



**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD
WASHINGTON COUNTY, MINNESOTA
DECEMBER 21, 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 Johnson asked to pull Consent Calendar item D, regarding the Community Corrections Comprehensive Plan, to be presented separately.

Commissioner Johnson moved, seconded by Commissioner Miron, to adopt the Consent Calendar without item D, as follows:

1. Approval of the November 30, 2021, County Board meeting minutes.
2. Approval contract for legal representation in child in need of protection or services (CHIPS), termination of parental rights (TPR) and permanency cases with Attorney Victoria Herr for the period of January 1, 2022, through December 31, 2023.
3. Approval of **Resolution No. 2021-166** as follows:

**RESOLUTION TO AUTHORIZE APPROVAL OF A JOINT
POWERS AGREEMENT BETWEEN THE STATE OF
MINNESOTA WITH WASHINGTON COUNTY FOR ACCESS TO
CRIMINAL JUSTICE DATA**

WHEREAS, Washington County Community Corrections needs access to criminal justice data to carry out their mission and services to the public; and,

WHEREAS, the County of Washington on behalf of its Community Corrections Office desires to enter into Joint Powers Agreements with the State of Minnesota, Department of Public Safety, Bureau of Criminal Apprehension to use systems and tools available over the State's criminal justice data communications network for which the County is eligible. The Joint Powers Agreements further provide the County with the ability to add, modify and delete connectivity, systems and tools over the five year life of the agreement and obligates the County to pay the costs for the network connection.

NOW, THEREFORE, BE IT RESOLVED, that the Washington County Board Chair and County Administrator are authorized to execute the State of Minnesota Joint Powers Agreement and the Court Data Services Subscriber Amendment to the Criminal Justice Data Communications Network (CJDN) Subscriber Agreement with the State of Minnesota for a term of five years.

4. Approval of Contract No. 14513 with Canvas Health in the amount of \$1,362,865.39, for the period of January 1, 2022, through December 31, 2022.
5. Approval of changes to Personnel Rules and Regulations Section #15 Holidays, Paid Time Off (PTO) and Compensatory Time with effective date of January 1, 2022.
6. Approval of the compensation and benefits for 2022 and 2023 for the Department Heads and Department Deputy Directors.
7. Approval of the compensation and benefits changes for 2022 and 2023 for the Confidential Employees and the Confidential Supervisors.
8. Approve the tentative agreement for the 2022-2023 collective bargaining agreement with the Supervisor's Association bargaining unit.
9. Approve the tentative agreement for 2022-2023 Collective Bargaining Agreements with both the Exempt and Non-Exempt bargaining units represented by the American Federation of State, County and Municipal Employees (AFSCME) Council No. 5.
10. Approve the tentative agreement for the 2022-2023 Collective Bargaining Agreement with the International Union of Operating Engineers Local No. 49 AFL-CIO (49ers).

11. Approve the tentative agreement for the 2022 - 2023 Collective Bargaining Agreement with Law Enforcement Labor Services (LELS) Local #372 Essential Captain/ Commander Unit.
12. Approve the tentative agreement for the 2022-2023 Collective Bargaining Agreement with TEAMSTERS Local No. 320 (Probation Officers).
13. Approve the tentative agreement for the 2021 Collective Bargaining Agreement with the Minnesota Public Employees Association (MNPEA) Correctional Officer/911 Supervisors Unit.
14. Approval of the 2021 Collective Bargaining Agreement with Minnesota Public Employees Association (MNPEA) Correctional Officer/911 Unit Agreement.
15. Approve Amendment No. 3 of Contract No. 13151 with SkyNorth Software for the amount of \$162,164 and extend the contract through December 31, 2022.
16. Approve Contract No. 14479 with Lakeview Hospital and Health Partners Medical Group for Correctional Health Medical Services, for the period of January 1, 2022, through December 31, 2022.
17. Approve Contract No. 14516 with Tennis Sanitation for Waste Management Services for the term January 1, 2022, through December 31, 2024.
18. Approve Amendment No. 5 to Lease Agreement No. 11627 with the State of Minnesota, acting for the benefit of the Department of Employment and Economic Development (DEED) at the Woodbury Service Center.
19. Approval of **Resolution No. 2021-167** as follows:

**RESOLUTION AUTHORIZING SUBMITTAL OF APPLICATIONS
TO THE ECONOMIC DEVELOPMENT ADMINISTRATION FOR
FUNDING UNDER THE AMERICAN RESCUE PLAN ACT
TRAVEL, TOURISM, AND OUTDOOR RECREATION
PROGRAM**

WHEREAS, on March 11, 2021, President Joseph R. Biden signed the American Rescue Plan Act (ARPA). This legislation was designed to enable all Americans to respond to and recover from the impacts of COVID-19; and

WHEREAS, under the ARPA the Economic Development Administration (EDA) was allocated \$3 billion to assist communities in efforts to recover from the coronavirus pandemic and build economies more resilient to future economic shocks; and

WHEREAS, through the FY 2021 Travel, Tourism & Outdoor Recreation program, EDA is focused on accelerating the recovery of communities that rely on the travel, tourism and outdoor recreation sectors; and

WHEREAS, \$750 million of EDA's ARPA funds are allocated to support the FY 2021 Travel, Tourism and Outdoor Recreation Program; and

WHEREAS, Washington County is an eligible recipient for FY 2021 Travel, Tourism, and Outdoor Recreation Program funds; and

WHEREAS, Washington County is proposing to submit grant applications as part of the FY 2021 Travel, Tourism and Outdoor Recreation Program for the following projects:

1. Stonebridge Trail (CSAH 5) and Browns Creek State Trail Connection Project in the City of Stillwater;
2. The Point Douglas Park Facility Improvements Project located in Point Douglas Park in the City of Hastings;

WHEREAS, the projects will be of mutual benefit to the Washington County, and the Cities of Stillwater and Hastings; and

WHEREAS, Washington County is committed to providing the county share of the costs if the projects are selected as part of the FY 2021 Travel, Tourism, and Outdoor Recreation Program; and

WHEREAS, Washington County is committed to completing the project, if selected, and funding is provided as part of the FY 2021 Travel, Tourism, and Outdoor Recreation Program.

NOW, THEREFORE, BE IT RESOLVED, that Washington County is requesting funding from the federal government through the FY 2021 Travel, Tourism, and Outdoor Recreation Program and the county is committed to completing the projects identified above and providing the county share of funding.

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

Approval of the 2022-2023 Community Corrections Comprehensive Plan

Community Corrections Director Terry Thomas presented the 2022-2023 Community Corrections Comprehensive Plan. Mr. Thomas reported the mission of the department is to improve community safety by providing opportunities for positive change. Mr. Thomas presented performance measures on goals which included juvenile felony non-recidivism rates, juvenile education rates, dosage probation, and use of GPS or electronic alcohol monitoring devices, as well as success with programs, such as one-on-one cognitive interventions and Sentence-to-Service (STS). Highlights of the strategic plan include review of the adult pretrial process to assess for fairness and equity, development and implementation of a Community Corrections Equity Change Team, and continued collaboration with the Robert F. Kennedy National Resource Center for Juvenile Justice.

Commissioner Johnson moved to approve the 2022-2023 Community Corrections Comprehensive Plan. Commissioner Miron seconded the motion, and it was adopted unanimously.

PUBLIC WORKS

Grant Agreement with Metropolitan Council for the Equity Grant Program

Parks Director Sandy Breuer presented a grant agreement between the Metropolitan Council and Washington County for the Equity Grant Program. Ms. Breuer reported that Washington County submitted a grant proposal to the Metropolitan Council as part of a competitive process to secure funding for equity initiatives. Washington County received a grant of \$150,000 to cover the expenses associated with hiring a two-year special project position. This new position of Parks Coordinator, with Equity Program Coordination, will serve as a community outreach specialist to build community partnerships and coordinate park programming, outreach events, and Parks-on-the-Go Programs.

The position will provide Washington County with the staff and expertise to better serve a broader range of the community. In agencies across the region, a dedicated staff position has been shown to be a successful model to move forward equity and engagement goals. With a dedicated staff member, whose purpose it is to work directly with the community to plan programming and outreach events, the county will be able to target the broad spectrum of underserved populations.

Commissioner Johnson moved to approve the grant agreement between the Metropolitan Council and Washington County for the Equity Grant Program. Commissioner Karwoski seconded the motion, and it was adopted unanimously.

Commissioner Miron moved to approve the two-year special project Parks Coordinator, with Equity Program Coordination. Commissioner Kriesel seconded the motion, and it was adopted unanimously.

EXECUTIVE (CLOSED) SESSION – HUMAN RESOURCES

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

The Board met in Executive (closed) Session at 9:40 a.m., for the purpose of discussing active litigation, Evans v. Washington County, per Minnesota Statute 13D.05 Subd. 3(b). Present for the Executive Session were Commissioners Weik, Kriesel, Karwoski, Johnson, and Miron, Kevin Corbid, Jan Lucke, Jennifer Wagenius, Julie Sorrem, Angie Nalezny, Sue Tice, Sheriff Dan Starry, Attorney Joe Flynn from Jardine Logan & O'Brien, and Stephanie Selisker from Minnesota Counties Intergovernmental Trust (MCIT).

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

EXECUTIVE (CLOSED) SESSION – HUMAN RESOURCES

The Board met in Executive (closed) Session at 10:28 a.m., for the purpose of discussing active litigation, Bild v. Washington County, per Minnesota Statute 13D.05 Subd. 3(b). Present for the Executive Session were Commissioners Weik, Kriesel, Karwoski, Johnson, and Miron; Kevin Corbid, Jan Lucke, Jennifer Wagenius, Julie Sorrem, Sue Tice, Sheriff Dan Starry, Attorney Jason Hively from Iverson Reuvers, and Stephanie Selisker from MCIT.

The Executive Session closed at 11:00 a.m.

EXECUTIVE (CLOSED) SESSION – ATTORNEY'S OFFICE

The Board met in Executive (closed) Session at 11:04 a.m., to discuss strategy for active litigation regarding the county's interests in the state opioid settlement. Present for the Executive Session were Commissioners Weik, Kriesel, Karwoski, Johnson, and Miron; Kevin Corbid, Jan Lucke, Jennifer Wagenius, Julie Sorrem, Pete Orput, Sue Tice, Kevin Magnuson, and Attorney Davis Asp from Lockridge Grindal Nauen.

The Executive Session closed at 11:42 a.m.

The Washington County Board of Commissioners returned from Executive Session at 11:46 a.m.

GENERAL ADMINISTRATION

Human Resources Risk & Benefit Manager Julie Sorrem presented a resolution authorizing county staff to execute all necessary documents to ensure county participation in the multistate settlement relating to opioid distributors and manufacturers, and in the Minnesota Opioids State-Subdivision Memorandum of Agreement.

Commissioner Kriesel moved to approve **Resolution No. 2021-168** as follows:

**A RESOLUTION AUTHORIZING COUNTY STAFF TO
EXECUTE ALL NECESSARY DOCUMENTS TO ENSURE
COUNTY PARTICIPATION IN THE MULTISTATE
SETTLEMENTS RELATING TO OPIOID DISTRIBUTORS AND
MANUFACTURERS, AND IN THE MINNESOTA OPIOIDS
STATE-SUBDIVISION MEMORANDUM OF AGREEMENT, AND
DECLARING SUPPORT FOR AN AMENDMENT TO
MINN. STAT. § 256.043, SUBD. 3(D).**

WHEREAS, the State of Minnesota and numerous Minnesota cities and counties are engaged in nationwide civil litigation against manufacturers and distributors of prescription opioids related to the opioid crisis; and

WHEREAS, the Minnesota Attorney General has signed on to multistate settlement agreements with several pharmaceutical distributors, McKesson, Cardinal Health, and AmerisourceBergen, as well as opioid manufacturer Johnson & Johnson, but those settlement agreements are still subject to sign-on by local governments and final agreement by the companies and approval by the courts; and

WHEREAS, there is a deadline of January 2, 2022, for a sufficient threshold of Minnesota cities and counties to sign on to the above-referenced multistate settlement agreements, and failure to timely sign on may diminish the amount of funds received by not only that city or county but by all Minnesota cities and counties from the settlement funds; and

WHEREAS, representatives of Minnesota's local governments, the Office of the Attorney General, and the State of Minnesota have reached agreement on the intrastate allocation of these settlement funds between the State, and the counties and cities, as well as the permissible uses of these funds, which will be memorialized in the Minnesota Opioids State-Subdivision Memorandum of Agreement (the "State-Subdivision Agreement"); and

WHEREAS, during negotiations of the State-Subdivision Agreement, representatives of Minnesota's counties prioritized flexibility in how local governments may use settlement funds for opioids abatement and remediation and advocated for counties to receive settlement allocations

directly rather than using the distribution mechanism detailed in Minn. Stat. § 256.043, subd. 3(d); and

WHEREAS, in order to achieve the goals of flexibility and direct allocation, Minn. Stat. § 256.043, subd. 3(d), must be amended to remove a provision which would otherwise appropriate approximately 50 percent of the state's settlement allocation to county social service agencies for statutorily-prescribed use(s); and

WHEREAS, the State-Subdivision Agreement creates an opportunity for local governments and the State to work collaboratively on a unified vision to deliver a robust abatement and remediation plan to address the opioid crisis in Minnesota; now, therefore,

BE IT RESOLVED, Washington County supports and agrees to the State-Subdivision Agreement; and

BE IT FURTHER RESOLVED, Washington County supports and opts in to the multistate settlements with McKesson, Cardinal Health, and AmerisourceBergen, and with Johnson & Johnson; and

BE IT FURTHER RESOLVED, Washington County authorizes county staff to execute all necessary documents to ensure County participation in the multistate settlements, including the Participation Agreement and accompanying Release, and in the State-Subdivision Agreement; and

BE IT FURTHER RESOLVED, Washington County, supports the amending of Minn. Stat. § 256.043, subd. 3(d), to remove a provision which would appropriate approximately 50 percent of the state's settlement allocation to county social service agencies via the existing Opiate Epidemic Response Fund distribution mechanism for statutorily-prescribed use(s).

Commissioner Miron 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.

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.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Karwoski moved to adjourn, seconded by Commissioner Kriesel, and it was adopted unanimously. The County Board meeting adjourned at 12:01 p.m.

BOARD WORKSHOP WITH PUBLIC WORKS

The Board met in workshop session for a presentation of the Lake Elmo Park Reserve Single Track Trail Design Study. Present for the workshop were Commissioners Weik, Miron, Karwoski, Johnson, and Kriesel. 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