



**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
NOVEMBER 16, 2021**

WASHINGTON COUNTY BOARD OF COMMISSIONERS CONVENES

The Washington County Board of Commissioners met in regular session at 9:00 a.m. in the Washington County Government Center, County Board Room.

Present: Commissioner Fran Miron, District 1
Commissioner Stan Karwoski, District 2
Commissioner Gary Kriesel, District 3
Commissioner Wayne Johnson, District 4
Commissioner Lisa Weik, District 5

Also Present: Kevin Corbid, County Administrator
Susan Tice, County Attorney Civil Division Chief
Stephanie Kammerud, Administrative Assistant

The Board recited the Pledge of Allegiance.

COMMENTS FROM THE PUBLIC

Board Chair Weik asked for comments from the public; none were heard.

CONSENT CALENDAR

Commissioner Kriesel asked to pull Consent item E1 from the Consent Calendar, regarding a COVID-19 vaccination incentive program for employees, for discussion.

Commissioner Miron moved, seconded by Commissioner Kriesel, to adopt the remainder of the items on the Consent Calendar, with the exception of E1, as follows:

1. Approve revisions to Policy #6006 Advisory Committees, Boards, and Commissions.
2. Approve Amendment No. 1 to License No. 6418 between Washington County and the State of Minnesota, Department of Administration, acting for the benefit of the Department of Corrections.
3. Approval of **Resolution No. 2021-139** as follows:

**RESOLUTION AUTHORIZING COMMUNITY SERVICES TO
EXTEND SPECIAL PROJECT STAFFING TO ADMINISTER THE
EMERGENCY RENTAL ASSISTANCE PROGRAM**



WHEREAS, on February 9, 2021, the Washington County Board of Commissioners accepted the funding as provided by the U.S. Treasury in the amount of \$7,855,959 for the Emergency Rental Assistance 1 (ERA1) Program; and

WHEREAS, on February 9, 2021, the County Board of Commissioners of Washington County authorized the Community Services Department, with the approval of the County Administrator, to employ the appropriate number of special project positions through January 31, 2022, to administer the assistance programs; and

WHEREAS, Washington County has expended, as of September 23, 2021, all of its direct assistance funds from the United States Treasury Emergency Rental Assistance 1 (ERA1) program allotment in the amount of \$7,070,363. These funds have supported more than 1,200 county households in rental and utility assistance; and

WHEREAS, up to 10% (\$785,595) of the ERA1 allocation is available for administrative expenses and there is about \$250,000 left; and

WHEREAS, Washington County has received the initial 40% of its \$6,216,052 allotment for the Emergency Rental Assistance 2 (ERA2) Program from the U.S. Treasury. These funds generally expire on September 30, 2025; and

WHEREAS, up to 15% (\$932,407) of the total ERA2 allocation is available for administrative expenses; and

WHEREAS, additional administrative funding is available through the Community Development Block Grant (CDBG) and American Rescue Plan Act (ARPA); and

WHEREAS, on October 5, 2021, the county board approved accepting additional Emergency Rental Assistance 1 (ERA1) funds in the amount of \$2,000,000, up to \$3,000,000, from the Minnesota Housing Finance Agency (MHFA) to further support Washington County residents. These funds will run coterminous with the Minnesota Housing Finance Agency's (MHFA) administration of the funds, which are available until September 20, 2022; and

WHEREAS, funding for staff will be paid for from several state and federal sources. Up to, but not to exceed, 16.0 FTE temporary positions will be extended to maintain staffing levels; and



WHEREAS, the Emergency Rental Assistance (ERA) positions will be assessed on an ongoing basis and decreased in coordination with the amount of direct assistance administered over the course of the program; and

WHEREAS, positions will be extended to maintain staffing levels, including but not limited to: eligibility specialists, case aides, financial support, policy analyst, program trainer and supervisor.

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Commissioners does hereby authorize the Community Services Department, with the approval of the County Administrator, to employ the appropriate number of special project positions through January 31, 2023, to administer these assistance programs.

4. Approval for reclassification of a Senior Social Worker - Clinical, to a Social Services Supervisor - Clinical.
5. Approval of **Resolution No. 2021-140** as follows:

COVID-19 VACCINATION SICK LEAVE

WHEREAS, the federal Occupational Health and Safety Administration (OSHA) officially filed an Emergency Temporary Standard (ETS) on Vaccination and Testing in the Office of the Federal Register on November 4, 2021, and it became effective when it was published on November 5, 2021; and

WHEREAS, as an "OSHA State," Minnesota OSHA is required to either adopt Federal OSHA's ETS or promulgate requirements that go beyond it. MN OSHA has indicated they will adopt the ETS as published; and

WHEREAS, under the ETS, employers with over 100 employees will be required to either implement a mandatory vaccination program, or a voluntary vaccination with mandatory weekly testing program for all employees by January 4, 2022; and

WHEREAS, under the ETS, impacted employers will be required to provide employees with paid sick leave to obtain the COVID-19 vaccination and recovery time for side effects that keep them from working; and

WHEREAS, there are several vaccines approved by the FDA for the prevention of COVID-19 in individuals 18+; Pfizer-BioNTech (Comirnaty) emergency use authorization (EUA) December 2020 and approval August 23, 2021, Moderna Covid-19 EUA December 18, 2020, and Janssen Covid-19 EUA February 27, 2021; and



WHEREAS, while numerous lawsuits have been filed to prevent or delay the implementation of the vaccination mandate, regardless of the outcome of those efforts, it is in the best interest of Washington County to encourage as many employees as possible to be vaccinated against the COVID-19 virus; and

WHEREAS, the Office of Administration and Human Resources Department recommend providing up to sixteen (16) hours of paid sick leave for vaccinated employees to get a booster shot and time to recover from any potential side effects, and unvaccinated employees to get a vaccination shot and time to recover from any potential side effects from the vaccine.

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Commissioners authorizes up to sixteen (16) hours of paid sick leave for all vaccinated employees, including temporary employees, to get a booster shot, and unvaccinated employees to get vaccinated, and to recover from any potential side effects. The COVID-19 vaccination sick leave will be added to participating employees' leave banks and will be available for use through June 30, 2022, at which time the leave will expire.

6. Approval of the 2021 collective bargaining agreement with Law Enforcement Labor Services (LELS) Local #214 Deputy Sheriff Unit.
7. Approval of **Resolution No. 2021-141** as follows:

WASHINGTON COUNTY BOARD OF HEALTH DESIGNATION OF AGENT

WHEREAS, Minnesota Statutes 145A.04, Subd. 2 requires that "a board of health must appoint, employ or contract with a person or persons to act on its behalf; and

WHEREAS, Minnesota Statutes 145A.04, Subd. 2 further requires that "the Board shall notify the commissioner (of health) of the agent's name, address and phone number where the agent may be reached between board meetings and submit a copy of the resolution authorizing the agent to act on the board's behalf; and

WHEREAS, the Washington County Board of Health (Board of Commissioners) has entered into the Master Grant contract for all grants with the Minnesota Department of Health for the period from January 1, 2020, to December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Health (County Commissioners) hereby designates David Brummel, Director of the Department of Public Health and Environment,



14949 62nd St. N., P.O. Box 6, Stillwater, MN 55082-0006, (651) 430-6655, as its duly appointed agent and gives to him the duties and authorities described in Minnesota Statute Chapter 145A.

BE IT FURTHER RESOLVED, that the Board's designated agent has authority to enter into any "Grant Project Agreements for Community Health Board" issued by the Minnesota Department of Health subsequent to the signing the Master Grant Contract until the expiration of the Master Grant Contract on December 31, 2024.

8. Approval of **Resolution No. 2021-142** as follows:

**CERTIFICATION OF PROPERTY ASSESSED CLEAN ENERGY
(PACE) CHARGES FOR ENERGY IMPROVEMENTS**

WHEREAS, the Washington County Board of Commissioners approved the Joint Powers Agreement (JPA) with the Saint Paul Port Authority (the "Port Authority") on August 11, 2015, designating the Port Authority to implement and administer the Property Assessed Clean Energy ("PACE of MN") improvement financing on behalf of the County, and providing for the imposition of special assessments pursuant to Minnesota Statutes Sections 216C.435 and 216C.436 and Chapter 429 (the "Act"); and as needed in connection with that program; and

WHEREAS, the County understands that the Port Authority will issue its PACE OF MN special assessment revenue bond to finance the Improvements, and that the sole security for that bond will be special assessments imposed by the other cities and/or counties participating in PACE OF MN; and

WHEREAS, to facilitate and encourage the financing of improvements located within the County, the County covenants to levy assessments for said Improvements on the property so benefitted, in accordance with the Application and Petition for Special Assessments received from the owner(s) of the Property and approved by the Port Authority; and

WHEREAS, after imposition of the special assessments, the County shall collect such assessments twice a year and remit them to the Port Authority for use in the repayment of the Loan(s) or Bond(s). The County will take all actions permitted by law to recover the assessments, including without limitation, reinstating the outstanding balance of assessments when the land returns to private ownership, in accordance with Minn. Stat. Section 429.071, Subd. 4; and

WHEREAS, the special assessment shall be certified to the County Auditor and entered onto the tax lists for the year. The annual installment and interest

shall be collected at the same time and in the same manner as real property taxes. For disbursements made by November 15th, the first annual installment is due with property taxes payable in the next tax year. For disbursements made from November 16th-December 31st, the first annual installment is due with property taxes in the year after next. The special assessment, with accruing interest, is a lien upon the benefited property until paid.

NOW, THEREFORE BE IT RESOLVED, the Washington County Board of Commissioners authorizes the County Auditor and the Department of Property Records & Taxpayer Services to extend the proposed special assessment plus interest on the properties set forth and listed below in this resolution.

Company Name:	Ventura Drive Properties, LLC	Bonanza Grove, LLC
Parcel:	18.028.21.13.0005	16.027.21.43.0003
Location:	2441 Ventura Drive #200 Woodbury, MN 55125	8750 90 th St S Cottage Grove, MN 55016
Project Type:	Roof-Top Mounted Solar Panels	Roof-Top Mounted Solar Panels
Amount:	\$110,000	\$79,900
Term and Rate:	10 Years at 4.25%	10 Years at 4.25%
Interest Accrual Date:	4/1/2021	1/1/2022
Estimated Annual Energy Savings:	\$5,800.00	\$4,200

9. Approve Lease Agreement No. 14417 with the State of Minnesota Department of Public Safety, Driver and Vehicle Services for a driver exam station at the Stillwater License Center for the period of December 1, 2021, through November 30, 2026.
10. Approve Contract No. 14409 with AMI Consulting Engineers to perform design services for the St. Croix Bluffs Regional Park boat launch area improvement project in the amount of \$199,850.00.
11. Approval to hire one part-time 0.34 FTE Radio Technician I for Washington County.

The motion was adopted 5-0 with a Roll Call vote as follows: Ayes, Commissioners Miron, Kriesel, Johnson, Karwoski, and Weik. Nays, none.

Resolution for COVID-19 Vaccination Incentive Program

Human Resources Director Angie Nalezny came forward to speak on the pulled Consent item regarding the vaccination incentive program.

Ms. Nalezny stated that Washington County takes its responsibility to provide a safe and healthy environment for its employees and its customers seriously. Throughout the COVID-19 pandemic, staff have and will continue to take necessary steps to ensure employees and customers are safe and healthy, while at work, and at county facilities.

The federal Occupational Safety and Health Administration (OSHA) has officially published its emergency temporary standard (ETS) on COVID-19 vaccinations and testing, which applies to employers with more than 100 employees. While many states and companies have filed lawsuits to prevent or delay implementation, if the ETS is allowed to move forward, Washington County will need to implement either a vaccine mandate, or a voluntary vaccination with mandatory weekly testing program by January 4, 2022. It is known from other organizations that have implemented the testing program that they are costly in terms of tests, staff time, and productivity loss.

Regardless of the outcome of the lawsuits, staff feels it is in the best interest of Washington County to encourage as many employees as possible to be vaccinated against the COVID-19 virus. If approved, this action today would enact a new county vaccination incentive program that would provide \$500 to all regular employees who have been vaccinated for COVID-19, or who get their final vaccination shot by February 4, 2022.

Ms. Nalezny reported the estimated one-time cost is \$650,000, if all 1,300 employees take advantage of the program. Eligible employees include those who have been vaccinated, or those who get vaccinated by February 4, 2022. Proof of vaccination is required. American Rescue Plan Act (ARPA) guidance allows for funds to be used for incentives to increase the number of people who choose to get vaccinated. Human Resources would discuss with county employee unions how to implement this program.

Ms. Nalezny stated this incentive program will continue the board's priority to provide for a safe environment for its employees and customers, and to increase the percentage of county employees who get vaccinated. This incentive will also reduce the costs of the ETS weekly testing program that may be required if the board chooses not to mandate that employees be vaccinated. The estimated cost of a testing program for six months is at least three times higher than the proposed incentive of \$500 per vaccinated employee, including test costs, time off for testing, and administrative costs to manage the testing program. This program will reduce lost work time from illness, isolation (from exposure), and reduce the impact of hospitalization costs, ensuring continued county operations of essential services.

Commissioners expressed that although there is not a desire for mandating vaccinations for employees, it is their hope that employees will take advantage of this program for all the reasons stated by Ms. Nalezny.

Commissioner Kriesel moved, seconded by Commissioner Johnson, to adopt **Resolution No. 2021-143** as follows:

COVID-19 VACCINATION INCENTIVE PROGRAM

WHEREAS, the federal Occupational Health and Safety Administration (OSHA) officially filed an Emergency Temporary Standard (ETS) on Vaccination and Testing in the Office of the Federal Register on November 4, 2021, and it became effective when it was published on November 5, 2021; and

WHEREAS, under the ETS, employers with over 100 employees will be required to either implement a mandatory vaccination program, or a voluntary vaccination with mandatory weekly testing program for all employees by January 4, 2022; and

WHEREAS, while numerous lawsuits have been filed to prevent or delay the implementation of the vaccination mandate, regardless of the outcome of those efforts, it is in the best interest of Washington County to encourage as many employees as possible to be vaccinated against the COVID-19 virus; and

WHEREAS, a vaccination incentive program that leads to additional staff becoming vaccinated would reduce the county costs of a testing program if required, reduce lost work time from illness and/or isolation required because of an exposure to a COVID-19 positive individual, and allow the county to continue to staff essential county operations; and

WHEREAS, there are several vaccines approved by the FDA for the prevention of COVID-19 in individuals 18+; Pfizer-BioNTech (Comirnaty) emergency use authorization (EUA) December 2020 and approval August 23, 2021, Moderna Covid-19 EUA December 18, 2020, and Janssen Covid-19 EUA February 27, 2021; and

WHEREAS, to incentivize employees to obtain the vaccine, Administration and Human Resources are recommending an incentive program of \$500 to all regular employees, including special project employees, who have been fully vaccinated for COVID-19, or who get their final vaccination shot by February 4, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Washington County Board of Commissioners authorizes the creation of a vaccination incentive program to include \$500 to all regular employees, including special project employees, who have been vaccinated for COVID-19 or who get their final vaccination shot by February 4, 2022, and directs Human Resources staff to work with the county's labor unions to enact the incentive program for their members.

The motion was adopted 5-0 with a Roll Call vote as follows: Ayes, Commissioners Miron, Kriesel, Johnson, Karwoski, and Weik. Nays, none.

GENERAL ADMINISTRATION

Report of Attempted ACH Payment Redirection

County Administrator Kevin Corbid reported that the Audit Advisory Committee met yesterday to discuss an event that occurred in August, related to an attempt to redirect a payment that was owed to a county vendor to a fraudulent party and a fraudulent account.

Mr. Corbid stated that the County Board has been made aware of the number of attempts that are made by hackers and others to gain access to county systems or data. Washington County is not the only organization that is being targeted, and the types of efforts, scams, and phishing attempts are both increasing and becoming more sophisticated. The board has supported and approved initiatives to improve the county's cybersecurity efforts, through the purchase of technology tools to identify and block attempts, provide additional staff in IT to monitor threats and take protective measures, and to train staff on how to detect and prevent fraud from occurring.

Mr. Corbid reported that in August 2021, the county was notified by its bank of a suspicious transaction involving county funds. While the bank noted the potential of fraud related to the transaction, the payment was not stopped at that time. As soon as the county was notified, it immediately reviewed the transaction, identified it as a fraudulent transaction, and worked with the bank to stop the payment from being made. After a number of weeks of working with various parties, the funds were returned to the county, and no county funds were lost. Mr. Corbid noted the swift action by staff in the Accounting and Finance Department, Sheriff's Office, and Attorney's Office was instrumental in stopping the payment and prevented the loss of county dollars.

The fraudulent party contacted the county posing as a vendor currently doing work for the county. Through that interaction, the fraudulent party attempted to redirect a legitimate payment of an invoice for work that had been completed to their account, not the account of the vendor providing the work. Once the county became aware of this fraudulent attempt, a criminal investigation was launched immediately by the Sheriff's Office and it is being assisted by the Federal Bureau of Investigations. That investigation is ongoing.

This situation is an example of a growing number of investigations worldwide related to cyberattacks on public organizations. The county has processes and procedures in place for creating or updating financial information of its vendors or contractors. Staff provided information on the county's internal controls and identified additional measures that can be taken to better protect the county against this type or similar types of efforts.

Mr. Corbid continued that while no county funds were misdirected to a fraudulent party, staff feels it is important to communicate this situation to the County Board at its meeting today. By sharing this information both within the county and with other organizations, it may help prevent other similar types of attacks on other organizations from being successful. Both the Minnesota Counties Intergovernmental Trust and the County Officers Association have developed and provided information to all counties on this type of attempted fraud in the past couple of months.



Mr. Corbid stated that later today in a budget workshop, staff will be recommending options to the board to both reduce the levy, and make investments in a couple of key staff positions within the organization. One of the positions is in the Accounting and Finance Department. While not recommended solely because of this attempted fraud, the new position would provide additional controls in the accounts payable area related to procurement of goods and services. Two of the positions are in the Information Technology Department to continue its work to protect the county's data systems and data.

Staff will continue to work with the county's internal auditor and external audit firm to ensure the strongest internal controls as possible to prevent similar attempts in the future, and to stay ahead of those who are attempting these efforts against both public entities and private companies.

Commissioner Kriesel, who serves as Chair of the Audit Advisory Committee, commented that the focus of yesterday's Audit Advisory Committee meeting was the added internal controls that have been made to help prevent a similar type of attempt in the future. Commissioner Kriesel said there is no doubt that these attempts to defraud governments, private businesses, and individuals, are getting more common and more creative, and it is difficult to quickly tell what is legitimate and what is fraud. Commissioner Kriesel expressed his appreciation for the quick action by county staff which prevented a loss of funds in this case. The Audit Advisory Committee will continue to review the testing of transactions made by the county, and if any issues are identified, make recommendations on the changes in processes necessary to ensure adequate controls are in place.

Other Items

Mr. Corbid reported that there is no board meeting next week, and the next County Board meeting will occur on November 30th. This will be a late afternoon meeting, which includes the public budget meeting at 6:00 p.m. Mr. Corbid also noted this is a fifth Tuesday. Typically, the board does not meet on fifth Tuesdays, but occasionally the board's calendar of business calls for it.

COMMISSIONER REPORTS

Commissioners reported on meetings and other events they attended. Please see archived web streaming of the board meeting for full commissioner reports at www.co.washington.mn.us, under "County Board."

BOARD CORRESPONDENCE

No board correspondence was received.

EXECUTIVE (CLOSED) SESSION – PUBLIC WORKS

Commissioner Karwoski moved to move into Executive (closed) Session. Commissioner Miron seconded the motion, and it was adopted unanimously.

The Board met in Executive (closed) Session, the time being 9:51 a.m., with Public Works staff to consider a counteroffer as it pertains to property PIDs: 31.030.20.34.0002, 31.030.20.34.0003, and 31.030.20.34.4004 related to the County's County State Aid Highway 15 – Manning Avenue and Trunk Highway 36 Interchange Project, pursuant to Minnesota Statute Section 13D.05, Subd. 3(c). Present for the Executive Session were Commissioners Weik, Kriesel, Karwoski, Johnson, and Miron, Kevin Corbid, Jan Lucke, Jennifer Wagenius, Don Theisen, Wayne Sandberg, Sharon Price, Jessica Oertel, and Stephanie Kammerud.

The Executive Session closed at 10:27 a.m.

EXECUTIVE (CLOSED) SESSION – PUBLIC WORKS

The Board met in Executive (closed) Session, the time being 10:30 a.m., with Public Works staff to review an updated appraisal for property PIDs: 05.031.20.33.0001 and 06.031.20.44.0001, as it pertains to its potential purchase and inclusion into Big Marine Park Reserve, pursuant to Minnesota Statute Section 13D.05, Subd. 3(c). Present for the Executive Session were Commissioners Weik, Kriesel, Karwoski, Johnson, and Miron, Kevin Corbid, Jan Lucke, Jennifer Wagenius, Don Theisen, Wayne Sandberg, Sharon Price, Sandy Breuer, Jessica Oertel, and Stephanie Kammerud.

The Executive Session closed at 10:41 a.m.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Miron moved to adjourn, seconded by Commissioner Johnson, and it was adopted unanimously. The County Board meeting adjourned at 10:44 a.m.

BOARD WORKSHOP WITH PROPERTY RECORDS AND TAXPAYER SERVICES

The Board met in workshop session to discuss proposed 2022 property taxes. Present for the workshop were Commissioners Weik, Miron, Kriesel, Karwoski, and Johnson. Also present were Kevin Corbid, Jan Lucke, Jennifer Wagenius, and county staff.

BOARD WORKSHOP WITH PUBLIC WORKS

The Board met in workshop session to review information on the METRO Gold Line, including updated budget. Present for the workshop were Commissioners Weik, Miron, Kriesel, Karwoski, and Johnson. Also present were Kevin Corbid, Jan Lucke, Jennifer Wagenius, and county staff.



BOARD WORKSHOP WITH ADMINISTRATION

The Board met in workshop session to review the 2022 proposed Washington County budget. Present for the workshop were Commissioners Weik, Miron, Kriesel, Karwoski, and Johnson. Also present were Kevin Corbid, Jan Lucke, Jennifer Wagenius, and county staff.

Attest:

A handwritten signature in black ink that reads "Kevin Corbid".

Kevin Corbid
County Administrator

A handwritten signature in black ink that reads "Lisa Weik".

Lisa Weik
County Board Chair