

**2018**



# **LEGISLATIVE PRIORITIES**

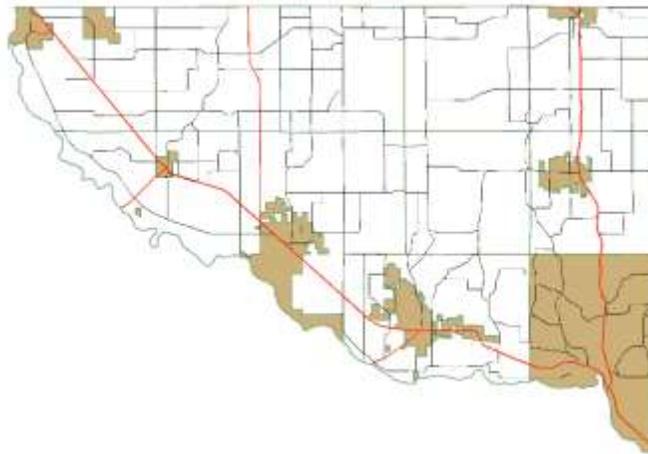
## **PUBLIC WORKS ISSUES**

- 1. Transportation Revenue**

## Background

Minnesota's transportation system is a critical element of the state's economic vitality. Building and maintaining a safe, efficient and effective transportation system is one of the most basic and vital services provided by all levels of government. Statewide over 45,000 miles of Minnesota's 143,000 miles of roads are under county jurisdiction, along with 14,700 bridges.

Legislature previously enacted a comprehensive transportation funding bill that provided new, dedicated revenues for bridges, roads and transit at all levels of government. However, as MnDOT's projections make clear, much of their funds will only be available for maintenance of existing roads, meaning projects across Minnesota will be delayed. Financial resources available to expand the capacity of the state transportation system continue to lack funding.



There are five major transportation priorities in Sherburne County that require an increase in transportation funding. Four out of the five priorities involve the state Trunk Highway system which is clearly underinvested in Sherburne County.

### **A. Improve Deficient MnDOT Highways Through Elk River (TH 169 and TH 10)**

These highways are the most significant trunk highways in Sherburne County. They carry the most vehicular and freight traffic, yet all are deficient in geometry which has caused significant congestion and safety issues.

TH 169 has been identified in the Metropolitan Council Principal Arterial Intersection Conversion Study as one of the worst rated Principal Arterials in the entire Twin Cities metro area, but we are unable to secure funding via Met. Council as we are only part of the Met. Council Planning area. (Info. Attached.) Out of the 370 at-grade intersections studied, TH 169 in Elk River has 2 intersections in the top 25 worst intersections and 4 in

the top 50 worst intersections. Similarly, we are unable to obtain adequate funding to address the congestion issue along TH 10 within Elk River.

**B. Improve Connectivity Between TH 10 and I-94**

Regional and local connectivity between Interstate 94 and Trunk Highway 10 has become a vital local and regional transportation priority, supporting the economic and social well-being of the region. However, transportation pressure has grown sharply recently and anticipated commercial and industrial growth will continue to cause additional strain on the already congested area. As an example, TH 25 already carries up to 35,000 vehicles per day and TH 24 carries over 16,000 vehicles. They are heavily used routes for freight vehicles and heavily used by recreational traffic during the warm weather cabin months. Population and employment totals continue to significantly increase. It is anticipated that by 2040 the area is expected to add 75,000 people.

**C. Increase Funding to the Local Bridge Bonding Program**

Sherburne County estimates \$600,000 in annual bridge replacement needs and has a handful of load-posted bridges. These bridges restrict commerce and farm operations. Currently, Sherburne County has 2 bridges that are essentially designed and awaiting funds.

The local bridge bonding program augments the budgets of counties and cities statewide by supplying between 50% and 100% of bridge replacement construction costs for deficient structures. The program is first come first serve which rewards project readiness; however large earmark projects have recently dominated the program which jeopardizes the funding for smaller ready-to-go projects. If large earmark projects are funded the program needs to grow to support all local bridges. Sherburne County will assist with these priorities and is already investing significant local funding in the state transportation system but this is not sustainable without the resulting degradation of the local county transportation network and considerable burden on the local tax base.

**D. Increase Funding for Freight Movement**

As Sherburne County continues to develop both on a commercial and industrial level, the pressure placed on the County Highway system will be exponential. Much of our system provides a first/last mile connection to the state highways. Our vast tracts of property are generating high interest in development. These tracts as near many attractive resources while maintaining close proximity to the Twin Cities Metro area. Freight traffic is also utilizing TH 10 and TH 169 as they navigate their way to northern MN and across the Mississippi River. 2017 was the first year of the MN Freight Program as created in the Fixing America's Surface Transportation (FAST) Act.

**E. Increase Funding for Rural Highway Safety**

The bulk of the vehicular fatalities within Minnesota occur on rural, 2-lane, high speed roads that do not have interstate-type safety features. In 2015, 262 fatal crashes (70%) occurred in rural areas, with 125 fatal crashes occurring on county state aid highways. Sherburne County experiences even higher levels given our rural nature yet metropolitan type traffic volumes. In 2015 we ranked 9<sup>th</sup> highest, out of the 87 counties, in number of people killed at 11.

## **Requested Position**

Sherburne County urges the legislature to pass a comprehensive transportation funding bill that includes the following provisions:

- A. Provide funding to correct the issues identified in the Met. Council Principal Arterial Intersection Conversion Study.
- B. Provide trunk highway bonding for the Corridors of Commerce program to fund projects like TH 169 and TH 10 through Elk River and the improved connectivity between I-94 and TH 10 near Big Lake and Becker.
- C. Provide general obligation bonds for the local bridge replacement program at a level to fund all project ready local bridges.
- D. Increase funding level for the MN Highway Freight Program to assist with building a comprehensive freight system.
- E. Increase funding level for the MN Highway Safety Improvement Program (HSIP) to reduce fatalities and continue our trend Toward Zero Deaths on Minnesota Roadways.
- F. Retain the 1/2¢ Local Option Sales Tax for all transportation purposes.
- G. Oppose any increase in sales tax for transit only.

## **PUBLIC WORKS ISSUES (*cont.*)**

### **2. Eminent Domain Statute**

## **Background**

Sherburne 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 has resulted in a significant cost increase related to attorney fees and interest payments incurred by agencies implementing public transportation improvements which has put an unreasonable and unintended burden on transportation funding. Wholesale rewrites or challenges will likely be unsuccessful given the political sensitivity with the law. However, discussion and controversy remains in several areas including: attorney's fees, owner appraisals, land commissioner qualifications, response to offers, and 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 owner's appraisal, possibly totally avoiding the need acquire the property through the exercise of eminent domain authority.

## **Requested Position**

Sherburne County recommends adding a definition to Section 117.025 to define the Last Written Offer (referred to in 117.031 Attorneys Fees) as the last offer for compensation made in writing by the Condemning Authority to the Owner a maximum of 20 days following the receipt of the Owner's appraisal. Sherburne County recommends revising Section 117.195 to determine the annual interest on award based on the secondary market yield of one year United States Treasury bills rounded to the nearest one percent.

# **INFRASTRUCTURE**

## **3. Rural Area Broadband Fiber Access**

## **Background**

Sherburne County requests additional focus be placed on rural area broadband. Obtaining fiber access to the rural parts of Minnesota is critical for the economic growth and prosperity of our state. It is important that our rural business owner's, students and public entities have the access to compete and carry out their business and educational activities. Increasing the opportunities to have access to funding for broadband development will enable private sector businesses to respond to the increasing demands for this type of infrastructure.

Sherburne County has had ongoing struggles with inadequate internet connectivity and has recently completed a feasibility study that illustrated the large access gaps that still exist within the County. A recent study of over 120 respondents showed that 60% felt their current telecommunication services in the area put them at a competitive disadvantage.

## **Requested Positions**

- A. Sherburne County recommends increasing the funding level for rural fiber broadband programs.
- B. Sherburne County supports the goal of all local businesses and homes having access to high speed broadband that provides minimum download speeds of at least twenty-five megabits per second and minimum upload speeds of at least three megabits per second.
- C. Sherburne County recommends legislation that fosters private/public partnerships and reduces barriers that have made collaborations burdensome and/or impossible.

## **INFRASTRUCTURE (*cont.*)**

### **4. MN Freight Rail Econ. Grant Program**

#### **Background**

Sherburne County is in an enviable position of having a major rail line positioned near a state highway that passes through several hundred acres of flat and dry potentially developable land. However, the costs to develop a new industrial park with adequate rail infrastructure are prohibitive and hinder the opportunities for local growth in both Becker and Big Lake.

Staff and officials from both cities have been contacted by multiple developers inquiring about opportunities to grow their rail served businesses in Sherburne County. Each time the cost of constructing the necessary infrastructure has stalled the potential projects.

Typical costs for projects:

New Rail = \$230 per linear foot  
Cost of Switch = \$250,000 to \$300,000

Example: A one mile siding, which is typical for what is needed in a new industrial park, would equate to the following:

5,280 * \$230	= \$1,214,400
<u>Switch</u>	<u>= \$ 250,000 (minimum)</u>
<b>Total Project Cost</b>	<b>= \$1,464,400</b>

## **Requested Positions**

Create a competitive freight rail economic grant program administered through DEED.

The proposed Minnesota Freight Rail Economic Grant Program would be intended to securely position Minnesota businesses and communities economically by providing grants for such purposes as:

- new siding, spur and trackage construction
- track improvements & upgrading of existing track
- repair and replacement of bridges, culverts and other critical supporting infrastructure
- rail feasibility and impact studies

## **HEALTH & HUMAN SERVICES ISSUES**

### **5. SHIP (Statewide Health Improvement Partnership)**

**Background:**

The Statewide Health Improvement Partnership (SHIP) was signed into law in 2008 as part of Minnesota's Vision for a Better State of Health. SHIP grants support locally controlled community health boards, which have linked with more than 2,570 active partner sites in Minnesota. These efforts support and leverage the work of a variety of partners such as community groups, schools, employers, farmers, chambers of commerce, hospitals and health care facilities, city planners, county boards, tribal officials and more. Since 2009, Sherburne County has received over \$1.8 million in SHIP funding. There are six FTE's that have SHIP duties in their job descriptions.

In 2009, the Legislature awarded \$47 million statewide for SHIP 1.0 of which Sherburne County received \$244,566. SHIP funding was cut in 2012 by 70% and many Community Health Boards were not awarded funding. Sherburne County was one of the few grantees that continued with funding and was awarded \$584,641 in SHIP 2.0 (2 years). In 2013 and 2015, the Legislature restored SHIP funding statewide to \$35 million. Sherburne County received \$539,121 in SHIP 3.0 (2 years) and \$454,130 in SHIP 4.0 (2 years).

SHIP is funded out of the Health Care Access Fund (HCAF), passed as part of the health care reform package in 2008. The provider tax, which funds the HCAF, will sunset in 2019. According to the Minnesota Management and Budget office (MMB), the HCAF will have a budget balance that will, depending on many factors, likely continue funding programs through 2020. Beyond that, it is unclear where SHIP funding will come from.

### **Requested Position**

Establish a source of stable funding to replace the Health Care Access Fund (HCAF) as the program is funded only through 2020.

## **HEALTH & HUMAN SERVICES ISSUES *(cont.)***

### **6. Adequate Funding for Child Protection**

#### **Background**

Recent challenges to child protection services led Minnesota Department of Human Services and

the Legislature to establish a “Child Abuse Task Force” comprised of state and county experts, law enforcement, physicians, judges and advocates. The task force outlined 93 recommendations to reform the child protection system. The 2015 Legislature addressed a number of task force recommendations and appropriated to counties \$44 million per biennium. This funding was to be used to hire additional child protection staff to meet the existing need. Sherburne County was allocated \$262,400 per year which allowed 5 FTEs to be added.

A second wave of new mandates was created as a result of the task force. In January 2016 the state issued new Child Maltreatment Screening Guidelines which increased the number of screened in child protection reports across the state. In May 2017, counties were mandated to assess all reports of youth being sex trafficked. The number of maltreatment investigations grew from 246 in 2013, 262 in 2014, 377 in 2015, 445 in 2016 and 443 in 2017 (as of 11-30-2017).

Larger numbers of investigations have led to more child protection case management, more CHIPS petitions, more court cases, more out of home placements and a greater demand for services to support families. The costs for these services were not included in the allocation to counties.

Growth in caseloads: In 2013, 85 Child Protection cases were managed by Sherburne County. That number reached 161 in 2016. Out of home placement costs averaged \$1,000,000 each year in 2012-2015. In 2016, that cost reached \$1,653,000.

The demand for County Attorney time and resources has also increased. There were 47 CHIPS cases opened in 2014, 74 in 2015, 86 in 2016 and 90 in 2017 (as of 11-30-2017). Termination of parental rights also increased from 6 in 2014, 9 in 2015, 15 in 2016 and 7 in 2017 (as of 11-30-2017). These increases have fiscal implications including increased costs for expert testimony and increased costs for attorneys to represent parties. These costs are borne by the County.

History of State Cuts: In 2011, Sherburne County received \$694,275 in CCSA funds, all dedicated to children’s services. For 2012, state Child & Community Services Act (CCSA) funding was cut by \$11 million annually and renamed the Vulnerable Children & Adults Act (VCAA) with both adult and child protection services to be supported by the smaller amount of money.

In 2018, Sherburne County will receive \$514,016 in VCAA funds to be split between child services and adult protection. We will also receive the additional Child Protection funding which is authorized through 2019 in the amount of \$346,664.

The cost of Sherburne County’s children’s services in 2016 was \$4,550,000.

The cost for Adult Protection services in 2017 was \$203,855.

## **Requested Position**

- That the Legislature provide permanent adequate funding to better support child protection, including out of home placement costs and costs to the County Attorney’s

office.

- Restore funding for children's services to (at a minimum) the 2011 level of \$694,300 and provide a separate funding mechanism for Adult Protection.

## **HEALTH & HUMAN SERVICES ISSUES *(cont.)***

### **7. Funding and Infrastructure to Serve Individuals with a Mental Illness**

#### **Background**

Mental Health services in the State of Minnesota are extremely lacking. In 1986, the State of Minnesota began a process to close state hospitals and to fund local community adult mental health initiatives. The community mental health initiatives were expected to create mental health services to prevent or reduce the need for hospitalization. Sherburne County is a part of CommUNITY, a 4-county Adult Mental Health Initiative that includes Benton, Sherburne, Stearns and Wright Counties. Due to the recession, the amount of money allocated for community based services was significantly reduced. At the time of state hospital closures, the counties were assured that the State would remain the safety net for those who could not be safely treated in the community. Community Behavioral Health Hospitals were created around the state to meet that need.

Sherburne County has experienced an increase in the number of civil commitments over the past four years. Cases opened have increased from 49 in 2014 to 59 in 2017 (as of 11/30/2017). Cases filed have increased from 42 in 2014 to 46 in 2017 (as of 11/30/2017). These increases have been absorbed by Health & Human Services, County Attorney, Sheriff and the Courts without an increase in resources. Due to a lack of hospital beds, persons are housed in hospitals throughout the state and Sherburne County deputies spend hours on the road, transporting them to court hearings.

Prior to 2016, the Counties did not pay for placements at the Community Behavioral Health Hospitals or Anoka-Metro Regional Treatment Center. That changed in 2016 and the current cost of care at a CBHH is \$1465 per day. A new payment schedule was implemented in 2016 at Anoka MRTTC where a county pays 0% for the first 30 days, 20 % for days 31 and over if the stay is determined to be clinically appropriate for the client, and 100% for each day during the stay when the facility determines that it is clinically appropriate for the client to be discharged. The current cost of care at Anoka MRTTC is \$1390 per day.

The determination of whether a person is clinically appropriate for hospitalization is made solely by the state-operated facility. The County has no ability to appeal this decision. Notification to counties of the end of clinical appropriateness is often without warning.

In 2017, Sherburne County had 4 individuals who remained in care at Anoka-Metro Regional Treatment Center after medical necessity had ended because notice was not received timely or there was no place to move them. In one instance, HHS received notice on a Saturday that medical necessity had ended. Since staff were not working, the county had to pay for 2 additional days. In another case, HHS was notified on a Friday that medical necessity had ended. We offered to move the person that day but were told by staff that the facility could not have the person ready to move until the following week. We are expected to pay for the additional days even though we were willing to move the person that day. We have also had two very hard-to-place individuals, one who stayed for 12 days and one who stayed for 37 days beyond clinically appropriateness. These “not medically necessary” placement costs totaled nearly \$100,000.

## **Requested Position**

- Transparency in decision-making by the State around medical necessity/readiness for discharge. Counties need to be a part of this process and need more notice of readiness for discharge. An appeal process for counties for medical necessity decisions is needed.
- Increase in placement options for persons with mental illness discharged from hospitals. The state must financially incent the creation of additional beds in community-based facilities operated by the for-profit or non-profit sectors.
- Increase in community-based treatment options. Rate structures for ACT, ARMHS, crisis stabilization, day treatment, etc. need to be increased to support growth and sustainability.

## **HEALTH & HUMAN SERVICES ISSUES (*cont.*)**

### **8. Day Care and Foster Care Homes Authority and Funding**

#### **Background**

The County is designated by the State to investigate complaints involving day care and foster care homes. Along with this delegation to counties and their Health and Human Services department, there is also a commensurate delegation to the County Attorney.

Minnesota Statute 245A.16, subd. 4 mandates that the County Attorney assist the county agency in the enforcement and defense of the Commissioner's order under Minnesota Statute 245A.07, 245A.08 and chapter 245C in accordance with the instruction of the Commissioner. The only means a County Attorney can be excused from this mandate if there is a direct financial interest or a personal relationship with a party to the licensing action. *Id.* Therefore, the delegation does not allow the County Attorney to exercise his/her opinion in the disposition of case; instead the statute directs that the County Attorney shall abide by the decision of the Commissioner.

Like many of the areas of law, there has been an increase in the time and resources that are expended in handling and trying the cases. The County Attorney's Office had opened 8 cases in 2014, 6 cases in 2015; 9 cases in 2016 and 13 cases through November of 2017. The County Attorney's office was even involved in an appeal of a day care disqualification determination before the Court of Appeals. The County incurs costs for each case it has to prepare for hearings and trial. In trial, we incur costs for the subpoena and service of the subpoena; costs for witness fees; costs for expert witnesses; reproducing discovery and redaction of information, attorney time and staff time. Bluntly, this is another unfunded mandate. The County Attorney has no ability to resolve a case in accord with the best interests of the community that he/she serves. It draws down finite resources of the County Health and Human resources at a time where there are increasing demands placed upon the County by DHS.

### **Requested Position**

Sherburne County recommends that Minnesota Statute 245A.16, subd. 4 be amended to allow the County Attorney the final authority to resolve cases after consideration of the Commissioner's recommendation.

Sherburne County seeks to have all time expended by County staff for preparation/appearance and out of pocket expenses incurred by the County at any stage of an appeal of a Commissioner's decision be reimbursed by the Commissioner. It is suggested that the method used for the IV-D program for reimbursement of staff and attorney time be used as a model.