly inflexible to major alterations to their base survey. The NCS does allow for custom questions.
- Lastly, because the NCS is a standardized survey, NCS reporting capabilities are tried and true; and professional. If the City decided to move away from the NCS, reporting capabilities would diminish.
- In Ramsey, the survey will be sent to 1,400 address and will be statistically significant (+/-5% margin for error). NRC expects 300-450 responses (sample size).
- Vendor takes care of mailings (multiple, including reminders). Raw results would be collected and refined by vendor (customizable). Relevant comparable data and reporting provided by vendor. This service includes return postage, envelopes, and printing costs.

Funding Source:

The amount of $13,000 was budgeted in 2018 for a resident survey. Furthermore, the City participates in the State of Minnesota's "City/County Performance Measurement" (CPM) program. Annually, the State allocates about $3,500 to the City of Ramsey for performance measurement related costs (which include the Ramsey citizen survey). In summary, the City has about $16,500 in funding budgeted for a resident survey in 2018. Staff estimates the survey will cost $14,000-$16,000.

Recommendation:

NA

Action:

Provide feedback on the attached **2018 draft survey**. Authorize staff to execute this work.

NOTES:
Questions #14 through #20 = Custom Questions (discretionary)
All other questions = NCS Standard Questions (difficult to change)

Attachments

Draft 2018 Survey
Timeline (2018)
Mailing Materials (2018)
2014 Results
2016 Results

Form Review

Inbox	Reviewed By	Date
Kurt Ulrich	Kurt Ulrich	02/22/2018 12:02 PM
Patrick Brama (Originator)	Patrick Brama	02/22/2018 01:56 PM
Form Started By: Patrick Brama		Started On: 12/19/2017 03:55 PM
Final Approval Date: 02/22/2018		

The City of Ramsey 2018 Citizen Survey

Please complete this questionnaire if you are the adult (age 18 or older) in the household who most recently had a birthday. The adult's year of birth does not matter. Please select the response (by circling the number or checking the box) that most closely represents your opinion for each question. Your responses are anonymous and will be reported in group form only.

1. Please rate each of the following aspects of quality of life in Ramsey:

	Excellent	*Good*	*Fair*	*Poor*	*Don't know*
Ramsey as a place to live	1	2	3	4	5
Your neighborhood as a place to live	1	2	3	4	5
Ramsey as a place to raise children	1	2	3	4	5
Ramsey as a place to work	1	2	3	4	5
Ramsey as a place to visit	1	2	3	4	5
Ramsey as a place to retire	1	2	3	4	5
The overall quality of life in Ramsey	1	2	3	4	5

2. Please rate each of the following characteristics as they relate to Ramsey as a whole:

	Excellent	*Good*	*Fair*	*Poor*	*Don't know*
Overall feeling of safety in Ramsey	1	2	3	4	5
Overall ease of getting to the places you usually have to visit	1	2	3	4	5
Quality of overall natural environment in Ramsey	1	2	3	4	5
Overall "built environment" of Ramsey (including overall design, buildings, parks and transportation systems)	1	2	3	4	5
Health and wellness opportunities in Ramsey	1	2	3	4	5
Overall opportunities for education and enrichment	1	2	3	4	5
Overall economic health of Ramsey	1	2	3	4	5
Sense of community	1	2	3	4	5
Overall image or reputation of Ramsey	1	2	3	4	5

3. Please indicate how likely or unlikely you are to do each of the following:

	Very likely	*Somewhat likely*	*Somewhat unlikely*	*Very unlikely*	*Don't know*
Recommend living in Ramsey to someone who asks	1	2	3	4	5
Remain in Ramsey for the next five years	1	2	3	4	5

4. Please rate how safe or unsafe you feel:

	Very safe	*Somewhat safe*	*Neither safe nor unsafe*	*Somewhat unsafe*	*Very unsafe*	*Don't know*
In your neighborhood during the day	1	2	3	4	5	6
In Ramsey's downtown/commercial areas during the day	1	2	3	4	5	6
In your neighborhood after dark	1	2	3	4	5	6
In Ramsey's downtown/commercial areas after dark	1	2	3	4	5	6

5. Please rate each of the following characteristics as they relate to Ramsey as a whole:

	Excellent	*Good*	*Fair*	*Poor*	*Don't know*
Traffic flow on major streets	1	2	3	4	5
Ease of travel by car in Ramsey	1	2	3	4	5
Ease of travel by bicycle in Ramsey	1	2	3	4	5
Ease of walking in Ramsey	1	2	3	4	5
Availability of paths and walking trails	1	2	3	4	5
Cleanliness of Ramsey	1	2	3	4	5
Overall appearance of Ramsey	1	2	3	4	5
Public places where people want to spend time	1	2	3	4	5
Variety of housing options	1	2	3	4	5
Availability of affordable quality housing	1	2	3	4	5
Fitness opportunities (including exercise classes and paths or trails, etc.)	1	2	3	4	5
Recreational opportunities	1	2	3	4	5
Overall condition of City maintained streets	1	2	3	4	5

6. Please rate each of the following characteristics as they relate to Ramsey as a whole:

	Excellent	*Good*	*Fair*	*Poor*	*Don't know*
Availability of affordable quality child care/preschool	1	2	3	4	5
K-12 education	1	2	3	4	5
Adult educational opportunities	1	2	3	4	5
Opportunities to attend cultural/arts/music activities	1	2	3	4	5
Employment opportunities	1	2	3	4	5
Shopping opportunities	1	2	3	4	5
Cost of living in Ramsey	1	2	3	4	5
Overall quality of business and service establishments in Ramsey	1	2	3	4	5
Vibrant downtown/commercial area	1	2	3	4	5
Overall quality of new development in Ramsey	1	2	3	4	5
Opportunities to volunteer	1	2	3	4	5
Opportunities to participate in community matters	1	2	3	4	5

7. Please indicate whether or not you have done each of the following in the last 12 months.

	No	*Yes*
Household member was a victim of a crime in Ramsey	1	2
Reported a crime to the police in Ramsey	1	2
Campaigned or advocated for an issue, cause or candidate	1	2
Contacted the City of Ramsey (in-person, phone, email or web) for help or information	1	2
Contacted Ramsey elected officials (in-person, phone, email or web) to express your opinion	1	2

8. In the last 12 months, about how many times, if at all, have you or other household members done each of the following in Ramsey?

	2 times a week or more	*2-4 times a month*	*Once a month or less*	*Not at all*
Visited a neighborhood park or City park	1	2	3	4
Attended a City-sponsored event	1	2	3	4
Used rail or other public transportation instead of driving	1	2	3	4
Walked or biked instead of driving	1	2	3	4
Volunteered your time to some group/activity in Ramsey	1	2	3	4

9. Thinking about local public meetings (of local elected officials like City Council or County Commissioners, advisory boards, town halls, HOA, neighborhood watch, etc.), in the last 12 months, about how many times, if at all, have you or other household members attended or watched a local public meeting?

	2 times a week or more	*2-4 times a month*	*Once a month or less*	*Not at all*
Attended a local public meeting	1	2	3	4
Watched (online or on television) a local public meeting	1	2	3	4

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The City of Ramsey 2018 Citizen Survey

10. Please rate the quality of each of the following services in Ramsey:

	Excellent	*Good*	*Fair*	*Poor*	*Don't know*
Police services	1	2	3	4	5
Fire services	1	2	3	4	5
Crime prevention	1	2	3	4	5
Fire prevention and education	1	2	3	4	5
Traffic enforcement	1	2	3	4	5
Street repair	1	2	3	4	5
Street cleaning	1	2	3	4	5
Street lighting	1	2	3	4	5
Snow removal	1	2	3	4	5
Sidewalk maintenance	1	2	3	4	5
Traffic signal timing	1	2	3	4	5
Storm drainage	1	2	3	4	5
Drinking water	1	2	3	4	5
Sewer services	1	2	3	4	5
City parks	1	2	3	4	5
Recreation centers or facilities	1	2	3	4	5
Land use, planning and zoning	1	2	3	4	5
Code enforcement (weeds, abandoned buildings, etc.)	1	2	3	4	5
Animal control	1	2	3	4	5
Economic development	1	2	3	4	5
Public information services	1	2	3	4	5
Preservation of natural areas such as open space, farmlands and greenbelts	1	2	3	4	5
Overall customer service by Ramsey employees (police, receptionists, planners, etc.)	1	2	3	4	5
Trail maintenance	1	2	3	4	5

11. Overall, how would you rate the quality of the services provided by each of the following?

	Excellent	*Good*	*Fair*	*Poor*	*Don't know*
The City of Ramsey	1	2	3	4	5
The Federal Government	1	2	3	4	5

12. Please rate the following categories of Ramsey government performance:

	Excellent	*Good*	*Fair*	*Poor*	*Don't know*
The value of services for the taxes paid to Ramsey	1	2	3	4	5
The overall direction that Ramsey is taking	1	2	3	4	5
The job Ramsey government does at welcoming citizen involvement	1	2	3	4	5
Overall confidence in Ramsey government	1	2	3	4	5
Generally acting in the best interest of the community	1	2	3	4	5
Being honest	1	2	3	4	5
Treating all residents fairly	1	2	3	4	5
Development and success of a strategic action plan	1	2	3	4	5

13. Please rate how important, if at all, you think it is for the Ramsey community to focus on each of the following in the coming two years:

	Essential	*Very important*	*Somewhat important*	*Not at all important*
Overall feeling of safety in Ramsey	1	2	3	4
Overall ease of getting to the places you usually have to visit	1	2	3	4
Quality of overall natural environment in Ramsey	1	2	3	4
Overall "built environment" of Ramsey (including overall design, buildings, parks and transportation systems)	1	2	3	4
Health and wellness opportunities in Ramsey	1	2	3	4
Overall opportunities for education and enrichment	1	2	3	4
Overall economic health of Ramsey	1	2	3	4
Sense of community	1	2	3	4

14. To what extent are each of the following a source of information for you about Ramsey city government and its activities?

	Major source	*Moderate source*	*Minor source*	*Not a source*
City newsletter (Ramsey Resident)	1	2	3	4
Local newspaper	1	2	3	4
City website (www.cityoframsey.com)	1	2	3	4
Word-of-mouth	1	2	3	4
Cable television (QCTV)	1	2	3	4
City employees	1	2	3	4
Public meetings	1	2	3	4
City social media (Facebook)	1	2	3	4

15. Please indicate how likely you would be, if at all, to engage with the City on the following social media platforms in the future:

	Very likely	*Somewhat likely*	*Not at all likely*	*Don't know*
City Facebook page	1	2	3	4
City Twitter feed	1	2	3	4
Nextdoor	1	2	3	4
Instagram	1	2	3	4

16. Please indicate to what extent you support or oppose the city investigating the following changes to new or existing amenities, each of which could accordingly result in an increase to the tax levy:

	Strongly support	*Somewhat support*	*Somewhat oppose*	*Strongly oppose*	*Don't know*
Making improvements to existing/established parks	1	2	3	4	5
Building new parks	1	2	3	4	5
Making improvements to existing trails	1	2	3	4	5
Building new trails	1	2	3	4	5
Building a new facility (incubator) to proactively encourage new and unique restaurants	1	2	3	4	5
Building a new facility (incubator) to proactively encourage a marketplace for farmers, small shops, and crafters	1	2	3	4	5

17. Please rate how important, if at all, you think each of the following priorities are for the City to focus on in the next five years:

	Essential	*Very important*	*Somewhat important*	*Not at all important*
Balancing rural character and urban growth (development patterns)	1	2	3	4
Creating an active community (parks, trails, open space, recreation)	1	2	3	4
Creating a connected community (roads, trails, sidewalks, rail, transportation)	1	2	3	4
Changing the learning environment (Ramsey-based K-12 school system)	1	2	3	4

18. Please indicate whether you or anyone in your household has done any of the following in the past 12 months:

	No	*Yes*
Reported a nuisance violation	1	2
Requested a building permit	1	2

19. Please rate the quality of each of the following:

	Excellent	*Good*	*Fair*	*Poor*	*Don't know*
The City's response time to nuisance violations	1	2	3	4	5
The City's response time for building permits	1	2	3	4	5

20. How interested are you, if at all, in receiving information from the City about each of the following topics?

	Extremely interested	*Very interested*	*Moderately interested*	*Slightly interested*	*Not at all interested*
Council & Commissions topics/agendas	1	2	3	4	5
Lifestyle/community interest	1	2	3	4	5
Recreation	1	2	3	4	5
Local businesses (e.g., new/expanded businesses, grand openings, etc.)	1	2	3	4	5
Public safety	1	2	3	4	5
Events	1	2	3	4	5
Road work	1	2	3	4	5
Real estate development projects	1	2	3	4	5
Getting involved/engagement opportunities	1	2	3	4	5
Budget/performance measurements	1	2	3	4	5

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The City of Ramsey 2018 Citizen Survey

Our last questions are about you and your household. Again, all of your responses to this survey are completely anonymous and will be reported in group form only.

D1. How often, if at all, do you do each of the following, considering all of the times you could?

	Never	*Rarely*	*Sometimes*	*Usually*	*Always*
Recycle at home	1	2	3	4	5
Purchase goods or services from a business located in Ramsey	1	2	3	4	5
Vote in local elections	1	2	3	4	5

D2. Would you say that in general your health is:
❍ Excellent ❍ Very good ❍ Good ❍ Fair ❍ Poor

D3. What impact, if any, do you think the economy will have on your family income in the next 6 months? Do you think the impact will be:
❍ Very positive ❍ Somewhat positive ❍ Neutral ❍ Somewhat negative ❍ Very negative

D4. What is your employment status?
❍ Working full time for pay
❍ Working part time for pay
❍ Unemployed, looking for paid work
❍ Unemployed, not looking for paid work
❍ Fully retired

D5. Do you work inside the boundaries of Ramsey?
❍ Yes, outside the home
❍ Yes, from home
❍ No

D6. How many years have you lived in Ramsey?
❍ Less than 2 years ❍ 11-20 years
❍ 2-5 years ❍ More than 20 years
❍ 6-10 years

D7. Which best describes the building you live in?
❍ One family house detached from any other houses
❍ Building with two or more homes (duplex, townhome, apartment or condominium)
❍ Mobile home
❍ Other

D8. Is this house, apartment or mobile home…
❍ Rented
❍ Owned

D9. About how much is your monthly housing cost for the place you live (including rent, mortgage payment, property tax, property insurance and homeowners' association (HOA) fees)?
❍ Less than $300 per month
❍ $300 to $599 per month
❍ $600 to $999 per month
❍ $1,000 to $1,499 per month
❍ $1,500 to $2,499 per month
❍ $2,500 or more per month

D10. Do any children 17 or under live in your household?
❍ No ❍ Yes

D11. Are you or any other members of your household aged 65 or older?
❍ No ❍ Yes

D12. How much do you anticipate your household's total income before taxes will be for the current year? (Please include in your total income money from all sources for all persons living in your household.)
❍ Less than $25,000
❍ $25,000 to $49,999
❍ $50,000 to $99,999
❍ $100,000 to $149,999
❍ $150,000 or more

Please respond to both questions D13 and D14:

D13. Are you Spanish, Hispanic or Latino?
❍ No, not Spanish, Hispanic or Latino
❍ Yes, I consider myself to be Spanish, Hispanic or Latino

D14. What is your race? (Mark one or more races to indicate what race you consider yourself to be.)
❍ American Indian or Alaskan Native
❍ Asian, Asian Indian or Pacific Islander
❍ Black or African American
❍ White
❍ Other

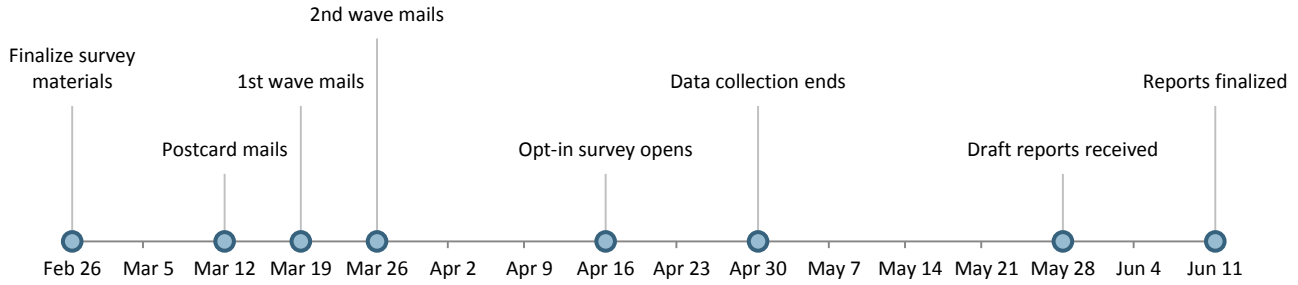
D15. In which category is your age?
❍ 18-24 years ❍ 55-64 years
❍ 25-34 years ❍ 65-74 years
❍ 35-44 years ❍ 75 years or older
❍ 45-54 years

D16. What is your sex?
❍ Female ❍ Male

D17. Do you consider a cell phone or land line your primary telephone number?
❍ Cell ❍ Land line ❍ Both

Thank you for completing this survey. Please return the completed survey in the postage-paid envelope to: National Research Center, Inc., PO Box 549, Belle Mead, NJ 08502

Timeline for The National Citizen Survey™



Item	Date
Preparing for the Survey	
⊙ The NCS survey process is initiated upon receipt of your first payment	Jan 29
← NRC emails you information to customize The NCS	Jan 29
→ Due to NRC: Selection of add-on options	Feb 12
→ Due to NRC: Drafts of the optional custom questions to be included in the survey	Feb 12
→ Due to NRC: Zip code information and GIS boundary data	Feb 19
→ Due to NRC: Additional payment for add-on options	Feb 19
⊙ NRC finalizes the survey instrument and mailing materials and sends .pdf samples for your records	Feb 26
⊙ NRC generates the sample of households in your community	Feb 19 to Mar 5
⊙ NRC prints materials and prepares mailings	Mar 5
→ Due to NRC: Selection of custom benchmark profile(s) (if custom benchmark add-on selected)	Mar 5
Conducting the survey	
⊙ Survey materials are mailed	Mar 12 to Mar 26
⊙ Prenotification postcards sent	Mar 12
⊙ 1st wave of surveys sent	Mar 19
⊙ 2nd wave of surveys sent	Mar 26
→ Opt-in web survey link posted on your website (source link provided to you by NRC)	Apr 16
⊙ Data collection: surveys received and processed for your community	Mar 19 to Apr 30
⊙ During this time, you will receive postcards that were undeliverable due to bad addresses, or vacant housing units. This is normal. Please count all the postcards, as we will subtract the number of returned postcards from the total number mailed to estimate the number of "eligible" households in calculating the final response rate.	
→ Due to NRC: Final count of returned postcards	Apr 30
⊙ Survey analysis and report writing	Apr 30 to May 28
⊙ During this time, NRC will process the surveys, perform the data analysis, and produce a draft report for your community. The report of results will contain a description of the methodology, information on understanding the results, and graphs and tables of your results, as well as a description of NRC's database of normative data from across the U.S. and actual comparisons to your results, where appropriate.	
← NRC emails draft report (in PDF format) to you along with invoice for balance due on The NCS Basic Service and any additional add-on options	May 28
→ Due to NRC: community feedback on the draft report (most final reports are identical to the draft reports, except being labeled as final instead of draft)	Jun 4
← NRC emails final report and data file to you	Jun 11

Legend

←Indicates when items from NRC are due to you →Indicates when items from you are due to NRC ⊙Indicates information items

City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303

Presorted
First Class Mail
US Postage
PAID
Boulder, CO
Permit NO.94

Dear Ramsey Resident,

It won't take much of your time to make a big difference!

Your household has been randomly selected to participate in a survey about your community. Your survey will arrive in a few days.

Thank you for helping create a better city!

Sincerely,

Sarah Strommen
Mayor

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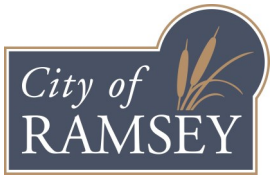

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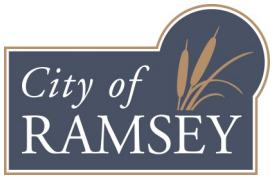

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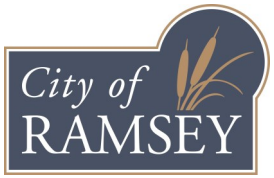

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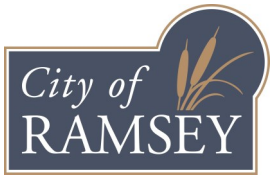

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7550 Sunwood Drive NW • Ramsey, MN 55303
City Hall: 763-427-1410 • Fax: 763-427-5543
www.cityoframsey.com

March 2018

Dear City of Ramsey Resident:

Please help us shape the future of Ramsey! You have been selected at random to participate in the 2018 Ramsey Citizen Survey.

Please take a few minutes to fill out the enclosed survey. Your participation in this survey is very important – especially since your household is one of only a small number of households being surveyed. Your feedback will help Ramsey make decisions that affect our city.

A few things to remember:

- **Your responses are completely anonymous.**
- In order to hear from a diverse group of residents, the adult 18 years or older in your household who most recently had a birthday should complete this survey.
- **You may return the survey by mail in the enclosed postage-paid envelope.**

If you have any questions about the survey please call 763-433-9868.

Thank you for your time and participation!

Sincerely,

Sarah Strommen
Mayor

7550 Sunwood Drive NW • Ramsey, MN 55303
City Hall: 763-427-1410 • Fax: 763-427-5543
www.cityoframsey.com

March 2018

Dear City of Ramsey Resident:

Here's a second chance if you haven't already responded to the 2018 Ramsey Citizen Survey! **(If you completed it and sent it back, we thank you for your time and ask you to recycle this survey. Please do not respond twice.)**

Please help us shape the future of Ramsey! You have been selected at random to participate in the 2018 Ramsey Citizen Survey.

Please take a few minutes to fill out the enclosed survey. Your participation in this survey is very important – especially since your household is one of only a small number of households being surveyed. Your feedback will help Ramsey make decisions that affect our city.

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The National Citizen Survey™

Ramsey, MN

Community Livability Report

2014

National Research Center, Inc. | Boulder, CO
International City/County Management Association | Washington, DC

Contents

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Participation 7
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Conclusions 13

The National Citizen Survey™
© 2001-2014 National Research Center, Inc.

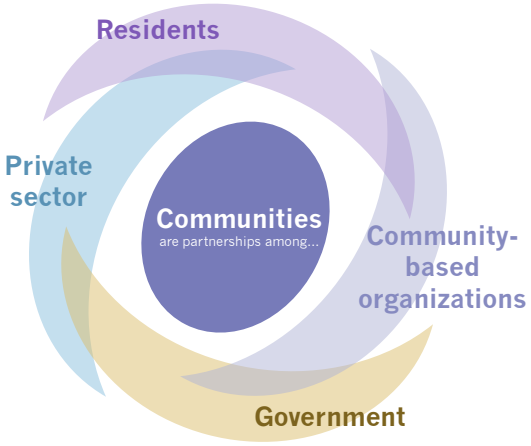
National Research Center, Inc.
2955 Valmont Road, Suite 300
Boulder, CO 80301
www.n-r-c.com • 303-444-7863

International City/County Management Association
777 North Capitol Street NE, Suite 500
Washington, DC 20002
www.icma.org • 202-289-ICMA

About

The National Citizen Survey™ (The NCS) report is about the "livability" of Ramsey. The phrase "livable community" is used here to evoke a place that is not simply habitable, but that is desirable. It is not only where people do live, but where they want to live.

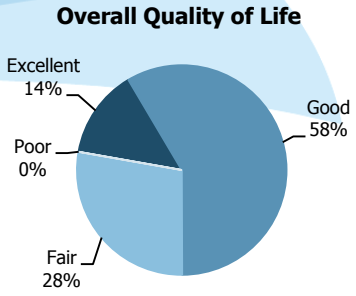
Great communities are partnerships of the government, private sector, community-based organizations and residents, all geographically connected. The NCS captures residents' opinions within the three pillars of a community (Community Characteristics, Governance and Participation) across eight central facets of community (Safety, Mobility, Natural Environment, Built Environment, Economy, Recreation and Wellness, Education and Enrichment and Community Engagement).



The Community Livability Report provides the opinions of a representative sample of 430 residents of the City of Ramsey. The margin of error around any reported percentage is 5% for the entire sample. The full description of methods used to garner these opinions can be found in the *Technical Appendices* provided under separate cover.

Quality of Life in Ramsey

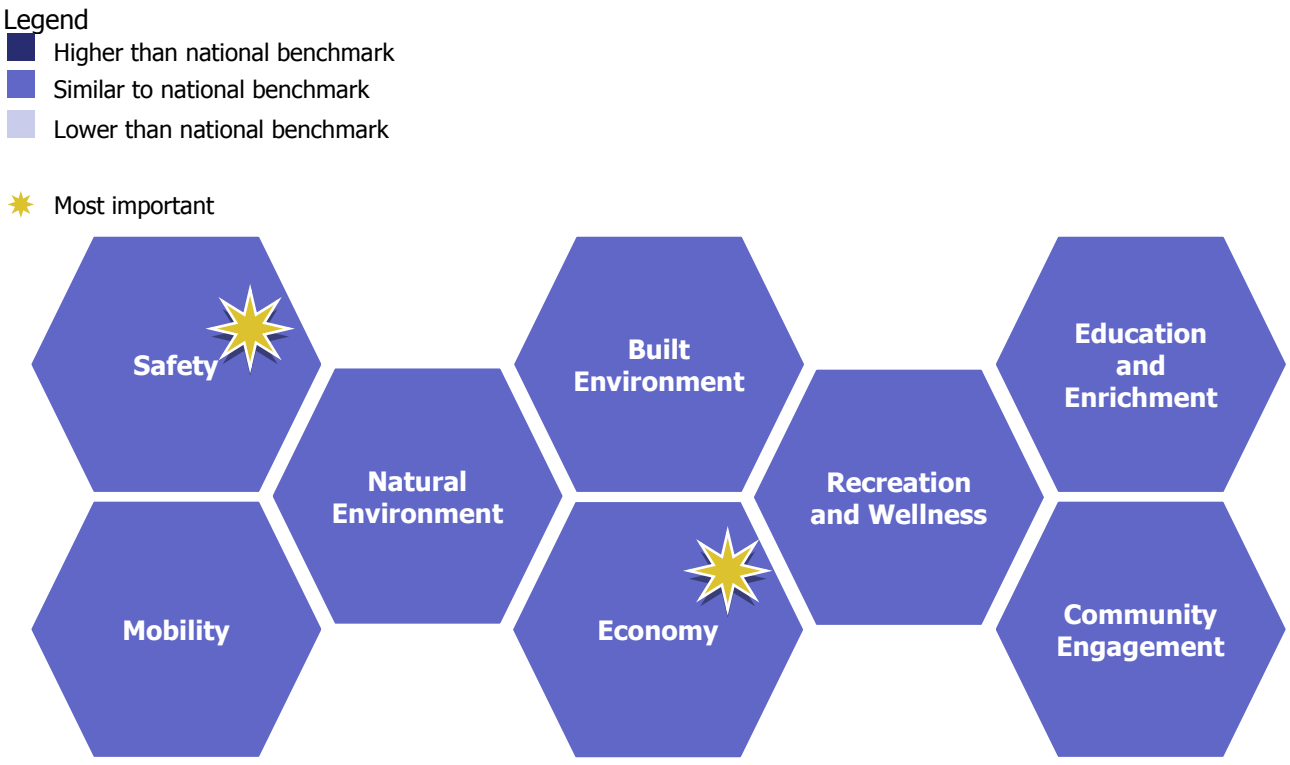
Most residents rated the quality of life in Ramsey as excellent or good and this was similar to the benchmark (see Appendix B of the *Technical Appendices* provided under separate cover).



Shown below are the eight facets of community. The color of each community facet summarizes how residents rated it across the three sections of the survey that represent the pillars of a community – Community Characteristics, Governance and Participation. When most ratings across the three pillars were higher than the benchmark, the color for that facet is the darkest shade; when most ratings were lower than the benchmark, the color is the lightest shade. A mix of ratings (higher and lower than the benchmark) results in a color between the extremes.

In addition to a summary of ratings, the image below includes one or more stars to indicate which community facets were the most important focus areas for the community. Residents identified Safety and Economy as priorities for the Ramsey community in the coming two years. It is noteworthy that Ramsey residents gave favorable ratings to these facets of community. In fact, ratings for all facets including Mobility, Natural Environment, Built Environment, Recreation and Wellness, Education and Enrichment and Community Engagement were positive and similar to other communities. This overview of the key aspects of community quality provides a quick summary of where residents see exceptionally strong performance and where performance offers the greatest opportunity for improvement. Linking quality to importance offers community members and leaders a view into the characteristics of the community that matter most and that seem to be working best.

Details that support these findings are contained in the remainder of this Livability Report, starting with the ratings for Community Characteristics, Governance and Participation and ending with results for Ramsey's unique questions.



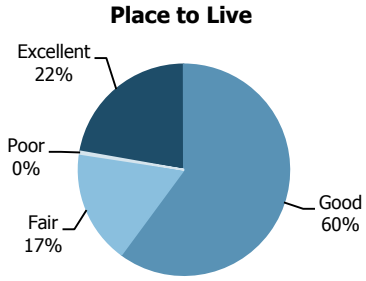
Community Characteristics

What makes a community livable, attractive and a place where people want to be?

Overall quality of community life represents the natural ambience, services and amenities that make for an attractive community. How residents rate their overall quality of life is an indicator of the overall health of a community. In the case of Ramsey, 82% rated the City as an excellent or good place to live. Respondents' ratings of Ramsey as a place to live were similar to ratings in other communities across the nation.

In addition to rating the City as a place to live, respondents rated several aspects of community quality including Ramsey as a place to raise children and to retire, their neighborhood as a place to live, the overall image or reputation of Ramsey and its overall appearance. Most residents felt that the overall appearance of Ramsey, Ramsey as a place to raise children and their neighborhood as a place to live were excellent or good. Although a majority felt that this was true of Ramsey as a place to retire and of Ramsey's overall image, these were less than the benchmark.

Delving deeper into Community Characteristics, survey respondents rated over 30 features of the community within the eight facets of Community Livability. Safety and Natural Environment were the facets with the highest ratings, with at least 8 in 10 residents giving positive ratings to each measure in these categories. Conversely, Economy was the facet having the lowest ratings; every item in this area received positive ratings from half or fewer of residents. Overall, most Community Characteristics rated similarly to other communities. Of the seven measures with ratings lower than the benchmark, five related to Ramsey's Economy. Two characteristics of the community rated higher than the benchmark and were in the area of Built Environment: affordable quality housing and housing options.



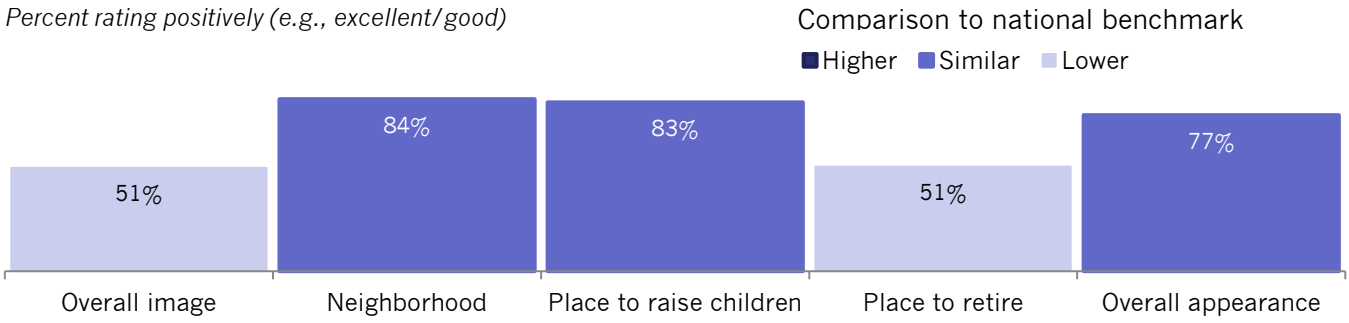
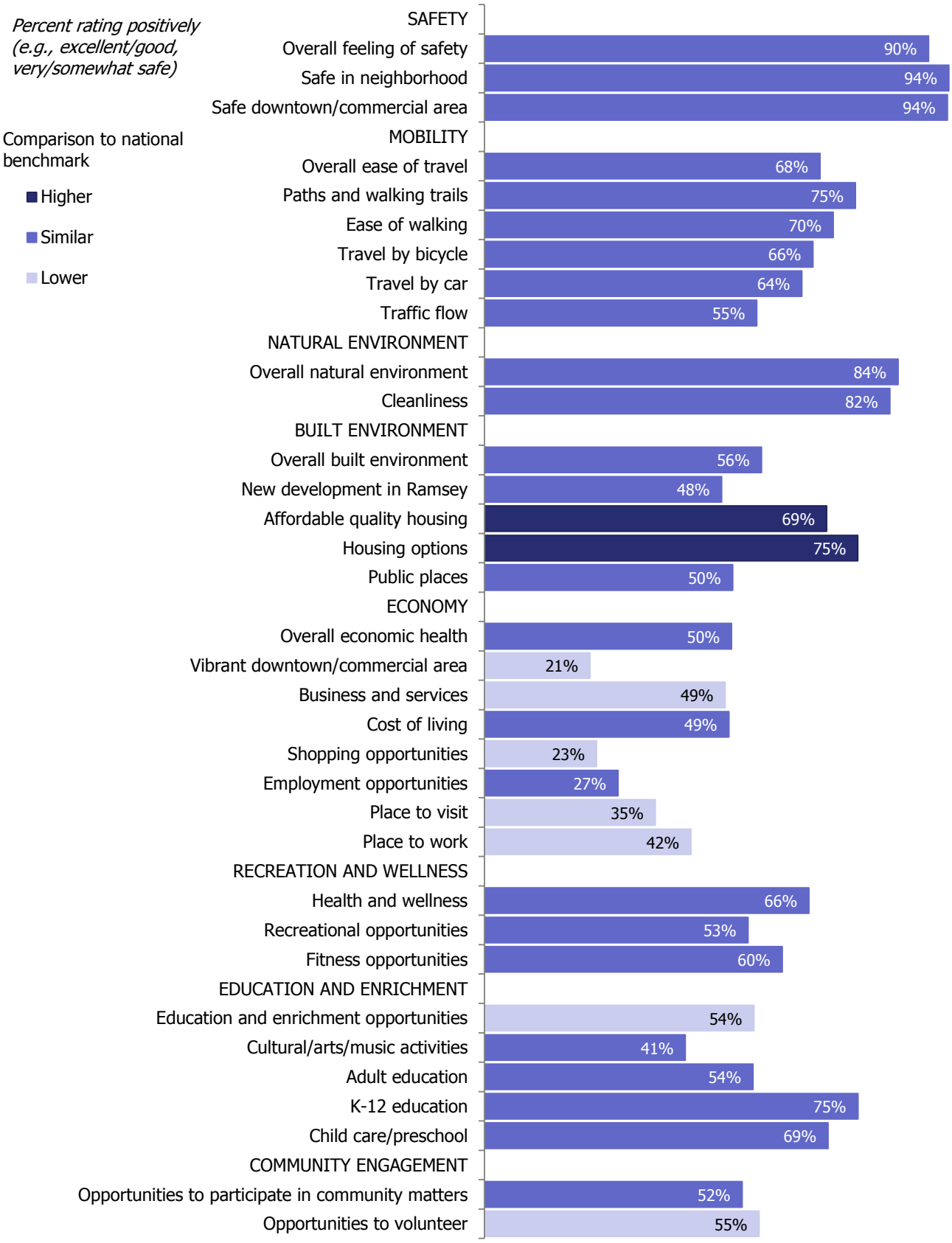


Figure 1: Aspects of Community Characteristics



Governance

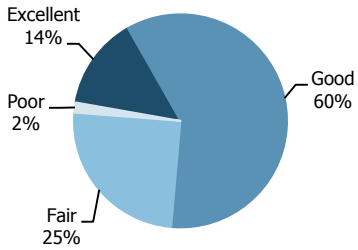
How well does the government of Ramsey meet the needs and expectations of its residents?

The overall quality of the services provided by Ramsey as well as the manner in which these services are provided are a key component of how residents rate their quality of life. On par with other communities, three-quarters of Ramsey residents rated the overall quality of City services as excellent or good.

Survey respondents also rated various aspects of Ramsey's leadership and governance. All measures of general government performance were similar to the benchmark, including value of services for taxes paid, the City's overall direction, welcoming citizen involvement, acting in the best interest of the community, being honest, treating residents fairly and customer services. Each of these aspects of government performance received ratings of excellent or good from at least 4 in 10 respondents. Customer service was the most highly rated aspect in this area and received positive ratings from 8 in 10 respondents.

Respondents evaluated nearly two dozen individual services and amenities available in Ramsey. Nearly all of the ratings were similar to ratings in communities elsewhere; only recreation centers received ratings that lagged below the benchmark. Similar to Community Characteristics, the most positively rated services were related to Safety, where all but one of the services received positive ratings from 8 in 10 residents, and the least positively rated service was within Economy (43% excellent or good for economic development). Services related to Natural Environment fared well, with 7 in 10 residents rating drinking water and natural areas preservation well.

Overall Quality of City Services



Percent rating positively (e.g., excellent/good)

Comparison to national benchmark

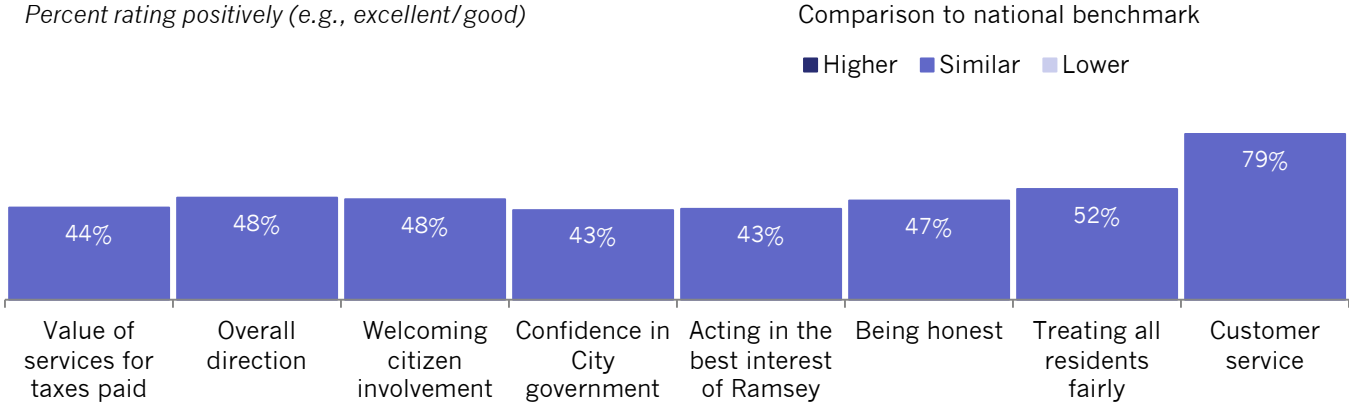
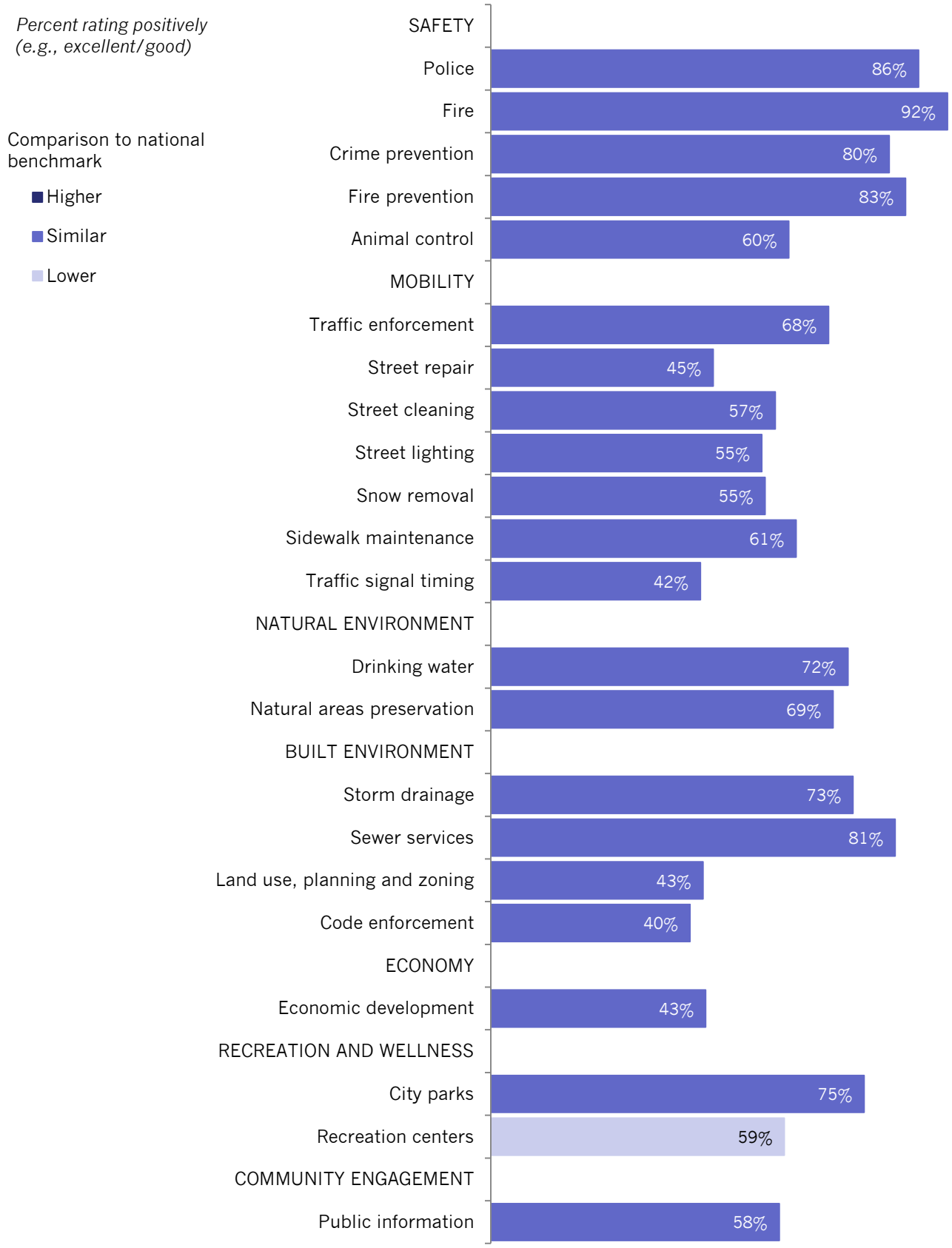


Figure 2: Aspects of Governance

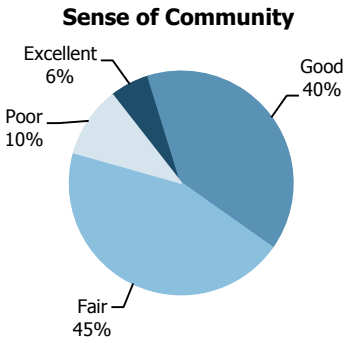


Participation

Are the residents of Ramsey connected to the community and each other?

An engaged community harnesses its most valuable resource, its residents. The connections and trust among residents, government, businesses and other organizations help to create a sense of community; a shared sense of membership, belonging and history. Compared to other communities, fewer residents of Ramsey rated the sense of community as excellent or good (46%). Still, the vast majority of residents said that they would recommend living in Ramsey and had plans to remain living there.

The survey included almost 20 activities and behaviors for which respondents indicated how often they participated in or performed each, if at all. Overall, measures of Participation varied in relation to the benchmark. Areas where resident participation and experiences rated better than elsewhere were in Natural Environment (recycling), Safety (fewer residents had reported a crime) and Built Environment (fewer residents experienced housing cost stress). Although similar to the benchmark, the rate of purchasing goods or services, visiting City parks, being in good health and voting were high and nearly all residents reported that they had not been the victim of a crime. Most of the measures where Participation fell below the norm were under Community Engagement for campaigning, volunteering and attending public meetings. Under Economy, residents of Ramsey were less likely to work in the City where they lived than residents of other communities.



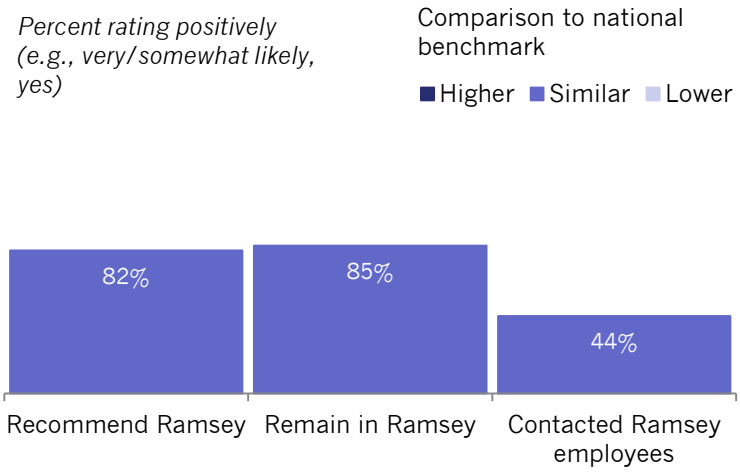
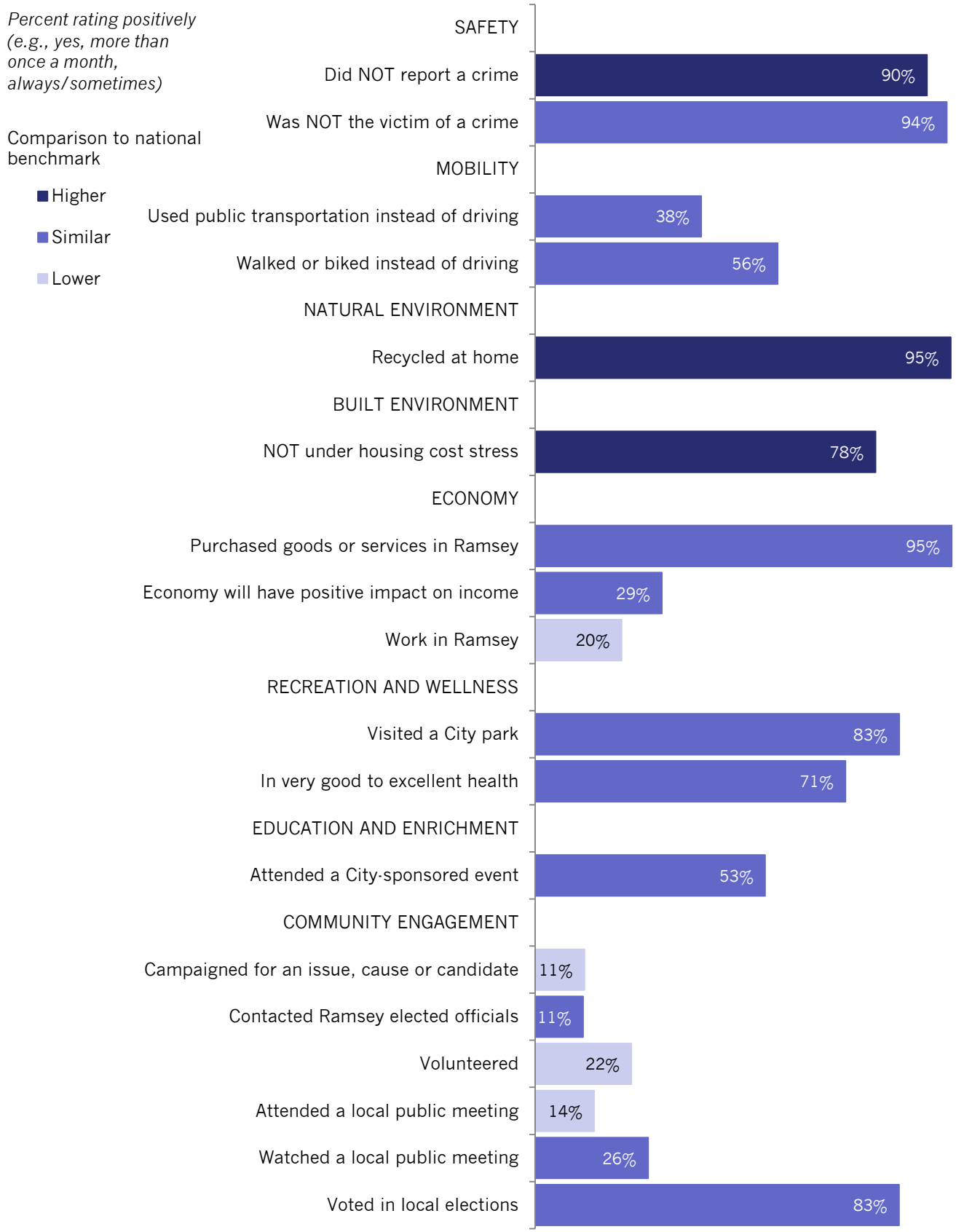


Figure 3: Aspects of Participation



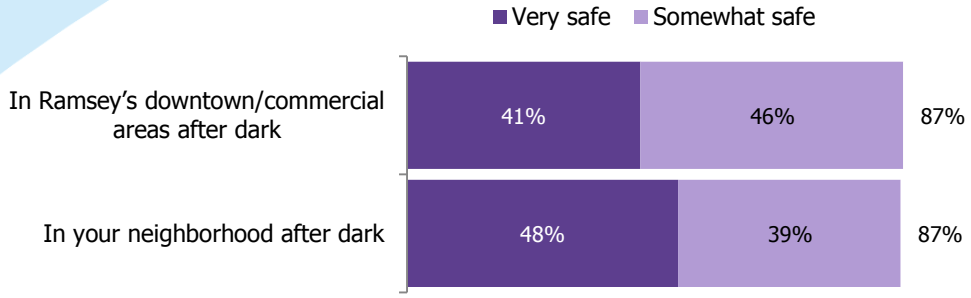
Special Topics

The City of Ramsey included several questions of special interest on The NCS. These questions covered the topics of safety, sources of information about the City, community events, street construction and other characteristics and services in the community.

In addition to asking about safety in various parts of Ramsey during the day, the survey asked residents about feelings of safety at night. Most residents (87%) reported that they felt somewhat or very safe at night in Ramsey's downtown/commercial areas and in their neighborhoods.

Figure 4: Safety after Dark

Please rate how safe or unsafe you feel:



Residents rated the quality of trail maintenance and strategic plan development. Two-thirds of residents gave favorable ratings to the quality of trail maintenance. Less than half of residents rated the City's strategic planning as excellent or good and one-third rated it as fair.

Figure 5: Trail Maintenance

Please rate the quality of each of the following services in Ramsey: Trail maintenance

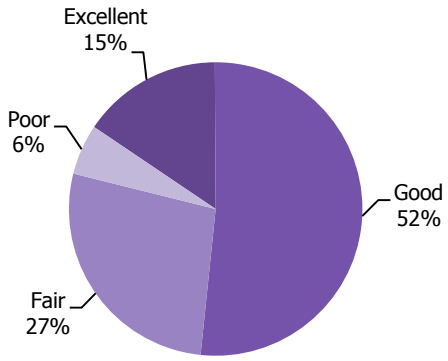
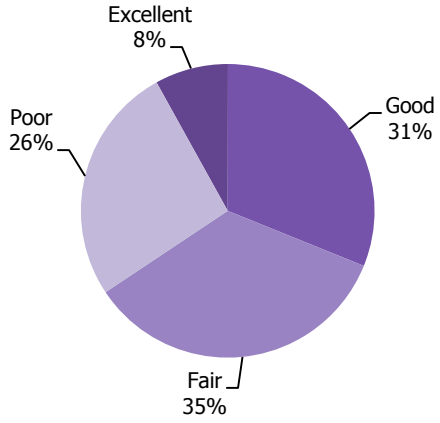


Figure 6: Strategic Planning

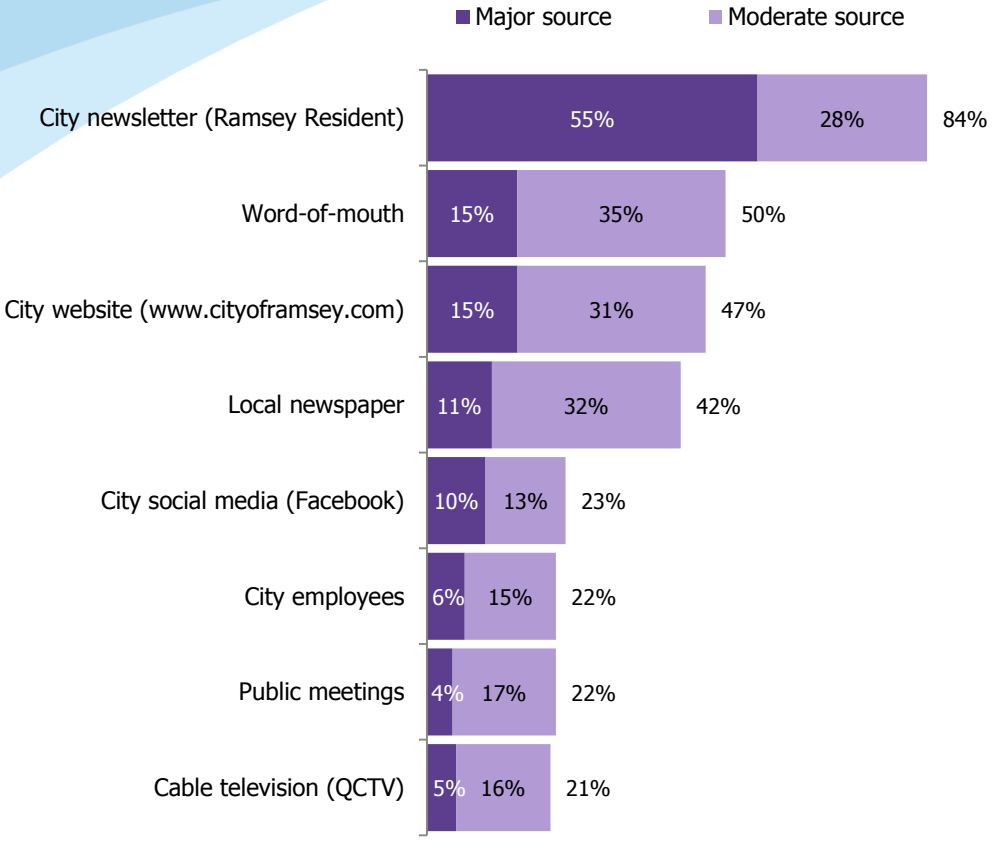
Please rate the following categories of Ramsey government performance: Development and success of a strategic action plan



Residents reported using a variety of sources for information about the City. Most residents (84%) said that they used the City newsletter (Ramsey Resident) as a major or moderate source of information. About half relied on word-of-mouth, the City website and the local newspaper for information about the City of Ramsey. About one-quarter said that the City's Facebook page, City employees, public meetings and QCTV were at least a moderate source of City information for them.

Figure 7: Sources of Information about the City

To what extent are each of the following a source of information for you about Ramsey city government and its activities?



A majority of residents rated each of the listed community events favorably. The most positively rated events were Kids Safety Camp (93% excellent or good) and at least 8 in 10 residents rated The Draw music in the park series, Happy Days Festival, Spring/Fall recycling events and pet clinics as excellent or good and two-thirds felt as positively about the Spring Business Expo and Annual Nite to Unite event. Three-quarters of residents said that they liked the current name of the hometown festival, Happy Days; about one-third at least somewhat agreed that it should be changed.

Figure 8: Community Events

Please rate the quality of each event listed below:

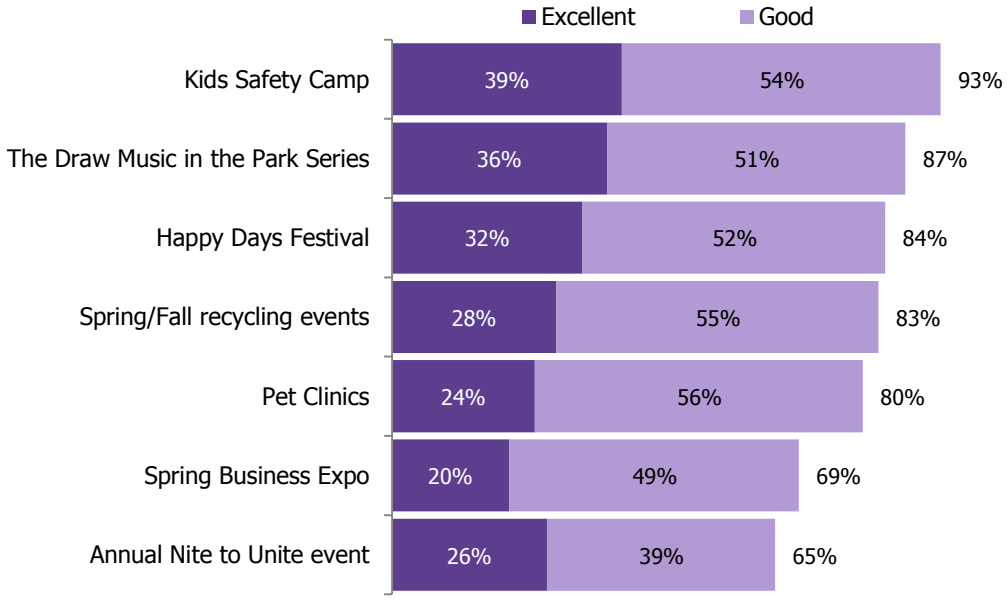
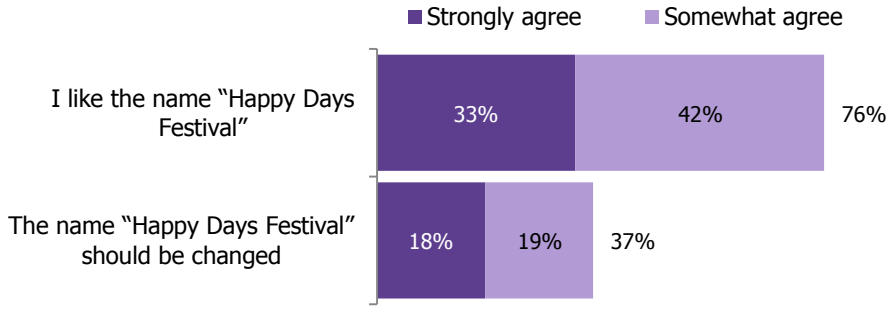


Figure 9: Happy Days Festival

Ramsey's hometown festival, Happy Days, is organized by the volunteer Happy Days Committee. To what extent do you agree or disagree with each of the following statements about the event?



A majority of residents rated the overall condition of City streets as excellent or good and one-third rated it as fair. When asked about potential approaches to funding a long-term street reconstruction program, 40% of residents at least somewhat supported special assessments of benefitting properties, versus 33% for electric and/or gas utility fees and 29% for property tax increases.

Figure 10: Overall Condition of Streets

Please rate each of the following characteristics as they relate to Ramsey as a whole: Overall condition of City maintained streets

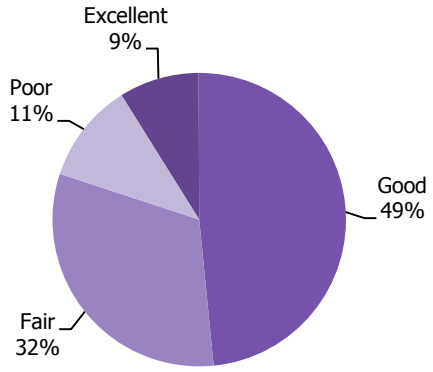
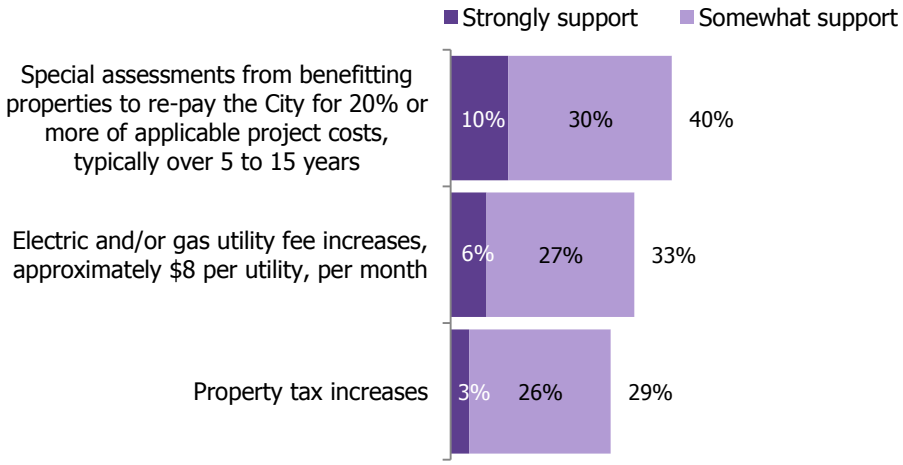


Figure 11: Street Reconstruction

The City is developing a long-term street reconstruction program for maintaining over 174 miles of public streets throughout Ramsey which will require a reliable funding source. Please indicate to what extent you would support or oppose each of the following funding options for this purpose:



Conclusions

Ramsey residents enjoy a high quality of life.

Most residents felt positively about the overall quality of life in Ramsey and the city as a place to live. Ramsey residents also valued the quality of life in their neighborhoods, the city as a place to raise children and its overall appearance; ratings in each of these areas were similar to other communities in the U.S. Ramsey as a place to retire was not perceived as positively as other aspects of the community. While residents of the community appreciated the city, they felt that outside opinion lagged; they rated the overall image or reputation of the city lower than the benchmark. The vast majority of residents would recommend living in the community and planned on staying.

Ramsey's Economy is an important focus area for the community.

Residents identified Ramsey's Economy as a priority for the community. Residents rated Ramsey favorably for its overall economic health, employment opportunities, cost of living and economic development services. The quality of its businesses and services, Ramsey as a place to work, the vibrancy of its downtown/commercial area, Ramsey as a place to visit and the availability of shopping opportunities were rated somewhat less favorably. Still, the number of residents who felt that the economy would have a positive impact on their income in the future was comparable to other communities.

Residents feel safe in Ramsey.

Residents felt that Safety was a positive feature of the community and identified it as another important area to focus on. Residents had a solid feeling of safety in Ramsey overall, in their neighborhoods and in downtown/commercial areas. Similar to residents of other communities, most had not been the victim of a crime, and a lower proportion of Ramsey residents had not reported a crime compared to elsewhere. Residents gave positive ratings to Safety services, including police, fire, crime prevention and fire prevention.

THE NCS™
The National Citizen Survey™

Ramsey, MN

Community Livability Report

FINAL
2016

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The National Citizen Survey™
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The NCS™ is presented by NRC in collaboration with ICMA.

NRC is a charter member of the AAPOR Transparency Initiative, providing clear disclosure of our sound and ethical survey research practices.

About

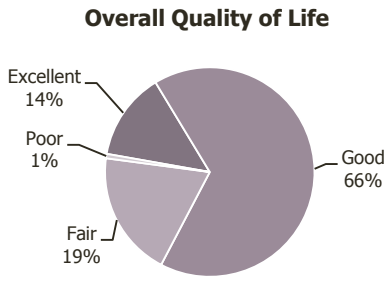
The National Citizen Survey™ (The NCS) report is about the "livability" of Ramsey. The phrase "livable community" is used here to evoke a place that is not simply habitable, but that is desirable. It is not only where people do live, but where they want to live.

Great communities are partnerships of the government, private sector, community-based organizations and residents, all geographically connected. The NCS captures residents' opinions within the three pillars of a community (Community Characteristics, Governance and Participation) across eight central facets of community (Safety, Mobility, Natural Environment, Built Environment, Economy, Recreation and Wellness, Education and Enrichment and Community Engagement).

The Community Livability Report provides the opinions of a representative sample of 462 residents of the City of Ramsey. The margin of error around any reported percentage is 5% for the entire sample. The full description of methods used to garner these opinions can be found in the *Technical Appendices* provided under separate cover.

Quality of Life in Ramsey

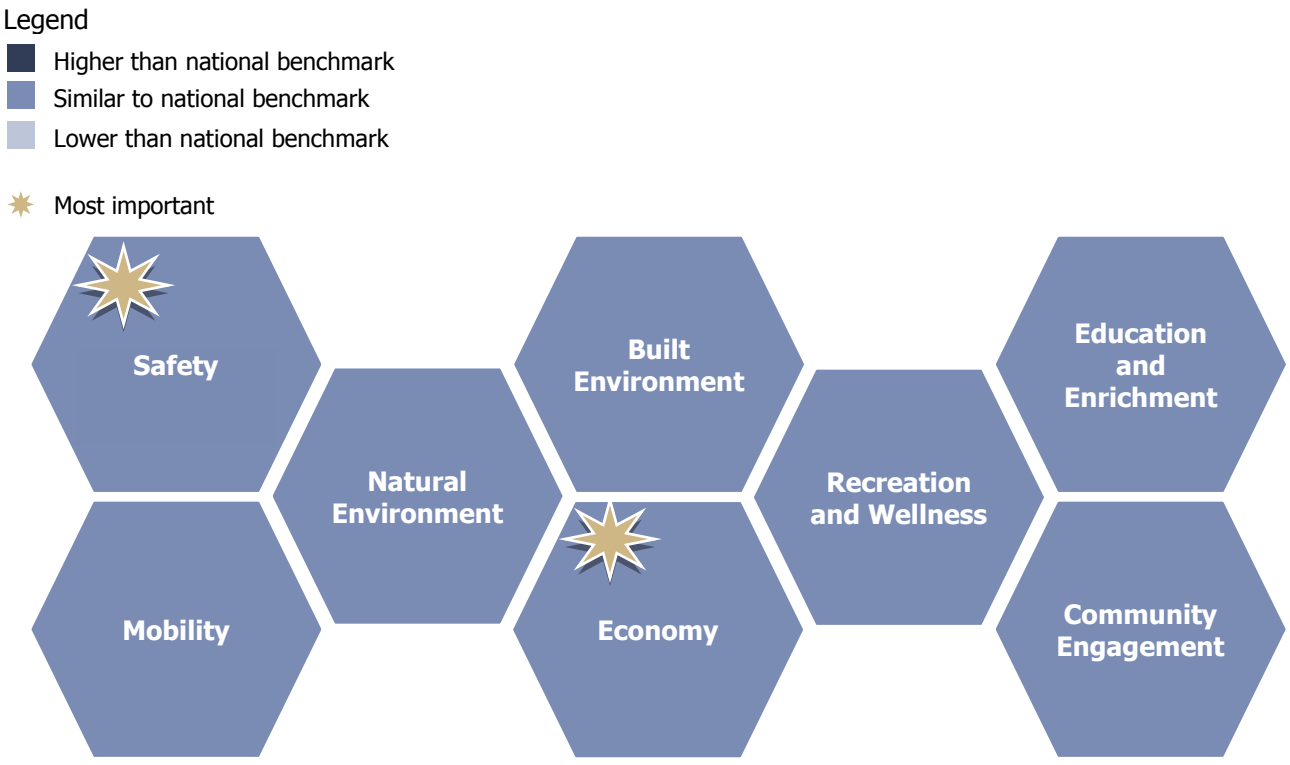
Most residents rated the quality of life in Ramsey as excellent or good. These ratings were similar to the national benchmark (see Appendix B of the *Technical Appendices* provided under separate cover).



Shown below are the eight facets of community. The color of each community facet summarizes how residents rated it across the three sections of the survey that represent the pillars of a community – Community Characteristics, Governance and Participation. When most ratings across the three pillars were higher than the benchmark, the color for that facet is the darkest shade; when most ratings were lower than the benchmark, the color is the lightest shade. A mix of ratings (higher and lower than the benchmark) results in a color between the extremes.

In addition to a summary of ratings, the image below includes one or more stars to indicate which community facets were the most important focus areas for the community. Residents identified Safety and Economy as priorities for the Ramsey community in the coming two years. Ramsey residents gave favorable ratings to both of these facets of community. Ratings for Mobility, Natural Environment, Built Environment, Recreation and Wellness, Education and Enrichment and Community Engagement were positive and similar to other communities. This overview of the key aspects of community quality provides a quick summary of where residents see exceptionally strong performance and where performance offers the greatest opportunity for improvement. Linking quality to importance offers community members and leaders a view into the characteristics of the community that matter most and that seem to be working best.

Details that support these findings are contained in the remainder of this Livability Report, starting with the ratings for Community Characteristics, Governance and Participation and ending with results for Ramsey's unique questions.



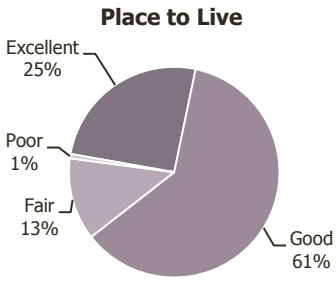
Community Characteristics

What makes a community livable, attractive and a place where people want to be?

Overall quality of community life represents the natural ambience, services and amenities that make for an attractive community. How residents rate their overall quality of life is an indicator of the overall health of a community. In the case of Ramsey, 87% of residents rated the City as an excellent or good place to live. Respondents' ratings of Ramsey as a place to live were similar to ratings in other communities across the nation.

In addition to rating the City as a place to live, respondents rated several aspects of community quality including Ramsey as a place to raise children and to retire, their neighborhood as a place to live, the overall image or reputation of Ramsey and its overall appearance. Roughly 8 in 10 residents gave excellent or good ratings to their neighborhoods and Ramsey as a place to raise children which were similar to the national benchmark. Around three-quarters of residents gave favorable ratings to Ramsey's overall appearance which also was similar to the national benchmark, while about half or less of residents positively rated Ramsey as a place to retire and the overall image which was lower than what was seen in comparison communities.

Delving deeper into Community Characteristics, survey respondents rated over 30 features of the community within the eight facets of Community Livability. Overall, results were similar to other communities and most aspects had positive ratings from a majority of respondents. Around 9 in 10 residents reported feeling safe in their neighborhoods and in the downtown/commercial areas of Ramsey, ratings that were similar to the benchmark. Between half and two-thirds of residents positively rated aspects of Mobility and all of these ratings were similar to jurisdictions across the nation. Within Natural Environment, around 8 in 10 residents rated the overall natural environment and cleanliness of the City positively, which was similar to comparison communities. Within the facet of Built Environment around two-thirds of residents positively rated the availability of affordable quality housing and this rating was higher than the national benchmark. Aspects of Economy, such as the overall economic health, Ramsey as a place to work and the cost of living received positive ratings from about half of residents. However, Ramsey's vibrant downtown/commercial area, businesses and services, shopping opportunities and Ramsey as a place to visit received less favorable ratings that fell below the benchmark. Of the remaining facets, all aspects received positive ratings that were similar to communities elsewhere with the exception of opportunities to attend cultural, arts and musical activities and to volunteer, which were rated positively by around 4 in 10 residents and were lower than ratings seen in national comparisons.



Percent rating positively (e.g., excellent/good)

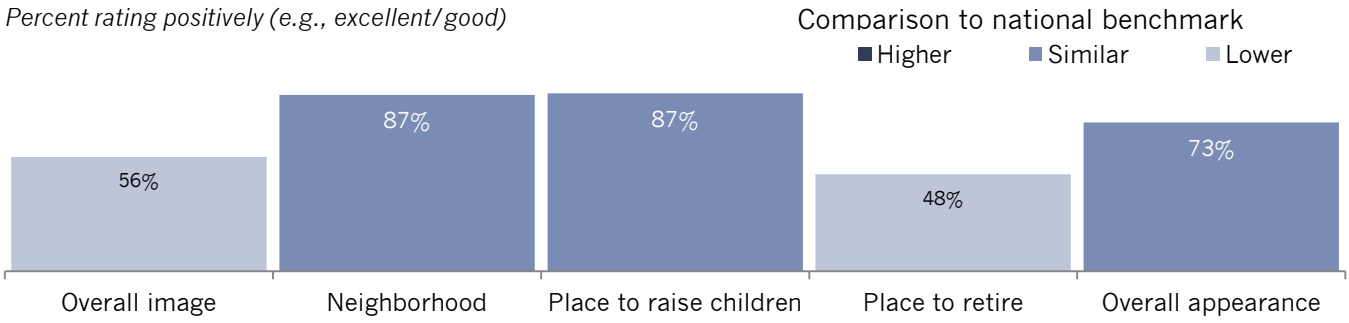
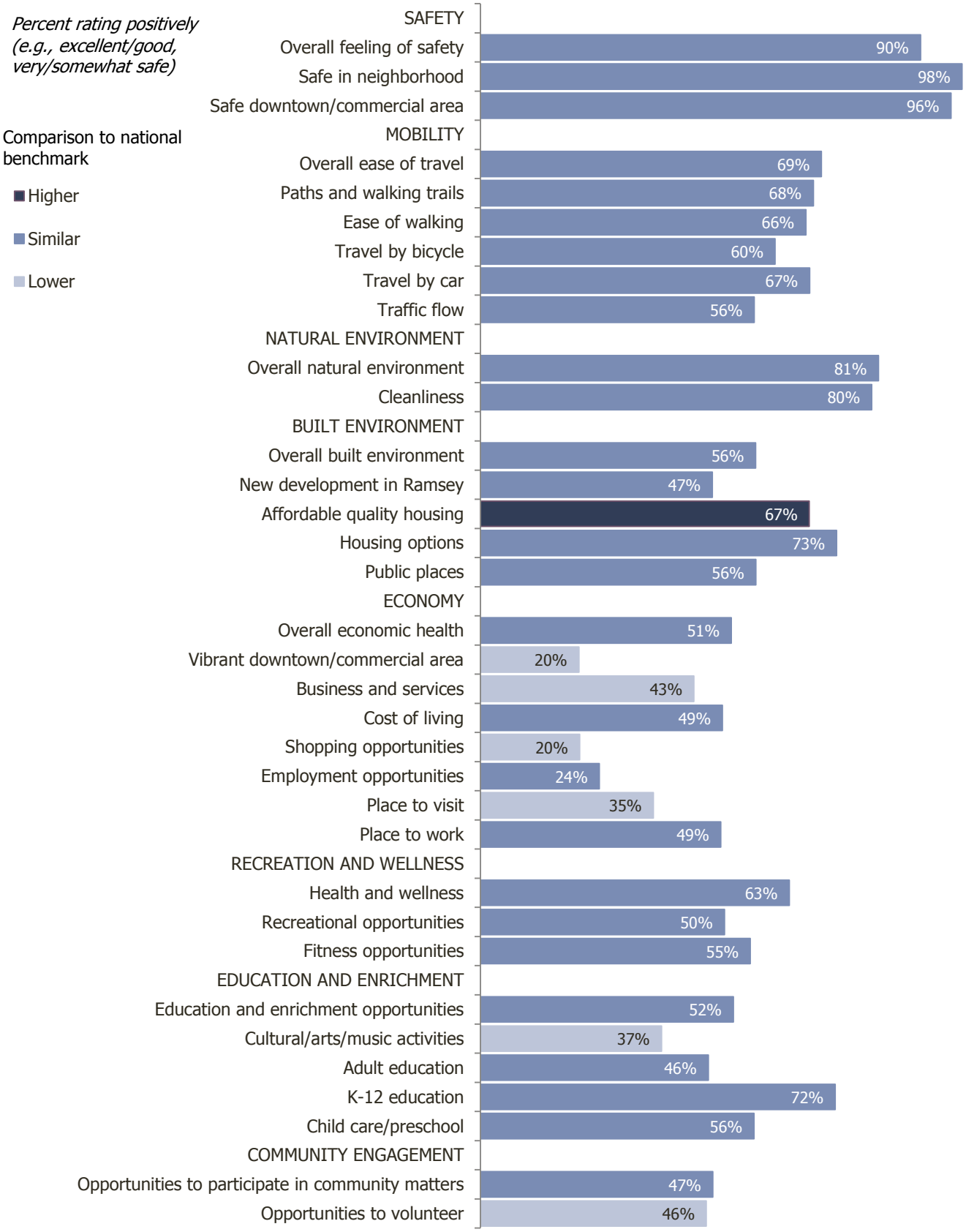


Figure 1: Aspects of Community Characteristics



Governance

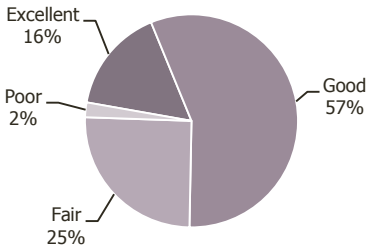
How well does the government of Ramsey meet the needs and expectations of its residents?

The overall quality of the services provided by Ramsey as well as the manner in which these services are provided are a key component of how residents rate their quality of life. The overall quality of services provided by the City of Ramsey received excellent or good ratings by about three-quarters of residents, while the Federal Government received positive ratings by about one-third of respondents. Both of these ratings were similar to the national benchmark.

Survey respondents also rated various aspects of Ramsey's leadership and governance. Around 8 in 10 residents gave favorable ratings to the overall customer service provided by Ramsey employees. About half of residents favorably rated the remaining aspects of government performance including: the value of services for taxes paid, the overall direction of the City, welcoming citizen involvement, confidence in City government, acting in the best interest of Ramsey, being honest, and treating all residents fairly. These ratings were all on par with other communities across the nation.

Respondents evaluated over 20 individual services and amenities available in Ramsey. Among the highest rated services were police and fire with about 9 in 10 residents giving high marks to each of these aspects. Around 8 in 10 residents gave a positive rating to crime prevention, fire prevention, sewer services and City parks. All of the aforementioned services were similar to the national benchmark. The remaining services also received ratings similar to the national benchmark, with the exception of recreation centers which were rated positively by about half of residents and lower than in comparison communities.

Overall Quality of City Services



Percent rating positively (e.g., excellent/good)

Comparison to national benchmark

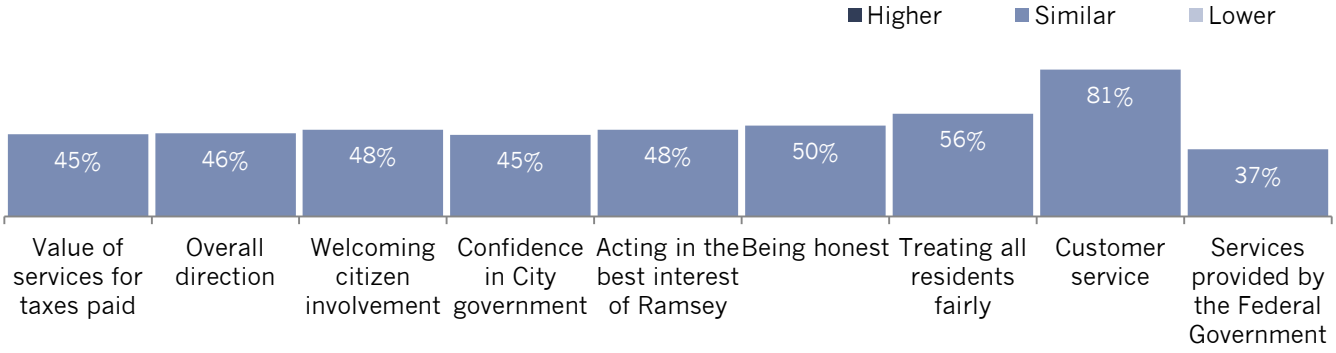
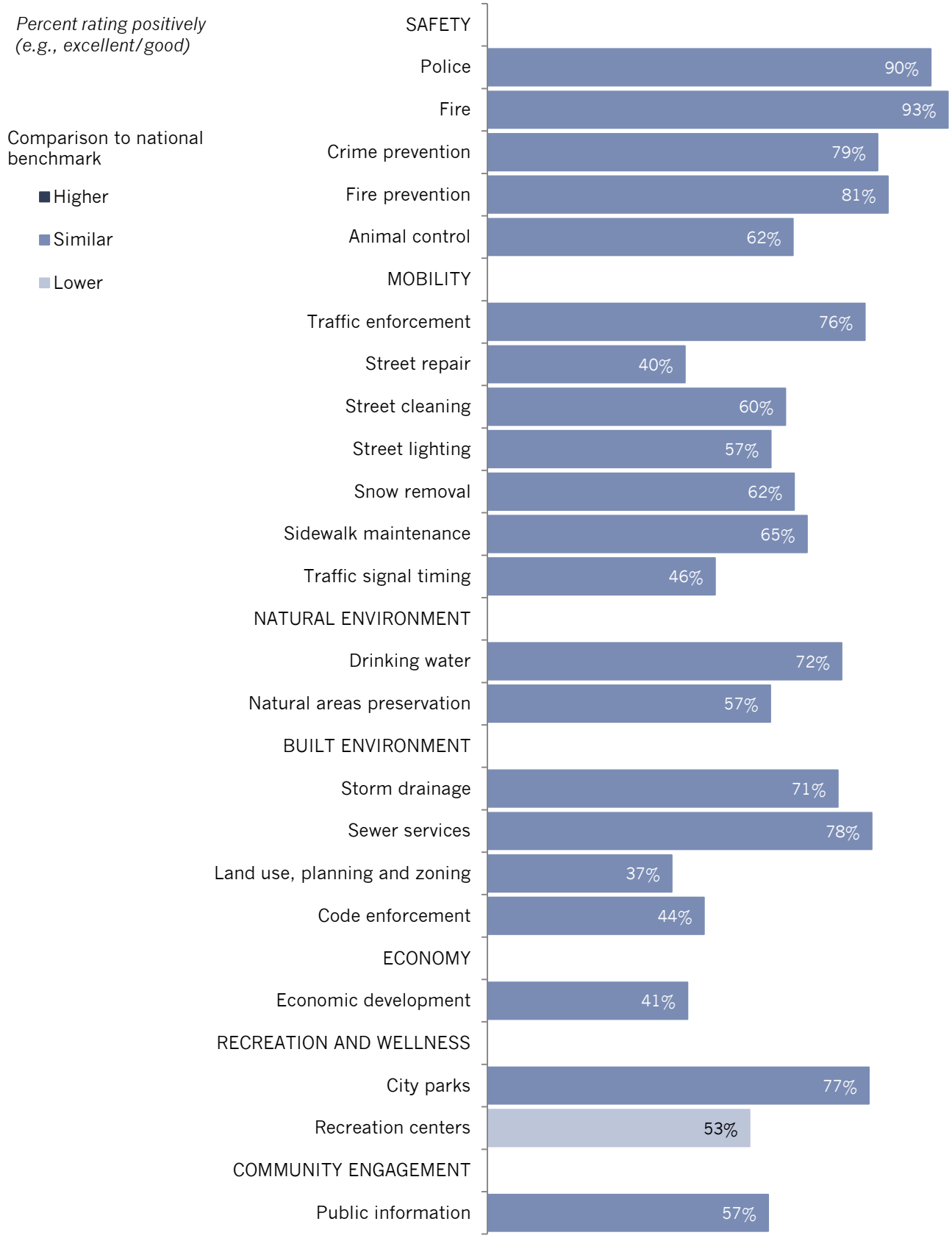


Figure 2: Aspects of Governance



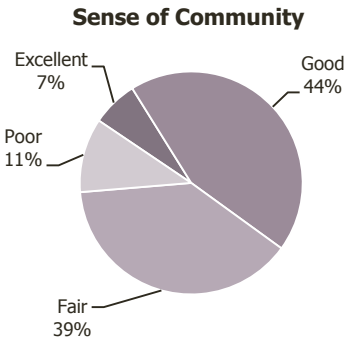
Participation

Are the residents of Ramsey connected to the community and each other?

An engaged community harnesses its most valuable resource, its residents. The connections and trust among residents, government, businesses and other organizations help to create a sense of community; a shared sense of membership, belonging and history. Around half of residents gave a positive rating to the overall sense of community in Ramsey and this level was similar to what was seen in benchmark communities.

More than four in five residents reported that they would recommend Ramsey to others and that they would remain in Ramsey for the next five years. About 4 in 10 residents reported that they had contacted a City employee in the last 12 months. All of these ratings were similar to the national benchmark.

The survey included over 15 activities and behaviors for which respondents indicated how often they participated in or performed each, if at all. Levels of Participation tended to be mixed across the different facets, but overall reported levels were similar to those in benchmark communities. Within the facet of Safety more than 8 in 10 residents reported that they had not been the victim of crime or reported a crime in the 12 months prior to the survey. Most residents reported that they recycled at home and indicated that they were not under housing cost stress, both of which were higher than levels reported in comparison communities. Meanwhile, around 2 in 10 respondents indicated that they worked in Ramsey, a rate of participation lower than those observed elsewhere. Within the facet of Recreation and Wellness, about three-quarters or more reported that they had visited a City park or stated that they were in excellent or good health. Around 4 in 10 residents stated they had attended a City-sponsored event, a lower rate of participation than those in benchmark communities. Within the facet of Community Engagement, residents reported that they had contacted Ramsey elected officials, watched a local public meeting and voted in local elections at levels that were similar to the national benchmark. However, fewer respondents indicated that they had campaigned for an issue, cause or candidate, volunteered or attended a local public meeting than residents in comparison communities.



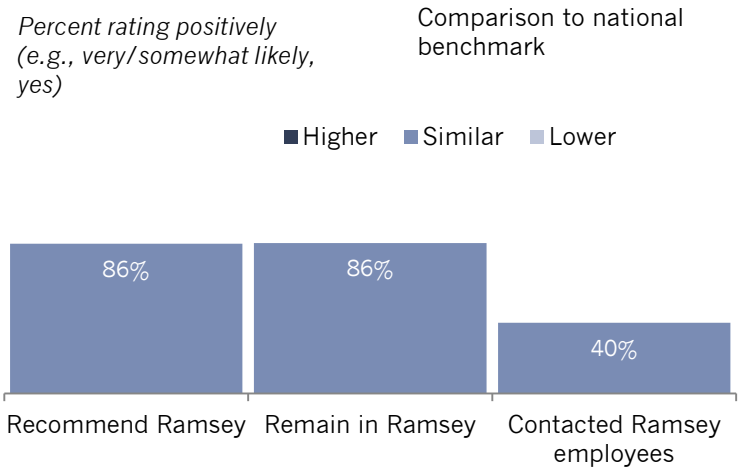
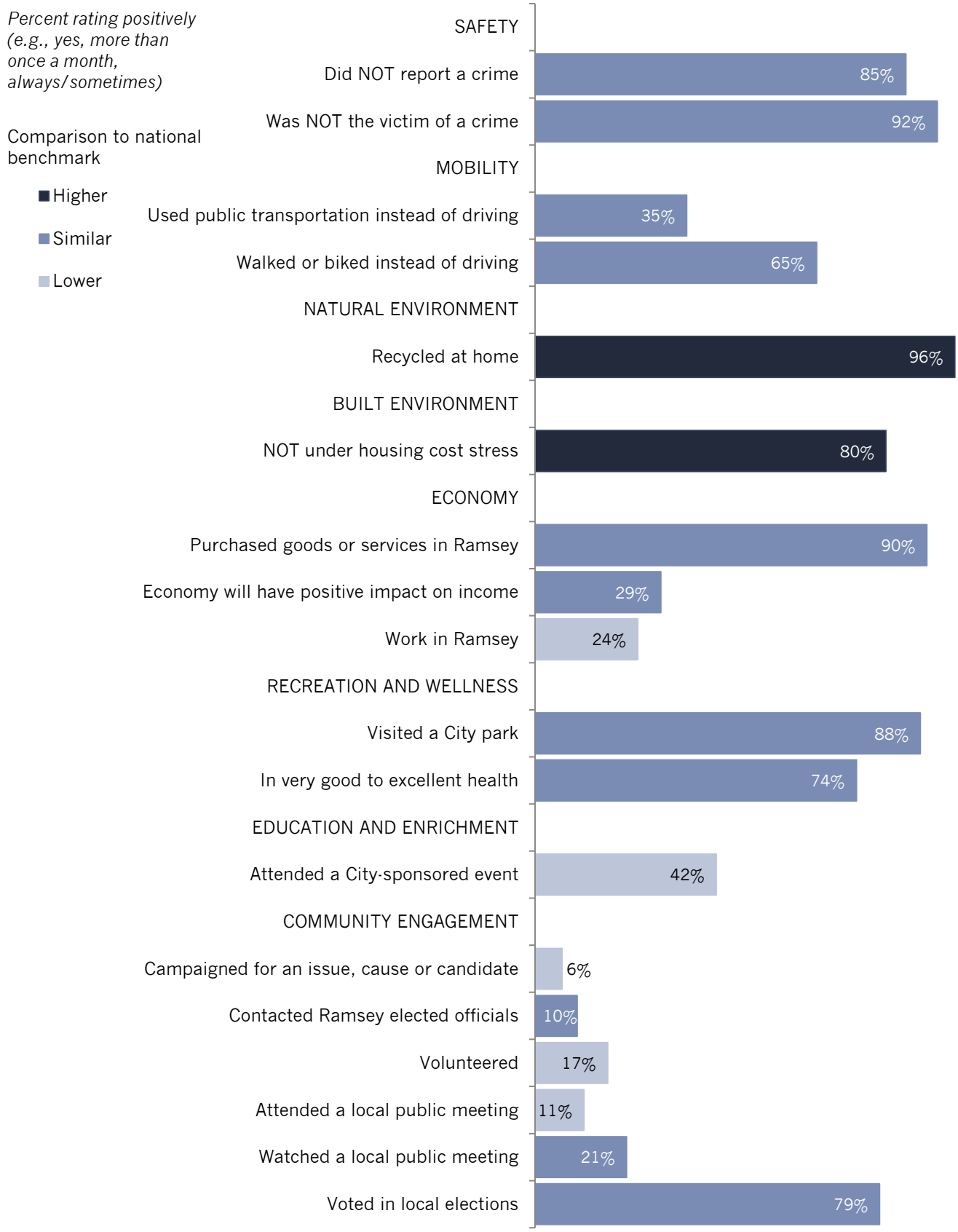


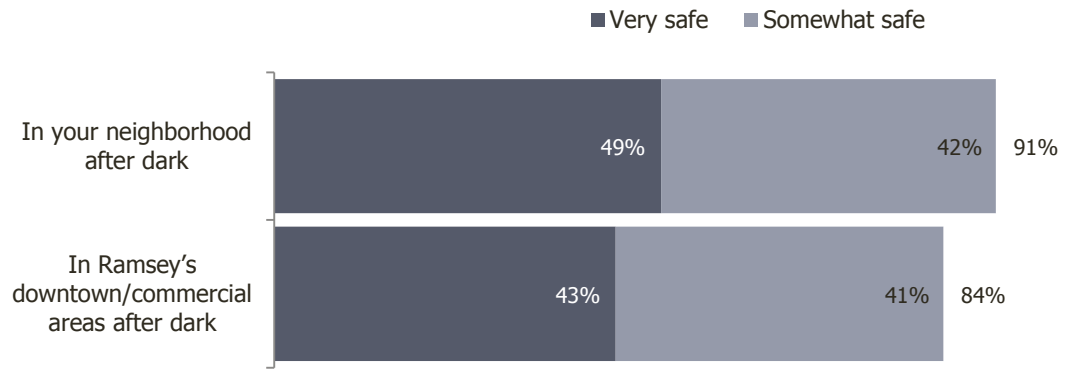
Figure 3: Aspects of Participation



Special Topics

The City of Ramsey included eight questions of special interest on The NCS. The first question asked residents for their opinions about their feelings of safety at night. Most residents (84%) reported that they felt somewhat or very safe at night in Ramsey's downtown/commercial areas and in their neighborhoods. Around 9 in 10 residents reported that they felt somewhat or very safe in their neighborhoods after dark.

Figure 4: Safety after Dark
Please rate how safe or unsafe you feel:



Residents rated the quality of the overall condition of City maintained streets and the quality of trail maintenance. A majority of residents gave favorable ratings to the overall condition of streets and nearly three-quarters rated the quality of trail maintenance as excellent or good.

Figure 5: Overall Condition of Streets
Please rate each of the following characteristics as they relate to Ramsey as a whole: Overall condition of City maintained streets

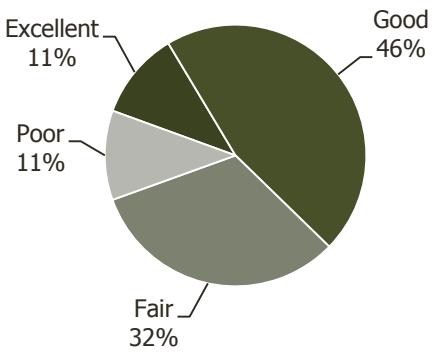
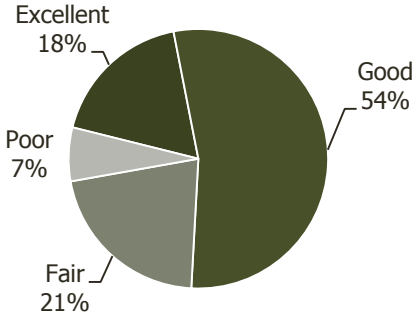


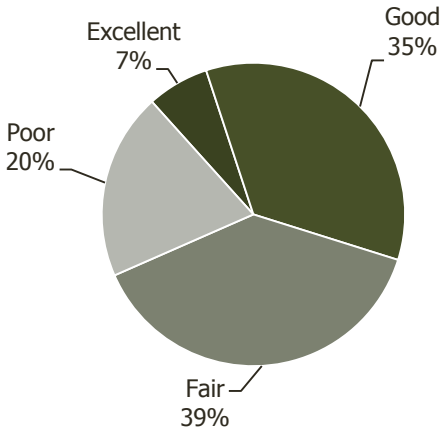
Figure 5: Trail Maintenance
Please rate the quality of each of the following services in Ramsey: Trail maintenance



The next special interest question asked residents to rate the development and success of a strategic action plan in Ramsey. Less than half of residents rated the City's strategic planning as excellent or good and more than one-third rated it as fair.

Figure 7: Strategic Plan Development

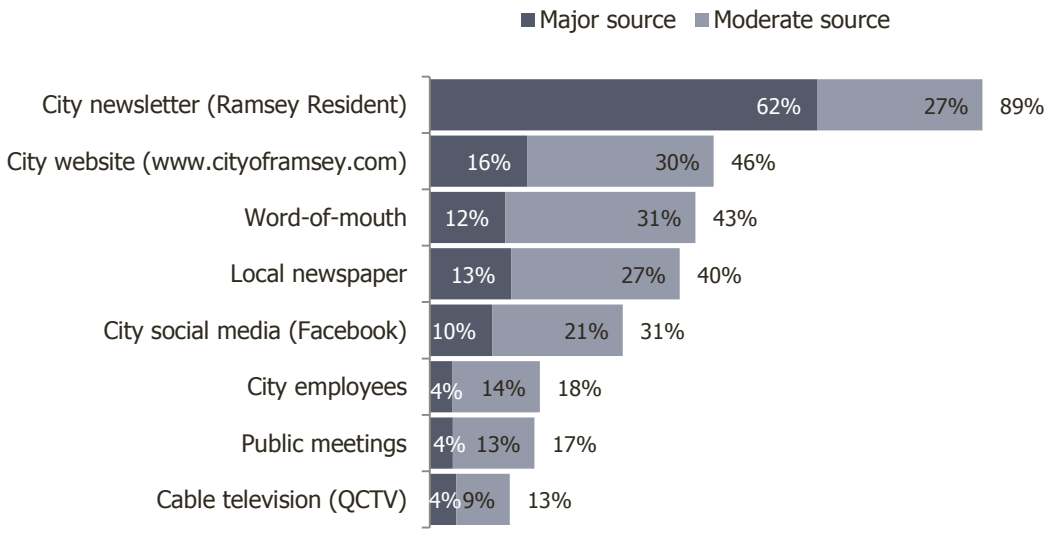
Please rate the following categories of Ramsey government performance: Development and success of a strategic action plan



Residents reported using a variety of sources for information about the City. A vast majority (89%) said that they had used the City newsletter (Ramsey Resident) as a major or moderate source of information. Almost half used the City website and around 4 in 10 relied on word-of-mouth or the local newspaper. The least cited sources of information included cable television, public meetings and information received from City employees.

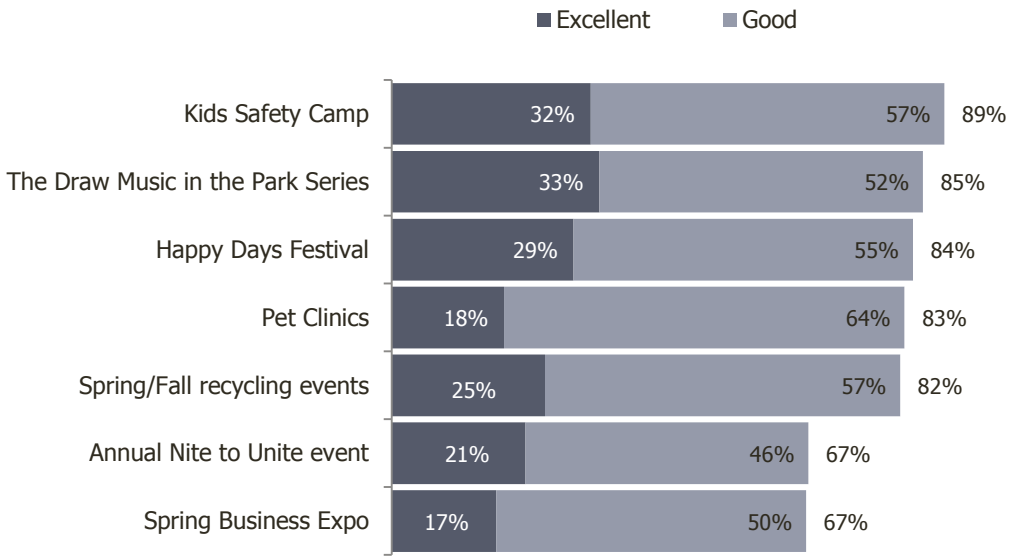
Figure 8: Source of Information about the City

To what extent are each of the following a source of information for you about Ramsey city government and its activities?



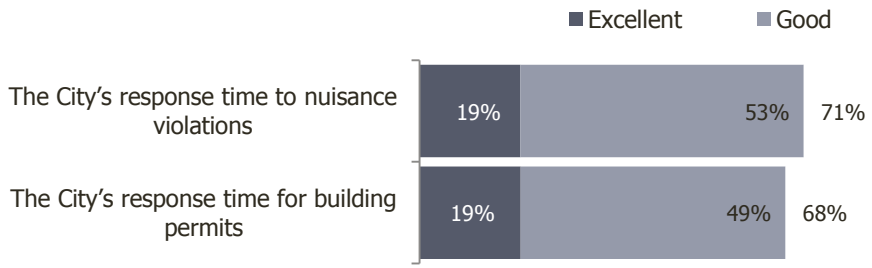
The next special interest question asked residents about the quality of various community events. A majority of residents rated each of the listed community events favorably. The most positively rated events were the Kids Safety Camp (89% excellent or good) and at least 8 in 10 residents rated The Draw Music in the Park Series, Happy Days Festival, Pet Clinics and Spring/Fall recycling events as excellent or good.

Figure 9: Community Events
Please rate the quality of each event listed below:



The following special interest question asked respondents to indicate the quality of the City's response time for various services. Around 7 in 10 residents rated the response time for both building permits and to nuisance violations as excellent or good.

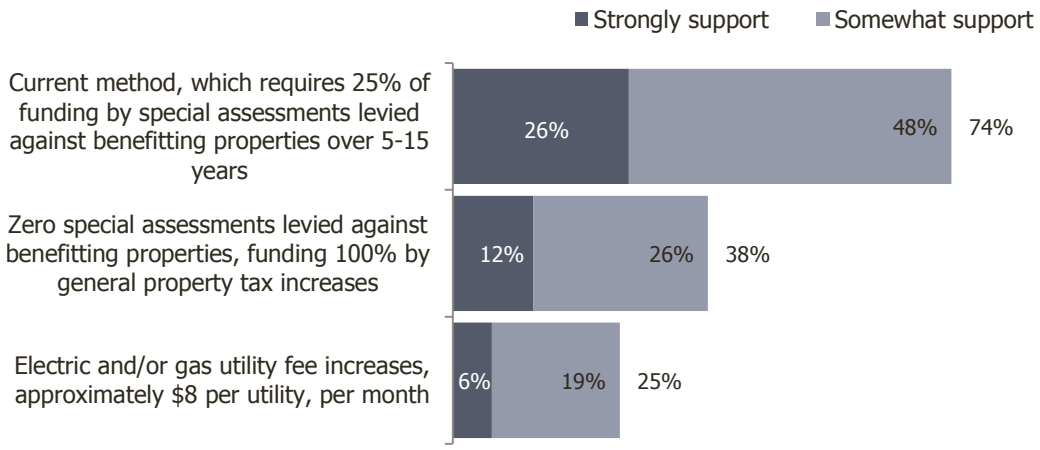
Figure 10: City's Response Time
Please rate the quality of the following:



The final special interest question asked survey participants to indicate their level of support for various funding sources to maintain City streets in Ramsey. The current method received the most support from residents, with approximately three-quarters of residents saying they at least somewhat supported the measure. The least supported funding source by about a quarter of residents was the electric and/or gas utility fee increase.

Figure 11: Street Reconstruction

The City employs a long-term maintenance program to cost-effectively maintain all 175-plus miles of City streets. Currently, street reconstruction projects are funded 25% by special assessments levied against benefitting properties, and 75% by street reconstruction bonds, which are paid back using general property taxes. The City periodically evaluates funding sources for this on-going program. Please indicate the extent to which you would support or oppose the following funding sources:



Conclusions

Ramsey residents continue to enjoy a high quality of life.

Most of residents gave positive ratings for the overall quality of life and Ramsey as a place to live. About 8 in 10 respondents positively rated their neighborhoods and Ramsey as a place to raise children. Additionally, most residents reported that they plan on remaining in the City for the next five years and said they would recommend Ramsey to someone who asks. These ratings are similar to or higher than ratings from the City's 2014 iteration of the survey, which suggests that residents continue enjoy living in Ramsey.

Economy is important to residents and may be an area for improvement.

Residents indicated that Economy is an important facet for Ramsey to focus on in the coming years. The ratings for overall economic health were similar to the national comparison with about half of residents giving it a positive rating. However, ratings for a vibrant downtown/commercial area, business and services, shopping opportunities, Ramsey as a place to visit and residents reporting that they worked in Ramsey were lower than other communities in the nation. Compared to 2014, nearly all Economy ratings remained stable; however, the ratings for Ramsey as a place to work increased from 2014 to 2016.

Safety is valued by residents and is a positive feature of the community.

Survey respondents indicated that Safety is an important facet and a priority for the City. At least 9 in 10 residents reported having an overall high sense of safety, feeling safe in their neighborhoods as well as in the downtown/commercial areas of Ramsey. Residents positively rated safety services, particularly police and fire services, and a vast majority felt that crime and fire prevention services were excellent or good. About 8 in 10 residents or more were NOT the victim of a crime or did NOT report a crime.

Our Mission: To work together to resposibly grow our community, and to provide quality, cost-effective, and efficient government services.

CC Work Session **3. 1.**

Meeting Date: 02/27/2018

Submitted For: Kurt Ulrich, Administrative Services

By: Jo Thieling, Administrative Services

Information

Title:

Review Future Topics/Calendar

Purpose/Background:

Attached is the current list of future topics for work session discussion. Items are drawn from Council requests at meetings, or are related to topics that have been identified in the City's strategic plan. Dates will be assigned in the future.

Recommendation:

N/A

Action:

For Council review - no formal action necessary.

Attachments

Future Topics

Form Review

Inbox	Reviewed By	Date
Kurt Ulrich	Kurt Ulrich	02/22/2018 10:19 AM
Form Started By: Jo Thieling		Started On: 02/22/2018 08:54 AM
Final Approval Date: 02/22/2018		

City Council Future Topics – Work Session

(Draft)

Date	**Topics for Discussion – Council Action**
Future	Review and Consider Adoption of Ramsey's Portion of Previous Highway 47 Study *(Westby)*
Future	Cost Share for Corridor Study of Nowthen Blvd/CR5 *(Westby)*
Future	Intersection Control Evaluation for Spot Improvements on Armstrong *(Westby)*
Future	Review State of Minnesota and Anoka County Recycling Goals for 2030 and Discuss Options for Achieving Goals *(Anderson)*
February	Review Road Financing Options/Assessment Policy Review *(Ulrich & Westby)*
Future	Discuss Changing the Names of the Future Streets in The COR *(request by Councilmember Riley)*
Future	Ferry Street Traffic Control *(request by Councilmember Riley)*
Date	**Topics for Discussion – Regulatory**
Date	**Topics for Discussion – Policy**
Future	Trail Maintenance Policy *(Westby)*
Future	Stormwater Pond Maintenance Policy *(Westby)*
Future	Newsletter Policy to Address Advertising and Content Control *(Brama)*
Future	Attendance and Participation at City Meetings (Council and Commissioners) via Electronic Medium) *(Ulrich)*
Date	**Topics for Discussion – Planning and Budget**
Future	Summary of Compensation/Development Plan for Employees *(Lasher)*
Date	**Topics for Discussion – Information**
Future	Receive Update on Rental License Program Implementation *(Gladhill)*
Future	Met Council Update on Surface Water Supply Planning Funding Assistance *(Westby)*
Future	2017 Business Retention and Expansion Program Report *(Brama)*