CHAPTER 383D

DAKOTA COUNTY

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383D.05 COMMISSIONERS' EXPENSE ACCOUNTS.

Each member of the board of county commissioners shall be allowed an annual sum as determined by the county board as and for expense account.

History: *1961 c 249 s 2; 1965 c 629 s 2; 1980 c 519 s 5*

383D.09 MAY MERGE TREASURER AND AUDITOR, MAKE RECORDER APPOINTIVE.

Subdivision 1. **By resolution under this section.** The Dakota County Board of Commissioners may, by resolution, merge the offices of county treasurer and county auditor. The board may provide, by resolution, that the office of county recorder shall not be elective but shall be filled by appointment by the county board as provided in this section. These offices will be referred to as treasurer/auditor and property records.

Subd. 2. **Formalities.** As provided by a resolution by the Dakota County Board of Commissioners and subject to subdivisions 3 and 4, the duties of the elected county treasurer and county auditor required by statute shall be combined and performed by one elected official to be referred to as the county treasurer/auditor. The treasurer/auditor shall perform all duties required by statute to be performed by either a county treasurer or auditor and shall be elected in the manner as provided by statute for those officials. A vacancy in the office of treasurer/auditor shall be filled in accordance with section 375.08.

Upon adoption of a resolution by the Dakota County Board of Commissioners and subject to subdivisions 3 and 4, the duties of the elected county recorder whose office is made appointive under this section shall

be discharged by the board of commissioners acting through a department head appointed by the board for that purpose. The appointed department head shall serve at the pleasure of the board. The board may reorganize, consolidate, reallocate, or delegate the duties to promote efficiency in county government. A reorganization, reallocation, or delegation or other administrative change or transfer shall not impair the discharge of duties required by statute to otherwise be performed by a county recorder.

Subd. 3. **Incumbents complete term.** The persons elected to be county treasurer, county auditor, and county recorder at the last county general election preceding action under this section shall serve in those capacities and perform their duties, functions, and responsibilities until the completion of the term of office to which each was elected, or until a vacancy occurs in the office, whichever occurs earlier.

Subd. 4. **Publication, petition, reverse referendum.** The county board, before action as permitted by subdivision 2 and before any appointment permitted by subdivision 1 or 2, but after adopting a resolution permitted by subdivision 1 or 2, shall publish the resolution once each week for two consecutive weeks in the official publication of the county. The resolution may be implemented without the submission of the question to the voters of the county, unless within 21 days after the second publication of the resolution a petition requesting a referendum, signed by at least 15 percent of the voters in the county voting in the last general election, is filed with the county auditor. If a petition is filed, the resolution may be implemented unless disapproved by a majority of the voters of the county, voting on the question at a regular or special election.

Subd. 5. **Treasurer/auditor may be appointed.** (a) The Dakota County Board of Commissioners may, by resolution, provide that the office of county treasurer/auditor shall not be elective but shall be filled by appointment by the county board as provided in this subdivision.

(b) Upon adoption of a resolution by the Dakota County Board of Commissioners and subject to paragraphs (c) and (d), the duties of the elected treasurer/auditor whose office is made appointive under this subdivision shall be discharged by the board of commissioners acting through a department head appointed for that purpose. The appointed department head shall serve at the pleasure of the board. The board may reorganize, consolidate, reallocate, or delegate the duties to promote efficiency in county government. A reorganization, consolidation, reallocation, or delegation or other administrative change or transfer shall not impair the discharge of duties required by statute to otherwise be performed by the treasurer/auditor.

(c) The person elected to be county treasurer/auditor at the last county general election preceding action under this subdivision shall serve in that capacity and perform the duties, functions, and responsibilities until the completion of the term of office to which elected, or until a vacancy occurs in the office, whichever occurs earlier.

(d) The county board, before acting as permitted by paragraph (b) and before any appointment permitted by paragraph (a) or (b), but after adopting a resolution permitted by paragraph (a) or (b), shall publish the resolution once each week for two consecutive weeks in the official publication of the county. The resolution may be implemented without the submission of the question to the voters of the county, unless within 21 days after the second publication of the resolution, a petition requesting a referendum, signed by at least ten percent of the registered voters in the county voting in the last general election, is filed with the county treasurer/auditor. If a petition is filed, the resolution may be implemented unless disapproved by a majority of the voters of the county voting on the question at a regular or special election.

History: *1991 c 338 s 1; 1998 c 308 s 1*

383D.095 COUNTY ADMINISTRATOR SERVES AS CLERK OF COUNTY BOARD.

Notwithstanding any other law to the contrary, in Dakota County the county administrator, by virtue of position, is the clerk of the county board and shall keep an accurate record of its official proceedings.

History: *1995 c 60 s 1*

383D.15 MS 1994 [Repealed, 1996 c 310 s 1]

383D.153 EXTENSION COMMITTEE MEMBERS.

The Dakota County Extension Committee shall include one member in addition to those provided by section 38.36. One each of the seven members, other than the commissioners and auditor, shall be appointed from the seven county commissioner districts. The members serving on July 20, 1993, who reside in the several districts shall serve until the end of their terms. If more than one member resides in the same district, the county board shall designate which shall continue to serve. A member who ceases to maintain a principal residence in the district from which appointed shall cease to serve as a member. The additional member appointed under this section shall serve until the first Tuesday after the first Monday in January 1996.

History: *1993 c 23 s 4*

383D.17 ROAD AND BRIDGE AIDS.

The county board of Dakota County may appropriate from its road and bridge fund to any town, statutory city, or home rule charter city of the second, third, or fourth class in the county such sums of money as are available and which it deems advisable to aid such towns, statutory cities, or home rule charter cities of the second, third, or fourth class in the construction and maintenance of roads, streets, or bridges therein, and such appropriations may be directly expended by the county board upon such roads, streets, or bridges as shall be designated by the governing bodies of such towns, statutory cities, or home rule charter cities of the second, third, or fourth classes. The county board shall determine the amount to be appropriated to such town, statutory city, or home rule charter city of the second, third, or fourth class, notwithstanding any limitation to the contrary.

History: *1959 c 457 s 1; 1973 c 123 art 5 s 7*

EMPLOYMENT

383D.21 RESOLUTION TO CREATE PERSONNEL SYSTEM, APPEALS BOARD.

The Dakota County Board may establish a county personnel administration system by a resolution creating an employee relations department, establishing its effective date and appointing a personnel board of appeals pursuant to section 383D.30.

History: *1987 c 74 s 1*

383D.22 DEFINITIONS.

Subdivision 1. **For sections 383D.21 to 383D.35.** For the purpose of sections 383D.21 to 383D.35, unless the context clearly indicates that a different meaning is intended, the terms defined in this section have the following meanings.

Subd. 2. **Appointing authority.** "Appointing authority" means an official, employee, board, or commission, or other person or body empowered by law, ordinance, or resolution to make an appointment to a position as a county employee within the scope of sections 383D.21 to 383D.35.

Subd. 3. **Director.** "Director" means the director of the employee relations department.

Subd. 4. **Employee relations department.** "Employee relations department" means the employee relations director and the employees engaged in the administration of the employee relations department.

Subd. 5. **Board of appeals.** "Board of appeals" means the personnel board of appeals established pursuant to section 383D.30.

Subd. 6. **Classified service.** "Classified service" means all positions existing on July 2, 1987, or subsequently created that are under the jurisdiction of the employee relations department pursuant to section 383D.23, subdivision 1.

Subd. 7. **Unclassified service.** "Unclassified service" means all positions that are not in the classified service.

History: *1987 c 74 s 2*

383D.23 JURISDICTION: POSITIONS OF LISTED APPOINTERS; EXCLUSIONS.

Subdivision 1. **List; positions are classified.** (a) Except for the positions excluded under subdivisions 2 and 3, the jurisdiction of a department created pursuant to section 383D.21 shall include every county public employment position for which the appointing authority is:

(1) the county board;

(2) the local social services agency;

(3) the county human services board;

(4) an elected county official;

(5) an appointed county department head; or

(6) a commission or board appointed by the county board.

(b) All positions within the jurisdiction of the department are classified.

Subd. 2. **Exclusions; unclassified.** The following are excluded from the jurisdiction of the department and are unclassified:

(1) positions filled by election;

(2) positions for which a county or district court judge is the appointing authority;

(3) positions designated by the county board or by law as department heads and filled by the county board;

(4) positions designated by the county board or by law as department heads and filled by a board or commission appointed by the county board;

(5) one chief or principal assistant designated by each department head;

(6) one personal secretary designated by each elected department; and

(7) assistant county attorneys, student law clerks, or special investigators in the employ of the county attorney.

Subd. 3. **County board may exclude these.** (a) At the option of the county board, the following may be excluded from the jurisdiction of the department:

(1) any positions subject to merit systems established or authorized pursuant to sections 12.22, subdivision 3, 256.012, and 387.31 to 387.45 or federal law;

(2) positions designated as temporary or seasonal;

(3) special deputies and volunteers serving without pay;

(4) students in training; and

(5) positions that meet the following criteria:

(i) exclusion is consistent with other law relating specifically to that department;

(ii) the position is that of a supervisor or department assistant who would report directly to the department head or the chief deputy or principal assistant of the department head and be a part of the department head's management team; and

(iii) the duties of the position involve significant discretion and substantial involvement in the development, interpretation, and implementation of department policy.

(b) The employee relations director shall certify whether the designation is consistent with the standards and criteria in this section. The county board may appeal certification decisions to the personnel board of appeals.

Subd. 4. **Unclassified appointments; process, benefits.** An appointing authority may appoint an employee to the unclassified service in accordance with this subdivision. Positions in the unclassified service are not required to be filled by competitive examination but shall be subject to an open application and screening process. An employee in the unclassified service is entitled to all fringe and compensation benefits afforded to similarly situated employees in the classified service such as, but not limited to, vacation leaves, holiday leave, health care insurance, and other benefits as determined by the county board.

Subd. 5. **Certain juveniles.** An appointing authority may employ on a temporary basis juveniles who have been ordered by the juvenile court to make monetary restitution or pay a fine as a condition of probation without complying with this section.

History: *1987 c 74 s 3; 1989 c 143 s 1; 1994 c 631 s 31; 2014 c 192 art 4 s 2,3*

383D.24 EMPLOYEE RELATIONS DIRECTOR APPOINTMENT.

After the county board has adopted the resolution authorized in section 383D.21, it shall promptly appoint an employee relations director or assign the function of employee relations director to an existing officer or employee. If Dakota county elects to operate under an optional form of government pursuant to sections 375A.01 to 375A.13, the authority to appoint the employee relations director shall be the same as

for the appointment of other department heads. The terms and conditions of employment of the person appointed as director or assigned the function of director shall be established by the county board.

History: *1987 c 74 s 4*

383D.25 DUTIES AND POWERS OF DIRECTOR.

Subdivision 1. **Personnel administration rules.** (a) The director shall prepare personnel rules, which shall be effective upon approval by the county board, to carry out sections 383D.21 to 383D.35.

(b) The rules shall provide, among other things, for:

(1) a classification plan and classification of positions within the jurisdiction of the employee relations department in accordance with the plan;

(2) creation and maintenance of lists of eligibles. No name shall remain on an eligible list for more than two years;

(3) certification of names to the appointing authority from the eligible list for appointment, promotion, or reemployment;

(4) establishment of procedures to recruit, select, and advance personnel on the basis of relative ability, knowledge, and skills;

(5) establishment of procedures to assure nondiscriminatory and fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, sex, or religion;

(6) establishment of procedures for suspension or termination or other disciplinary action, including procedures for appeal of actions by appointing authorities with respect to suspension or termination or other disciplinary action;

(7) establishment of rules and procedures to authorize employees within the jurisdiction of the employee relations department to take a leave of absence from their duties to accept appointment to an unclassified position.

Subd. 2. **Administration.** The director shall administer the department. In addition to other duties imposed by sections 383D.21 to 383D.35, the director shall:

(1) Appoint, supervise, and direct the work of the employees of the department.

(2) Schedule and conduct hearings as required by rules adopted pursuant to sections 383D.21 to 383D.35 or at the direction of the county board.

(3) Provide for, formulate, and hold competitive examinations as required by rule to determine the qualifications of persons seeking employment in positions within the jurisdiction of the department.

(4) Investigate the administration and effect of rules made under sections 383D.21 to 383D.35 and report the findings and recommendations to the county board.

(5) Establish programs for training and continuing education of employees as deemed appropriate by the county board to improve the quality of service of employees holding positions within the jurisdiction of the department.

(6) Prepare a compensation plan and recommend a schedule of salary or wage rates for all county positions within the jurisdiction of the department for adoption by the county board.

History: *1987 c 74 s 5*

383D.26 PAYROLLS APPROVED BY DIRECTOR.

No disbursing officer shall pay a salary or compensation for service to a person holding a position within the jurisdiction of a department established pursuant to sections 383D.21 to 383D.35 unless the payroll or account for the salary or compensation is certified by the employee relations director or an authorized employee of the director that the person paid or compensated has been appointed and employed in accordance with sections 383D.21 to 383D.35 and rules adopted under them.

History: *1987 c 74 s 6*

383D.27 CIVIL SERVICE AND MERIT SYSTEM RELATIONSHIPS.

Unless the county board has elected to exclude some or all positions otherwise subject to merit systems established under sections 12.22, subdivision 3, 256.012, and 387.31 to 387.45, from the jurisdiction of the employee relations department, those sections and any rules promulgated under them shall be superseded as far as they are inconsistent with sections 383D.21 to 383D.35, but no position subject to merit systems established pursuant to sections 12.22, subdivision 3, and 256.012, shall be removed from existing merit system coverage and placed under a department established pursuant to sections 383D.21 to 383D.35, until the department is certified in accordance with the United States Office of Personnel Management's standards for a merit system of personnel administration. Nothing in section 387.43 shall be construed to prohibit the inclusion of sheriff's department personnel in a personnel system established pursuant to sections 383D.21 to 383D.35.

History: *1987 c 74 s 7; 2014 c 192 art 4 s 2,3*

383D.28 VETERANS' PREFERENCE.

Nothing in sections 383D.21 to 383D.35 shall be construed to remove, limit, or extend the rights and preferences of veterans established by sections 197.455 and 197.46, except that the county board may enact rules relative to retirement age which shall apply to veterans on the same basis as other persons.

History: *1987 c 74 s 8*

383D.29 COUNTY BOARD BINDS COUNTY ON LABOR AGREEMENTS.

Subdivision 1. **Appointing authority is joint employer.** For purposes of negotiating collective bargaining agreements and resolving grievances involving them pursuant to sections 179A.01 to 179A.25, the appointing authority and the county board shall be deemed the joint employer for positions within the jurisdiction of the employee relations department. Both shall be signatories to negotiated agreements or grievance settlements. If the county board and the appointing authority disagree as to the final terms of a negotiated agreement or grievance settlement, the decision of the county board shall be final and binding on behalf of the county as employer for all employees of the county, including employees under the jurisdiction of an appointing authority other than the county board.

Subd. 2. **Employees held harmless by transition.** Any employee holding a position covered by sections 383D.21 to 383D.35 shall, upon the effective date of the establishment of a county personnel administration

system, retain the position without further examination and suffer no loss in wages, seniority, or benefits as the result of the implementation of sections 383D.21 to 383D.35.

History: *1987 c 74 s 9*

383D.30 PERSONNEL BOARD OF APPEALS.

Subdivision 1. **Terms, vacancies, conditions; exclusions.** The county board shall appoint four persons to serve staggered terms as members of a personnel board of appeals. After the first appointments, successors shall serve for terms of three years each. Expiration dates for expiring terms shall be fixed by the county board and vacancies shall be filled by a majority vote of the county board for the unexpired term. Persons appointed to the personnel board of appeals shall not serve while holding any county office, while standing as a candidate for any county office, or while employed by the county. Each member shall be a resident of the county and shall forfeit office on becoming a nonresident.

Subd. 2. **Expenses; county board sets pay.** Compensation for members of the personnel board of appeals shall be set by the county board and each member shall be paid actual and necessary expenses.

Subd. 3. **Chair, vice-chair, rules.** The personnel board of appeals shall organize by electing a chair and vice-chair. It shall develop rules of procedure for matters brought before it under sections 383D.21 to 383D.35 and rules promulgated under sections 383D.21 to 383D.35.

History: *1987 c 74 s 10; 2000 c 329 s 1*

383D.31 DUTIES OF BOARD OF APPEALS.

Subdivision 1. **Jurisdiction.** A panel of three members of the personnel board of appeals shall meet upon call of its chair or the employee relations director to make findings and report to the county board within 60 days of the filing of an appeal by an applicant, employee, or appointing authority, unless the time is extended with the consent of the party filing the appeal, in the following circumstances:

(a) Alleged arbitrary or capricious action by the county board with respect to final establishment of rules under sections 383D.21 to 383D.35.

(b) Alleged discrimination by the employee relations director or the director's employees in examination procedures or preparation of lists of eligible candidates, or discriminatory use of them by the appointing authority under sections 383D.21 to 383D.35 or rules promulgated under them.

(c) Alleged misinterpretation or evasion by the director or the county board of a provision of sections 383D.21 to 383D.35 or the rules promulgated under them in a manner seriously detrimental to the party bringing the appeal.

(d) Other matters of grievance as provided for in rules promulgated under sections 383D.21 to 383D.35.

Subd. 2. **Procedures.** The personnel board of appeals shall establish procedures for appeals to the board. The procedures shall provide that its chair appoint the members of each panel convened pursuant to subdivision 1.

Subd. 3. **Appeal findings.** Findings and reports of the personnel board of appeals shall be submitted to the county board for consideration and action as deemed appropriate by the county board, but, to the extent required for employees of departments and agencies paid in full or in part by federal funds, the findings of

the personnel board of appeals shall be final and binding if necessary to conform to a federal or state regulation affecting the department or position.

History: *1987 c 74 s 11; 1989 c 143 s 2; 2000 c 329 s 2*

383D.32 JUDICIAL REVIEW.

An employee or appointing authority may appeal from an order of the board of appeals in accordance with chapter 14.

History: *1987 c 74 s 12*

383D.33 APPROPRIATION BY COUNTY BOARD.

The county board may make appropriations as necessary to carry out sections 383D.21 to 383D.35.

History: *1987 c 74 s 13*

383D.34 MS 1994 [Repealed, 1996 c 310 s 1]

383D.35 PROTECTION OF RIGHTS UNDER STATE AND FEDERAL LAWS.

Subdivision 1. **Equal employment opportunity laws.** Nothing in sections 383D.21 to 383D.33 shall be construed to permit or encourage any action or conduct prohibited by the Minnesota Human Rights Act or prohibit recourse to any remedies provided in the Minnesota Human Rights Act or any other state or federal law relating to equal employment opportunities. The provisions of those laws shall continue to apply to county employment generally, including positions excluded from the jurisdiction of the county personnel administration system.

Subd. 2. **PELRA and agreements under it.** Nothing in sections 383D.21 to 383D.33 shall be construed to affect the rights and obligations of an employee or employer under sections 179A.01 to 179A.25, or the provisions of a contract or agreement executed pursuant to them.

Subd. 3. **Just cause to dismiss after probation.** Any employee in the unclassified service may be demoted or removed from the employee's position in the unclassified service without cause and at the discretion and pleasure of the appointing authority, but, unless otherwise provided by law, no permanent county employee, who has successfully completed the employee's probationary period of employment with the county, shall be dismissed from employment with the county without the establishment of just cause. For purposes of this subdivision, just cause includes, but is not limited to, failure to perform assigned duties, substandard performance, misconduct, insubordination, and violation of written policies and procedures.

History: *1987 c 74 s 15; 1997 c 7 art 1 s 133*

HOUSING AND REDEVELOPMENT

383D.41 COMMUNITY DEVELOPMENT AGENCY.

Subdivision 1. **Powers and duties.** There is created in Dakota County a public body corporate and politic, to be known as the Dakota County Community Development Agency, having all of the powers and duties of a housing and redevelopment authority under sections 469.001 to 469.047; and all powers and duties of a county housing and redevelopment authority under any other provisions of Minnesota law. Sections 469.001 to 469.047 and 469.090 to 469.1081 apply to the county of Dakota. For the purposes of applying the provisions of sections 469.001 to 469.047 and 469.090 to 469.1081 to Dakota county, and

subject to the provisions of this section, the county has all of the powers and duties of a municipality, the county board has all of the powers and duties of a governing body, the chair of the county board has all of the powers and duties of a mayor, and the area of operation includes the area within the territorial boundaries of the county.

Subd. 2. **Relation to municipal authorities.** This section shall not limit or restrict any existing housing and redevelopment authority or prevent a municipality from creating an authority. A municipal housing and redevelopment authority may request the Dakota County Community Development Agency to handle the housing duties of the authority. If the municipal authority makes the request, the Dakota County Community Development Agency shall act and have exclusive jurisdiction for housing in the municipality pursuant to sections 469.001 to 469.047. A transfer of duties relating to housing does not transfer any duties relating to redevelopment.

Subd. 3. **Required city approvals of city projects.** If any housing project, development district, redevelopment project, or economic development project is constructed in Dakota County pursuant to this authorization, and the project is within the boundaries of any incorporated home rule charter or statutory city, the location of the project must be approved by the governing body of the city, and:

(1) in the case of any housing project or housing development project, by the municipal housing and redevelopment authority established for the city if it has not previously requested that the Dakota County Community Development Agency or its predecessor agency handle the housing duties of the authority; or

(2) in the case of any redevelopment project by the municipal housing and redevelopment authority established for the city.

Subd. 4. **Performance bond need determination.** Notwithstanding section 469.015, subdivision 3, a performance bond is not required for any works of single family housing construction undertaken by the authority if the authority determines that the cost of a performance bond is greater than the benefit of the bond.

Subd. 5. **Membership, terms, conditions.** (a) The authority shall consist of seven commissioners who, except as otherwise provided in this subdivision, shall serve three-year terms, which shall begin on the first Tuesday following the first Monday in January of the first year of the term. A commissioner shall also serve after the expiration of a term until a successor is appointed and qualified.

(b) Each commissioner appointed, except a commissioner appointed pursuant to paragraph (c), shall be a resident of and shall represent the same county commissioner district as the commissioner who is replaced. A commissioner who ceases to maintain a principal residence in the district from which appointed shall cease to serve as a commissioner. A vacancy is created in the membership of the authority for a county commissioner district whenever the county commissioner for that district ends county board membership.

(c) If required by Code of Federal Regulations, title 24, part 964, the commission may include an eighth member that serves as an at-large commissioner. An at-large commissioner must be appointed in accordance with the requirements of Code of Federal Regulations, title 24, part 964. The at-large commissioner shall serve a three-year term, which shall begin on the first Tuesday following the first Monday in January of the first year of the term. An at-large commissioner shall also serve after the expiration of a term until a successor is appointed and qualified. The at-large commissioner may only take part in decisions related to the administration, operation, and management of federal public housing programs and Section 8 tenant-based rental assistance programs.

Subd. 6. **Status of authority employees.** Notwithstanding any law to the contrary, employees of the authority shall not be deemed county employees for any purpose, absent a resolution of consent adopted by the county board.

Subd. 7. **Dakota County Community Development Agency.** (a) After December 31, 1999, the Dakota County Housing and Redevelopment Authority shall be known as the Dakota County Community Development Agency. In addition to the other powers granted in this section, the Dakota County Community Development Agency shall have the powers of an economic development authority under sections 469.090 to 469.1081 that are granted to the agency by resolution adopted by the Dakota County Board of Commissioners, except as provided in paragraph (b). The enabling resolution may impose the limits upon the actions of the agency that are listed in paragraph (c). The agency may exercise any of the powers granted to it under sections 469.001 to 469.047 and any of the powers of an economic development authority granted to it by the Dakota County Board of Commissioners for the purposes described in these sections.

(b) The Dakota County Community Development Agency may not levy the tax described in section 469.107, but with the approval of the Dakota County Board may increase its levy of the special tax described in section 469.033, subdivision 6, to an amount not exceeding 0.01813 percent of net tax capacity, or any higher limit authorized under section 469.107 or 469.033, subdivision 6.

(c) The enabling resolution may impose the limits upon the actions of the authority as may be imposed by a municipality under section 469.092, except that the resolution adopted under paragraph (a) may not impose any limitations on the authority's exercise of its powers under sections 469.001 to 469.047.

Subd. 8. **Offers of tax-forfeited lands.** Notwithstanding any other law, Dakota County may offer to the Dakota County Community Development Agency, under the conditions and policies established by the county, nonconservation tax-forfeited land prior to making the properties available to cities in Dakota County.

Subd. 9. **Declaring resolution.** On or before December 31, 2000, the county board may make a onetime election to adopt a resolution declaring vacant the entire membership of the authority and appoint new members to fill the vacancies. A member appointed under this paragraph shall serve until the end of the term to which the member is appointed.

Subd. 10. **Housing improvement areas.** (a) In addition to its other powers, the Dakota County Community Development Agency shall have all powers of a city under sections 428A.11 to 428A.21 in connection with housing improvement areas in Dakota County.

(b) For purposes of the Dakota County Community Development Agency's exercise of the powers granted in this subdivision, references in sections 428A.11 to 428A.21 to:

(1) a "mayor" shall be references to the chair of the board of commissioners of the Dakota County Community Development Agency;

(2) a "council" shall be references to the board of commissioners of the Dakota County Community Development Agency; and

(3) a "city clerk" shall be references to an official of the Dakota County Community Development Agency designated by the executive director of the Dakota County Community Development Agency.

(c) Notwithstanding sections 428A.11, subdivision 3, and 428A.13, subdivision 1, the governing body of the Dakota County Community Development Agency may adopt a resolution, rather than an ordinance, establishing one or more housing improvement areas, and "enabling ordinance" for purposes of sections 428A.11 to 428A.21 means a resolution under this clause.

(d) The community development agency (1) shall send a copy of each petition for the establishment of a housing improvement area to the city in which the proposed housing improvement area is located, and (2) may not hold the public hearing required in section 428A.13, subdivision 2, fewer than 30 days after the date on which the related application was sent pursuant to clause (1). The community development agency may not establish a housing improvement area if the applicable city council opposes the establishment by resolution adopted within 30 days after the petition required to be sent pursuant to clause (1).

Subd. 11. **Tax credit allocation threshold criteria.** (a) In addition to the projects described in section 462A.222, subdivision 3, paragraph (e), the Dakota County Community Development Agency may allocate tax credits in the first round for up to three projects of the following type: new construction or substantial rehabilitation multifamily housing projects that are not restricted to persons who are 55 years of age or older and that are located within one of the following areas at the time a reservation for tax credits is made:

(1) an area within one-half mile of a completed or planned light rail transitway, bus rapid transitway, or commuter rail station;

(2) an area within one-fourth mile from any stop along a high-frequency local bus line;

(3) an area within one-half mile from a bus stop or station on a high-frequency express route;

(4) an area within one-half mile from a park and ride lot; or

(5) an area within one-fourth mile of a high-service public transportation fixed route stop.

(b) For purposes of this section, the following terms have the meanings given them:

(1) "high-frequency local bus line" means a local bus route providing service at least every 15 minutes and running between 6:00 a.m. and 7:00 p.m. on weekdays and between 9:00 a.m. and 6:00 p.m. on Saturdays;

(2) "high-frequency express route" means an express route with bus service providing six or more trips during at least one of the peak morning hours between 6:00 a.m. and 9:00 a.m. and every ten minutes during the peak morning hour; and

(3) "high-service public transportation fixed route stop" means a stop serviced between 6:00 a.m. and 7:00 p.m. on weekdays and 9:00 a.m. and 6:00 p.m. on Saturdays and with service approximately every 30 minutes during that time.

History: *1971 c 333 s 1-3; 1973 c 123 art 5 s 7; 1973 c 534 s 1; 1989 c 79 s 1; 1990 c 426 art 2 s 11,12; 1993 c 23 s 1-3; 1998 c 308 s 2; 1999 c 248 s 3-7; 2000 c 329 s 3-5; 2013 c 143 art 12 s 7; 2014 c 308 art 6 s 2; 2016 c 92 s 1; 2019 c 50 art 1 s 119*

COMMUNITY DEVELOPMENT

383D.411 DAKOTA COUNTY COMMUNITY DEVELOPMENT AGENCY; PLAN MODIFICATION.

Notwithstanding section 469.175, subdivision 4, the Dakota County Community Development Agency may designate additional property to be acquired by the agency for a tax increment financing project without meeting the requirements for approval of an original tax increment financing plan if the property:

(1) consists of one or more parcels under common ownership;

(2) is acquired from a willing seller;

(3) is acquired for purposes of development as a housing project as defined in section 469.174, subdivision 11; and

(4) the acquisition is approved by the governing body of the agency after holding a public hearing thereon after published notice in a newspaper of general circulation in the municipality in which the property is located at least once not less than ten days nor more than 30 days prior to the date of the hearing. The published notice must include a map depicting the property and the general area of the municipality within which the property is located. The hearing may be held before or at the time of authority approval of the acquisition.

History: *2008 c 366 art 5 s 35; 2011 c 76 art 1 s 54*

383D.412 MS 2014 [Repealed, 2016 c 92 s 6]

FINANCIAL AND ACCOUNTING SERVICES

383D.45 HISTORICAL SOCIETY.

Dakota County, in addition to the authority provided by section 138.051, may provide financial and accounting services, including payroll management and records, to the Dakota County Historical Society. Notwithstanding this section or any other law to the contrary, Dakota County Historical Society employees shall not be deemed county employees for any other purpose.

History: *1987 c 74 s 16*

383D.46 CAMPGROUND OPERATORS.

Notwithstanding section 471.345, Dakota County may by four-fifths vote contract for the services of a campground operator by direct negotiation without advertisement for bids.

History: *1989 c 143 s 3*

383D.47 MS 2006 [Repealed, 2008 c 277 art 1 s 98]

383D.48 MINNESOTA INTER-COUNTY ASSOCIATION.

Notwithstanding any other law to the contrary, Dakota County may provide financial and accounting services, including payroll management and records, to the Minnesota Inter-county Association. Notwithstanding this section, Minnesota Inter-county Association employees are not county employees for any purpose.

History: *1Sp2001 c 10 art 10 s 4; 2007 c 6 s 2*

383D.49 AGRICULTURAL SOCIETY.

Notwithstanding any other law to the contrary, Dakota County may provide financial and accounting services, including payroll management and records, to the Dakota County Agricultural Society and may determine that employees of the society are county employees for the purposes of section 471.61. Dakota County Agricultural Society employees are not county employees for any other purpose.

History: *1Sp2001 c 10 art 10 s 5*

PLANNING

383D.61 COMPREHENSIVE PLAN.

Notwithstanding any provision of section 394.23 to the contrary, the Board of County Commissioners of the county of Dakota may prepare a comprehensive plan for the orderly future physical development of any area of the county or parts thereof. The plan, which may include text and maps, shall be approved and certified by the board and when so certified by the board shall be referred to as the comprehensive plan. The plan may thereafter be amended or added to by the board.

History: *1971 c 458 s 1*

383D.63 PLANNING ADVISORY COMMISSION.

Notwithstanding provisions of section 394.30, subdivision 1, to the contrary, the Dakota County Board of Commissioners may, if it wishes to avail itself of the authority granted by sections 394.21 to 394.37, create a planning advisory commission composed of two appointees from each Dakota County commissioner district. Such appointments shall be annual.

History: *1974 c 296 s 1*

383D.65 APPROVAL OF PLATS; FEE; SURVEY FILING.

Subdivision 1. **By county surveyor.** In the county of Dakota, each subdivision plat or licensed land survey plat shall be approved by the Dakota County surveyor before recording. The proprietor of such plat shall be charged a fee for such service in accordance with a schedule established by the board of commissioners.

Subd. 2. **By county board; if by road.** Notwithstanding the provisions of any other law to the contrary, in the county of Dakota each subdivision plat or registered land survey plat which is contiguous with any existing or proposed county road shall be approved by the Dakota County Board of Commissioners before building permits are issued by the municipalities in which the subdivision or land survey is located.

Subd. 3. **Filed surveys are public; deadline.** Any licensed land surveyor who shall perform a survey of land for an individual or corporation shall file a true and correct copy of such survey in the office of the county surveyor within 30 days after completion of the survey. The manner of filing, and all incidents thereof, shall be determined by the county surveyor. All surveys so filed shall be public records and shall be available at all reasonable times for inspection by any person.

History: *1973 c 212 s 1; 1973 s 416 s 1; 1974 c 216 s 2; 1998 c 324 s 9; 2016 c 158 art 1 s 180*

383D.67 MS 1994 [Repealed, 1996 c 310 s 1]

RESOURCE RECOVERY

383D.71 RESOURCE RECOVERY.

Subdivision 1. **Nonmetropolitan county powers.** Dakota County may exercise the powers of a county under section 400.08, in addition to the powers that Dakota County may exercise under other law. The county may expend money for resource recovery purposes under sections 473.801 to 473.845.

Subd. 2. MS 1994 [Repealed, 1995 c 247 art 2 s 55]

History: *1Sp1985 c 13 s 373; 1993 c 13 art 2 s 1*

ASSESSMENTS REVIEW

383D.73 ASSESSMENT REVIEW.

The governing body or town board of any home rule charter or statutory city or town in Dakota County may transfer the duties of the city or town board of review or board of equalization under chapter 274, to the county board of equalization. A transfer of duties as permitted by this section is permanent and must be communicated to the county assessor before December 1 of any year to be effective for the next year. The county board of equalization shall meet during April, May, and June at the places determined by the county board of commissioners. The county assessor shall attend each meeting of the county board of equalization at which public testimony is to be taken.

History: *1991 c 338 s 2*

383D.74 MS 2004 [Expired, 2000 c 490 art 5 s 28]

DEPUTY REGISTRAR

383D.75 NEW LOCATION FOR DEPUTY REGISTRAR.

Notwithstanding section 168.33, and rules adopted by the commissioner of public safety, limiting sites for the office of deputy registrar based on either the distance to an existing deputy registrar office or the annual volume of transactions processed by any deputy registrar, the commissioner of public safety shall permit the deputy registrar of motor vehicles agent number 128 and driver's license agent number 726 for Dakota County to move from the existing deputy registrar location in Burnsville to the Dakota County Burnhaven Library in Burnsville, with full authority to function as a registration and motor vehicle tax collection and driver's license bureau, at the Dakota County Burnhaven Library. All other provisions regarding the appointment and operation of a deputy registrar of motor vehicles and driver's license agent under sections 168.33 and 171.061, and Minnesota Rules, chapter 7406, not inconsistent with this section, apply to the office.

History: *2010 c 296 s 2; 2010 c 351 s 60*

383D.76 COUNTY MANAGER PLAN.

Subdivision 1. **Adoption of county manager plan.** Provided that it meets the requirements of section 375A.01, subdivision 2, the county board of Dakota County may adopt by resolution the county manager plan described in section 375A.03, subdivisions 1, 2, 3, and 4, paragraph (a), and 375A.04, subdivision 1. Section 375A.12 does not apply to the adoption of the county manager plan under this subdivision.

Subd. 2. **Effect on other laws.** If Dakota County adopts the county manager plan as provided in subdivision 1, all references to the county administrator in chapter 383D shall be deemed to refer to the county manager, section 383D.153 shall be preempted, and sections 383D.09 and 383D.21 to 383D.35 shall not be preempted.

History: *2014 c 167 s 1*