



**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
NOVEMBER 30, 2021**

WASHINGTON COUNTY BOARD OF COMMISSIONERS CONVENES

The Washington County Board of Commissioners met in regular session at 2:30 p.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

County Administrator Kevin Corbid noted a typo on Consent item L. The number on the cooperative agreement should be 14373, instead of 14347.

Commissioner Miron moved, seconded by Commissioner Johnson, to adopt the Consent Calendar with the correction to item L (listed below as 12.) as follows:

1. Approval of the November 9, 2021, and November 16, 2021, County Board meeting minutes.
2. Approval of voting delegates for the 2021 Association of Minnesota Counties Annual Meeting to be held December 6, 2021.
3. Approval of voting delegates for the 2021 Minnesota Counties Intergovernmental Trust Annual Meeting to be held December 6, 2021.
4. Approval of contract amendments with James F. Schneider, Contract No. 11013, Jessica Buberl, Contract No. 11012, and Spencer Butts, Contract No. 11014.

5. Approval of **Resolution No. 2021-144** as follows:

**JOINT POWERS AGREEMENT WITH DAKOTA, OLMSTED, AND
ST. LOUIS COUNTIES FOR A 2022 RESIDENTIAL SURVEY**

WHEREAS, Washington County has participated with Dakota, Olmsted, and St. Louis Counties to execute a 2022 Residential Survey in order to assess residential opinions and the performance of county government; and

WHEREAS, the counties have agreed to collaborate on a joint Residential Survey in 2022, selecting the Polco/National Research Center; and

WHEREAS, the counties must enter into a joint powers agreement in order to carry out the Residential Survey initiative; and

WHEREAS, the joint powers agreement is authorized under Minnesota Statute § 471.59.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners hereby authorizes the County Board Chair and County Administrator to execute a joint powers agreement with Dakota, Olmsted, and St. Louis Counties to conduct a residential survey of households in the four counties and to analyze the results, subject to approval by the County Attorney's Office as to form.

6. Approval to appoint David Hoelzel, Woodbury, to the Board of Adjustment & Appeals and the Planning Advisory Commission as the District 5 Representative to a partial term expiring December 31, 2022.
7. Approve a grant contract between the Minnesota Department of Human Services and Washington County for the Emergency Solutions Program in the amount of \$320,000 for the period of July 1, 2021, through June 30, 2023.
8. Approval of **Resolution No. 2021-145** as follows:

**RESOLUTION APPOINTING PHILLIP FREEMAN AS THE
WASHINGTON COUNTY DRIVERS LICENSE AGENT AND
DEPUTY REGISTRAR FOR THE OFFICES LOCATED IN
FOREST LAKE, STILLWATER, AND WOODBURY**

WHEREAS, Minnesota Statutes 171.061, 373.32 to 373.38, 168.33, and Minnesota Rules Chapter 7404 provide for the appointment of a County Drivers License Agent and Deputy Registrar to fulfill the duties of the offices; and



WHEREAS, Phillip Freeman is serving as the License and Service Center Division Manager that manages the functions of both appointments; and

WHEREAS, the Commissioner of Public Safety may appoint the County Auditor of each County as a Deputy Registrar, or designee, if the County Auditor chooses not to accept the appointment; and

WHEREAS, the Commissioner is requesting the Washington County Board of Commissioners to recommend and approve the appropriate designee to fulfill the duties of the Drivers License Agent and Deputy Registrar.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners appoint Phillip Freeman, License and Service Center Division Manager, as the Washington County Drivers License Agent and Deputy Registrar, and asks the Commissioner of Public Safety to do the same.

9. Approval of Change Order No. 1 in the amount of \$17,640.04 for Contract No. 14020 with Sir Lines-A-Lot for the Washington County 2021 Latex Striping Contract.
10. Approval of Amendment No. 1 for Contract No. 13887 with Hagen Christianson McIlwain (HCM) in the amount of \$37,400 for additional design services requested.
11. Approval of Cooperative Maintenance Agreement No. 13906 between the City of Woodbury and Washington County for maintenance of the traffic signal system at the intersection of County State Aid Highway (CSAH) 16 (Valley Creek Road) and City Centre Drive in the City of Woodbury.
12. Approval of Cooperative Agreement No. 14373 between the City of Woodbury and Washington County for maintenance of the roundabout at the intersection of County State Aid Highway (CSAH) 13 (Radio Drive) and CSAH 20 (Military Road), in the City of Woodbury.
13. Approval of Cooperative Maintenance Agreement No. 14346 between the City of Woodbury and Washington County for maintenance of roundabout at the intersection of CSAH 18 (Bailey Road) and Woodlane Drive in the City of Woodbury.
14. Approval of Cooperative Maintenance Agreement No. 14347 between the City of Woodbury and Washington County for maintenance of the traffic signal systems on County State Aid Highway (CSAH) 13 (Radio Drive) at its intersections with Hudson Road, City Place Boulevard, Tamarack Village, Tamarack Road, and Seasons Parkway in the City of Woodbury.

15. Approval of **Resolution No. 2021-146** as follows:

**APPROVE AN AGREEMENT BETWEEN
THE WASHINGTON COUNTY SHERIFF'S OFFICE AND
THE CITY OF LAKE ELMO**

BE IT RESOLVED, that the Chair of the Washington County Board of Commissioners and the County Administrator are hereby authorized to execute and sign an agreement with the City of Lake Elmo to provide law enforcement services.

BE IT FURTHER RESOLVED, that the Washington County Sheriff, Dan Starry, is hereby authorized to execute and sign this agreement and any amendment thereto, as are necessary to implement this agreement on behalf of the Washington County.

16. Approval of **Resolution No. 2021-147** as follows:

**WALMART AND HUGO YELLOW RIBBON NETWORK
DONATIONS**

WHEREAS, Washington County gratefully accepts donations, gifts, and bequests from public and private sources to enhance the programs and services it provides; and

WHEREAS, any gift, donation, or bequest becomes the property of Washington County; and

WHEREAS, the Washington County Board is authorized to approve donations, gifts, and bequests.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board of Commissioners does hereby approve and accept \$3,800 from the Hugo Yellow Ribbon Network, and \$3,500 from Walmart, for the Shop with a Cop event to be held on December 6th and December 7th, 2021.

17. Approval of **Resolution No. 2021-148** as follows:

KENNON ROTHCHILD, JR. DONATION

WHEREAS, Washington County gratefully accepts donations, gifts, and bequests from public and private sources to enhance the programs and services it provides; and



WHEREAS, any gift, donation, or bequest becomes the property of Washington County; and

WHEREAS, the Washington County Board is authorized to approve donations, gifts, and bequests.

NOW, THEREFORE BE IT RESOLVED, that the Washington County Board of Commissioners does hereby approve and accept a donation from Kennon Rothchild, Jr. in the amount of \$1,000.

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

ADMINISTRATION

PUBLIC HEARING – PROPOSED REVISIONS OF WASHINGTON COUNTY’S 2022 FEE SCHEDULE

The Public Hearing opened at 2:33 p.m.

County Board Chair Weik presented a brief overview of today’s public hearing to consider revisions of Washington County’s 2022 Fee Schedule contained in Policy No. 1032. This public hearing is being held pursuant to the requirements contained in Minnesota Statute §373.41. On October 26, 2021, the County Board issued its order setting this public hearing for today. Board Clerk Stephanie Kammerud indicated that proper notices were published and made part of the record.

Deputy County Administrator Jan Lucke presented the recommended revisions to the county’s fee schedule. There were no changes in general fees for all county departments. There were no changes for the departments of Accounting and Finance, Administration, Attorney’s Office, Information Technology, and Public Works.

The Community Corrections Department clarifies that ocular drug testing is \$10.00 and all other testing methods are \$18.00.

The Community Services Department indicated several changes to Attachment A. This document is generated from the Minnesota Department of Human Services (DHS) and includes many of the changes to eligibility requirements for Human Services programs that are administered by Washington County, on behalf of the State of Minnesota. These changes include:

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| Index | Title change “Calendar Year 2022” |
| III. | Updated DHS Social Services Fee Schedule 21-68-06 |
| V. | Included last year’s DHS6413I – new rates do not update until Oct. 5 annually |
| VI. | No changes in licensing fee |
| VIII. | No changes in guardianship/conservator fees |
| IX. | Updated Alternative Care (AC) Fee Schedule (State Fee Schedule) DHS 2630 |

- X. Updated CCDTF SFY 2021 Eligibility Determination
- XII. Updated Detox Fee Schedule
- XIII. No changes in Consumer Support Grant Admin Fee
- XIV. Update in DHS Form 2977
- XV. Fees remain the same

Library patrons often complain about the high cost of items such as flash drives and library bags. Prices have been lowered to a more affordable price point that still maintains a small profit over county cost. Alternately, the sale of other items that have previously not sold well, such as CDs and headsets for personal computers, are being discontinued. The \$8.00 processing fee for lost items will also be eliminated.

There are several recommended changes for the Property Records and Taxpayer Services Department.

The General Administration Division had a few technical changes that were extraneous information or covered elsewhere in the fee schedule. This includes many fees in which a portion of the fee goes to the state, or fees related to elections that were already included under the Elections Division.

The Elections Division reflects a 3% increase defined in the joint powers agreement for municipality election equipment maintenance and election services. This increase reflects the actual cost of performing the service.

The Property Records Division anticipates that online access to RecordEASE will be accomplished in 2022. The 3% fee is what the credit card company would charge for online access when it becomes available. This fee is not retained by the county. There is an increase in fees for Approval, Directive, and Services in District Court Action. These fees have not changed since 2010. The increase represents the costs incurred to complete these activities and also is in line with what other counties charge for these services. The title of "District Court Action" fee was changed to "Proceeding" because that is the term commonly used by other counties and understood by the public.

For the Assessment and Taxation Division, assessment contract fees increased 2% to cover increased costs to perform local assessment contract services. The fee for property tax payment via internet decreased to reflect the county's current agreement with the vendor.

For the Vital Records Division, ministerial credential registrations to perform marriages in Minnesota increased by \$5.00. This fee was last increased from \$5.00 to \$10.00 in 2015. This fee is reflective of the cost to provide this service. A certified copy of ministerial credentials also increased by \$5.00. This increase creates consistency in certified record fees. Other certified copies, in property records and for other vital records items are \$10.00. The department does not receive many requests for this service.

The Public Health & Environment Department license fees for environmental health programs are recommended to increase by 2% in 2022. These regulatory programs are funded primarily by fees

which need to be raised periodically to keep pace with program expenses. This increase in fees was discussed with Administration during the budget review meeting earlier in 2021. In addition, a separate license fee of \$153.00 is being established for Food Carts. These units have previously been licensed under the Mobile Food Unit license fee of \$153.00. Therefore, there is no change in fee amount, as this change is to align Food Carts in the fee schedule with the separate definition and food safety requirements for Food Carts in the state food code. Additionally, Counter Sales 201 sewer use regulations of \$5.00 is no longer relevant and will be deleted.

The Sheriff's Office updated language of the Body Worn Camera costs for increased clarity for the customer; the fee remains the same. The Sheriff's Office recommends reducing the cost of the Permit to Carry from \$60.00 to \$25.00 for active military, veterans, active/retired law enforcement, correctional officers, and U.S. federal marshals as a way for the county to recognize them for their service. Due to the increase in the number of permits being processed, the Permit to Carry fund is in a strong fiscal position allowing for this fee change.

Ms. Lucke concluded that after this afternoon's public hearing, the board will consider the recommended changes, and approve the 2022 Fee Schedule at the County Board meeting scheduled for December 14, 2021.

Board Chair Weik asked for comments from the public regarding the 2022 Fee Schedule; none were heard.

There being no further members of the public who wished to speak, Chair Weik asked for a motion to close the public hearing. Commissioner Karwoski moved to close the public hearing. Commissioner Johnson seconded the motion, and it was adopted unanimously.

The Public Hearing closed at 2:51 p.m.

Commissioners expressed appreciation for the Sheriff's Office for reducing the Permit to Carry fees for military and law enforcement. Commissioners expressed overall appreciation of the thoughtful process of reviewing county fees, and that fees are not only increasing, but in some cases, also decreasing.

Commissioner Miron asked if there has been cost savings in septic permits with field inspections not being in-person. Ms. Lucke will bring this question to the Public Health & Environment Department.

Commissioner Johnson asked how often flash drives are requested at libraries and expressed concern about the security of flash drives. Ms. Lucke will bring this question to the Library Department.

ADMINISTRATION AND PUBLIC WORKS

PUBLIC HEARING – 2022-2026 CAPITAL IMPROVEMENT PLAN (CIP)

The Public Hearing opened at 2:55 p.m.

Board Chair Weik presented a brief overview of today's public hearing for Washington County's 2022-2026 Capital Improvement Plan. This Public Hearing is being held pursuant to the requirements contained in Minnesota Statute §373.40, Subd. 3. On October 26, 2021, the County Board issued its order setting this public hearing for today. Board Clerk Stephanie Kammerud indicated that proper notices were published and made part of the record.

The 2022-2026 Capital Improvement Plan (CIP) was presented by County Budget/Financial Analyst Larry Phillips, and Public Works Deputy Director/County Engineer Wayne Sandberg.

Mr. Phillips reported that capital planning is one of the fundamental building blocks in developing an effective budgeting process. It provides a mechanism to match cash flows to meet the desired level of capital improvements and helps to establish a guide for making capital investment decisions logically and in a deliberate, accountable fashion. Washington County's capital projects are included in the CIP, which is perhaps the most visible and tangible output of the county.

The CIP covers five-years. Projects in the CIP for 2022 are part of the 2022 proposed budget and will eventually become part of the adopted budget, unless adjustments are needed. It is a multi-year planning and budgeting tool that assists the county in prioritizing current and future needs. By state statute, any project that will be funded by bond proceeds is required to be included in a Capital Improvement Plan. Also included are projects primarily budgeted in the county's Capital Funds, Regional Rail fund, and Gold Line fund. The CIP includes the categories of facilities, road and bridge, and transit projects. The CIP process includes today's public hearing, followed by formal adoption by resolution on December 14, 2021.

Mr. Phillips presented 2022-2026 CIP expenditures of \$75.3 million for 2022, \$117.9 million for 2023, \$49.1 million for 2024, \$72.3 million for 2025, and \$37.2 million for 2026, for a full five-year cost of \$351,805,400 million. The increase in 2023 reflects projects that would be funded with the proceeds of a tentative general obligation bond sale and Land and Water Legacy bond sale, as well as potential bond funding related to the Gold Line Bus Rapid Transit (BRT) project.

Mr. Phillips reported on expenditures by category. The Parks & Land category is 8% of total CIP expenditures and includes projects in county parks and the Historic Courthouse. Mr. Phillips noted that a future Land and Water Legacy bond sale is included in the Parks & Land category. The Public Facilities category is 17% of total CIP expenditures and includes the construction or expansion of county buildings. Mr. Phillips noted the potential 2023 general obligation bond sale is included in the Public Facilities category. The Road & Bridge category is the largest share of total CIP projects at 75% and includes road and bridge construction projects, pavement preservation, traffic signal projects, and transit projects.

Mr. Phillips reported the largest portion of CIP funding comes from intergovernmental revenue, which includes state funding sources, federal grants, and local contributions. The local option sales tax is the second largest funding source, and has increased substantially since the decision earlier this year to increase the local option sales tax. General obligation and revenue bond proceeds also fund projects, as well as smaller funding sources, such as the county wheelage tax, County Environmental Charge, and the Capital Repair Fund.

Public Works Deputy Director/County Engineer Wayne Sandberg reported that a detailed overview of the draft 2022-2026 CIP was presented to the board on October 19th. The CIP contains more than 73 projects or programs representing more than \$351 million in planned investment in county infrastructure, using a wide range of county and non-county funding sources. This plan proposes to make investments in regional county parks and public lands, at public county buildings and spaces, and county roads, highways, bridges, and transit.

The process used to develop this draft five-year capital plan is open and transparent. Staff begins soliciting input and comments from local agencies in April and May of each year. In addition to initial comments, staff considers county performance measures related to roadway pavement conditions and crash histories, as well as building condition and operational costs. Staff works with cities and the Washington County Community Development Agency to understand and identify development trends and proposals across the county, and references many other planning documents to create the draft plan presented today. The draft 2022-2026 CIP was released for formal public comment on October 19th and provided multiple ways to comment. Staff directly solicited comments from cities, townships, watershed districts, and school boards. A web portal was provided where the plan could be downloaded and reviewed, with an option to submit comments online. As of today, the county has received comment letters from six agencies, including the cities of Cottage Grove, Hugo, Lake Elmo, Woodbury, Oak Park Heights, and the Rice Creek Watershed District. Many of the comments included in the letters are specific to individual projects, and in general, the letters are supportive of the investments the county is planning. In many cases, the comment letters state that the writers would like to see even more projects and more investment. In some cases, the letters express concern about a particular project and its potential impacts.

In conclusion, Mr. Sandberg reported that today's focus is to provide a public hearing to receive any additional comments. After the public hearing, all comments will receive a formal response from the county. Comments will be evaluated, and staff will determine if any changes to the draft CIP are warranted. A final update will be provided at the December 14th County Board meeting and staff will present all comments received with responses, review any recommended changes to the plan and why, then recommend the final draft of the 2022-2026 CIP for adoption.

Board Chair Weik asked for comments from the public regarding the 2022-2026 Capital Improvement Plan; none were heard.

There being no further members of the public who wished to speak, Chair Weik asked for a motion to close the public hearing. Commissioner Karwoski moved to close the public hearing. Commissioner Miron seconded the motion, and it was adopted unanimously.

The Public Hearing closed at 3:07 p.m.

Commissioner Karwoski asked for clarification on the funding sources for bonds. Mr. Phillips responded that general obligation bonds (10% of CIP revenues) are paid back by debt service levy. Other bonds (7% of CIP revenues) are the revenue bonds for Gold Line and are paid back with sales tax. County Program Aid and levy (4% of CIP revenues) is a capital redirect, which was reviewed at a workshop earlier this year, as a strategy to reduce reliance on debt.

Board Chair Weik directed staff to prepare a draft resolution consistent with the board's discussion today. At the December 14, 2021, County Board meeting, the board will take action to adopt a resolution adopting the 2022-2026 Capital Improvement Plan.

GENERAL ADMINISTRATION

County Administrator Kevin Corbid noted that today's meeting was running ahead of schedule, and requested to present General Administration items to allow the proper start time for the public hearing on redistricting, scheduled for 3:45 p.m.

Land and Water Legacy Program Funding

County Budget/Financial Analyst Janna Oman and Accounting and Finance Director Tabatha Hansen presented a review of the Land and Water Legacy Program funding needs, and future funding options.

Ms. Oman reported that in 2006, a \$20 million voter-approved bond referendum was passed for the preservation of water quality, woodlands, and other natural areas, which formed the Land and Water Legacy Program (LWLP). Today, three bonds have been issued and more than \$12 million of the \$20 million has been expended.

Due to the nature of the Land & Water Legacy Program, the timing of funding needs is volatile and unpredictable. As the county nears the final \$7.6 million of the \$20 million referendum, there is also a need to cover expenses that occurred this past summer and fall that exceeds the amount of bonds previously issued. In part, this has allowed for appraisal, title, and survey work to continue so that projects that will fall under the next bond can stay on schedule.

Ms. Hansen reported there are two funding options, taxable bond and tax-exempt bond, and today's request is for a taxable bond.

A taxable bond has fewer rules, creating flexibility for the program, and no reimbursement resolution is required. Typically, a taxable bond has higher interest costs than tax-exempt, but with the recent market, the gap is much closer.

A tax-exempt bond has an 18-month pre-spend with board approved reimbursement resolution. The issuance must be made no later than 18 months after the later of the date the original expenditure is paid, or the date the project is placed in service or abandoned. Pre-spend must not exceed 20% of the aggregate issuance price, and there are spenddown requirements.

Commissioner Johnson stated that the Finance Committee discussed LWLP in detail at its November 16th meeting, and there are several opportunities in 2022 for parkland, conservation areas, and conservation easements. The county recognizes that land deals are not always linear, nor predictable. They are complex, involving multiple partners, and being flexible and nimble in a changing landscape is key to closing on opportunities with willing sellers. The Finance Committee agreed that the program goals and county interest can be achieved best through a mix of fund balance, taxable bonds, and tax-exempt bonds to maximize the opportunity to keep projects on schedule and align with market conditions. The Finance Committee unanimously supports the recommendation before the board today.

Commissioners expressed appreciation of residents, staff, and partners that continue to support the Land and Water Legacy Program.

Commissioner Johnson moved to approve up to \$500,000 in permanent use of fund balance to be used for the Land and Water Legacy Program. Commissioner Miron seconded the motion, and it was adopted unanimously.

Commissioner Johnson moved to adopt **Resolution No. 2021-149** as follows:

**DECLARING THE OFFICIAL INTENT OF WASHINGTON COUNTY
TO REIMBURSE CERTAIN EXPENDITURES FROM THE PROCEEDS
OF TAX-EXEMPT BONDS TO BE ISSUED BY THE COUNTY**

WHEREAS, the Internal Revenue Service has issued Treasury Regulations, Section 1.150-2, as the same may be amended or supplemented (the “Reimbursement Regulations”), that establish the requirements under which an allocation of a portion of the proceeds of tax-exempt bonds, as defined in Section 150 of the Internal Revenue Code of 1986, as amended, to an expenditure that is originally paid from a source other than such tax-exempt bonds will be treated as an expenditure of the proceeds of such tax-exempt bonds on the date of such allocation; and

WHEREAS, the Reimbursement Regulations require that (i) not later than sixty (60) days after payment of the original expenditure, the issuer of the tax-exempt bonds must adopt an official intent for the original expenditure (in any reasonable form, including issuer resolution or action by an appropriate representative of the issuer), (ii) the official intent generally describes the project for which the original expenditure is paid and states the maximum principal amount of obligations expected to be issued for the project, and (iii) on the date of the declaration of official intent, the issuer must have a reasonable expectation that it will reimburse the original expenditure with proceeds of the tax-exempt bonds; and

WHEREAS, the original expenditure must be a capital expenditure or a cost of issuance for the tax-exempt bonds, and the reimbursement allocation (except with respect to (i) costs of issuance; (ii) amounts not in excess of the lesser of \$100,000 or five percent (5%) of the proceeds of the tax-exempt bonds; and (iii) preliminary expenditures (as defined in



Section 1.150-2(f)(2) of the Reimbursement Regulations) not in excess of twenty percent (20%) of the aggregate issue price of the tax-exempt bonds), must be made not later than eighteen (18) months after the later of (i) the date the original expenditure is paid, or (ii) the date the project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid; and

WHEREAS, Washington County, a county and political subdivision of the State of Minnesota (the “County”), has duly established a program for the preservation of open space, parks and public water, and other certain natural resources (the “Land and Water Legacy Program”). Pursuant to an affirmative vote of the County electors on November 7, 2006 (the “Bond Referendum”), and in accordance with Minnesota Statutes, Section 475.58, subdivision 1, the County is authorized to issue up to \$20,000,000 in general obligation bonds in one or more issues for the purpose of funding projects under the Land and Water Legacy Program. The County proposes to undertake certain conservation activities under the Land and Water Legacy Program (the “Project”); and

WHEREAS, the County expects to incur certain expenditures with respect to the Project that may be financed temporarily from sources other than tax-exempt bonds and other obligations; and

WHEREAS, the County expects to reimburse expenditures with respect to the Project from the proceeds of tax-exempt bonds or other obligations expected to be issued for the Project in an aggregate principal amount not to exceed the remaining bonding authority pursuant to the Bond Referendum, currently estimated to be approximately \$7,670,600; and

WHEREAS, the County has determined to make this declaration of official intent (the “Declaration”) to reimburse certain costs from proceeds of tax-exempt bonds or other obligations in accordance with the Reimbursement Regulations.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Washington County, Minnesota as follows:

1. The County reasonably intends to make expenditures for the Project. A portion of such expenditures may be temporarily financed with cash assets of the County or from other sources. The County reasonably intends to reimburse itself for such expenditures from the proceeds of tax-exempt bonds or other obligations that are proposed to be issued by the County in an estimated maximum principal amount of \$7,670,600.
2. All reimbursed expenditures will be capital expenditures, costs of issuance of bonds or other obligations, or other expenditures eligible for reimbursement under Section 1.150-2(d)(3) of the Reimbursement Regulations.
3. This Declaration has been made not later than sixty (60) days after payment of any original expenditure to be subject to a reimbursement allocation with respect to the proceeds of tax-exempt bonds or other obligations, except for the following expenditures: (a) costs of issuance of bonds or other obligations; (b) costs in an amount not in excess of the lesser of \$100,000 or five percent (5%) percent of the proceeds of an issue of bonds or other obligations; or (c) “preliminary expenditures” up to an amount not

in excess of 20 percent of the aggregate issue price of the issue or issues that finance or are reasonably expected by the County to finance the project for which the preliminary expenditures were incurred. The term “preliminary expenditures” includes architectural, engineering, surveying, soil testing, bond issuance, and similar costs that are incurred prior to commencement of acquisition, construction, or rehabilitation of a project, other than land acquisition, site preparation, and similar costs incident to commencement of construction.

4. This Declaration is an expression of the reasonable expectations of the County based on the facts and circumstances known to the County as of the date hereof. The anticipated original expenditures for the Project and the principal amount of the tax-exempt bonds or other obligations described in paragraph 1 are consistent with the County’s budgetary and financial circumstances. No sources other than proceeds of tax-exempt bonds or other obligations to be issued by the County are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside pursuant to the County’s budget or financial policies to pay such Project expenditures.
5. This Declaration is intended to constitute a declaration of official intent for purposes of the Reimbursement Regulations.

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

County Board Meeting Added for 2021

County Administrator Kevin Corbid requested that the board workshop only meeting scheduled for December 21, 2021, be changed to an official, regular County Board meeting. Commissioners agreed to change December 21, 2021, to a regular County Board meeting.

ADMINISTRATION

PUBLIC HEARING – PROPOSED COUNTY REDISTRICTING PRINCIPLES

The Public Hearing opened at 3:45 p.m.

Board Chair Weik presented a brief overview of today’s public hearing to consider proposed principles to guide the redistricting of Washington County’s commissioner election districts following the 2020 Census, in accordance with Minnesota Statutes §375.01 and 375.025. On October 19, 2021, the County Board issued its order setting this public hearing for today. Board Clerk Stephanie Kammerud indicated that proper notices were published and made part of the record.

Deputy County Administrator Jennifer Wagenius presented the proposed county redistricting principles. Redistricting occurs every 10 years to ensure the election districts are equal in population. The redistricting process is based on census data collected in 2020. The data showed that over the last 10 years, Washington County was the third fastest growing county of the seven metro counties at 12.4%, and fifth fastest growing county in the state, behind only Olmsted, Wright, Scott, and Carver counties. Based on Metropolitan Council projections for 2030 and 2040, that growth is expected to continue.

Over the last decade, the State of Minnesota and Washington County have also grown more diverse with 23.7% of the state population and 22.2% of the county population identifying as a person of color. Though the county population overall grew at 12.4%, the growth throughout the county over the last 10 years was not uniform. The inconsistent growth has created commissioner districts that are no longer as nearly equal in population as possible; therefore, the County Board will need to undertake a redistricting process. Outside of equalized populations, there are several other factors that also impact redistricting. The status of most of those factors will remain largely unknown until the cities redraw their precinct maps in late March 2022.

The dates set by state statute in the redistricting process are:

- February 15, 2022 – new congressional and legislative districts
- March 29, 2022– reestablishment or redistricting of municipal precincts
- April 26, 2022 – new local government election districts (county, soil and water conservation, school district, etc.)
- May 17, 2022 – candidate filings open
- August 9, 2022, and November 8, 2022 – State Primary and State General Election based on newly drawn districts.

The county falls last in line within the redistricting process, and the scope of its work is county commissioner districts, which also impacts soil and water conservation districts. Within the state's redistricting process, the Legislature will first set the congressional and legislative districts, then the cities establish municipal precincts, and finally, the county and other local governments determine their election districts. Based on those dates and the timeline of past redistricting efforts at the state level, it is expected that the County Board will have a compressed timeline to develop, get public feedback on, and adopt new district maps. Because of that compression, the County Board has separated the process of developing and getting public feedback on redistricting principles from the process to redraw boundaries, leading to this public hearing today. Though the County Board is not required to adopt redistricting principles, it has been the tradition of this board to do so.

Based on board discussion to date, the following proposed principles were posted on the county website on October 19, 2021, for public feedback.

- **Number of Districts:** The County will have 5 Commissioner Districts with a single commissioner for each district.
- **Population Deviation:** Commissioner Districts will meet the population deviation required by state statute, unless doing so is not possible because of the lack of authority to split precincts.
- **Contiguous Territory:** Each Commissioner District shall be composed of contiguous territory.
- **Regular and Compact in Form:** Commissioner Districts must be regular and compact in form to the extent practicable considering the geography of the county and the existence of other principles.
- **Relationship to Other Boundaries:** Commissioner Districts will be drawn using town, municipal, ward or precinct lines established by the cities and townships.

- **State and Constitutional Standards:** The County Redistricting Plan shall conform with all applicable statutory and constitutional standards.
- **Dividing of Political Subdivisions:** The County Redistricting Plan will avoid the dividing of political subdivisions unless necessary to meet the principle of equal population.
- **Public Notice and Participation:** At least three weeks in advance of acting to redistrict the county board will publish notice of the date, time, and location of meetings at which redistricting will be considered. There will be public notice of all meetings related to redistricting and the opportunity for public input throughout the process.
- **Preserving Communities of Interest:** Commissioner Districts should attempt to preserve communities of interest, i.e., areas with similarities of interests, including but not limited to, ethnic, geographic, economic, social and cultural interests where that can be done in compliance with the other principles.
- **Minority Representation:** Commissioner Districts shall not be drawn with either the purpose or effect of denying or abridging the voting rights of any county citizen on account of race, ethnicity, or membership in a language minority group.
- **Incumbents:** Commissioner Districts shall not be drawn for the purpose of protecting or defeating incumbents and should not result in either undue incumbent protection or excessive incumbent conflicts.
- **Staggered Terms:** In determining which commissioner districts will have 2-year terms to allow for staggered terms as required by the law, the county board shall consider which commissioner districts were given 2-year terms as part of the previous two redistricting plans and rotate the 2-year terms equally amongst the given districts.

The first principle relates to the number of commissioner districts. Statute generally provides for county boards to have five commissioners. In counties with a population greater than 100,000, there is an option to increase the board to seven members. There was a request from the public to provide more information on this item and Ms. Wagenius provided context on that item at the end of the presentation.

Ms. Wagenius continued that population deviation refers to the rule that no district may vary more than 10% from the average of all districts. State statute also requires that districts be contiguous, and as regular and compact as practicable.

The principle on the division of political subdivisions is not a statutory requirement for county redistricting, but does mimic Minnesota statute related to state redistricting plans and the recent court order filed by the Minnesota Judicial Branch Special Redistricting Panel. Political subdivisions are government entities, such as cities, townships, and school districts.

State statute does require specific publications and notifications to the public throughout the redistricting process, including the publication of an official notice at least three weeks in advance of meetings to consider redistricting.

The three items related to communities of interest, minority representation, and incumbents are not required by statute; however, they do generally follow the principles used in the past by the Washington County Board and principles used by state redistricting panels. Communities of interest, as defined by the special redistricting panel, include clearly recognizable similarities of

social, geographic, cultural, ethnic, economic, occupational, trade, transportation, or other interests. In Washington County, they may include attributes such as rural vs. suburban areas or river communities. Information such as economic information, or ethnic and racial identity are, or will be, available from the U.S. Census data and can be mapped during the redistricting process in April.

Finally, the principle related to staggered terms outlines logistics around the assignment of two-year commissioner terms after redistricting.

Ms. Wagenius reported that the board has received copies of written comments received to date. As noted, one of the initial comments included a request for more information about number of commissioner districts. Also included was the desire for the board to use technology to identify districts, and public participation and review of proposed maps, which the board has built into its redistricting schedule. However, given the statutory dates and requirements, this will certainly be a shorter timeline than the board and members of the public may prefer.

Related to the number of commissioner districts, board discussions to date have identified many factors for consideration, including the ability to represent assigned communities, the costs to expand the board, as well as impacts on other agencies, appointed commissions, and soil and water conservation districts.

The board has also considered comparison districts, noting that if it were to maintain five districts, the representation would be similar to Anoka County and moderate as compared to some other commissioner districts within the metro county.

Board Chair Weik asked for comments from the public regarding the redistricting principles.

Corey Plath, Cottage Grove, provided comments on some of the language in the principles.

There being no further members of the public who wished to speak, Chair Weik asked for a motion to close the public hearing. Commissioner Miron moved to close the public hearing. Commissioner Kriesel seconded the motion, and it was adopted unanimously.

The Public Hearing closed at 4:04 p.m.

Commissioner Johnson asked if staff could address the public comment from Mr. Plath.

Assistant County Attorney Kevin Magnuson stated that principles are not an obligation to adopt under law. However, it has been a practice in Washington County to do so. The purpose is to lay out general principles that will guide the decision-making process, so the board proceeds fairly and accomplishes objectives, before analyzing the data. With respect to the county's redistricting principles, they are similar to what Washington County and other counties have used in the past. Some track the constitutional requirements, some track statutory requirements, and some are generally accepted by the county as worthwhile and important objectives.



Commissioners expressed appreciation for the public comments they have received regarding the redistricting process. Commissioners acknowledge that there are many unknowns with boundaries at this time, and the county continues to be transparent with this redistricting process.

Board Chair Weik stated the board will take action on the proposed redistricting principles at the December 14, 2021, County Board meeting.

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

Board correspondence was received and placed on file.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Karwoski moved to adjourn, seconded by Commissioner Johnson, and it was adopted unanimously. The County Board meeting adjourned at 4:50 p.m.

BOARD WORKSHOP WITH ADMINISTRATION

The Board met in workshop session to review commissioner appointments to committees, commissions, and joint powers boards for 2022. 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 cursive script that reads "Kevin Corbid".

Kevin Corbid
County Administrator

A handwritten signature in cursive script that reads "Lisa Weik".

Lisa Weik
County Board Chair