



CARVER
COUNTY

LEGISLATIVE PLATFORM

2020

“Where the future embraces the past in keeping
Carver County a great place to
live, work, and play for a lifetime.”

Carver County

Local Control Policy

The Carver County Board of Commissioners supports local decision-making authority and opposes legislation that removes the ability for local elected officials to respond to the needs of their businesses and constituents or that restricts local decision-making authority.

Locally-elected decision-makers are in the best position to determine what health, safety and welfare regulations best serve their constituents. Like state and federal legislative leaders, local elected officials are held accountable through Minnesota's robust elections process. Ordinances at the local level are enacted only after a comprehensive, legal, and open process.

The public's access to local officials is much easier, as is attending local county board and city council meetings.

Counties are often laboratories for determining public policy approaches to the challenges that face residents and businesses. Preserving local control in our state has yielded widespread benefits such as the 2007 Freedom to Breathe Act, and an amendment to the Minnesota Clean Indoor Air Act.

Top Priorities

1. Provide funding for safety improvements on Highway 212
2. Revise the eminent domain appraisal process for property owners
3. Lake Waconia Regional Park development
4. Capital improvement funding for regional parks
5. County cost shifts for State-mandated health care and social services
6. Sunset the County cost share of MnCHOICES no later than 2021
7. Sensible maintenance of effort policy
8. Funding to create healthy communities
9. Federal health benefits for pre-trial inmates
10. Metropolitan governance reform

Item numbering is not a priority listing



Issue #1: Provide Funding for Safety Improvements on Highway 212

Background

US Highway 212 is part of the National Highway System and is one of the most important economic and freight corridors in the state, connecting the Twin Cities to greater Minnesota and points beyond. US Highway 212 provides a critical connection for businesses throughout the state. US Highway 212 serves freight traffic from 74 of 87 counties in Minnesota on any given day.

Currently there is approximately 1,900 trucks per day using the two-lane, undivided roadway in Carver County. The two-lane highway is a significant bottleneck for freight. It poses many safety issues because of narrow shoulders, no passing lanes, and limited turn lanes. The 2-lane bottlenecks in Carver County have witnessed 10 fatal crashes since 2009, with four in the last two years.

Carver County and MnDOT have designed a solution to expand both two-lane segments between Chaska and Norwood Young America. The road doesn't need to be a freeway but needs to be safe. The proposal is innovative and cost-effective utilizing at-grade, reduced conflict intersections to save lives.

The first phase (east gap) from Chaska to Cologne costs approximately \$55 million and has received \$22 million in federal funds and MnDOT has budgeted \$6.5 million for the project. The County will use its local option sales tax to provide \$8 million. This leaves the east gap needing \$18.5 million to fully fund the project. We have requested that MnDOT fund this amount out of its 2021 construction account. If it agrees, construction can be completed in 2022.

The second phase (west gap) from Cologne to Norwood Young America costs approximately \$65 million. Carver County is committing \$12 million in sales tax, leaving a funding gap of \$53 million for this phase.

The County continues to pursue Federal and State funding opportunities for US Highway 212. The County has submitted several federal DOT grants including FASTLANE, INFRA, and BUILD. The latest request was for \$25 million. The County also requested \$38 million in State bonding and will pursue a \$10 million grant from the Metropolitan Council Regional Solicitation in 2020.

With the recent fatality at the US 212 and CR 51 intersection, the County is requesting immediate funding to enhance the safety of the highway. The funding gap to expand the east gap of Highway 212 from the Chaska to Cologne is \$18.5 million; the funding gap to expand the west gap of Highway 212 from the Cologne to Norwood Young America is \$53 million.

The total funding gap for both segments is \$71.5 million.

Carver County is working with the Minnesota Department of Transportation to address the \$18.5 million funding gap for the east segment through their current budget cycle, however, the west segment needs assistance from the legislature and the federal government.

Requested Position

Carver County requests that the legislature provides \$38 million in Trunk Highway Bonds for the expansion of US Highway 212 to a 4-lane expressway between the Cities of Cologne and Norwood Young America to be used for engineering, right-of-way acquisition and construction. The County further requests that MnDOT programs \$18.5 million in State Road Construction funds for US Highway 212 expansion between the Cities of Carver and Cologne.



Issue #2: Revise the Eminent Domain Appraisal Process for Property Owners

Background

Carver County requests revisions to Chapter 117, Eminent Domain, to mitigate the unintended consequences of the legislation which provides procedures, definition, remedies and limitations for condemning authorities when exercising the power of eminent domain for public use or public purpose.

The 2006 revisions to the eminent domain law resulted in a significant cost increase to taxpayers related to attorneys' fees and interest payments incurred by agencies implementing public transportation improvements. This placed an unreasonable and unintended burden on transportation funding. It also prevented public authorities from responding with a new, higher offer to legitimate issues raised by the property owner's appraisal in a timely manner that avoids the property owner incurring unnecessary or additional litigation costs. Wholesale rewrites or challenges will likely be unsuccessful given the political sensitivity with the law.

However, discussion and controversy remain in several areas, including: attorneys' fees, owner appraisals, land commissioner qualifications, response to offers, timing and schedules. The modest changes proposed below would give condemning authorities a chance to respond to new information that may come to light in the property owner's appraisal, possibly totally avoiding the need to acquire the property through the exercise of eminent domain authority.

Requested Position

Carver County recommends changing the deadline for a property owner to provide their appraisal from 5 to 45 days before the Commissioners' hearing. The condemning authority shall then have 30 days from the receipt of the property owner's appraisal to provide the property owner a revised last written offer.



Issue #3: Lake Waconia Regional Park Development

Background

Lake Waconia Regional Park is a 160-acre, minimally-developed park in the Metropolitan area. Located on the second-largest lake in the Twin Cities area, its intent is to provide regional recreation opportunities for this area of the state.

MN Statute 473.147 provided legislation to create an Open Space System Policy Plan and in part reads “The policy plan shall identify generally the areas which should be acquired by a public agency to provide a system of regional recreation open space comprising park district, county and municipal facilities which, together with state facilities, reasonably will meet the outdoor recreation needs of the people of the metropolitan area...”

Land has been assembled for Lake Waconia Regional Park. Financial resources available through traditional funding of the Metropolitan Regional Park system allocated by formula to Carver County are insufficient to reasonably develop facilities and meet the outdoor recreation needs of the people of the metropolitan area.

The benefits of enhancing this regional park are numerous:

- Delivers recreation services for an underserved area of the state
- Utilizes the investment in land
- Provides a regional destination
- Provides health, social, and economic benefits

Requested Position

Support Carver County’s request for \$4.3 million in State bonds, to be matched with \$4.3 million in County funds, to construct site buildings and amenities identified in Lake Waconia Regional Park’s master plan.



Issue #4: Capital Improvement Funding for Regional Parks

Background

The 2020 portion of the Metropolitan Council's Regional Park CIP is based on the issuance of up to \$10 million of Metropolitan Council bonds to provide a 40% match to a 2020 State bond request of \$15 million. This results in a 2020 CIP requested total for the Metropolitan Regional Park System of \$25 million.

Requested Position

Support legislation that provides up to \$25 million for the Regional Park CIP for 2020. \$15 million of State bonds are to be matched with \$10 million of Metropolitan Council bonds for a combined total of \$25 million for the Metropolitan Regional Parks System.

Note: The above requested position is consistent with the current request by the Metropolitan Council of the Governor for inclusion in the 2020 Legislative Session. Implementing Regional Park Agencies often support another request after the proposed budget is announced.



Issue #5: County Cost Shifts for State-Mandated Health Care and Social Services

Background

For many years, the Legislature's response to the absence of adequate resources at the State level has been to shift various health and human services costs to counties. With little exception, the savings accruing from the county assumption of these programs' costs are returned to the State's General Fund; therefore, it rarely supports the operations of the corresponding programs or facilities.

Example: When a person no longer meets hospitalization criteria at the Anoka Metropolitan Regional Treatment Center (AMRTC) or a Community Behavioral Health Hospital (CBHH), counties pay 100% of the cost of care until the person is released to the county.

These cost shifts are paid by county property taxpayers. To illustrate the problem, relative to AMRTC, counties were billed for 13,846 non-acute days, totaling \$18.55 million in 2016 and 10,660 non-acute days, totaling \$14.7 million in 2017. For Carver County, this equated to approximately \$209,000 in 2016 and \$241,000 in 2017. For the CBHH facilities, counties were billed for 3,115 non-acute days totaling \$4.789 million in 2016; in 2017, counties were billed for 2,461 non-acute days totaling \$3.975 million. For Carver County, this equated to

approximately \$53,000 in 2016 and \$47,000 in 2017. As identified, the potential for serious budgetary issues for Carver County exists.

Counties recently experienced operational challenges surrounding the placement of individuals at State Competency Restoration Programs (CRPs). In previous years, individuals who were court ordered to be “treated to competency” following a competency evaluation would be transferred to one of the State’s two programs to receive this service. Recently, as part of a process to improve timeliness and access to the State programs, individuals in the program are being discharged prior to being “restored to competency.” In some situations, the person is discharged to the community, while in many instances the person is transferred back to jail. Minnesota’s statute surrounding responsibility for competency restoration is silent. The lack of clarity as to which entity is responsible is creating confusion for human service entities, courts, jails, and community providers, as individuals are released from State programs with no adequate plans to address the individual’s competency needs. Counties are concerned that the lack of clarity in statutes could result in significant and unnecessary cost shifts to the County, as “treatment for competency” may be seen as a form of mental health treatment—which it is not.

Like many other states, the State of Minnesota should be responsible for assuring that an inpatient and community-based competency restoration program be developed and funded.

Requested Position

Carver County requests the Legislature:

1. Reverse the legislative trend of balancing the budget by transferring the cost of State-mandated health care and social services to County property taxpayers.
2. Refrain from imposing further unfunded mandates.
3. Restore funding previously withdrawn from existing mandates.

Further, when counties are not able to influence the time in which a person is transferred from one State-operated facility to another State-operated facility, counties shouldn't be billed for inpatient and community-based systems for competency restoration—the State should ensure they're billed and appropriately funded.



Issue #6: Sunset the County Cost Share for MnCHOICES No Later Than 2021

Background

In 2017, the Minnesota Legislature passed legislation that booked savings of \$19.3 million in FY18-19 and \$22.3 million in FY20-21 through a cost shift to counties. As a result, counties were paying 15.7% of the non-Federal share of MnCHOICES costs until July 1, 2019, when that percentage increased to 18.1%. This fiscal shift is a tax burden for counties. Counties have had to identify ways of providing access to statutorily-required MnCHOICES assessments without additional staffing due to the new financial liability of the County cost share. While counties and DHS continue working together towards finding efficiencies to administer the MnCHOICES process, it is not known if the efficiencies found will be enough to offset overall cost increases of the program related to staffing needs. The 15.7% Carver County cost share for doing the State-developed MnCHOICES assessment for Carver County residents in FY 17-18 was \$172,531 and \$172,093 in FY18-19. For FY19-20, Carver County is expecting to see that number rise due to the increased percentage that went into effect.

In addition, on April 5, 2019, counties were notified that the State determined that the launch of MnCHOICES 2.0, set for July 2019, must be delayed at least two more years. The State plans to determine whether there is a better path forward that will

include an RFP for an outside vendor to explore alternatives to our current path. This updated MnCHOICES Assessment 2.0 timeline will impact the Managed Care Organization (MCO) implementation date. Counties should be fully funded for doing MnCHOICES assessments.

Barring the State taking responsibility for its system by being responsible for its costs, the concern remains that efficiencies found will either not be sufficient or will not be acceptable to MN DHS to control costs, and there will be future attempts to shift more costs to the counties as costs continue to increase.

Requested Position

To appropriately resource and improve the MnCHOICES assessment process, we ask the Legislature to sunset the County cost share by 2021. This will allow Carver County to maintain the staff and system supports needed to meet the scope of the mandated assessment services.



Issue #7: Sensible Maintenance of Effort Policy

Background

There has been an increasing legislative awareness of the deficiencies of the Maintenance of Effort (MOE) concept, and some progress toward easing the counties' MOE burden was made during the 2009, 2010 and 2011 legislative sessions. In 2010, the Legislature agreed to eliminate the county chemical dependency MOE, effective July 1, 2010. Passage of the legislation increased transparency and budget predictability in an area that was formerly governed by a complicated formula. In 2011, the Legislature agreed to a 10% permanent reduction in counties' mental health MOE.

Despite this limited progress, additional change is needed. Counties remain subject to a child care MOE that requires a fixed local match equal to their contributions made in calendar year 1996. Also, while counties did receive a 10% reduction to the mental health MOE in 2011, counties are still required to maintain a level of expenditures that are at least 90% of the average expenditures for services for calendar years 2004 and 2005. This type of mandate on counties is no longer necessary because the Affordable Care Act mandates coverage of mental health and substance abuse as one of ten essential benefit categories. Individual and small group health plans will also now be required to provide these services.

Requested Position

Carver County proposes that the Legislature repeal the mental health MOE altogether and, further, abandon the MOE system as a whole and rely on performance reviews during the budgeting process and regulation oversight by the state agencies involved with the service providers. Finally, there should be an emphasis on services that effectively produce intended outcomes for clients, lessen the likelihood of unnecessary cost increases and allow for on-site flexibility.



Issue #8: Funding to Create Healthy Communities

Background

The Local Public Health Grant is the State's and Carver County's main investment in core services mandated to local public health by state statute (MN Stat. § 145A) and allows Carver County to direct dollars to address needs in its communities. Statewide, this funding accounts for only 6% of local public health expenses, resulting in an over-reliance on local property tax levies (35.8% of all local public health expenses in 2017) and unpredictable grant funding which has stressed the local public health system.

Carver County supports maintaining stable funding for the Statewide Health Improvement Partnership (SHIP) to help its residents to live healthier, longer lives and help to maintain Carver County as the healthiest county in the state.

Requested Position

Carver County supports a significant, statewide increase in funding for local public health to restore local capacity to maintain core, state-mandated services, address emerging public health issues, and relieve local tax levies.



Issue #9: Federal Health Benefits for Pre-Trial Inmates

Background

Currently pre-trial jail inmates lose their Medicaid eligibility. Carver County is currently spending more than \$100,000 annually to cover their medical costs. This cost could grow rapidly depending inmates' medical conditions. Inmates that have not yet been convicted of a crime should retain their eligibility for Medicaid and other federal health benefits.

Requested Position

Carver County supports changes in Federal rules or legislation that will allow an otherwise eligible person who is in custody, but not convicted, to continue to receive Medicaid and other federal health benefits until such time as they may be convicted, sentenced and incarcerated.



Issue #10: Metropolitan Governance Reform

Background

A coalition of local governments throughout the metropolitan area has joined together to develop a position statement and a set of principles for improving metropolitan governance in the Twin Cities.

The coalition supports the need for regional planning, collaboration and coordination, but seeks to expand local government representation on the Metropolitan Council.

Cities in Carver County that have formally adopted this position include Chanhassen, Chaska, Cologne, Hamburg, Mayer, New Germany, Norwood Young America, Watertown, and Victoria. Other metropolitan local governments formally supporting this position include Andover, Anoka County, Bethel, Blaine, Coates, Columbus, Centerville, Crystal, Dakota County, Elko New Market, Farmington, Forest Lake, Greenwood, Ham Lake, Hampton, Jordan, Lino Lakes, Loretto, Mendota Heights, Mound, New Prague, Nowthen, Oak Grove, Plymouth, Prior Lake, St. Francis, Scott County, and Shakopee. This list is growing as we continue to discuss this critical issue with others.

The coalition’s objectives for its collective effort to improved governance are:

1. To articulate a vision of responsive and effective metropolitan governance — as represented by a Statement of Belief and Principles for Reform of the Metropolitan Council.
2. To align local government interests behind a reform effort — through formation of a broad coalition of metropolitan cities and counties — and a common position.
3. To be prepared for any efforts — legislative and otherwise — to reform the governance structure and functioning of the Metropolitan Council.

The Metropolitan Council, due to its taxing and policy authority, should be accountable to a regional constituency of those impacted by its decisions. It should not operate as a state agency – as it does in its current form – answerable to only one person, the Governor.

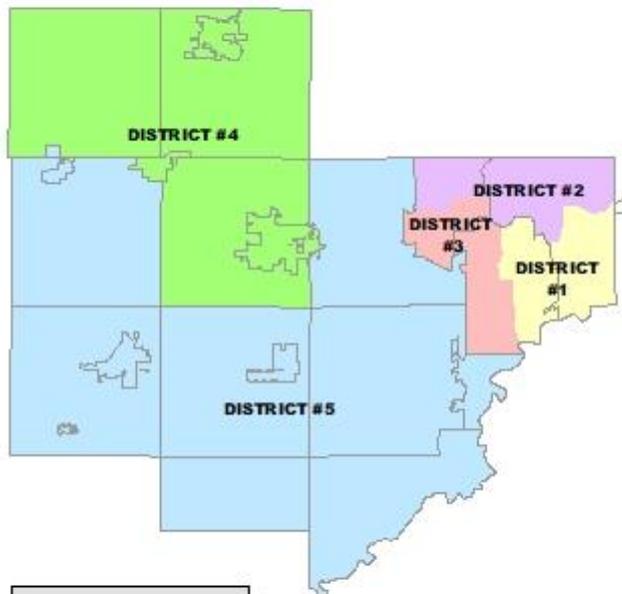
Requested Position

Carver County supports changes to legislation which follow the below principles for Metropolitan Council Reform. Specific legislation has been proposed by the local government coalition on this topic.

1. A majority of the members of the Metropolitan Council shall be elected officials, appointed from cities and counties within the region.
2. Metropolitan cities shall directly control the appointment process for city representatives to the Metropolitan Council.

3. Metropolitan counties shall directly appoint its own representatives to the Metropolitan Council.
4. The terms of office for any Metropolitan Council members appointed by the Governor shall be staggered and not coinciding with the Governor's term.
5. Membership on the Metropolitan Council shall include representation from every metropolitan county government.
6. The Metropolitan Council shall represent the entire region, therefore voting shall be structured based on population and incorporate a system of checks and balances.

CARVER COUNTY COMMISSIONER DISTRICTS



Legend

- Gayle Degler
- James Ische
- Randy Maluchnik
- Tim Lynch
- Tom Workman



Carver County Administration/Commissioners

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