

402A.30 DESIGNATION OF SERVICE DELIVERY AUTHORITY.

Subdivision 1. **Establishment.** After certification by the council and approval by the commissioner, in accordance with subdivision 4, a county or consortium of counties may establish a service delivery authority to redesign the delivery of some or all essential services. Once a county or consortium of counties establishes a service delivery authority, no county that is a participant in the service delivery authority may participate in or be a member of any other service delivery authority. The service delivery authority may allow an additional county or counties to join the service delivery authority subject to the approval of the council and the commissioner.

Subd. 2. **New state-county governance framework.** (a) To establish a service delivery authority, each participating county and the state must enter into a binding memorandum of understanding to establish a joint state-county service delivery framework:

(b) The memorandum of understanding must:

(1) comply with current state and federal law except where waivers are approved under clause (7);

(2) define the scope of essential services over which the service delivery authority has jurisdiction;

(3) designate a single administrative structure to oversee the delivery of services over which the service delivery authority has jurisdiction and identify a single administrative agent for purposes of contact and communication with the department;

(4) define measurable performance and outcome goals in key operational areas that the service delivery authority is expected to achieve, provided that the performance goals must, at a minimum, satisfy performance outcomes recommended by the steering committee and enacted into law;

(5) identify the state and local resources, including funding and administrative and information technology support, and other requirements necessary for the service delivery authority to achieve the performance and outcome goals;

(6) state the relief available to the service delivery authority if the resource commitments identified in clause (5) are not met;

(7) identify in the agreement the waivers from statutory requirements that are needed to ensure greater local control and flexibility to determine the most cost-effective means of achieving specified measurable goals and the date by which the commissioner shall grant the identified waivers;

(8) set forth a graduated accountability process and penalties for responding to a county's failure to make adequate progress on achieving performance and outcome goals;

(9) set forth a reasonable level of targeted reductions in overhead and administrative costs for each county participating in the service delivery authority; and

(10) set forth the terms under which a county may withdraw from participation.

The memorandum of understanding may be later amended to add additional services over which the service delivery authority has jurisdiction.

(c) Nothing in this chapter precludes local governments from utilizing sections 465.81 and 465.82 to establish procedures for local governments to merge, with the consent of the voters. Any agreement under paragraph (b) must be governed by this chapter. Nothing in this chapter limits the authority of a county board to enter into contractual agreements for services not covered by the provisions of a memorandum of understanding establishing a service delivery authority with other agencies or with other units of government.

Subd. 3. **Duties.** The service delivery authority shall:

(1) within the scope of essential services set forth in the memorandum of understanding establishing the authority, carry out the responsibilities required of local agencies under chapter 393 and human services boards under chapter 402;

(2) manage the public resources devoted to human services and other public services delivered or purchased by the counties that are subsidized or regulated by the Department of Human Services under chapters 245 and 267;

(3) employ staff to assist in carrying out its duties;

(4) develop and maintain a continuity of operations plan to ensure the continued operation or resumption of essential human services functions in the event of any business interruption according to local, state, and federal emergency planning requirements;

(5) receive and expend funds received for the redesign process under the memorandum of understanding;

(6) plan and deliver services directly or through contract with other governmental or nongovernmental providers;

(7) rent, purchase, sell, and otherwise dispose of real and personal property as necessary to carry out the redesign; and

(8) carry out any other service designated as a responsibility of a county.

Subd. 4. **Process for establishing a service delivery authority.** (a) The county or consortium of counties proposing to form a service delivery authority shall, in conjunction with the commissioner, present a proposed memorandum of understanding to the council accompanied by a resolution from the board of commissioners of each participating county stating the county's intent to participate in a service delivery authority.

(b) The council shall certify a county or consortium of counties as a service delivery authority if:

(1) the conditions in subdivision 2, paragraphs (a) and (b), are met; and

(2) the county or consortium of counties are:

(i) a single county with a population of 55,000 or more;

(ii) a consortium of counties with a total combined population of 55,000 or more and the counties comprising the consortium are in reasonable geographic proximity; or

(iii) four or more counties in reasonable geographic proximity without regard to population.

The council may recommend that the commissioner of human services exempt a single county or multicounty service delivery authority from the minimum population standard if that service delivery authority can demonstrate that it can otherwise meet the requirements of this chapter.

(c) After the council has certified a county or consortium of counties as a service delivery authority, the commissioner may enter into the memorandum of understanding with the participating counties to form the service delivery authority.

Subd. 5. **Single county service delivery authority.** For counties with populations over 55,000, the board of county commissioners may be the service delivery authority and retain existing authority under law.

History: 2009 c 79 art 9 s 6; 2009 c 173 art 1 s 46