CHAPTER 383B

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COUNTY BOARD

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No per diem payment shall be allowed county board members for service on the county board or any other county body. County board members shall pay for parking in county owned parking facilities where payment is required. County board members may be allowed mileage for use of their personal automobile at a rate per mile.

The Hennepin County board may set the salary of board members by resolution limited to that subject. The salary must be stated as a fixed dollar amount. Adjustments in commissioners' salaries shall be adopted by the county board by resolution prior to a general election to take effect January 1 of the succeeding year, except that a resolution adopted by the county board to decrease commissioners' salaries may take effect at any time. Any resolution that makes an adjustment must state the change and the resulting salary for a member as fixed dollar amounts.

History: *1982 c 577 s 14; 1985 c 66 s 1; 2009 c 152 s 11*

COUNTY OFFICERS

383B.025 COUNTY BOARD APPOINTS AUDITOR, TREASURER, RECORDER.

Subdivision 1. **Board may abolish under subdivision 2.** In the county of Hennepin, the offices of county auditor, county treasurer and county recorder shall not be elective but shall be filled by appointment by the Hennepin County Board of Commissioners as hereinafter provided, unless such office is hereafter abolished pursuant to a reorganization or consolidation under subdivision 2.

Subd. 2. **Heads are unclassified; statutory duties remain.** The duties, functions and responsibilities which have been heretofore and which shall be hereafter required by statute to be performed by the various

elected officials whose offices are by this section made appointive shall be vested in and performed by the Board of Commissioners of Hennepin County through department heads appointed by the board for that purpose. Any such department head shall be in the unclassified service as defined by sections 383B.26 to 383B.42. The Board of Commissioners of Hennepin County shall have the authority to initiate and direct any reorganization, consolidation, reallocation or delegation of such duties, functions, or responsibilities for the purpose of promoting efficiency in county government, and may make such other administrative changes, including the abolishing of the offices of auditor, treasurer and county recorder or the transfer of personnel, as are deemed necessary for this purpose. Such reorganization, reallocation or delegation or other administrative change or transfer shall not diminish, prohibit or avoid those specific duties required by statute to be performed by those officials whose office is now made appointive.

History: *1967 c 599 s 1,2; 1976 c 181 s 2; 1979 c 198 art 4 s 14*

ELECTIONS

383B.031 MS 2022 [Repealed, 2024 c 112 art 2 s 81]

383B.035 COUNTY TO PAY CITY, TOWN SPECIAL ELECTION EXPENSES.

Subdivision 1. **County board must adopt resolution.** Notwithstanding section 204B.32, which relates to election expenses, whenever the Board of County Commissioners of Hennepin County shall duly provide for a special election to be held within said Hennepin County, all of the expenses necessarily incurred by the several municipalities, home rule charter or statutory cities, and townships within the county of Hennepin concerning such special election, shall be paid by the county of Hennepin upon a resolution duly adopted by the Board of County Commissioners for Hennepin County providing for such payment of special election expenses.

Subd. 2. **Unless local same-day election.** If the date for any special election set by the board of county commissioners pursuant to subdivision 1 falls on the same day as any other election to be held in any of the several municipalities, home rule charter or statutory cities, and townships within the county, then each such municipality, home rule charter or statutory city, or township shall pay for its own election expenses for such election and the county of Hennepin shall not be responsible therefor.

History: *1971 c 331 s 1,3; 1973 c 123 art 5 s 7; 1987 c 384 art 2 s 85*

383B.041 CAMPAIGN FINANCING, DISCLOSURE OF ECONOMIC INTERESTS.

Subdivision 1. **Hennepin County candidates.** Candidates for county commissioner, county attorney, and sheriff of Hennepin County must file campaign disclosure forms with the filing officer for Hennepin County. These candidates are subject to the provisions of chapter 211A.

Subd. 2. **Political subdivision candidates.** Candidates for elected city, school board, park commissioner, and other political subdivision offices within Hennepin County shall file campaign disclosure forms with the filing officer for the political subdivision for which the candidate is seeking office. These candidates are subject to the provisions of chapter 211A.

Subd. 3. **Political committees, political funds, and independent expenditures.** (a) The provisions of chapter 10A apply to political committees as defined in section 10A.01, subdivision 27; political funds as defined in section 10A.01, subdivision 28; and independent expenditures as defined in section 10A.01, subdivision 18, related to:

(1) a campaign for the nomination or election of a candidate for:

(i) a county office in Hennepin County;

(ii) a city office in a home rule charter or statutory city located wholly within Hennepin County with a population of 75,000 or more; or

(iii) the school board in Special School District No. 1; and

(2) a ballot question or proposition that may be voted on by:

(i) all voters in Hennepin County;

(ii) all voters of a home rule charter or statutory city located wholly within Hennepin County and having a population of 75,000 or more; or

(iii) all voters in Special School District No. 1.

(b) The provisions of chapter 211A apply to a campaign for nomination or election for an office in the following political subdivisions:

(1) a home rule charter or statutory city located wholly within Hennepin County and having a population of less than 75,000; and

(2) a school district located wholly within Hennepin County other than Special School District No. 1.

(c) The provisions of chapter 211A apply to a ballot question or proposition that may be voted on by:

(1) all voters of a home rule charter or statutory city located wholly within Hennepin County and having a population of less than 75,000; and

(2) all voters of a school district located wholly within Hennepin County other than Special School District No. 1.

Subd. 4. **Local ordinances and charters superseded.** This section supersedes the provisions of any ordinance or resolution of a political subdivision within Hennepin County, or any existing special law or home rule charter provision of a political subdivision within Hennepin County requiring disclosure of information related to the financing of election campaigns.

Subd. 5. **Economic interest disclosure; Special School District No. 1.** Every candidate for school board in Special School District No. 1, Minneapolis, must file an original statement of economic interest with the school district within 14 days of the end of the candidate filing period. An elected official in Special School District No. 1, Minneapolis, must file the annual statement required in section 10A.09, subdivision 6, with the school district for every year that the individual serves in office. An original and annual statement must contain the information listed in section 10A.09, subdivision 5. The provisions of section 10A.09, subdivisions 6a, 7, and 9, apply to statements required under this subdivision.

Subd. 6. **Economic interest disclosure; Three Rivers Park District.** A candidate for park district board of commissioners in Three Rivers Park District must file an original statement of economic interest with Hennepin County within 14 days of the end of the candidate filing period. An elected official in Three Rivers Park District must file the annual statement required in section 10A.09, subdivision 6, with Hennepin County for each year the individual remains in office. An original statement and annual statement must contain the

information listed in section 10A.09, subdivision 5. The provisions of section 10A.09, subdivisions 6a, 7, and 9, apply to statements required by this subdivision.

History: *1980 c 362 s 1; 1987 c 218 s 2; 1988 c 578 art 1 s 5; 2021 c 31 art 4 s 32; 2022 c 55 art 1 s 173; 2025 c 39 art 7 s 21; 2026 c 55 s 1; 2026 c 102 s 15*

383B.042 MS 2020 [Repealed, 2021 c 31 art 4 s 33]

383B.043 MS 2020 [Repealed, 2021 c 31 art 4 s 33]

383B.044 MS 2020 [Repealed, 2021 c 31 art 4 s 33]

383B.045 MS 2020 [Repealed, 2021 c 31 art 4 s 33]

383B.046 MS 2020 [Repealed, 2021 c 31 art 4 s 33]

383B.047 MS 2020 [Repealed, 2021 c 31 art 4 s 33]

383B.048 MS 2020 [Repealed, 2021 c 31 art 4 s 33]

383B.049 MS 2020 [Repealed, 2021 c 31 art 4 s 33]

383B.05 MS 2020 [Repealed, 2021 c 31 art 4 s 33]

383B.051 MS 2020 [Repealed, 2021 c 31 art 4 s 33]

383B.052 MS 2020 [Repealed, 2021 c 31 art 4 s 33]

383B.053 MS 2020 [Repealed, 2021 c 31 art 4 s 33]

383B.054 MS 2020 [Repealed, 2021 c 31 art 4 s 33]

383B.055 MS 2020 [Repealed, 2021 c 31 art 4 s 33]

383B.056 MS 2020 [Repealed, 2021 c 31 art 4 s 33]

383B.057 MS 2020 [Repealed, 2021 c 31 art 4 s 33]

383B.058 LOCAL ORDINANCES AND CHARTERS SUPERSEDED.

(a) Except as provided in this section, section 383B.041 supersedes the provisions of any ordinance or resolution of a jurisdiction governed by sections 383B.041 or 383B.058 or any existing special law or home rule charter provision requiring disclosure of information related to the financing of election campaigns or requiring disclosure of economic interests by candidates and elected officials of that jurisdiction.

(b) The governing body of Hennepin County, the governing body of any home rule charter city or statutory city located wholly in Hennepin County, and the school board of Special School District No. 1, Minneapolis may adopt or continue in force ordinances or resolutions that:

(1) impose limits on the amount that any individual or association may contribute to any candidate for elected office in that jurisdiction;

(2) require disclosure of economic interests; or

(3) require other public officials of that jurisdiction to make such disclosure.

(c) Any home rule charter city that adopts a charter provision modifying or superseding any provision of section 383B.041 shall file a copy of the charter provision with the Campaign Finance and Public Disclosure Board within 60 days of its adoption.

History: *1980 c 362 s 18; 1987 c 218 s 6; 1997 c 202 art 2 s 63; 2023 c 25 s 176*

383B.061 LEGISLATIVE RESEARCH COMMITTEE.

In Hennepin County there is hereby created a Legislative Research Committee. The committee shall consist of the senators and representatives in the legislature from the county.

The committee may investigate and study, accumulate, compile, analyze, and report on information concerning policies, plans, programs, and procedures relating to or affecting the fiscal and legislative needs of the county and any governmental or political subdivision within the county, including any school district, and any metropolitan or district authority having jurisdiction in any area of the county. The committee shall gather information and provide material to be used by senators and representatives from the county in their work while the legislature is in session and in connection with any legislative proposals affecting the county and such subdivisions. It may appoint subcommittees to perform any of its functions or duties.

The committee or any subcommittee appointed by it may sit at any time and place as it deems advisable. It shall meet at least once in each quarter and shall meet at any time upon the call of the chair. Nine members constitute a quorum. A majority of the quorum may act in any matter coming within the jurisdiction of the committee.

The committee shall select a chair and a vice-chair from its own members and may prescribe its rules of procedure. It may appoint a secretary who need not be a member. The committee may employ such other persons and obtain the assistance of such research agencies as its deems necessary.

The members of the committee and the members of any subcommittee shall be compensated for expenses necessarily incurred in the performance of their official duties.

The county board shall appropriate from the county general revenue fund for the purpose of this section the sum of $20,000 for the use of the committee during the biennium ending December 31, 1966, and the sum of $20,000 for the use of the committee during each biennium thereafter. For the payment of the expenses of the committee it shall draw its warrants upon the county treasurer. These warrants shall be signed by the chair and one other member of the committee and approved by the county auditor. The county treasurer shall pay them as and when presented but not exceeding in any year the amount provided therefor.

History: *1965 c 849 s 1-6; 1986 c 444*

383B.063 FORT SNELLING PRECINCT.

The county board of Hennepin County shall provide for and designate a polling place for the area known as Fort Snelling, which may be within the municipality of Richfield.

History: *1963 c 477 s 1,2; 2022 c 55 art 1 s 174*

COUNTY ADMINISTRATOR

383B.101 COUNTY ADMINISTRATOR'S OFFICE; ESTABLISHMENT.

The office of the Hennepin County administrator is created. The Hennepin County administrator shall be the chief administrative officer of the county government and shall be responsible to the Hennepin County

Board of Commissioners for the administration of all departments, offices and agencies of county government which, by law, are subject to the authority of the board. The county administrator shall exercise all authority and shall perform all duties, which, by resolution, are delegated to the office of administrator by the board. Notwithstanding any other law to the contrary, all of the business of the county acted upon by the board shall be referred to the administrator, who shall implement such action as the board directs or authorizes.

History: *1979 c 198 art 1 s 1*

383B.102 POWERS AND DUTIES.

(a) The administrator shall exercise general supervision over all county institutions, departments and agencies, and with the approval of the board, coordinate the activities of the county and unify the management of its affairs.

(b) If directed by the board, the administrator may act as the head of any bureau or department, the appointment of which is made by the board, provided the administrator has the qualifications required by law.

(c) The administrator's powers and duties shall include, but are not limited to, the following:

(1) hire qualified office staff in the classified or unclassified service to assist in the performance of the administrator's duties as approved by the board;

(2) provide for the execution of all ordinances, resolutions and orders of the board and all laws of the state required to be enforced through the board by the administrator or by officers who are under the direction and supervision of the administrator;

(3) appoint, suspend and remove, with approval of the board, all personnel in the unclassified service who directly report to the administrator;

(4) provide for county purchases, including purchases of service, as directed by the county board;

(5) perform all duties, functions, and responsibilities provided by law of the offices enumerated in Laws 1967, chapter 599, notwithstanding contrary provisions therein as are provided by general and special law;

(6) prepare and submit to the board a proposed annual budget and long-range capital expenditure program as provided for in sections 383B.111 to 383B.119;

(7) prepare, submit and update, if directed by the board to do so, an administrative code incorporating the details of administrative procedures for the operation of the county;

(8) examine the books and papers of officers and departments of the county with the assistance of internal audit or independent audit, as the board may direct, and report the findings to the board;

(9) keep the board fully advised as to the financial condition and needs of the county and make such other reports as the board or the administrator deems advisable; and

(10) attend meetings of the board and make recommendations.

(d) The administrator may, with approval of the board, appoint and designate persons to carry out those duties, functions, and responsibilities referred to in paragraph (c), clause (5).

History: *1979 c 198 art 1 s 2; 1980 c 573 s 16*

383B.103 COMPENSATION; REMOVAL.

The administrator shall be appointed by the board. The administrator shall serve at the pleasure of the board. The board may designate a properly qualified person to perform the duties of the administrator during the absence or disability of the administrator. The board shall set the administrator's compensation and provide for a termination allowance, which shall be equal to the severance pay allowable to employees of the unclassified service.

History: *1979 c 198 art 1 s 3*

FINANCIAL PROCEDURES

383B.111 BUDGET AND FINANCIAL ADMINISTRATION.

Subdivision 1. **Duties of county board.** The Board of Commissioners of Hennepin County shall annually adopt a budget for the next fiscal year. The budget shall be a complete financial plan for the next year. The board may create fund accounts which shall be in accordance with generally accepted accounting principles and such statutes and regulations issued by state or federal regulatory agencies as may be applicable to account for the assets, liabilities, revenues and expenditures of the county.

Subd. 2. **Duties of county administrator.** The county administrator shall prepare and present recommendations concerning the budget to be adopted for the next fiscal year, implement accounting practices consistent with generally accepted accounting principles and implement other matters of a budget, financial or accounting nature as required. The administrator may establish administrative guidelines and procedures necessary to carry out the purposes of sections 383B.111 to 383B.119.

History: *1979 c 198 art 2 s 1*

383B.112 ANNUAL BUDGET.

Subdivision 1. **Format.** The board may utilize any combination of expenditure classifications by fund, organization, program, purpose or activity. The budget shall begin with a general summary of its contents and shall detail all estimated revenues, including the property tax levy, and all estimated expenditures, including debt service for the next fiscal year. The total of estimated expenditures for the next fiscal year shall not exceed the total of estimated revenues and any surplus amounts deemed to be available at the end of the current fiscal year. Amounts in funds unexpended at the end of the fiscal year which are permitted by generally accepted accounting principles to be carried over from one fiscal year to the next may be carried over in accordance with those principles. Unexpended amounts may be restricted by the board to finance contingent obligations which may become payable in subsequent fiscal years. The budget shall include both operating and capital revenues and expenditures as detailed in subdivisions 2 and 3.

Subd. 2. **Operating budget.** The budget shall include information showing operating revenues, expenditures and personnel for the applicable fiscal year.

Subd. 3. **Capital budget.** The budget shall include the capital expenditures proposed for the applicable fiscal year by project and the proposed method and plan of financing of each capital project.

History: *1979 c 198 art 2 s 2*

383B.113 LONG-RANGE CAPITAL PROGRAM.

Subdivision 1. **Format.** The board shall review and consider a long-range capital improvement program at the time of approval of the budget specified in section 383B.112. The capital program shall contain information specifying:

(a) a general summary of its contents;

(b) a list of all capital projects proposed to be undertaken during the term of the program, with appropriate supporting information as to the necessity for such proposed project; and

(c) cost estimates, method of financing and recommended time schedules for each project. Information may be revised and extended with regard to capital projects still pending or in the process of construction or acquisition.

Subd. 2. **Advisory committee.** The board may appoint a citizens advisory committee to assist the board in preparing the capital program. Advisory committee members shall be allowed a per diem not to exceed $50 for meetings relating to advice and recommendations concerning the capital program. In addition, each member may be reimbursed for actual and necessary expenses incurred as a result of the meetings.

History: *1979 c 198 art 2 s 3*

383B.114 APPROPRIATIONS AND TAX LEVY.

Subdivision 1. **Budget adoption.** Adoption of the budget, pursuant to section 383B.111, by the board shall constitute appropriations of the amounts specified therein to the funds and departments indicated and shall constitute for each fund a levy of the tax therein as required.

Subd. 2. **Lapse of appropriations.** Each appropriation, except an appropriation for a capital expenditure and those restricted or varied forward pursuant to section 383B.112, subdivision 1, lapses at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for a capital expenditure continues in force until the purpose for which it was made has been accomplished or abandoned. The purpose of a capital expenditure appropriation shall be deemed abandoned if three years pass from the date of the appropriation without a disbursement from or encumbrance of the appropriation.

History: *1979 c 198 art 2 s 4*

383B.115 AMENDMENTS.

Subdivision 1. **Supplemental appropriations.** The board may make supplemental appropriations during the course of a budget year. Such appropriations may authorize the use and expenditure of amounts accruing to the county which were not previously anticipated as revenues by the board in the adoption of the budget.

Subd. 2. **Changes in appropriations.** The board may by resolution make modifications in the adopted budget or in the appropriation to any department or fund, or may transfer amounts from one department or fund to another department or fund except as the transfers may be otherwise restricted by law.

History: *1979 c 198 art 2 s 5*

383B.116 PAYMENT PROCEDURES AND ACCOUNTING.

Subdivision 1. **Payment of obligations.** The county shall pay for obligations in accordance with appropriations duly made. Payment and distribution shall be made in accordance with methods and procedures

established by the county administrator, pursuant to section 383B.111 and consistent with sections 471.35 to 471.41.

Subd. 2. **Payment methods.** Payments of claims and obligations of the county may be made by warrant, check, or all forms of electronic or wire funds transfer. Section 471.38 does not apply to any claim for which payment is made by electronic or wire funds transfer. Where the county is authorized by law to make investments, the county may make electronic or wire transfers of funds notwithstanding any other law to the contrary.

Subd. 3. **Prohibited payments and obligations.** The making of payments or the incurring of obligations in excess of appropriations or when sufficient moneys are not or will not be available to cover claims or meet obligations when they become due and payable shall be prohibited. This subdivision shall not apply to investments authorized by law to be made on behalf of the county.

Subd. 4. **Illegal expenditure.** A commissioner who knowingly authorizes or makes a payment or incurs an obligation in violation of the provisions of sections 383B.111 to 383B.119 is guilty of a gross misdemeanor. When deficits are incurred or anticipated as a result of services required to be performed pursuant to chapters 393 and 401 and Laws 1963, chapter 738, as amended, this subdivision shall not apply.

Subd. 5. **Borrowing between funds.** Subject to procedures developed by the administrator, warrants issued on one fund in which there is a temporary insufficiency of money may be redeemed by the county treasury through temporary borrowing from any other fund in the treasury for a period not to exceed one year.

Subd. 6. **May take credit, debit card or funds transfer.** The county may accept payment by use of a credit card, debit card, or all forms of electronic or wire funds transfer. Subject to any other law to the contrary, the county may add to the amount due a service charge for the acceptance of a payment method authorized in this subdivision. The county shall adopt policies and procedures regarding the payments.

History: *1979 c 198 art 2 s 6; 2000 c 475 s 1,2*

383B.1161 ELECTRONIC APPROVALS.

"Electronic approval" means any electronic identifier intended by the person making, executing, or adopting it to authenticate and validate a county administrative action. Notwithstanding any other general or special law to the contrary, the county may use electronic approvals. The electronic approval has the same validity and consequences as the actual signing by the person. The county shall establish policies and procedures to ensure the validity of electronic approvals.

History: *2000 c 475 s 3*

383B.1162 CREDIT CARDS.

The county may allow officials, officers, and employees of the county to incur charges for county purposes by use of county credit cards. The county shall adopt policies and procedures regarding such credit card usage to establish individual accountability.

History: *2000 c 475 s 4*

383B.117 CERTIFICATES OF INDEBTEDNESS.

Subdivision 1. **Tax anticipation certificates.** At any time after the first day of the year following the making of an annual tax levy, the county board may, by resolution and without public referendum, issue

certificates of indebtedness in anticipation of the collection of taxes levied for any fund and not yet collected. The total of all certificates issued against any fund for any year with interest thereon until maturity, together with all orders outstanding against the fund, shall not exceed the total current taxes for the fund uncollected at the time of issuance plus the cash currently in the fund. If certificates are issued against the anticipated tax levy for any fund, any unpaid orders outstanding against the fund shall be redeemed from the proceeds of the certificates. All tax anticipation certificates shall be negotiable and shall be payable to the order of the payee and shall have a definite due date but may be payable on or before that date. No certificate shall be issued to become due and payable later than the first day of April of the year following the year of issuance. Certificates shall be sold for not less than par and accrued interest and shall bear interest at a rate that conforms to section 475.55, payable at maturity or at such earlier times as the board may determine. Each certificate shall state upon its face the fund for which the proceeds of the certificate shall be used, the total amount of the certificates so issued against the fund and the total amount embraced in the tax levy for that fund. They shall otherwise be issued on terms and conditions as the board may determine. The proceeds of the taxes assessed on account of the fund against which tax anticipation certificates are issued and the full faith and credit of the county shall be irrevocably pledged for the redemption of the certificate in the order of issuance against the fund.

Subd. 2. **Equipment acquisition; capital notes.** The board may, by resolution and without public referendum, issue capital notes within existing debt limits for the purpose of purchasing ambulance and other medical equipment, road construction or maintenance equipment, public safety equipment, including projects that eliminate R-22, as defined in section 240A.09, paragraph (b), clause (2), and other capital equipment having an expected useful life at least equal to the term of the notes issued. The notes shall be payable in not more than 20 years and shall be issued on the terms and in the manner determined by the board. The total principal amount of the notes issued for any fiscal year shall not exceed one percent of the total annual budget for that year and shall be issued solely for the purchases authorized in this subdivision. A tax levy shall be made for the payment of the principal and interest on such notes as in the case of bonds. For purposes of this subdivision, "equipment" includes computer hardware and software, whether bundled with machinery or equipment or unbundled. For purposes of this subdivision, the term "medical equipment" includes computer hardware and software and other intellectual property for use in medical diagnosis, medical procedures, research, record keeping, billing, and other hospital applications, together with application development services and training related to the use of the computer hardware and software and other intellectual property, all without regard to their useful life. For purposes of determining the amount of capital notes which the county may issue in any year, the budget of the county and Hennepin Healthcare System, Inc. shall be combined and the notes issuable under this subdivision shall be in addition to obligations issuable under section 373.01, subdivision 3.

Subd. 3. **Public emergencies.** The board may, by resolution and without public referendum, issue certificates of indebtedness pursuant to section 475.754, to meet expenses incurred or to be incurred by reason of any natural disaster or other public emergency requiring the making of extraordinary expenditures.

History: *1979 c 198 art 2 s 7; 1982 c 577 s 12,13; 2005 c 125 art 1 s 29; art 2 s 6,10; 1Sp2005 c 7 s 34; 2008 c 154 art 10 s 12; 1Sp2017 c 1 art 7 s 2; 2023 c 64 art 12 s 5*

383B.118 FEES.

Subdivision 1. **Fee system.** Where the legislature does not by statute establish a charge or the imposition of a fee for the recording, filing, certification, or providing of copies of any instrument, document or other papers, or for the services of any county office, official, department, or employee thereof, or a court system located entirely within any county: the board of county commissioners after a public hearing may establish a system of fees or charges for such services.

Subd. 2. **Extraordinary services.** When in the discretion of the board of county commissioners, a service is requested of any county office or agent, beyond that which would normally be provided in the ordinary course of business of such office or agent, the board of county commissioners after a public hearing may establish a fee or charge therefor based upon the cost of providing such service.

History: *1979 c 198 art 2 s 8*

383B.119 FINANCIAL STATEMENTS AND AUDITS.

Subdivision 1. **Financial statements.** Annually, the board of commissioners shall cause to be prepared a financial report, including financial statements for all of the funds of the county of Hennepin prepared in accordance with generally accepted accounting principles.

Subd. 2. MS 1990 [Repealed, 1991 c 345 art 1 s 117]

Subd. 3. **Publication and distribution.** The board of commissioners shall publish the annual financial statements in accordance with the requirements of section 375.17. The annual audited financial statements shall be made available for public inspection upon request.

History: *1979 c 198 art 2 s 9; 1991 c 345 art 1 s 91; 1992 c 363 art 1 s 16*

CORRECTIONS

383B.121 ADULT CORRECTIONS FACILITY.

Subdivision 1. **Authority to establish.** To implement the provisions of Laws 1975, chapter 402, section 1, and Laws 1977, chapter 453, section 4, subdivision 3, the Hennepin County Board of Commissioners is authorized to establish and operate a corrections facility in Hennepin County for the confinement of adult males and females as the district court for the Fourth Judicial District shall order confined there for the service of sentences which alone or in combination with any other sentence requires imprisonment for no longer than 364 days.

Subd. 2. **Name.** The corrections facility provided for in sections 383B.121 to 383B.129 shall be called the Hennepin County Adult Corrections Facility.

Subd. 3. **Location, land and buildings.** The corrections facility shall be located in Hennepin County and shall be maintained and operated upon lands and in buildings, structures, and appurtenances thereto as the county has acquired or shall acquire by transfer from or exchange with any municipality within the county, or by purchase, lease, gift, or by the provisions of section 375.181.

History: *1979 c 198 art 3 s 1-3; 1998 c 254 art 2 s 41; 2023 c 52 art 6 s 16*

383B.122 SUPERINTENDENT.

The board may employ a superintendent for the corrections facility. The superintendent shall manage the land, structures, and equipment of the corrections facility, and shall direct the work of all personnel employed at or in connection with the operation of the corrections facility and the conduct of all activities at the corrections facility.

History: *1979 c 198 art 3 s 4,5; 1980 c 573 s 17*

383B.123 RULES.

The superintendent of the corrections facility shall, subject to the approval of the board, adopt rules, regulations, and procedures necessary for:

(1) implementing the provisions of sections 383B.121 to 383B.123;

(2) providing for the secure confinement, health, and safety of, and the provision of programs and services for inmates of the corrections facility; and

(3) complying with the laws of the state and provisions of the federal and state constitutions applicable to the status and rights of inmates of corrections facilities.

History: *1979 c 198 art 3 s 6*

383B.124 WORK RELEASE PROGRAM.

The provisions of the inmate work release program set out in section 631.425 shall be applicable to the inmates of the corrections facility and, for the purposes of application of the statute to the inmates and personnel of the corrections facility, the superintendent shall be a "sheriff," and the corrections facility shall be a "jail."

History: *1979 c 198 art 3 s 7*

383B.125 BOARD MAY RUN FACTORY WITH INMATES AND STAFF.

Subdivision 1. **At corrections facility.** The board, upon the recommendations of the county administrator and the superintendent, is authorized to establish, equip, maintain, and operate at the corrections facility a factory for the manufacture, processing, repairing, and production of goods, wares, and merchandise and for that purpose to make use of the labor of inmates and to employ a staff which the board determines necessary for the proper instruction and employment of inmates.

Subd. 2. **Must set procedures for sales, price, service charge.** Notwithstanding the provisions of sections 373.01, subdivision 1, clause (3) and 375.21, the board shall establish procedures for setting the terms and conditions under which the county will either sell the products manufactured or will charge for the production, repair, or processing of materials by inmates of the corrections facility.

Subd. 3. **Wages set by superintendent; how.** The superintendent, with the approval of the board, shall provide for wages to inmates employed under this section as the superintendent may deem proper, the amount of the wage to depend upon the quality and character of the work performed as determined by the superintendent.

History: *1979 c 198 art 3 s 8; 1986 c 444*

383B.126 BOARD MAY LEASE SPACE OUT TO RUN FACTORY.

Subdivision 1. **Written contract; fiscal interests of county.** Notwithstanding the provisions of any law to the contrary, the board, upon the recommendations of the administrator and the superintendent may lease space in any of the buildings of the corrections facility together with real estate needed for reasonable access to the leased building to a private person, firm or corporation for the purpose of establishing and operating a factory under written contract for the manufacture and processing of goods, wares, or merchandise, in a manner and upon terms determined by the board to be consistent with the proper training and employment of inmates of the corrections facility and in the best fiscal interests of the county.

Subd. 2. **Duties of operator; indemnify county.** The private person, firm, or corporation operating a factory or other business or commercial enterprise under this section shall:

(1) select the inmates to be employed, subject to the approval of the superintendent, consistent with the superintendent's responsibility for security, control, and public safety;

(2) provide coverage for workers' compensation benefits as provided in chapter 176;

(3) pay wages and benefits to the inmates employed at the prevailing minimum wages and benefits for work of a similar nature performed by employees with similar skills in the county;

(4) withhold from the wages of the inmates employed and pay all amounts in the manner required by law for state and federal income taxes and FICA taxes and keep and maintain records required by state and federal law in that connection; and

(5) be solely liable for and indemnify and save the county, its officers, agents, and employees harmless from all claims of every type, nature, or description that arise out of or are connected with the conduct of a factory, business, or commercial enterprise under this section. This provision shall be a part of all leases and contracts entered into hereunder irrespective of any references thereto in a lease and contract.

Subd. 3. **Superintendent's authority undiminished.** The authority of the superintendent over the corrections facility and its inmates shall not be diminished by this section.

Subd. 4. **Rents, costs to be in best interest of county.** The rents and costs to be paid by any person, firm, or corporation employing inmates under this section shall be fixed and determined by the board upon the recommendations of the administrator and the superintendent and shall be in an amount the board determines to be in the best interests of the county and consistent with the operations and programs of the corrections facility.

History: *1979 c 198 art 3 s 9*

383B.127 DIMINUTION OF SENTENCE.

The provisions of section 643.29 shall be applicable to the diminution of sentences of inmates of the corrections facility.

History: *1979 c 198 art 3 s 10*

383B.128 PLACE OF CRIME MUST PAY WORKHOUSE INMATE DAILY EXPENSE.

Subdivision 1. **Includes building overhead; monthly bills.** Each municipality in which conduct alleged in a misdemeanor complaint occurs shall pay to Hennepin County for the maintenance cost of the inmate convicted thereon and sentenced to confinement in the corrections facility the sum per diem as it may cost the county for the average maintenance per inmate. The administrator and superintendent shall at the first meeting of the county board in August of each year submit for the board's approval a determination of the maintenance cost per diem per inmate of the corrections facility which shall be based upon the actual costs, records of receipts, disbursements, and other data for the preceding year, adjusted by applying to the preceding years' rate any cost of living increase or decrease for the year ending June 30 of the current year. The costs shall include the cost, not to exceed $1 per day per inmate, of the premises or structures of the corrections facility or of any permanent improvements or repairs. The superintendent shall render monthly bills to the municipalities for the maintenance costs provided for by this section.

Subd. 2. **Cost-sharing for concurrent sentences.** The obligation to pay the maintenance cost per inmate for inmates serving concurrent sentences for misdemeanors committed shall be borne equally by the municipalities in which the misdemeanor conduct occurred. The obligation to pay the maintenance cost provided in this section for any inmate serving a misdemeanor sentence imposed by a court of Hennepin County concurrently with any sentence imposed by courts of another county or counties shall be borne equally by the different county or counties and the municipality within Hennepin County in which the misdemeanor conduct occurred.

Subd. 3. **Nonliability for city of Plymouth.** The city of Plymouth shall not be liable for the maintenance cost of any inmate confined at the corrections facility for the service of a sentence imposed for conviction of any offense committed on or arising out of the inmate's confinement at or escape from the premises of the corrections facility in the city of Plymouth.

Subd. 4. **Inmate per diem contribution.** The superintendent shall collect from each inmate employed under the provisions of sections 383B.125 and 383B.126 and each inmate in the work release program provided for in section 631.425, a per diem amount as a contribution to the inmate's maintenance cost provided for in this section. The superintendent shall determine with the approval of the county board the per diem amount provided for herein. The per diem amount collected from each inmate shall be subtracted from any amount charged to a municipality or another county for the maintenance cost of the inmate.

History: *1979 c 198 art 3 s 11; 1986 c 444; 1988 c 665 s 3*

383B.129 INMATES FROM OTHER JURISDICTIONS.

To the extent that the proper confinement, health, and safety of inmates permit, the superintendent may accept for confinement for periods not exceeding 364 days persons ordered confined at the corrections facility for the execution of sentences imposed in any district court of the state or in a United States magistrate's court or a district court. The maintenance cost for the inmate shall be the same as that provided for in section 383B.128 and shall be borne by the county or counties wherein the offense for which the inmate was convicted occurred. With respect to any inmate convicted in a United States magistrate's court or a district court the maintenance cost of the inmate shall be the same as that provided in section 383B.128 and shall be borne by the United States. Prior to accepting any inmate for confinement pursuant to this section, the superintendent shall have completed an agreement with the appropriate county, state, or federal authority as to the terms, conditions, and duration of the confinement and for the payment of maintenance costs.

History: *1979 c 198 art 3 s 12; 1998 c 254 art 2 s 42; 2023 c 52 art 6 s 16*

CENTRAL PURCHASING

383B.141 AUTHORIZATION.

The county of Hennepin is authorized to establish, organize and reorganize central purchasing within the county for the purpose of purchasing all goods, materials, supplies, equipment and contracted services required by any department, board, commission or agency, and to perform or cause to be performed all acts necessary and incidental to the acquisition, handling, utilization and disposition of goods, materials, supplies, equipment and contracted services.

History: *1979 c 198 art 4 s 1*

383B.142 PROCEDURE.

Subdivision 1. **Delegation of authority.** The county board may by resolution delegate the powers and duties enumerated in sections 383B.141 to 383B.1511, and those powers and duties necessary to the implementation of the purposes of central purchasing specifying the nature, scope and extent of the delegation. The authority and responsibility subject to delegation shall include, but not be limited to the following:

(a) purchasing and contracting for all goods, materials, supplies, equipment and contracted services, as provided in section 383B.143;

(b) preparation, review, modification and approval of all plans and specifications for goods, materials, supplies, equipment and contracted services;

(c) the transfer of any goods, materials, supplies, equipment or contracted services to or between departments, boards, commissions and agencies;

(d) selling or otherwise disposing of goods, materials, supplies, equipment and contracted services which are unusable or no longer required; and

(e) periodically reviewing and requiring department heads to supply necessary data concerning inventories and surpluses and monitoring compliance by department heads with purchasing laws, rules, regulations and procedures.

Subd. 2. **Administrator's duties.** Notwithstanding the provisions of section 373.02, the county board may delegate its purchasing powers and duties to the county administrator. The county administrator, wherever referred to in sections 383B.141 to 383B.1511, may designate and delegate a purchasing manager or other person to perform the tasks empowered or assigned to the county administrator. Any purchase in excess of $3,500 shall require the signature of the county administrator or designee.

History: *1979 c 198 art 4 s 2; 1986 c 444; 2016 c 151 s 1*

383B.143 CONTRACTS FOR PURCHASES.

Subdivision 1. **Contracts.** Notwithstanding the provisions of sections 373.01 and 373.02, the administrator has authority to enter into contracts for the purchase of goods, materials, supplies, equipment or services under the terms, conditions or restrictions contained in sections 383B.141 to 383B.151 or of any resolution of the board. Authority to enter into price agreements may be delegated to the administrator, who may authorize heads of departments to make purchases within the scope of the agreements.

Subd. 2. MS 2022 [Repealed, 2023 c 62 art 3 s 22]

Subd. 3. MS 2022 [Repealed, 2023 c 62 art 3 s 22]

Subd. 4. **Small purchases; rules.** The board may authorize, subject to rules promulgated by the administrator, purchases other than those defined in subdivision 1.

Subd. 5. **Joint power agreements.** The board shall have sole authority for entering into joint powers agreements or cooperative purchase agreements under the provisions of section 471.59. Upon the execution of agreements thereunder, the board may delegate authority relating to purchases of goods, materials, supplies, equipment or services.

History: *1979 c 198 art 4 s 3; 1998 c 259 s 1*

383B.144 PREQUALIFICATION.

Subdivision 1. **Rules.** Upon establishment of rules and regulations defining the criteria and conditions for prequalification of a bidder, the criteria and conditions and lists of qualified bidders shall be made available for public inspection by the administrator.

Subd. 2. **Wrongful exclusion.** Any prospective bidder who claims to have been wrongfully deleted from the list of qualified bidders shall have the right to receive in writing, upon request, the reasons for such deletion.

History: *1979 c 198 art 4 s 4*

383B.145 COMPETITIVE BIDDING.

Subdivision 1. **Governing law.** Competitive bidding for purchases under the provisions of sections 383B.141 to 383B.151 shall be performed in compliance with the uniform municipal contracting law, section 471.345, except as otherwise provided for herein.

Subd. 2. **Emergency exception.** In the case of an emergency arising from breakage, damage or decay or when the public interest would suffer by delay, purchases may be made without compliance with section 471.345, by the board or administrator if authority has been delegated to make purchases under sections 383B.141 to 383B.151. If the administrator makes the purchase, the board shall present the matter for ratification and record it in the official proceedings of the board at its next meeting.

Subd. 3. **Bidding not required.** When, by reason of a copyright, patent or exclusive franchise, purchases can be made only at a standard, fixed or uniform price and no advantage can be secured by advertisement and competitive bidding because of the noncompetitive nature of the item to be purchased, section 471.345 shall not apply.

Subd. 4. **Certain services, exceptions.** Contracts for professional, noncompetitive, unique, or shared medically related services provided for in the Hennepin County Hospital Act, Laws 1963, chapter 738, shall not be governed by the provisions of section 471.345.

Subd. 5. **Set-aside contracts.** (a) Notwithstanding any other law to the contrary, the board may set aside an amount, for each fiscal year, for awarding contracts to businesses and social services organizations that employ persons who would be eligible for public assistance or who would require rehabilitative services in the absence of their employment. The set-aside amount may not exceed two percent of the amount appropriated by the board in the budget for the preceding fiscal year. Failure by the board to designate particular procurements for the set-aside program shall not prevent vendors from seeking the procurement award through the normal solicitation and bidding processes pursuant to the provisions of the Uniform Municipal Contracting Act, section 471.345.

(b) The board may elect to use a negotiated price or bid contract procedure in the awarding of a procurement contract under the set-aside program. The amount of the award shall not exceed by more than five percent the estimated price for the goods or services, if they were to be purchased on the open market and not under the set-aside program.

(c) Before contracting with a business or social service organization under the set-aside program, the board or authorized person shall conduct an investigation of the business or social service organization with whom it seeks to contract and shall make findings, to be contained in the provisions of the contract, that:

(1) the vendor either:

(i) has in its employ at least 50 percent of its employees who would be eligible to receive some form of public assistance or other rehabilitative services in the absence of the award of a contract to the vendor; or

(ii) if the vendor is a business providing construction services, has in its employ to deliver the set-aside contract as many employees who would be eligible to receive some form of public assistance or other rehabilitative services in the absence of the award of a contract to the vendor as is practicable in consideration of industry safety standards, established supervisory ratios for apprentices, and requirements for licensed persons to perform certain work;

(2) the vendor has elected to apply to the board for a contract under the set-aside provisions; and

(3) the vendor is able to perform the set-aside contract.

(d) The board shall publicize the provisions of the set-aside program, attempt to locate vendors able to perform set-aside procurement contracts and otherwise encourage participation therein.

Subd. 6. **Notice of sales and purchases.** All purchases of, and contracts for, goods, materials, supplies, equipment and services and all sales of personal property which has become obsolete and unusable, where the amount of the expenditure or sale is estimated to be $10,000 or more, shall be solicited by reasonable public notice under rules promulgated by the administrator with approval of the board. The administrator shall also solicit sealed bids by sending requests by mail to prospective vendors. Where by the provisions of sections 383B.141 to 383B.151, section 471.345 does not apply, the requirements of this subdivision shall not apply.

Subd. 7. **Sealed bids.** All bids estimated to cost $10,000 or more shall be sealed, in writing, accompanied by the required deposit and shall remain sealed until opened as provided by this subdivision. The bids shall be publicly opened by the administrator at a time and manner specified in the published advertisements for bids, shall be read aloud and tabulated by the administrator, or a designee. The administrator shall sign the tabulation immediately upon the close of the bid opening and retain a signed copy for public inspection.

Subd. 8. **Bid acceptance.** The administrator shall award the contract to the lowest bid meeting specifications. On deeming that a bid other than the lowest bid is more advantageous to the county, the administrator shall recommend the award of the bid to the county board. The board may approve or disapprove the bid other than the lowest bid. On recommending a bid to the board other than the lowest bid, the administrator shall state the reasons therefor and provide documentation as the board may require. The documentation shall be available for public inspection.

Subd. 9. **Property transfers.** The administrator shall have authority, upon approval by the county board, to transfer to or to accept personal property from any unit of government for no consideration or consideration as may be agreed upon without compliance with the uniform municipal contracting law or the advertising and bidding provisions in sections 383B.141 to 383B.151.

Subd. 10. **Collusive bids.** All bidders shall submit statements, on forms provided by the administrator, of noncollusion with all bids. Failure to provide the statement shall disqualify the bidder. Collusive bidding shall be punishable by a fine not to exceed $10,000 or imprisonment for a period up to five years, or both.

Subd. 11. **Solicitations to small business enterprises or veteran-owned small businesses.** Notwithstanding the contract threshold of section 471.345, subdivision 4, a contract, as defined in section 471.345, subdivision 2, estimated not to exceed $500,000 may be made pursuant to the provisions of section 471.345, subdivision 4, provided that a business that is directly solicited is certified as either: (1)

a small business enterprise; or (2) a small business that is majority-owned and operated by a veteran or a service-disabled veteran.

History: *1979 c 198 art 4 s 5; 1986 c 444; 2023 c 62 art 3 s 8; 2024 c 127 art 15 s 2*

383B.146 PURCHASES CONSISTENT WITH LAW.

The board, or the person or persons to whom purchasing and contracting authority may be delegated, shall exercise the authority consistent with sections 383B.141 to 383B.151.

History: *1979 c 198 art 4 s 6*

383B.147 VENDOR DISCOUNTS.

Notwithstanding the provisions of sections 471.38 to 471.41, when purchases and agreements have been authorized and when vendor discounts are available thereunder to the county upon early payment, the administrator shall have authority to authorize such early payment without prior board approval. Authority hereunder may only be exercised when purchases and agreements have been approved by the board and contain provisions permitting discounts for early payment. When early payment is made, the board shall ratify such action and record it in the official proceedings of the board.

History: *1979 c 198 art 4 s 7*

383B.148 RULES AND REGULATIONS.

The administrator, subject to the approval of the board, shall adopt, promulgate, amend, as necessary, and file with the board rules and regulations for the following purposes:

(a) prescribing the manner in which goods, materials, supplies and equipment shall be purchased, delivered, stored and distributed;

(b) prescribing the forms for requisitions, the manner of their authentication and their revision by the administrator;

(c) prescribing the manner of inspecting all deliveries of goods, materials, supplies and equipment and of making chemical and physical tests of samples submitted with bids and samples of deliveries to determine compliance with specifications;

(d) requiring reports by county departments, boards and agencies of stocks of supplies, obsolete or unusable goods, materials, supplies and equipment on hand and of purchases made by department heads and prescribing the form of such report;

(e) providing for the sale and transfer to or between county departments, boards, commissions and agencies of goods, materials, supplies and equipment which are surplus with other departments, boards, commissions or agencies, and for the disposition by sale, after receipt of competitive bids of goods, materials, supplies and equipment which are obsolete, unusable or not needed;

(f) determining whether a deposit is to be submitted with a bid on a purchase contract or sale and, if required, prescribing the amount and form thereof and providing that the deposit shall be forfeited if the successful bidder refuses to enter into a contract and post a bond as required under section 383B.15, subdivision 2;

(g) defining the criteria and conditions for prequalification of bidders for the establishment of bidder lists in a manner as to provide for competitive bidding from the largest relevant market and to eliminate

unqualified bidders, products and services. The criteria and conditions may take into consideration quality, maintenance costs, available warranties and other legal protections and other elements as would be considered by any reasonable purchaser in selecting the greatest value for the cost;

(h) prescribing the procedure and form for securing the data necessary from bidders and prospective bidders to determine whether or not they are responsible;

(i) prescribing the manner in which invoices for goods, materials, supplies and equipment delivered to any and all departments, boards, commissions and agencies of the county shall be submitted, examined and approved; and

(j) providing for other matters necessary to effect the provisions of sections 383B.141 to 383B.151.

History: *1979 c 198 art 4 s 8*

383B.149 PURCHASES OR CONTRACTS FORBIDDEN.

If any department, board, commission or agency of the county government shall purchase or contract for any goods, materials, supplies, equipment or services, or shall sell any obsolete or unusable materials or equipment contrary to the provisions of sections 383B.141 to 383B.151, such order, contract or sale shall be void. The head of the department, board, commission or agency shall be personally liable for the cost of the order or contract and for the reasonable value of the materials or equipment sold. If the order or contract is already paid for out of county funds, the amount thereof may be recovered in the name of the county by appropriate action. Property sold contrary to the provisions of sections 383B.141 to 383B.151 or the reasonable value thereof may be likewise recovered in the name of the county.

History: *1979 c 198 art 4 s 9*

383B.15 BONDS.

Subdivision 1. **Employees.** All persons authorized to make purchases and agreements on behalf of the county shall be bonded in an amount fixed by the county board for the protection of the county. The bonds shall be approved and filed in the manner as are official bonds of county officers.

Subd. 2. **Contractors.** The successful bidder under the competitive bidding provisions shall at the time of execution of the contract provide the county with a bond or bonds conditioned as required by law. The county administrator may waive a bond or bonds, at discretion, on deciding that the bond or bonds are not reasonable or necessary for the protection of the county.

History: *1979 c 198 art 4 s 10*

383B.151 FINANCIAL INTEREST FORBIDDEN.

No official, person authorized to make purchases, or county employee shall be financially interested, either directly or indirectly, in any contract or purchase order for any goods, materials, supplies, equipment or contracted service furnished to or used by any department, board, commission or agency of the county government. No public official, person authorized to make purchases, or county employee may accept or receive, directly or indirectly from any person, firm or corporation to which any contract or purchase order may be awarded any money or anything of value whatsoever or any promise, obligation or contract for future reward or compensation, except as authorized under section 10A.071, subdivision 3, or 471.895, subdivision 3. Any violation of the provisions of this section shall be a gross misdemeanor.

History: *1979 c 198 art 4 s 11; 2005 c 156 art 6 s 64*

383B.1511 MS 2024 [Repealed, 2026 c 88 art 1 s 226]

383B.152 BUILDING AND MAINTENANCE FUND.

The county board may by resolution levy a tax to provide money which shall be kept in a fund known as the county reserve building and maintenance fund. Money in the fund shall be used solely for the construction, maintenance, and equipping of county buildings that are constructed or maintained by the board. The levy shall not be subject to any limit fixed by any other law or by any board of tax levy or other corresponding body, but shall not exceed 0.02215 percent of estimated market value, less the amount required by chapter 475 to be levied in the year for the payment of the principal of and interest on all bonds issued pursuant to Extra Session Laws 1967, chapter 47, section 1.

History: *Ex1967 c 47 s 3; 1969 c 930 s 3; 1979 c 198 art 2 s 13; 1988 c 719 art 5 s 84; 1989 c 277 art 4 s 38; 1992 c 511 art 5 s 11; 2013 c 143 art 14 s 55*

383B.153 CONTINGENT ACCOUNT.

The Board of County Commissioners of Hennepin County is hereby authorized to appropriate from the general revenue fund of the county annually a sum not to exceed $7,000 as a contingent account. All expenditures from such account shall be made only upon approval of five-sevenths of the members of such board for such purposes as they deem for the best interests of the county.

History: *1965 c 533 s 1; 1967 c 235 s 1; 1979 c 198 art 2 s 14*

383B.155 SELF-INSURANCE.

Notwithstanding any contrary provision of other law, the Board of Commissioners of Hennepin County may insure the county against any claim of liability or loss using funds of the county, without procuring insurance from any private insurance company when the county board considers it to be in the best interests of the county. This provision shall not be construed as an increase of the liability limitations or as a waiver of defenses allowable in any action pursuant to chapter 466. The board may transfer amounts of money from funds of the county to the funds the county may establish for the above purposes in accord with generally accepted accounting principles. The term "liability" shall extend to all liability or loss that may be covered by any form of insurance, including but not limited to malpractice, general liability, or workers' compensation. Section 471.617 applies to Hennepin County.

When Hennepin County purchases commercial insurance, the coverage may include a deductible, the amount of which shall be determined by the board of commissioners.

History: *1979 c 55 s 1,2; 1982 c 577 s 11*

383B.157 MS 1986 [Repealed, 1979 c 55 s 3]

DESIGN-BUILD CONTRACTS

383B.158 DESIGN-BUILD CONTRACTS.

Subdivision 1. **Definitions.** (a) In sections 383B.158 to 383B.1584, the definitions in this subdivision apply.

(b) "Best value" describes a result intended in acquiring design-build services. Best value determination must include price and must measure a responder's qualifications, experience, prior performance, and responses to technical and qualitative criteria.

(c) "County board" means the Hennepin County Board of Commissioners.

(d) "Design-build selection panel" means the individuals appointed by the county to advise the county administrator and county board in preparing and conducting the design-build selection process. At least three members of the committee must be individuals who are not county employees, a minimum of two members must be professionally licensed under chapter 326, and at least one must be or must have been a commercial contractor. No committee member shall have personal financial interest in the project or with any of the design-build proposals.

(e) "Design-build contract" means a single contract, which may be in phases, between the county and a design-builder to furnish the architectural or engineering and related design services as well as the labor, materials, supplies, equipment, and construction services for a project.

(f) "Design-build firm" means a proprietorship, partnership, limited liability partnership, joint venture, corporation, or any type of limited liability company, professional corporation, or any legal entity.

(g) "Design-builder" means the design-build firm that proposes to design and build a project governed by the procedures of this section.

(h) "Design professional" means a person who holds or employs individuals who hold a license under chapter 326 and who is required to be registered under Minnesota law.

(i) "Primary designer" means the designer who is to have primary design responsibility for a project, and does not include designers who are merely consulted by the county and do not have substantial design responsibility, or designers who will or may be employed or consulted by the primary designer.

(j) "Project" means an undertaking for the county to design, construct, erect, or remodel a building or facility, or to design, construct, or reconstruct a county road, bridge, or multimodal transportation facility or other infrastructure relating to a county roadway or multimodal transportation.

(k) "Proposal" means an offer by a design-builder to enter into a design-build contract for a project in response to a request for proposals, including a phase-one or phase-two proposal.

(l) "Request for proposals" or "RFP" means the document or publication through which the county solicits proposals from prequalified design-builders to design and construct a design-build project.

(m) "Request for qualifications" or "RFQ" means a document to prequalify and short-list potential design-builders for a project.

Subd. 2. **Authority.** Notwithstanding section 471.345 or any other law to the contrary, the county board may solicit and award a design-build contract for a project on the basis of a best value selection process as provided in this section. In exercising the authority granted in this section and sections 383B.1581 to 383B.1584, the county may also utilize the design-build procedures available to the Department of Transportation.

Subd. 3. **Restriction.** (a) The number of design-build contracts awarded by the county board must not be more than ten percent of its total projects in any fiscal year.

(b) The board may not enter into a design-build contract under this section unless the county has as employees at least one of each of the following, each of whom must be licensed and registered under state law: an architect, a mechanical engineer, and a civil engineer. In addition, the county must employ a full-time project manager with at least five years of construction management experience.

Subd. 4. **Procedures.** (a) The county board shall, by resolution, adopt implementation procedures consistent with this section for the award of design-build contracts.

(b) The implementation procedures must, at a minimum, govern:

(1) the establishment of a design-build selection panel appointed by the county to advise the county administrator and the county board in preparing and conducting the design-build selection process, including a recommendation for the selection of a design-build proposal it considers to be of best value to the public;

(2) preparing requests for proposals, including procedures for determining the appropriate content for each request for proposal;

(3) standards to be used to qualify or prequalify design-builders;

(4) preparing and submitting proposals;

(5) establishing procedures for evaluating proposals in as objective a manner as possible;

(6) establishing safeguards during the procurement process to preserve confidential information and proprietary information supplied by those submitting proposals in accordance with chapter 13, including, but not limited to, an offeror's price, technical solutions, innovative or unique technology, and innovative or unique use of commercially available items; and

(7) awarding and executing design-build contracts.

Subd. 5. **Licensing requirements.** (a) A design-builder shall employ, or have as a partner, member, officer, coventurer, or subcontractor, a person duly licensed and registered to provide the design services required to complete the project and do business in this state.

(b) A design-builder may enter into a contract with the county to provide professional or construction services that the design-builder is not licensed, registered, or qualified to perform, so long as the design-builder provides the services through subcontracts with licensed, registered, or otherwise qualified persons in accordance with this section.

(c) This section does not intend to limit or eliminate the responsibility or liability owed by a professional on a design-build project to the county or other parties under other law.

History: *2002 c 393 s 57; 2007 c 70 s 1-3; 2013 c 97 s 1-3; 2014 c 275 art 1 s 109*

383B.1581 DESIGN-BUILD PROCESS.

Subdivision 1. **Two-phase procedure.** If the county board determines that the design-build best value method of project delivery is appropriate for a project, the county board shall establish a two-phase procedure for awarding the design-build contract.

Subd. 2. **Contents.** The county, after considering recommendations from the design-build selection panel, shall prepare or have prepared an RFQ. The RFQ must include the following:

(1) the minimum qualifications of design-builders necessary to meet the requirements for acceptance;

(2) a scope of work statement and schedule;

(3) documents defining the project requirements;

(4) the form of contract to be awarded;

(5) the weighted selection criteria for compiling a short list and the number of firms to be included in the short list, which must be at least two but not more than five;

(6) a description of the request for proposals (RFP) requirements;

(7) the maximum time allowed for design and construction;

(8) the county board's estimated cost of design and construction;

(9) requirements for construction experience, design experience, financial, personnel, and equipment resources available from potential design-builders for the project and experience in other design-build projects or similar projects, provided that these requirements may not unduly restrict competition; and

(10) the requirement that the primary designer be designated in the response to the RFQ; and

(11) a statement that "past performance" or "experience" does not include the exercise or assertion of a person's legal rights.

Subd. 3. **Evaluation.** (a) The county shall solicit and evaluate proposals and select a design-builder in two phases.

(b) In phase one, the county board, after considering the recommendations from the design-build selection panel, shall adopt a short list of no more than five of the most highly qualified firms in accordance with qualifications criteria described in the RFQ. Prior to adoption of the short list by the county board, the designer selection committee may require clarification from the design-builders to ensure conformance of proposals to the RFQ. The county must not consider cost-related or price-related evaluation factors in phase one.

(c) In phase two, the design-build selection panel shall use the evaluation criteria in the RFP to determine the design-build proposal to be the most advantageous and the best value to the public. Prior to award of a contract, the design-build selection panel and, if necessary, the county board may require clarification from the design-builders to ensure conformance of proposals to the RFP.

History: *2002 c 393 s 58; 2007 c 70 s 4,5; 2013 c 97 s 4,5*

383B.1582 RFP FOR DESIGN-BUILD.

During phase two, the county shall issue an RFP to the design-builders on the short list. The RFP must include:

(1) the scope of work, including (i) performance and technical requirements, (ii) conceptual design, (iii) minimum specifications, and (iv) functional and operational elements for the delivery of the completed project, which must be prepared by a design professional qualified to prepare the necessary documents;

(2) a description of the qualifications required of the design-builder;

(3) a description of the selection criteria, including the weight or relative order, or both, of each criterion;

(4) copies of the contract documents that the successful proposer will be expected to sign;

(5) the maximum time allowable for design and construction;

(6) the county's estimated cost for design and construction;

(7) the requirement that a submitted proposal be segmented into two parts, a technical proposal and a price proposal;

(8) the requirement that each proposal be in a separately sealed, clearly identified package and include the date and time of the submittal deadline;

(9) the requirement that the technical proposal include a critical path method; bar schedule of the work to be performed, or similar schematic; design plans and specifications; technical reports; calculations; permit requirements; applicable development fees; and other data requested in the RFP;

(10) the requirement that the price proposal contain all design, construction, engineering, inspection, and construction-related costs, and all other costs of any kind of the proposed project;

(11) the date, time, and location of the public opening of the sealed price proposals;

(12) a statement that "past performance" or "experience" does not include the exercise or assertion of a person's legal rights; and

(13) other information relevant to the project.

History: *2002 c 393 s 59; 2013 c 97 s 6*

383B.1583 REPLACING TEAM MEMBERS.

An individual or a design-build firm identified in a response to an RFQ or RFP may not be replaced without the written approval of the county board. The county board may revoke an awarded contract if an individual or a design-build firm identified in a response to an RFQ or RFP is replaced without the county board's written approval. To qualify for the approval, the written request must document that the proposed replacement individual or design-build firm will be equal to or better than that described in the response to the RFQ or RFP. The county board shall use the criteria specified in the RFQ or RFP to evaluate the request.

History: *2002 c 393 s 60*

383B.1584 DESIGN-BUILD AWARD.

Subdivision 1. **Award; computation; announcement.** Except as provided in subdivision 2, a design-build contract shall be awarded as follows:

(a) The design-build selection panel shall score the technical proposals using the selection criteria in the request for proposals (RFP). The panel shall then submit a technical proposal score for each design-builder to the county board or its designee. The panel shall reject any proposal it deems nonresponsive.

(b) The county board or its designee shall announce the technical proposal score for each design-builder and shall publicly open the sealed price proposals and shall divide each design-builder's price by the technical score that the panel has given to it to obtain an adjusted score.

(c) If a time factor is included with the selection criteria in the RFP package, the county board or its designee may also adjust the bids using a value of the time factor established by the panel. The value of the time factor must be expressed as a value per day. The adjustment must be based on the total time value. The total time value is the design-builder's total number of days to complete the project multiplied by the factor. The time-adjusted price is the total time value plus the bid amount. This adjustment must be used for selection purposes only, and must not affect the county's liquidated damages schedule or incentive or disincentive

program. An adjusted score must then be obtained by dividing each design-builder's time-adjusted price by the score given by the technical review team.

(d) Unless all proposals are rejected, the county board shall award the contract to the responsive and responsible design-builder with the lowest adjusted score. The county board shall reserve the right to reject all proposals.

Subd. 2. **Alternative process for certain contracts.** The county board may elect to use the process under this subdivision for a design-build contract for a project with an estimated project cost of less than $5,000,000. The county board shall give the lowest cost proposal the full number of price points defined in the request for proposals (RFP). The county board shall award each of the other proposals a percentage of the price points based on a ratio of the lowest price divided by the responder's price. The county board shall add the technical score and price score and award the contract to the responder with the highest total score.

Subd. 3. **Stipulated fee.** The county board shall award a stipulated fee of not less than two-tenths of one percent of the county's estimated cost of design and construction to each short-listed, responsible proposer who provides a responsive but unsuccessful proposal. When the request for proposals specifies a maximum price, the stipend shall be awarded if the proposal is responsive in all other aspects but comes in above the maximum price. If the county board does not award a contract, all short-listed proposers must receive the stipulated fee. If the county board cancels the contract before reviewing the technical proposals, the county board shall award each design-builder on the short list a stipulated fee of not less than two-tenths of one percent of the county's estimated cost of design and construction. The county board shall pay the stipulated fee to each proposer within 90 days after the award of the contract or the decision not to award a contract. In consideration for paying the stipulated fee, the county may use any ideas or information contained in the proposals in connection with any contract awarded for the project or in connection with a subsequent procurement, without any obligation to pay any additional compensation to the unsuccessful proposers. Notwithstanding the other provisions of this subdivision, an unsuccessful short-list proposer may elect to waive the stipulated fee. If an unsuccessful short-list proposer elects to waive the stipulated fee, the county may not use ideas and information contained in that proposer's proposal. Upon the request of the county, a proposer who waived a stipulated fee may withdraw the waiver, in which case the county shall pay the stipulated fee to the proposer and thereafter may use ideas and information in the proposer's proposal.

Subd. 4. **Low-bid design-build process.** (a) The county board may also use low-bid, design-build procedures to award a design-build contract where the scope of the work can be clearly defined.

(b) Low-bid design-build projects may require a request for qualifications (RFQ) and short-listing, and must require a request for proposals (RFP).

(c) Submitted proposals under this subdivision must include separately a technical proposal and a price proposal. The low-bid, design-build procedures must follow a two-step process for review of the responses to the RFP as follows:

(1) The first step is the review of the technical proposal by the design-build selection panel. The panel must open the technical proposal first and must determine if it complies with the requirements of the RFP and is responsive. The panel may not perform any ranking or scoring of the technical proposals.

(2) The second step is the determination of the low bidder based on the price proposal. The county board or its designee may not open the price proposal until the review of the technical proposal is complete.

(d) The contract award under low-bid, design-build procedures must be made to the proposer whose sealed bid is responsive to the technical requirements as determined by the panel and that is also the lowest bid.

(e) A stipulated fee may be paid for unsuccessful bids on low-bid, design-build projects only when the county board has required an RFQ and short-listed the most highly qualified responsive bidders.

Subd. 5. **Rejection of bids.** The county board may reject all bids under this section.

Subd. 6. **Reissue of request for proposals.** If the county board rejects all bids or does not execute the contract, the county board may reissue the request for proposals and allow only short-listed teams to resubmit proposals. The county board shall then pay a reasonable stipulated fee to each short-listed, responsible proposer who provides a responsive but unsuccessful proposal in response to the reissued request for proposals. When the reissued request for proposals specifies a maximum price, the stipend shall be awarded if the proposal is responsive in all other aspects but comes in above the maximum price.

History: *2002 c 393 s 61; 2007 c 70 s 6; 2013 c 97 s 7*

383B.1585 MS 2012 [Repealed, 2013 c 97 s 8]

383B.1586 MS 2006 [Repealed, 2007 c 70 s 7]

ENERGY FORWARD PRICING MECHANISMS

383B.1588 ENERGY FORWARD PRICING MECHANISMS.

Subdivision 1. **Definitions.** The following definitions apply in this section.

(a) "Energy" means natural gas, heating oil, diesel fuel, unleaded fuel, or any other energy source, except electric, used in Hennepin County operations.

(b) "Forward pricing mechanism" means either:

(1) a contract or financial instrument that obligates Hennepin County to buy or sell a specified amount of an energy commodity at a future date and at a set price; or

(2) an option to buy or sell the contract or financial instrument.

Subd. 2. **Authority provided.** Notwithstanding any other law to the contrary, the Hennepin County Board of Commissioners may use forward pricing mechanisms for budget risk reduction.

Subd. 3. **Conditions.** (a) Forward pricing transactions made under this section must be made only under the conditions in this subdivision.

(b) The amount of energy forward priced must not exceed the estimated energy usage for Hennepin County operations for the period of time covered by the forward pricing mechanism.

(c) The holding period and expiration date for any forward pricing mechanism must not exceed 60 months from the trade date of the transaction.

(d) Separate accounts must be established for each operational energy for which forward pricing mechanisms are used under this section.

Subd. 4. **Written policies and procedures.** Before exercising authority under subdivision 2, the Hennepin County Board of Commissioners must have written policies and procedures governing the use of forward pricing mechanisms.

Subd. 5. **Oversight process.** (a) Before exercising authority under subdivision 2, the Hennepin County Board of Commissioners must establish an oversight process that provides for review of the county's use of forward pricing mechanisms.

(b) The process must include:

(1) internal or external audit reviews;

(2) annual reports to, and review by, an internal investment committee; and

(3) internal management control.

History: *2010 c 361 art 5 s 11; 2016 c 151 s 3*

COUNTY AS LESSEE

383B.159 REAL PROPERTY LEASES.

The County Board of Commissioners of Hennepin County may contract for the leasing of real property from individuals, private or public corporations, or other governmental agencies.

History: *1969 c 476 s 1; 1977 c 69 s 1; 1979 c 198 art 4 s 12; 2002 c 359 s 1*

PARKING FACILITIES

383B.20 PARKING FACILITIES.

Subdivision 1. **Acquisition.** The county of Hennepin may use and develop any property heretofore acquired or hereafter acquired by gift, lease, purchase or condemnation proceedings, which condemnation proceedings shall be in accordance with chapter 117, any real property within said county of Hennepin, or any interest therein, deemed by the board of county commissioners to be needed for the purposes of providing off-street parking facilities. If the off-street parking facilities are not acquired or bettered in conjunction with or primarily to serve any of the public buildings which are under the control of the board of county commissioners for county purposes, the off-street parking project must be approved by the city council of the city in which the facilities are to be located. The term "off-street parking facilities" as used in this section includes lots, lanes, garages, ramps or other structures and accessories.

Subd. 2. **Financing.** To finance the acquisition and betterment of off-street parking facilities referred to in subdivision 1, the board of county commissioners may issue general obligation bonds or revenue bonds of Hennepin County, or any combination of them. The bonds shall be sold and issued in accordance with chapter 475. The net revenues derived from any and all off-street parking facilities, whether financed by the bonds or previously owned by the county, may be pledged to repay the bonds and interest on them. The board may by resolution establish covenants concerning the operation, maintenance, and financial records of the facilities, the establishment and collection of sufficient charges for service, the custody and use of the revenues, the priority of claims on revenues for the payment of particular bonds, and other matters the board may determine to be necessary or desirable for the marketing of the bonds and the security of the holders or of the taxpayers. No election shall be required to authorize revenue bonds or general obligation bonds for which revenues are pledged, and the bonds shall be included in computing the net debt of the county.

Revenue bonds, for which the taxing power of the county is not pledged, may be sold by private negotiation on the terms and conditions the board of county commissioners may determine.

Subd. 3. **Lease and rental charges.** The county of Hennepin may make such provision for the operation and management of the facilities provided herein as it may deem necessary, and it may lease and rent all or any off-street parking facilities to persons, firms or corporations to be used for purposes of automobile parking and fix the rentals to be charged therefor, and when so leased, to regulate the rates and charges to be exacted for the services so provided. Such lease may require the lessee to make improvements to become the property of the county upon expiration or termination of the lease. The county may, in the alternative, employ any person, firm, or corporation as operating manager and agent for the county to operate and maintain any such facility or facilities in behalf of the county under a contract defining the terms of such employment.

Subd. 4. MS 2000 [Repealed, 2002 c 359 s 3]

History: *1969 c 1037 s 1; 1983 c 224 s 1,2,4; 2002 c 359 s 2*

TAX LISTS, SPECIAL ASSESSMENTS

383B.203 CERTIFICATION OF TAX LISTS.

Notwithstanding the provisions of section 275.28, subdivision 2, the auditor in Hennepin County shall deliver to the Hennepin County treasurer a certificate in the following form:

I, A.B., auditor of Hennepin County, and the State of Minnesota, do hereby certify that the correct list of the taxes levied on the real and personal property in the various taxing districts within the county of Hennepin for the year ..... (being the same year the property was assessed and the tax levied), to become payable in the year ...., has been placed in the electronic data processing system for assessment and tax accounting procedures.

Witness my hand and official seal this ..... day of ....., ...

.....

County Auditor

Such tax lists, being certified as provided herein, are hereby deemed, for all purposes of taxation, to be the official tax lists for the county of Hennepin, and shall be the basis upon which the Hennepin County treasurer shall collect the taxes on all real and personal property within the county of Hennepin.

History: *1969 c 390 s 1; 1998 c 254 art 1 s 107*

383B.205 SPECIAL ASSESSMENTS; CERTIFICATION FEE.

Each home rule charter or statutory city, town, and every board and department thereof, in any county now or hereafter having a population of 600,000 or more shall pay to the county auditor of such county a fee of five cents per installment of each special assessment for any local improvement certified by it to the county auditor and which is to be spread by the county auditor on the tax lists of such county.

History: *1953 c 74 s 1; 1973 c 123 art 5 s 7*

383B.207 SPECIAL ASSESSMENTS; COMPUTATION OF INTEREST.

In each county of this state now or hereafter having a population of 600,000 or more the county auditor in computing interest on installments of special assessments where the installment of interest on the first or any subsequent installment of principal is less than 50 cents may compute interest on such first or subsequent installment and add the amount thereof to the first or current installment.

History: *1953 c 75 s 1*

HEALTH

383B.211 AUTHORIZATION.

The Board of Commissioners of Hennepin County may establish, organize and reorganize a department, bureau or administration for the purpose of providing comprehensive health care and related services as required by law and as determined by the board to be in the best interests of the county.

History: *1981 c 91 s 1*

383B.213 POWERS AND DUTIES.

All powers and duties pertaining to health care and related services now or hereafter exercisable or imposed by law upon Hennepin County shall be vested in the board of commissioners. If, by general statute, provision is made for separate health boards, the board of commissioners may assume the powers and duties of the boards or may create separate health boards and make appointments to them as provided by statute. The board may delegate authority and responsibility to the county administrator, who may designate a person or persons to perform the tasks empowered or assigned. The powers and duties of the board shall include, but not be limited to:

(a) Those provided in chapter 145.

(b) Those created by contract entered into with any other unit of government or the University of Minnesota for health care and related services.

(c) Those relating to mental health in chapter 245.

(d) Those authorized under section 471.59.

(e) Those contained expressly or by necessary implication in special statutes applicable to Hennepin County.

History: *1981 c 91 s 2; 2016 c 158 art 1 s 179*

383B.215 ADDITIONAL AUTHORITY.

In addition to the powers and duties enumerated in sections 383B.211 to 383B.229, the county:

(a) Shall maintain a system for the registration of vital records.

(b) Shall prepare and publish an annual report of the health services provided and available in the preceding year.

(c) Shall enforce all laws and regulations relating to public health within its jurisdiction and authority.

(d) Shall establish fee schedules for services rendered.

(e) May purchase services for health care and related services consistent with Laws 1979, chapter 198.

History: *1981 c 91 s 3; 2015 c 21 art 1 s 109*

383B.217 HMO AND CLINICS.

Subdivision 1. MS 2006 [Repealed, 2005 c 125 art 2 s 9]

Subd. 2. MS 2006 [Repealed, 2005 c 125 art 2 s 9]

Subd. 3. MS 2006 [Repealed, 2005 c 125 art 2 s 9]

Subd. 4. MS 2006 [Repealed, 2005 c 125 art 2 s 9]

Subd. 5. MS 2006 [Repealed, 2005 c 125 art 2 s 9]

Subd. 6. MS 2006 [Repealed, 2005 c 125 art 2 s 9]

Subd. 7. **Purchasing, contracting, meetings, data.** (a) Contracting and purchasing made on behalf of the HMO, ambulatory health center, or other clinics authorized under section 383B.219, of goods, materials, supplies, equipment, and services that are incidental to or that are included as part of a contract for the purchase of goods, materials, supplies, or equipment are specifically exempted from sections 383B.141 to 383B.151 and 471.345 or other applicable laws related to public procurement. Contracting and purchasing of services shall comply with sections 383B.141 to 383B.151 or other applicable laws related to public procurement.

(b) Notwithstanding chapter 13D, the county board on behalf of the HMO or Hennepin Healthcare System, Inc., may meet in closed session to discuss and take action on specific products or services that are in direct competition with other providers of goods or services in the public or private sector, if disclosure of information pertaining to those matters would clearly harm the competitive position of the HMO or Hennepin Healthcare System, Inc.

(c) The HMO or Hennepin Healthcare System, Inc., shall inform the county board when there are matters that are appropriate for discussion or action under paragraph (b). The county administrator or the administrator's designee shall give the board an opinion on the propriety of discussion or action under paragraph (b) for each of the matters. The county board may, by a majority vote in a public meeting, decide to hold a closed meeting under paragraph (b). The purpose, time, and place of the meeting must be announced at a public meeting. A written roll of members present at a closed meeting must be made available to the public after the closed meeting. The proceedings of a closed meeting must be tape recorded at the expense of the county board and be preserved for not less than five years after the meeting. The data on the tape are nonpublic data under section 13.02, subdivision 9, until two years after the meeting. A contract entered into by the county board at a meeting held on behalf of the HMO is subject to section 471.345. All bids and any related materials that are considered at the meeting must be retained for a period of not less than five years. After the expiration of the term of any contract entered into pursuant to this subdivision or a period of two years, whichever is less, the contract, the bids, and any related materials are public data. The contract, the bids, and any related materials are subject to review by the state auditor at any time.

(d) Data concerning specific products or services that are in direct competition with other providers of goods or services in the public or private sector are trade secret information for purposes of section 13.37, to the extent disclosure of information pertaining to the matters would clearly harm the competitive position

of the HMO. The data are trade secret information for the term of the contract or a two-year period, whichever is less.

(e) Notwithstanding section 471.345 or other applicable law, the county board on behalf of the HMO, ambulatory health center, or other clinics authorized under section 383B.219, may contract, except for services, by any means that the county board or at its direction the HMO, ambulatory health center, or other clinics authorized under section 383B.219, may determine. When contracting for services, the county board must comply with sections 383B.141 to 383B.151 and other applicable law, except that the board may contract with a private or public cooperative purchasing organization if it can be established that the purchasing organization's services that are purchased have been awarded through a competitive or request for proposal process.

(f) This subdivision applies to the HMO, Hennepin Healthcare System, Inc., ambulatory health centers, or other clinics authorized under section 383B.219, as well as any other organization, association, partnership, or corporation authorized by Hennepin County under section 144.581.

Subd. 8. MS 2006 [Repealed, 2005 c 125 art 2 s 9]

History: *1981 c 91 s 4; 1987 c 144 s 3; 2002 c 302 s 1; 2003 c 98 s 1; 2005 c 125 art 1 s 29;art 2 s 7,10; 1Sp2005 c 7 s 31,34*

383B.218 BONDING AUTHORITY; HENNEPIN COUNTY MEDICAL BUILDING.

Hennepin County may issue and sell not more than $16,000,000 of general obligation bonds to finance or refinance the construction and purchase of the Hennepin County Health Services Building. Issuance of the obligations is not subject to the election requirements of section 475.58. The obligations issued under this section and the property taxes levied to pay the obligations must be included in calculation of Hennepin County's bond and building fund levy limitations under section 373.40.

History: *1988 c 519 s 5*

383B.219 AMBULATORY HEALTH CENTERS AND CLINICS.

Subdivision 1. **Authorization.** In addition to the authority conferred in sections 383B.211 to 383B.229 to provide health and medical care, the county board may provide general or special medical care, service and treatment at health centers and clinics within the county.

Subd. 2. **Organization and management.** With the advice and assistance of persons to whom health, medical and hospital administrative authority has been delegated by the county administrator, the county administrator, subject to approval of the county board, shall establish bylaws, rules and regulations for the organization and management of health centers and clinics. The county administrator may incorporate the bylaws, rules and regulations of the medical center as deemed appropriate and shall make the bylaws, rules and regulations as uniform as practicable. The county administrator may delegate to a person or persons the duties and powers necessary to assist in the management of ambulatory health centers and clinics.

Subd. 3. **Licensed professional staff.** Section 383B.34 applies to this section.

Subd. 4. **Facilities.** The county board may acquire, by purchase, gift or condemnation, or may lease, the property necessary, for the provision of ambulatory health center and clinical services as required under sections 383B.211 to 383B.229.

Subd. 5. **Purchases.** Contracting and purchasing made on behalf of health centers and clinics of goods, materials, supplies and equipment and contracted services shall comply with sections 383B.41 to 383B.51.

Subd. 6. **Funds.** The county may finance the medical care, service and treatment at health centers and clinics from the general revenue fund and other sources as authorized by law, or as authorized by the county board.

History: *1981 c 91 s 5; 2014 c 275 art 1 s 110*

383B.221 EMERGENCY MEDICAL SERVICE.

Subdivision 1. **Authorization.** The county board may provide for emergency medical service and training in connection with the purposes and in accordance with section 383B.211.

Subd. 2. **Compliance with state laws.** Emergency medical service established under subdivision 1 shall comply with applicable provisions of sections 144E.001 to 144E.35, 145A.11 to 145A.131, and 383B.56. The county board may also establish and operate a communications system in connection with emergency medical services, may contract with other units of government or private entities and may exercise the authority provided in section 471.59 in the establishment, operation and maintenance of the system.

History: *1981 c 91 s 6; 1987 c 309 s 26; 1995 c 186 s 119; 1997 c 199 s 14; 1Sp2003 c 14 art 8 s 31; 2014 c 291 art 7 s 29*

383B.223 FOOD SERVICE.

The county may establish and operate a food service facility for the purposes stated in section 383B.211 and for other public institutions and facilities as determined by the county board.

History: *1981 c 91 s 7*

383B.225 Subdivision 1. MS 2004 [Repealed, 2006 c 260 art 8 s 21]

Subd. 2. MS 2004 [Repealed, 2006 c 260 art 8 s 21]

Subd. 3. MS 2004 [Repealed, 2006 c 260 art 8 s 21]

Subd. 4. MS 2004 [Repealed, 2006 c 260 art 8 s 21]

Subd. 5. MS 2005 Supp [Repealed, 2006 c 260 art 8 s 21]

Subd. 6. MS 2004 [Repealed, 2006 c 260 art 8 s 21]

Subd. 7. MS 2004 [Repealed, 2006 c 260 art 8 s 21]

Subd. 8. MS 2004 [Repealed, 2006 c 260 art 8 s 21]

Subd. 9. MS 2004 [Repealed, 2006 c 260 art 8 s 21]

Subd. 10. MS 2004 [Repealed, 2006 c 260 art 8 s 21]

Subd. 11. MS 2004 [Repealed, 2006 c 260 art 8 s 21]

Subd. 12. MS 2004 [Repealed, 2006 c 260 art 8 s 21]

Subd. 13. MS 2004 [Repealed, 2006 c 260 art 8 s 21]

383B.227 MS 1994 [Repealed, 1996 c 310 s 1]

383B.229 EXISTING HEALTH SERVICE PROGRAMS NOT AFFECTED.

Sections 383B.211 to 383B.229 do not affect the authority of any statutory or home rule charter city of the first or second class to operate or to continue to operate a health service program.

History: *1981 c 91 s 10; 1989 c 209 art 2 s 37*

383B.233 MS 1994 [Repealed, 1996 c 310 s 1]

WASTE MANAGEMENT

383B.235 80 PERCENT OF COUNCIL MUST OK MINNEAPOLIS WASTE BURNER.

Subdivision 1. **If for 1,000 tons a day.** A resource recovery facility that reclaims, burns, uses, processes, or disposes of more than 1,000 tons average daily throughput of mixed municipal solid waste may not be constructed within the boundaries of a city of the first class having a population in excess of 300,000 unless the city council approves the construction by a four-fifths vote.

Subd. 2. **One or two sites but not west riverbank.** Provided all environmental laws or regulations administered by the Minnesota Pollution Control Agency or federal agencies are followed, and notwithstanding any ordinance or municipal land use plan to the contrary, Hennepin County may acquire land and construct one or two resource recovery facilities, each not to exceed 1,000 tons average daily throughput within the county; provided however, a resource recovery facility shall not be built at the "west riverbank" site in the city of Minneapolis as identified in the final 1983 report of the city-county resource recovery siting committee. In choosing the two sites, Hennepin County shall fully consult in good faith with any affected municipality. In selecting sites, the county board shall evaluate reasonable alternatives for the resource recovery facilities, including any outside the city of Minneapolis.

Subd. 3. **Existing facility may use its capacity.** Notwithstanding subdivisions 1 and 2, an existing resource recovery facility may reclaim, burn, use, process, or dispose of mixed municipal solid waste to the full extent of its maximum yearly capacity as of January 1, 2000. The facility must continue to comply with all federal and state environmental laws and regulations and must obtain a conditional use permit from the municipality where the facility is located.

History: *1984 c 654 art 2 s 29; 2000 c 488 art 3 s 30*

383B.236 WASTE MANAGEMENT.

The Hennepin County Board of Commissioners may utilize money received from the sale of energy and recovered materials and placed in the county solid and hazardous waste fund under section 473.811, subdivision 9, for program expenses of the Department of Environmental Services, or the department or office succeeding to the functions of the Department of Environmental Services. This authority shall be in addition to the authority given in section 473.811, subdivision 9.

History: *2009 c 37 art 1 s 58*

LIBRARY

383B.237 LIBRARY SYSTEM.

The Hennepin County Board of Commissioners may establish and maintain a system of public libraries for the free use of the residents of the county. The board shall determine the locations of the libraries, and

may levy taxes for library operations and maintenance on all taxable property within the county. The county may acquire, lease, construct, alter, or contract for the use of any real or personal property necessary for the establishment and operation of a free county library system. Acquisition of real property may be undertaken in accordance with chapter 117.

History: *1981 c 48 s 1; 1987 c 384 art 2 s 86; 2007 c 121 art 2 s 2,6*

383B.239 BOARD.

The county board shall direct, operate and manage the county library system. A county library board consisting of 11 members who reside in the county library service area shall be appointed by the county board. For the first three years following the merger of the Minneapolis Public Library and the Hennepin County library system, three of the members shall be residents of the city of Minneapolis. When appointing members of the county library board who are residents of the city of Minneapolis, the county board must consult with the Minneapolis mayor and city council. The library board shall provide advice and make recommendations on any matter pertaining to the library system to the county board and the library director and shall exercise the powers and perform the duties delegated to it by the county board, which may include, but are not limited to, the establishment of rules governing library operations, review of the annual operating budget for submission to the county board, development of a long-range plan and acceptance of gift and trust funds. The library board shall determine the contents of the collections of the library system and shall be responsible for the use of library meeting rooms.

History: *1981 c 48 s 2; 2007 c 121 art 2 s 3,6*

383B.241 DIRECTOR.

The library director shall perform administrative and technical duties for the library system and exercise the powers and perform the duties delegated to the director by the county board. The library director shall be appointed and removed by the county administrator, with approval by the county board, pursuant to section 383B.102. Prior to the appointment or removal of the library director, the library board shall make recommendations to the county administrator. The library director shall be qualified by experience and education. Preference shall be given to candidates with library experience.

History: *1981 c 48 s 3; 2019 c 48 s 1*

383B.243 PER DIEMS.

Members of the library board shall be allowed a per diem not to exceed $50 for meetings relating to advice and recommendations concerning the library program. Each member may also be reimbursed for actual and necessary expenses incurred as a result of the meeting. Payment for meetings of the library board shall be authorized in an amount not to exceed two meetings monthly.

History: *1981 c 48 s 4*

383B.245 LIBRARY LEVY.

(a) The county board may levy a tax on the taxable property within the county to acquire, better, and construct county library buildings and branches and to pay principal and interest on bonds issued for that purpose.

(b) The county board may by resolution adopted by a five-sevenths vote issue and sell general obligation bonds of the county in the manner provided in sections 475.60 to 475.73. The bonds shall not be subject to the limitations of sections 475.51 to 475.59, but the maturity years and amounts and interest rates of each

series of bonds shall be fixed so that the maximum amount of principal and interest to become due in any year, on the bonds of that series and of all outstanding series issued by or for the purposes of libraries, shall not exceed an amount equal to 0.01612 percent of estimated market value of all taxable property in the county as last finally equalized before the issuance of the new series. When the tax levy authorized in this section is collected it shall be appropriated and credited to a debt service fund for the bonds in amounts required each year in lieu of a countywide tax levy for the debt service fund under section 475.61.

History: *1981 c 48 s 5; 1987 c 188 s 1; 1988 c 719 art 5 s 84; 1989 c 277 art 4 s 39; 1994 c 505 art 6 s 3; 2007 c 121 art 2 s 4,6; 2013 c 143 art 14 s 56*

383B.247 MERGER.

The county and the library board of the city of Minneapolis may agree to merge their public library systems at a time and in a manner as they may agree as enabled pursuant to Laws 2007, chapter 121.

History: *1981 c 48 s 6; 2007 c 121 art 2 s 5,6*

PUBLIC SAFETY

383B.251 LICENSE BUREAU.

Notwithstanding any law to the contrary, in the Hennepin County License Bureau, created pursuant to sections 373.32 to 373.38, the license bureau director shall have the following additional duties: issue and process marriage licenses and records, record veterinary licenses, record optometry licenses, record chiropractic licenses, record podiatrist licenses, record osteopathic licenses, record medical doctor (M.D.) certificates, record basic science certificates, record ministerial credentials, record notary commissions, record trade names, issue jurats and acknowledgments, issue and process birth and death records, and issue certified copies of any of the above as applicable. On July 1, 1974, all of the duties herein enumerated are transferred from the court administrator of the district court of Hennepin County to the director of the Hennepin County License Bureau.

History: *1974 c 166 s 1; 1Sp1986 c 3 art 1 s 82*

383B.255 PUBLIC SAFETY COMMUNICATIONS.

Subdivision 1. **Radio system.** Hennepin County may establish and rent, lease, construct, equip, and maintain a radio broadcasting station or stations, with land-fixed repeater stations and other necessary communication equipment, to be used for public safety communications. It may acquire land by gift, purchase, lease, or condemnation for use as a site for public safety communications equipment. Public safety communications sites may be acquired by lease for a period of up to 25 years in duration. Public safety communications may include police, fire, highway maintenance, emergency medical service, local government, forestry conservation, and other communications as determined by the county board.

Subd. 1a. **Antenna site use agreements.** Use of county-owned radio towers, building rooftops, lands, rights-of-way, and easements may be made available to commercial wireless service providers for the purpose of installing antennas and equipment necessary for construction of the national wireless telecommunications infrastructure. Hennepin county may acquire site use fees, or by gift or other means, improvements to public safety communications facilities, or other personal property, as compensation for antenna site use. Antenna site use agreements may be entered into by any means available and in the manner determined by the county board, with or without advertisement for bids.

Subd. 2. **Policy and operations.** The public safety communications system shall be under the direction of the sheriff. Public safety communications policies may be established by the board of county commissioners.

Subd. 3. **Extension of services; charges.** Public safety communications services may be extended to any statutory or home rule charter city within the county, and to any adjoining county or statutory or home rule charter city in an adjoining county, upon the written request of its governing body to the Hennepin County board. All the communications equipment used in connection with the extended service shall, unless otherwise provided by the Hennepin County board, be owned, maintained, and serviced by Hennepin County. The board with the advice of the sheriff may establish a charge for extended public safety communications services pursuant to section 383B.118.

Subd. 4. **Duties of sheriff.** The sheriff shall broadcast all public safety dispatches and reports which, in the sheriff's opinion, relate to public safety communications.

History: *1983 c 223 s 1-4; 1997 c 58 s 1,2*

383B.257 COUNTY MAY RUN CENTRAL MOBILE EQUIPMENT DIVISION.

Subdivision 1. **On county property.** The county board in any county now or hereafter having a population of 600,000 or more may establish and operate a central mobile equipment division upon property owned by any such county.

Subd. 2. **Under county engineer.** The county board may place the general supervision of the central mobile equipment division under the jurisdiction of the county highway engineer, hereinafter designated the "county engineer." The county board may provide the county engineer with office space, equipment, supplies, and assistants to perform the duties of the office.

Subd. 3. **Must transfer existing equipment; may buy or rent more.** Upon the establishment of the central mobile equipment division, all mobile, maintenance and construction equipment then owned by the county or any department thereof shall be transferred to the central mobile equipment division. Equipment needed by the central mobile equipment division which has not been acquired either by transfer or purchase may be rented until acquired under the provisions of this section.

Subd. 4. **Engineer to keep up, report on.** It shall be the duty of the county engineer to provide for the service, maintenance and repair of all equipment transferred to or acquired by the central mobile equipment division, and to make such periodic reports with respect to the operation thereof as the county board may require.

Subd. 5. **Public bodies in county may requisition.** Any county department or any town, home rule charter or statutory city, school district, or other public corporation within such county that may require the use of any mobile, maintenance or construction equipment within the jurisdiction of the central mobile equipment division may requisition for its use to the central mobile equipment division.

Subd. 6. **Rental charge.** The county engineer shall have authority to determine and calculate the cost of furnishing the equipment requisitioned, which cost shall be designated "rental charge," and shall be sufficient to provide for the cost of maintenance, operation, repair, depreciation and replacement of such equipment, and such rental charge shall be paid to the central mobile equipment division by the department, or the town, home rule charter or statutory city, school district, or other public corporation using such equipment.

Subd. 7. **Annual financial report; county appropriation.** The county engineer shall at the same time and in the same manner as other county departments submit to the county board an annual statement of receipts and disbursements of the central mobile equipment division. Such report shall include the estimated cost of acquiring new construction and maintenance equipment needed by the central mobile equipment division, and the cost of replacing obsolete and outworn equipment. The county board shall examine the report and may appropriate from the general revenue funds of the county the amounts necessary to operate the central mobile equipment division and to purchase new and replace obsolete and outworn construction and maintenance equipment.

Subd. 8. **Applicable law for contracts, purchases.** All contracts and purchases made under the authority of this section shall be made subject to and in compliance with existing laws regulating the manner of purchases and contracts applicable to such county.

History: *1957 c 671 s 1-6,8,9; 1961 c 237 s 2; 1973 c 123 art 5 s 7; 1979 c 198 art 4 s 14; 1986 c 444*

383B.259 PISTOL RANGE.

Subdivision 1. **Establishment.** The county board of Hennepin County is hereby authorized and empowered to establish and maintain on any property owned by the county a pistol range for the training of sheriff's deputies and other law enforcement officers in the use of firearms, as well as encouraging marksmanship by permitting National Rifle Association sanctioned or approved pistol matches to be held at such range.

Subd. 2. **Maintenance costs.** Annual maintenance cost shall include the furnishing of targets and ammunition, except for National Rifle Association matches, said costs to be included in the sheriff's budget.

Subd. 3. **Use.** The county board of any such county is also authorized and empowered to agree with any state agency or department, and with any home rule charter or statutory city, town, or organization affiliated with the National Rifle Association in such county for the use of such pistol range by its law enforcement officers and members of the National Rifle Association on such terms and conditions as may be agreed upon.

Subd. 4. **Control, supervision.** The county board of any such county shall have complete control of any pistol range so established and shall be charged with the supervision thereof and may appoint any competent law enforcement officer, who shall be a resident of such county, in charge of the range and may establish and impose rules and regulations for its use and may deny any person or persons the use of such range as a penalty for violation of such rules or regulations.

History: *1953 c 367 s 1-3; 1955 c 720 s 1; 1957 c 222 s 2; 1967 c 703 s 1*

PERSONNEL

383B.26 HUMAN RESOURCES SYSTEM; PURPOSE.

The purpose of sections 383B.26 to 383B.42 is to establish a Human Resources Board and a Human Resources Department in the county of Hennepin to promote and improve the economy and effectiveness of the governmental departments under its jurisdiction by the improvement of methods of human resources administration.

History: *1965 c 855 s 1; 1980 c 573 s 1; 1994 c 596 s 1; 2000 c 416 s 1*

383B.27 DEFINITIONS FOR HUMAN RESOURCES BOARD AND DEPARTMENT.

Subdivision 1. **For sections 383B.26 to 383B.42.** For the purposes of sections 383B.26 to 383B.42 and rules promulgated under them, unless the context clearly indicates that a different meaning is intended, the terms defined in this section have the meanings given them.

Subd. 2. **Board.** "Board" means the county Human Resources Board.

Subd. 3. MS 1998 [Repealed by amendment, 2000 c 416 s 2]

Subd. 4. MS 1998 [Repealed by amendment, 2000 c 416 s 2]

Subd. 5. MS 1998 [Repealed by amendment, 2000 c 416 s 2]

Subd. 6. MS 1998 [Repealed by amendment, 2000 c 416 s 2]

Subd. 7. **Appointing authority.** "Appointing authority" means an elected official, county administrator, or the director and management staff of a department who have the power by law, by resolution of the county board or by lawfully delegated authority to make appointments to positions in the county service within the scope of sections 383B.26 to 383B.42.

Subd. 8. **Classified service.** "Classified service" means the service which includes all positions except those in the unclassified service under sections 383B.26 to 383B.42.

Subd. 9. **Position.** "Position" means a group of current duties and responsibilities assigned or delegated by an appointing authority.

Subd. 10. **Class.** "Class" means one or more positions similar with respect to duties and responsibilities for which the same descriptive title can be used with clarity to designate each position; that similar general qualifications are needed for the performance of the duties; and that the same schedule of compensation shall be applied to all positions.

Subd. 11. MS 1998 [Repealed by amendment, 2000 c 416 s 2]

Subd. 12. MS 1998 [Repealed by amendment, 2000 c 416 s 2]

Subd. 13. MS 1998 [Repealed by amendment, 2000 c 416 s 2]

Subd. 14. MS 1998 [Repealed by amendment, 2000 c 416 s 2]

Subd. 15. **Permanent employee.** "Permanent employee" means an employee in the classified service who has satisfactorily completed a probationary period.

Subd. 16. **Probationary period.** "Probationary period" means that part of the hiring process following certification and appointment from a list of certified candidates, to enable the appointing authority to determine whether employees are fit and suitable for the position to which they have been appointed, transferred, or promoted. The appointing authority may discharge a newly appointed employee during the probationary period without specifying cause or granting a hearing, except as provided by section 197.46. The appointing authority may, during the probationary period, demote an employee appointed to a position as a result of a promotion without specifying cause or granting a hearing, except as provided by section 197.46. The employee so demoted shall be returned to a position in the class previously held by the affected employee. The appointing authority may, during the probationary period, return a transferred employee back to a position in the classification and organizational unit the employee previously held without specifying cause or granting a hearing, except as provided by section 197.46. When an employee has been transferred from one department

to another and upon the request of the new appointing authority the employee may be required to serve a probationary period.

Subd. 17. **Classification plan.** "Classification plan" means a list of the classes of positions in the county service by their official title.

Subd. 18. **Unclassified service.** "Unclassified service" means those positions which are exempted from the jurisdiction of the Human Resources Board unless otherwise provided by sections 383B.26 to 383B.42.

Subd. 19. **Transfer.** "Transfer" means a change by an employee from a position in the same class to a different department or organizational unit; or a change from a position in one class to a position in another class of comparable level in the same department or organizational unit or another department or organizational unit.

Subd. 20. **Reassignment.** "Reassignment" means a change by an employee from one position to another position in the same class in the same organizational unit.

History: *1965 c 855 s 2; 1980 c 573 s 2; 1994 c 596 s 2; 2000 c 416 s 2*

383B.28 HUMAN RESOURCES BOARD.

Subdivision 1. **Establishment.** The Hennepin County Human Resources Board and Human Resources Department are created.

Subd. 2. **Appointment; terms.** (a) The county board shall by majority vote appoint seven persons to serve for four-year terms. As the term of each member expires, the board of county commissioners shall by majority vote fill the vacancy for a term of four years.

(b) The expiration date of all expiring terms shall be January 2.

(c) Any vacancies shall be filled by majority vote of the county board for the unexpired term.

(d) Each member shall take an oath of office before assuming the duties of office.

(e) Each member shall hold office until a successor has been appointed and qualified.

(f) No person shall be appointed or be a member of the board while holding any public office or having filed as a candidate for any office.

(g) No person shall be appointed or be a member of the board while holding or within one year of holding employment with Hennepin county or a position in a political party, except as a political party delegate.

(h) Each member of the board shall be a resident of the county and in the event the member becomes a nonresident, the member thereby forfeits the office.

(i) A board member may be removed from office by the county board for cause, after a copy of the charges has first been given to the member and opportunity of being publicly heard before the county board, upon not less than ten days' written notice. A majority vote of the county board shall be required for removal.

Subd. 3. **Compensation.** Compensation for members of the Human Resources Board shall be set by the county board. Members of the board shall be compensated at the rate not to exceed $50 per day spent on board meetings and human resources activities when authorized by the board to represent the board. Expenses shall be allowed in the same manner and amount as received by county employees.

Subd. 4. **Organization.** The board shall organize by electing one of its members as chair and one as vice-chair. The human resources director shall serve as secretary.

Subd. 5. **Meetings.** The board shall maintain records and hold public meetings as required for the discharge of its duties.

History: *1965 c 855 s 3; 1980 c 573 s 3; 1983 c 307 s 6; 1994 c 596 s 3; 2000 c 416 s 3-5*

383B.29 DUTIES OF HUMAN RESOURCES BOARD.

Subdivision 1. **Board proceedings.** When any member of the board is not present at the time a matter is submitted to the board such matter shall be deemed submitted to each member of the board with like effect as though each member of the board had been present at the time of submission of such matter. Whenever during the consideration of a matter which is before the board, there is a change in the personnel of the board, the matter shall be deemed submitted to the new member, or members, as though said new member, or members, had been a member of the board at the time of the submission of the matter.

No meetings of the board shall be held unless at least four members are present. A majority vote of all members present shall constitute the decision of the board. The board shall keep records and minutes of its business and official actions which shall be open to public inspection subject to such reasonable rules as to time and place of inspection as the board may establish.

Subd. 2. **Duties.** (a) The board shall establish rules for the classified service with the assistance of the human resources director. All rules and amendments proposed by the board shall be subject to public hearing upon prior notice to department heads, employees, affected labor organizations, and the public, as the board may, by rule prescribe. The rules as approved by the majority vote of the board shall be submitted to the county board for approval or rejection. When approved, by majority vote and in the form of a written resolution, the rules shall have the force and effect of law. The rules may be amended and repealed with the consent of the county board in the same manner as provided for original adoption.

(b) The rules shall provide for:

(1) selection methods and the establishment of lists to fill positions in the county service including promotion;

(2) the appointment of qualified candidates to vacant positions, if the vacancy is not filled by recall from the layoff list, demotion, reinstatement, reassignment, transfer from other employers or with county service. Whenever practicable, vacancies must be filled by promotion. The 20 persons having the highest qualifications that meet the requirements of the position to be filled, when available, must be referred to appointing authority when a vacancy occurs;

(3) a period of probation during which period the probationer may be discharged or demoted, without right of appeal. The period of probation, which is determined by the department director and the human resources director, must not exceed 12 months unless approved by the board;

(4) seasonal, provisional, temporary, and emergency appointments. The appointments, except seasonal, must not exceed six calendar months in any 12-month period. Seasonal appointments must not exceed nine calendar months in any 12-month period;

(5) voluntary demotion; reassignment; transfers from within county service or other employers; and reinstatement of persons who without fault or delinquency on their part are separated from the service or demoted;

(6) a compensation plan for classes and positions not represented by an exclusive bargaining representative to be presented to the county board for approval;

(7) a classification plan for positions in the county service to be presented to the county board for approval;

(8) leaves of absence with or without pay; layoffs; hours of employment; vacations and sick leave; severance pay, and other benefits and emoluments as may improve the public service;

(9) suspensions without pay for disciplinary purposes, discharges, or demotion of a permanent employee only when the person has been presented with written charges and has been allowed a hearing;

(10) establishment of reasonable fees, not to exceed the actual cost of service or material provided;

(11) establishment of rules of conduct that are conditions of employment in the county service;

(12) policies to deal with falsification of an application or record to improve prospects for employment or with interference with the selection process; and

(13) a panel of three department directors, randomly selected from outside the employee's department, to hear and decide nondisciplinary appeals within the jurisdiction of the rules, if there has been a preliminary showing to the county attorney that a rule violation has occurred, except appeals relating to layoffs shall be heard by the board.

Subd. 3. **Hearing officers.** The board, with the assistance of the human resources director, shall utilize and prescribe the duties of hearing officers, or contract with the Court of Administrative Hearings pursuant to section 14.55. When it is determined that a disciplinary or veteran's hearing be held which requires a hearing officer, the director will first ascertain the availability and timeliness of scheduling the hearing through the Court of Administrative Hearings pursuant to section 14.55. If it is determined that a prompt hearing is not readily available through the Court of Administrative Hearings, the board, with the assistance of the human resources director, may then utilize an impartial hearing officer. Decisions of the hearing officers are final and binding on the parties and the Human Resources Board, except as provided in section 197.46.

History: *1965 c 855 s 4; 1977 c 325 s 1; 1980 c 573 s 4; 1980 c 615 s 60; 1982 c 577 s 8; 1987 c 384 art 2 s 1; 1994 c 596 s 4; 2000 c 416 s 6; 2009 c 50 s 1; 2015 c 10 s 1; 2025 c 39 art 2 s 68*

383B.30 DIRECTOR; SELECTION.

The county administrator, with the approval of the county board, shall appoint a human resources director. The director shall be in the classified service and shall not be removed by the board except under written charges in accordance with sections 383B.26 to 383B.42 and after a public hearing by the board.

History: *1965 c 855 s 5; 1980 c 573 s 5; 2000 c 416 s 7*

383B.31 DUTIES OF HUMAN RESOURCES DIRECTOR.

(a) The director as administrator of the Human Resources Department shall cooperate with and assist department heads and elected officials in providing an effective human resources program. The director shall direct and supervise all of the Human Resources Department's administrative and technical activities in addition to the duties imposed on the director in sections 383B.26 to 383B.42.

(b) The director shall:

(1) attend the meetings of the board, act as its secretary and maintain its official records;

(2) appoint the employees of the Human Resources Department in accordance with and subject to the provisions of sections 383B.26 to 383B.42; and

(3) recommend rules and amendments to rules for the administration of sections 383B.26 to 383B.42.

(c) The director shall establish uniform procedures and standards to:

(1) prepare, recommend and maintain a classification plan which shall group all positions in the county into classes;

(2) prepare, recommend, and maintain a compensation plan for the county service;

(3) except as provided in clauses (4) and (5), develop and hold competitive examinations to determine the qualifications of persons seeking employment in any class and to establish lists of those passing such examinations;

(4) develop a procedure and define the criteria for the selection and referral of qualified applicants to fill positions in classifications involving unskilled tasks or in classifications which require state licensure or certification to engage in the activity;

(5) establish alternative selection procedures to measure the ability of persons whose disabilities are so severe that the usual selection process cannot adequately predict job performance;

(6) when a vacancy is to be filled, to certify to the appointing authority upon requisition, the names of the persons highest on the appropriate layoff list, or if there is no such list, the appropriate eligible list for the class;

(7) maintain records necessary for the proper administration of sections 383B.26 to 383B.42;

(8) provide a system for checking payrolls and accounts for the payment of compensation to employees in the classified and unclassified service so as to enable the director, upon evidence thereof, to certify or cause to be certified the persons whose names appear thereon have been employed or on authorized leave before payment may be lawfully made to such employees;

(9) make investigations concerning the administration of sections 383B.26 to 383B.42 and rules made thereunder, and take corrective actions as deemed reasonable and appropriate to the situation;

(10) make investigations and reports required by the county board and report thereon; and

(11) make an annual report to the county board and the Human Resources Board on the activities of the Human Resources Department.

(d) The classification plan authorized in paragraph (c), clause (1), is effective on approval by the county board.

(e) The compensation plan authorized in paragraph (c), clause (2), may include benefits and other emoluments to improve the public service as determined by the human resources director. The plan is effective on approval by the county board which may approve or reject all or part of it.

(f) The examination process described in paragraph (c), clause (3), must provide for: (1) the rejection of otherwise eligible applicants or candidates who fail to comply with the reasonable requirements of the human resources director; and (2) examinations that may consist of any one or a combination of the following:

written or oral tests of the subjective or objective type, physical tests, practical or demonstration tests, or evaluation of past training and experience. Oral tests, either of the question and answer type, or the interview type, may be used to test the candidates.

(g) The classifications described in paragraph (c), clause (4), must be authorized by the county board. Applicants to fill vacancies in the classifications are exempt from ranking and certification provided for in section 383B.29, subdivision 2, paragraph (b), clause (2). The director shall refer all qualified applicants to the appointing authority having vacancies in the appropriate classifications.

History: *1965 c 855 s 6; 1967 c 646 s 1; 1980 c 573 s 6; 1994 c 596 s 5; 2000 c 416 s 8; 2009 c 50 s 2; 2015 c 10 s 1*

383B.32 UNCLASSIFIED AND CLASSIFIED SERVICE.

Subdivision 1. **Definition of coverage.** The officers and employees of the county of Hennepin and all of its agencies, boards, commissions, authorities, or committees heretofore or hereafter created, supported in whole or in part by the taxation of the county of Hennepin, come within the provisions of sections 383B.26 to 383B.42, and the positions are hereby divided into the unclassified and classified service.

Subd. 2. **Unclassified service.** (a) The unclassified service comprises:

(1) officers chosen by election or appointment to fill an elective office;

(2) members of boards and commissions appointed by the county board;

(3) physicians, medical residents, interns, and students in training;

(4) nonsalaried attending medical staff;

(5) special sheriff's deputies serving without pay;

(6) seasonal, temporary, provisional, intermittent, and emergency positions;

(7) positions funded by specific governmental or nongovernmental grants of intermittent or limited funding duration;

(8) the director or principal administrative officer of a department appointed pursuant to sections 383B.101 to 383B.103; or appointed by the county board; or appointed for a term pursuant to law;

(9) chief deputy or principal assistant and secretary for each elected official;

(10) examiner of titles and deputy examiners;

(11) chief public safety services deputy sheriff, a chief adult detention and court services deputy sheriff, a chief administrative deputy sheriff, a chief community relations deputy sheriff, and a chief investigations deputy sheriff;

(12) public defender;

(13) county medical examiner;

(14) office staff appointed by the county administrator pursuant to sections 383B.101 to 383B.103; and

(15) county administrator.

(b) Notwithstanding any contrary provision of other law, any person coming within paragraph (a), clause (8), who, on August 1, 2000, is in the classified service, remains in the classified service until vacating the position. After that, an appointee to a position described in paragraph (a), clause (8), is in the unclassified service.

Subd. 3. **Unclassified service, compensation.** The human resources director shall establish a compensation plan in accordance with section 383B.31, paragraph (c), clause (2), for those employees in the unclassified service identified in subdivision 2, paragraph (a), clauses (3), (4), (6), (8), (9), (10), (11), (13), and (14).

Subd. 4. **Unclassified service, tenure, benefits.** The positions in the unclassified service enumerated in subdivision 2, paragraph (a), clauses (3), (4), (8), (9), (10), (11), (13), and (14), shall not have permanent tenure but shall have all other benefits provided for in sections 383B.26 to 383B.42. The term of office of any position established by another statute shall be as provided in it.

Subd. 5. **Managerial classifications; benefits.** Notwithstanding any contrary provision of other law, the board may, by rule, establish an employee benefit system for certain managerial classifications as identified by the director and approved by the board and county board which may differ from those for other county employees.

Subd. 6. **Classified service.** The classified service shall include all other positions now existing or hereafter created and all employees holding such positions unless specifically placed in the unclassified service by sections 383B.32 to 383B.46. The provisions of section 393.07, subdivision 5, are hereby superseded insofar as they may be inconsistent.

History: *1965 c 855 s 7; 1967 c 646 s 2,3; 1979 c 80 s 1; 1980 c 573 s 7; 1982 c 577 s 9,10; 1986 c 444; 1Sp1986 c 3 art 1 s 82; 1989 c 254 s 1; 1994 c 596 s 6-8; 1996 c 274 s 1; 2000 c 416 s 9,10; 2017 c 40 art 1 s 114,115; 2023 c 62 art 2 s 112*

383B.33 TENURE.

Subdivision 1. MS 1992 [Repealed, 1994 c 596 s 13]

Subd. 2. **Salary shall not be decreased.** In the event a lower salary is assigned to a class, the salary of an employee in such class shall not be affected. However, no salary increase shall be granted such employee until the salary range of the employee's class exceeds the employee's present salary.

Subd. 3. **Transferring employee to retain tenure.** When a permanent employee transfers from the classified service into the unclassified service of the county, the employee shall retain tenure in the classified service with the class from which the transfer occurred.

History: *1965 c 855 s 8; 1980 c 573 s 8*

383B.34 CLASSIFICATION OF EMPLOYEES.

Subdivision 1. **Director to classify.** The director shall be responsible for the classification of each position in the county service. This duty shall extend to all positions held by members of the classified service under sections 383B.26 to 383B.42. A title shall be established for each class. The classifications, when approved by the board and the county board, shall take effect immediately.

Subd. 2. **Allocations.** The director shall allocate positions in the classified service to one of the classes within the classification plan.

(a) When a position is established, the appointing authority shall notify the director who shall allocate that position to a class which will become effective immediately. The appointing authority may request reconsideration from the director in accordance with the rules of the board. The director shall notify the appointing authority of any final action.

(b) Whenever a position appears to be improperly allocated, the director shall, with or without the written request of a permanent employee or an appointing authority, investigate the position. Following that investigation the director may either reallocate the position or deny the request for reallocation. Notice of the action shall be given to the appointing authority and the affected employee. Unless otherwise provided in the notice, the decision of the director shall be immediately effective. The appointing authority or the affected employee may file a request for reconsideration with the director in accordance with the rules of the board. In all cases the burden of proof shall be upon the person requesting the reallocation.

(c) Except as provided the incumbent of a position which has been reallocated shall continue in the position only if the incumbent is eligible for and actually appointed to the position of the new class in accordance with the rules of the board governing promotion, transfers and demotion. If the incumbent is ineligible to continue in the position and the incumbent is not transferred, promoted or demoted, the layoff provisions of sections 383B.26 to 383B.42 shall apply. Personnel changes required by the reallocation of positions shall be completed in accordance with the rules of the board. Any permanent or probationary employee whose position is reallocated may compete, if qualified as defined in the minimum qualifications for the class specification, in an examination held to fill the reallocated position as provided in the rules of the board and shall be considered for appointment if the employee passes the examination.

(d) When a position is reallocated to a class in a lower salary range, the director may give consideration to the employee's service, qualifications, or other considerations in determining whether the employee shall continue at the same rate of pay. Thereafter, as long as the employee remains in the same position, no salary increase shall be granted until the salary range of the class exceeds the employee's present salary.

(e) The board shall review an allocation upon the written request of the appointing authority or affected employee on the grounds that the action of the director was not in accordance with sections 383B.26 to 383B.42.

The director shall submit the record upon which the action was taken. Thereafter the board may sustain, reverse, or modify the action of the director, or request further evidence from the parties. The appointing authority, subject to county board approval, or any employee may petition the district court for a review and determination of any alleged arbitrary or capricious action on the part of the Human Resources Board involving allocation.

History: *1965 c 855 s 9; 1980 c 573 s 9; 1986 c 444; 1994 c 596 s 9*

383B.35 MS 1998 [Repealed, 2000 c 416 s 11]

383B.36 PARTY TO LITIGATION.

Subdivision 1. **Board may be party to litigation.** In any litigation under sections 383B.26 to 383B.42, the board may sue or be sued. The board shall be represented in any such action by the county attorney. Any taxpayer of the county may maintain an action in the district court to enjoin a person or persons from authorizing or making payment in violation of sections 383B.26 to 383B.42 or rules enacted under them.

Subd. 2. **Subpoenas.** The board or director shall have the power to subpoena and to require the attendance of witnesses and the production of evidence and to administer oaths. The board or director may apply to the district court for an order requiring attendance or production of evidence.

Board hearings shall be conducted in an informal and impartial manner in compliance with sections 383B.26 to 383B.42 and in accordance with procedures established by the board.

History: *1965 c 855 s 11; 1980 c 573 s 11*

383B.37 INTERFERENCE WITH EXAM, APPLICANTS; POLITICAL ACTIVITY.

Subdivision 1. **Consequences for employee; injunction.** No persons shall interfere with the rights of any person in the examination process, or falsely mark, grade, or report the examination or standing of any person examined or aid in so doing, or furnish to any person, except in answer to inquiries of the Human Resources Board, any information for the purpose of changing the rating of any person. No applicant or employee shall falsify an application or record for the purpose of improving prospects for employment. No person shall by means of threats or coercion induce or attempt to induce any person holding a position in the classified service to resign. A violation of this subdivision is cause for dismissal, other discipline, or disqualification from the classified service of the county. In addition to other legal remedies, violations may be enjoined.

Subd. 2. **Prohibited political activity.** Section 43A.32, subdivision 1, applies to sections 383B.26 to 383B.42.

History: *1965 c 855 s 12; 1980 c 573 s 12; 1987 c 384 art 2 s 1; 1994 c 596 s 10*

383B.38 REMOVALS, SUSPENSIONS, AND DEMOTIONS.

Subdivision 1. **Separation.** No permanent employee in the classified service shall be suspended, demoted, or discharged except for just cause.

In case of any action under this section, the employee shall, before the action is taken, be furnished with a written statement, setting forth the reasons for the disciplinary action. The employee shall be permitted five workdays' time to reply in writing or to meet with the department head or designee. A copy of the statement charging the employee shall be filed with the director along with the employee's reply, if any.

Subd. 1a. **Appeal.** (a) Any permanent employee in the classified service who is discharged, demoted or suspended pursuant to rules promulgated hereunder, shall be notified by the effective date of the action of the right to appeal as provided for by the rules to the chief administrative law judge of the Court of Administrative Hearings. Action of the department head shall be final if no written notice of appeal is filed with the chief administrative law judge of the Court of Administrative Hearings and served upon the director and the department head within 14 calendar days after the effective date of the action.

(b) A permanent employee who elects to challenge a discharge, demotion, or suspension through a grievance procedure under a collective bargaining agreement under sections 179.35 to 179.39 or 179A.20 and 179A.21, may not also challenge the same action through an appeal to the chief administrative law judge of the Court of Administrative Hearings. Except as provided by section 197.46, a permanent employee may challenge a discharge or demotion through either a grievance procedure under a collective bargaining agreement, or an appeal to the chief administrative law judge of the Court of Administrative Hearings, but not through both procedures.

(c) Within ten days of receipt of the employee's written notice of appeal, the chief administrative law judge shall assign an administrative law judge to hear the appeal. The employee or department head or their attorney may, within ten days after receipt of the notice of assignment, make and serve on the other party and file with the Court of Administrative Hearings a notice to remove as provided in rule 63.03 of the Rules

of Civil Procedure. Upon the filing of a notice to remove, the chief administrative law judge shall assign another administrative law judge to hear the appeal.

(d) The hearing shall be conducted under the contested case provisions of chapter 14 and the procedural rules adopted by the chief administrative law judge, except that Minnesota Rules, part 1400.6700, subparts 2 and 3, do not apply and discovery is limited to the exchange of relevant documentation, witness lists, and proposed exhibits.

(e) If the administrative law judge finds, based on the record, that the action appealed was not taken by the department head for just cause, the employee shall be reinstated to the position, or an equal position within the same department, without loss of pay. If the administrative law judge finds that just cause exists for the disciplinary action, it shall affirm or uphold the action of the department head, or, if the employee has asserted and the hearing record establishes extenuating circumstances, the administrative law judge may reinstate the employee, with full, partial, or no pay, or may modify the department head's action by substituting a lesser disciplinary action. The administrative law judge's order is the final decision. The administrative law judge's order may be appealed according to sections 14.63 to 14.68 by the employee, or by the department head upon approval of the county board. Settlement of the entire dispute by mutual agreement is encouraged at any stage of the proceedings. Any settlement agreement is final and binding when agreed to by all parties. If an appeal to the Court of Administrative Hearings has been made, the settlement agreement shall be submitted to the administrative law judge. Except as provided in collective bargaining agreements, the operating department shall bear the costs of the administrative law judge for hearings provided for in this section.

Subd. 2. MS 1992 [Repealed, 1994 c 596 s 13]

Subd. 3. MS 1992 [Repealed, 1994 c 596 s 13]

Subd. 4. MS 1992 [Repealed, 1994 c 596 s 13]

History: *1965 c 855 s 13; 1980 c 573 s 13; 1986 c 444; 1987 c 384 art 2 s 1; 1994 c 596 s 11; 2025 c 39 art 2 s 68*

383B.389 DISASTER VOLUNTEER LEAVE.

Subdivision 1. **Leave authorized.** A county employee who is a certified disaster services volunteer of the American Red Cross or emergency disaster services volunteer of the Salvation Army or similar volunteer of a disaster services organization approved by the Hennepin County board may be granted leave from work with 50 percent of pay, not to exceed 15 working days in each year, to participate in specialized disaster relief services for the American Red Cross or another approved disaster services organization. The employee must be released from work for this function upon the request of the approved disaster services organization for the services of that employee, and upon the approval of that employee's appointing authority. The appointing authority must compensate the employee granted leave under this section at 50 percent of the employee's regular rate of pay for those regular hours during which the employee is absent from work. This leave, if granted by the appointing authority, does not affect the employee's vacation leave, pension, compensatory time, personal vacation days, sick leave, earned overtime accumulation, or cause a loss of seniority.

Subd. 2. **Liability.** The county is not liable for workers' compensation claims arising from accident or injury while a county employee is on an approved assignment with an approved disaster services organization. Duties performed while on disaster leave are not considered to be a work assignment by the county. The employee is granted leave based on the need for expertise in the employee's certified area. Job functions,

although similar or related to the employee's county job functions, are performed on behalf of and for the benefit of the disaster services organization.

History: *2001 c 40 s 1*

383B.39 VETERANS TO BE GIVEN PREFERENTIAL RATING.

In all examinations veteran's preference shall be granted to every person who is a veteran as defined in section 197.447.

History: *1965 c 855 s 14; 1994 c 596 s 12*

383B.40 MS 1992 [Repealed, 1994 c 596 s 13]

383B.41 DISCRIMINATION.

All employment and personnel policies of the county shall be administered without regard to race, color, creed, national origin, religion, sex, marital status, disability, status in regard to public assistance or age.

History: *1965 c 855 s 16; 1980 c 573 s 16*

383B.42 APPROPRIATION OF FUNDS.

The county board is hereby authorized and it shall make the necessary appropriation to carry out the provisions of sections 383B.26 to 383B.42.

History: *1965 c 855 s 18*

383B.45 COUNTY BOARD TO FIX TIME, MANNER TO PAY SALARIES.

Subdivision 1. **Monthly, semimonthly, or two-week period.** The governing body of the county of Hennepin shall fix the time and manner of payment of salaries to elective and appointive officers and employees paid in whole or in part from county funds. Such salaries may be paid either monthly, semimonthly, or for each two-week period, but no officer or employee whose salary is less than $500 a month shall be paid on a monthly basis.

Subd. 2. **Transitional practice.** Until the governing body of the county of Hennepin exercises the power herein conferred, the payment of salaries and their manner of payment to elective and appointive officers and employees paid in whole or in part with county funds shall continue to occur in the manner now provided by law.

Subd. 3. **Salary payments may be rounded.** In order to utilize modern accounting methods and equipment in processing salaries the governing body of the county of Hennepin may adjust salaries of elective and appointive officers and employees paid in whole or in part from county funds, whether fixed by statute or otherwise, on an annual, monthly, semimonthly, daily, or other basis so that they may be paid in equal payments throughout the year. The salaries so adjusted shall be based on a year of 2,080 working hours. Odd fractions may be dropped or added in order to permit equal payments throughout the year, regardless of whether the computation slightly decreases or increases the annual, monthly, semimonthly, daily, or other salary of such officers and employees.

Subd. 4. **Supersedes earlier county law.** This section supersedes the provisions of Laws 1957, chapter 945, section 5, relating to the payment of salaries in equal semimonthly installments and any other law

relating to the county of Hennepin and governing the time or manner of payment of elective or appointive officers and employees paid in whole or in part from county funds.

History: *1965 c 466 s 1; 1973 c 230 s 1*

383B.453 BOND OF COUNTY RECORDER DEPUTY.

In each county of this state now or hereafter having a population of 500,000 or more, all deputy county recorders and clerks in the office of the county recorder whose duties require the collecting and receiving of fees or the handling of any funds, shall, before entering upon their duties, give bond to the state in a sum to be fixed by the county board. The county shall pay the premiums on such bonds where the surety is a corporation duly authorized by law to be surety.

History: *1947 c 73 s 1; 1976 c 181 s 2*

383B.455 LEGAL OFFICERS' SALARIES.

Notwithstanding any other provisions of law to the contrary, in the county of Hennepin the county attorney, court administrator of district court, and sheriff shall receive as compensation for all services of every kind and nature performed as such officials, annual salaries as shall be determined by the Board of County Commissioners of Hennepin County.

History: *1971 c 744 s 1; 1Sp1986 c 3 art 1 s 82*

383B.457 OFFICERS' SALARIES.

In the county of Hennepin, the salaries of all nonelected officials shall be set and prescribed by the board of county commissioners of said county. Provided, however, in no event shall any salary be set for such officials which is an amount less than that prescribed by law or in effect on June 9, 1967.

History: *Ex1967 c 27 s 1*

RETIREMENT

383B.46 SUPPLEMENTAL RETIREMENT ACCOUNT.

Subdivision 1. **Eligibility for coverage.** Any person who was employed by the county of Hennepin or its agencies, boards, commissions, authorities and committees before April 14, 1982, as an employee or an officer in the classified service as defined in sections 383B.26 to 383B.42, or as an employee in the unclassified service, and who has served for five years as a county employee or an officer in the classified service, or as a county employee in the unclassified service, which need not necessarily be continuous, and which must include time served as a county employee before June 8, 1965, if the person is an employee in the classified service of the county or if the person is an employee of Hennepin Healthcare System, Inc., is entitled to elect to obtain coverage by the Hennepin County supplemental retirement program. The election to obtain coverage may be exercised only once and must be exercised within 30 days of the date on which the person first becomes entitled to elect to obtain coverage. No person hired, rehired, or reinstated by the county as an employee in the classified or unclassified service on or after April 14, 1982, is eligible for coverage by the Hennepin County supplemental retirement program.

Subd. 2. **Establishment of account; contributions.** The county of Hennepin or Hennepin Healthcare System, Inc., whichever applies, shall deduct from the salary of every person who is eligible for coverage and who elected to retain or obtain coverage by the Hennepin County supplemental retirement program a

sum equal to one percent of the total salary of the person. The deduction shall be made in the same manner as other retirement deductions are made from the salary of the person. An amount equal to the amounts deducted during each payroll period must be contributed by the county of Hennepin or Hennepin Healthcare System, Inc., whichever applies. The total amount deducted and contributed must be deposited to the credit of the supplemental retirement account in a separate account administered by the Minnesota State Retirement System on behalf of Hennepin County. The Hennepin County supplemental retirement account is hereby established as an account separate and distinct from other funds, accounts, or assets of the county of Hennepin.

History: *1969 c 950 s 1; 1978 c 720 s 19; 1982 c 450 s 1; 1985 c 261 s 11; 2005 c 125 art 1 s 29; art 3 s 6,7; 1Sp2005 c 7 s 34; 1Sp2005 c 8 art 11 s 4,19*

383B.47 INVESTMENT OF RETIREMENT MONEY.

When moneys are deposited to the credit of the supplemental retirement account, the Minnesota State Retirement System shall make available those investments chosen by the State Board of Investment under section 356.645 in the manner as provided in section 383B.48.

History: *1969 c 950 s 2; 1982 c 450 s 2; 1Sp2005 c 8 art 11 s 5; 2018 c 211 art 15 s 9*

383B.48 BUYING STATE SUPPLEMENTAL INVESTMENT FUND SHARES.

(a) A participant in the Hennepin County supplemental retirement program shall indicate the investments, from those made available pursuant to section 383B.47, in which the participant's salary deductions and county matching contributions attributable to salary deductions are to be invested for such time as allowed by the Minnesota State Retirement System. The Minnesota State Retirement System shall purchase with the salary deductions and county matching funds attributable to the salary deductions shares in the appropriate investment in accordance with the indicated preferences of the participant.

(b) The county of Hennepin has the authority to determine which investments made available pursuant to section 383B.47 will be available for participant investment. The shares purchased must stand in the name of the county of Hennepin.

(c) A record must be kept by the Minnesota State Retirement System indicating the number of shares in each investment purchased with the salary deductions and county matching funds attributable to the salary deductions of each participant. The record must be known as the "participant's share account record." The participant's share account record must show, in addition to the number of shares in the account, any cash balance of salary deductions or county matching funds attributable to those deductions which stand uninvested in shares.

(d) At the option of the county of Hennepin, and subject to any terms and conditions established and communicated in writing by the county to a participant, the participant may designate no more often than once each month that prior salary deductions and county matching contributions attributable to the salary deductions, together with any interest earned, be reinvested in another investment made available under this section.

History: *1969 c 950 s 3; 1975 c 153 s 1; 1982 c 450 s 3; 1986 c 356 s 10; 1995 c 141 art 3 s 17; 1Sp2005 c 8 art 11 s 6; 2018 c 211 art 15 s 10*

383B.49 SUPPLEMENTAL RETIREMENT BENEFITS; REDEMPTION OF SHARES.

When requested to do so, in writing, on forms provided by the Minnesota State Retirement System, by a participant, surviving spouse, a guardian of a surviving child or a personal representative, whichever is

applicable, the Minnesota State Retirement System shall on behalf of Hennepin County redeem shares in the investments standing in a participant's share account record under the following circumstances and in accordance with the laws and regulations governing the applicable investment:

(1) A participant who is no longer employed by the county of Hennepin is entitled to receive the cash realized on the redemption of the shares to the credit of the participant's share account record of the person. The participant may request the redemption of all or a portion of the shares in the participant's share account record of the person, but may not request more than one redemption in any one calendar year. If only a portion of the shares in the participant's share account record is requested to be redeemed the person may request to redeem not less than 20 percent of the shares in any one calendar year and the redemption must be completed in no more than five years. The person may select annual redemption in a single lump sum or in monthly payments. An election is irrevocable except that a participant may request an amendment of the election to redeem all of the person's remaining shares. All requests under this paragraph are subject to application to and approval of the Minnesota State Retirement System upon verification by Hennepin County through the county administrator of the recipient's eligibility to redeem funds.

(2) In the event of the death of a participant leaving a surviving spouse, the surviving spouse is entitled to receive the cash realized on the redemption of all or a portion of the shares in the participant's share account record of the deceased spouse, but in no event may the spouse request more than one redemption in each calendar year. If only a portion of the shares in the participant's share account record is requested to be redeemed, the surviving spouse may request the redemption of not less than 20 percent of the shares in any one calendar year. The surviving spouse may elect annual redemption in a single lump-sum payment or in monthly payments. Redemption must be completed in no more than five years. An election is irrevocable except that the surviving spouse may request an amendment of the election to redeem all of the participant's remaining shares. All requests under this paragraph are subject to application to and approval of the Minnesota State Retirement System upon verification by Hennepin County through the county administrator of the recipient's eligibility to redeem funds. Upon the death of the surviving spouse, any shares remaining in the participant's share account record must be redeemed on behalf of Hennepin County by the Minnesota State Retirement System and the cash realized from the redemption distributed to the estate of the surviving spouse.

(3) In the event of the death of a participant leaving no surviving spouse, but leaving a minor surviving child or minor surviving children, the guardianship estate of the minor child is, or the guardianship estates of the minor children are, entitled to receive the cash realized on the redemption of all shares to the credit of the participant's share account record of the deceased participant. In the event of minor surviving children, the cash realized must be paid in equal shares to the guardianship estates of the minor surviving children.

(4) In the event of the death of a participant leaving no surviving spouse and no minor surviving children, the estate of the deceased participant is entitled to receive the cash realized on the redemption of all shares to the credit of the participant's share account record of the deceased participant.

History: *1969 c 950 s 4; 1975 c 153 s 2; 1982 c 450 s 4; 1985 c 261 s 12; 1995 c 141 art 3 s 18; 1Sp2003 c 12 art 10 s 1; 1Sp2005 c 8 art 11 s 7; 2018 c 211 art 15 s 11*

383B.491 MINNESOTA STATE RETIREMENT SYSTEM BILLING AUTHORITY.

The Minnesota State Retirement System executive director is authorized to enter into an interagency agreement with Hennepin County under which the Minnesota State Retirement System would directly bill the county for the cost of the Minnesota State Retirement System's administration of the Hennepin County Supplemental Retirement Plan.

History: *1Sp2005 c 8 art 11 s 8*

383B.493 WITHDRAWAL FROM PARTICIPATION.

Notwithstanding Laws 1982, chapter 450, or any other law to the contrary, a Hennepin County employee participating in the Hennepin County supplemental retirement program pursuant to Laws 1982, chapter 450, may, in the event of an unforeseeable emergency, apply to the county to discontinue participation in the program. Employees who are no longer participating in the program may apply for the redemption of all shares credited to their share account record. Applications are subject to approval of the Hennepin County administrator in the sole discretion of the administrator. For the purposes of this section, the term "unforeseeable emergency" shall mean a severe financial hardship to the participant resulting from a sudden and unexpected illness or accident of the participant or a person dependent upon the participant, loss of participant's property due to casualty, or other similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the participant. Applications based on foreseeable expenditures normally budgetable shall not be approved. A participant exercising the option provided by this section shall be ineligible for further participation in the supplemental retirement program.

History: *1983 c 100 s 1; 1985 c 261 s 13; 1Sp2003 c 12 art 10 s 2*

383B.50 PROSPECTUS.

The county of Hennepin shall distribute or otherwise make available to each participant a prospectus or other applicable information with respect to the investments authorized pursuant to sections 383B.47 and 383B.48.

History: *1969 c 950 s 5; 1982 c 450 s 5; 2018 c 211 art 15 s 12*

383B.51 NO ASSIGNMENT OR GARNISHMENT.

The right of a participant who has shares to the credit of the participant's share account record to redeem all or any portion of the shares is a personal right only and shall be in the state of Minnesota or the State Board of Investment or the nominee of either, subject to the rights of the county of Hennepin. Any assignment or attempted assignment of shares to the credit of a participant's share account record by any person is null and void. The shares are exempt from garnishment or levy under attachment or execution or other legal process, except as provided in section 518.58, 518.581, or 518A.53. The shares are also exempt from all taxation, except individual income taxation, by the state of Minnesota.

History: *1969 c 950 s 6; 1982 c 450 s 6; 1988 c 668 s 7; 1996 c 471 art 1 s 11; 1997 c 203 art 6 s 92; 2005 c 164 s 29; 1Sp2005 c 7 s 28*

383B.52 ADMINISTRATION COSTS.

The Board of County Commissioners of Hennepin County is hereby authorized to appropriate money for the administration of the supplementary benefit program created by sections 383B.46 to 383B.52. The Board of County Commissioners of Hennepin County may charge participants a fee to recover the administrative expenses of the supplementary benefit program. Annual total fees charged to administer the supplementary benefit program may not exceed 40/100 of one percent of the assets of the program.

History: *1969 c 950 s 7; 1998 c 390 art 2 s 15*

383B.56 BOARD MAY REGULATE PUBLIC, PRIVATE AMBULANCES.

Subdivision 1. **May license for operation standards.** The county board of Hennepin County may regulate the use of both public and private ambulances in such county. Such regulations may provide for

the licensing of such vehicles providing for standards of operation including but not limited to requirements for equipment, sanitation, safety devices and such other requirements as the board may deem necessary.

Subd. 2. **Also drivers and attendants.** The county board shall also have authority to license and regulate the drivers and attendants operating such ambulances and to enact reasonable rules and regulations providing for personal health and such other standards as the board may deem necessary.

Subd. 3. **License fees.** The county board may impose reasonable yearly license fees not to exceed $25 for each such vehicle, and not to exceed $5 for each such operator or attendant. The fees for such licenses shall be paid into the general revenue fund of the county.

Subd. 4. **Appropriation.** The county board is hereby authorized to make the necessary appropriations to carry out the provisions of this section.

History: *1967 c 753 s 1*

383B.562 GOVERNMENT CENTER; LIQUOR.

Notwithstanding any law to the contrary, Hennepin County, by resolution of its county board, may issue, with or without fee, to a nonprofit organization or corporation, one-day on-sale licenses for the sale and serving of intoxicating liquor in the Hennepin County Government Center in connection with any convention, banquet, conference, meeting, or social event conducted by the nonprofit organization. The licensee may dispense intoxicating liquor only to persons attending the event. The licensee's authority shall expire upon termination of the event. All dispensing of intoxicating liquor shall be in accordance with the terms and conditions prescribed by resolution of the county board.

History: *1983 c 337 s 2*

383B.565 PLATS AND SURVEYS; APPROVAL.

In the county of Hennepin, each subdivision plat or registered land survey plat shall be approved by the Hennepin 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.

History: *1969 c 810 s 1*

HIGHWAYS

383B.60 SPECIAL PERMITS; SEASONAL CONTRACTOR'S PERMIT; FEES.

The county of Hennepin, to cover administrative costs in issuing special permits under the provisions of section 169.86 may charge a fee of $5 for each such permit issued, except a seasonal transportation permit to contractors who move their own machinery and equipment for their own use, the fee for such seasonal permit shall be $25, provided that all contractors' equipment and machinery hauled by "for hire" carriers pursuant to a contract or lease with said contractor shall also be included in the issuance of said permits. All such fees for permits issued shall be deposited in the county treasury and credited to the county road and bridge fund.

History: *1967 c 774 s 1; 1971 c 819 s 1*

383B.603 BOARD MAY FILE COUNTY HIGHWAY MAPS FOR RECORD.

Subdivision 1. **Need not comply with chapter 505.** In order to provide information to the public as to the location of county highways and county state-aid highways and the right-of-way thereof in Hennepin county, the county board of Hennepin County may file for record in the office of the county recorder and registrar of titles of said county such maps or plats showing such information as the board shall determine necessary. The map or plat shall be subscribed by the chair of the county board and any licensed land surveyor in the employ of Hennepin County, and is entitled to record without compliance with the provisions of chapter 505. Any amendments, alterations, or vacations or such maps or plats so filed may be entitled to record in like manner.

Subd. 2. **Descriptive; not to transfer title.** Maps or plats filed for record under this section shall not operate of themselves to transfer title to the property described but such maps or plats shall be for descriptive purposes.

History: *1967 c 512 s 1; 1976 c 181 s 2; 1986 c 444; 1998 c 324 s 9*

383B.606 SEASONAL LOAD LIMITS.

The seasonal load restrictions imposed pursuant to section 169.87, subdivision 2, do not apply to county highways and county state-aid highways in Hennepin County unless the highway is so posted by the appropriate local authority as provided in section 169.87, subdivision 1.

History: *1967 c 511 s 1*

383B.608 LOCAL ROAD AID.

Notwithstanding the provisions of any law to the contrary, the county board of Hennepin County may appropriate from its road and bridge fund to any town or city within the county, such sums of money as are available and which the county board deems advisable to aid any such town or city in the construction and maintenance of roads, streets or bridges therein. The appropriations may be directly expended by the county board on roads, streets or bridges designated by the governing body of the town or city, and may be expended in accordance with Laws 1905, chapter 164, as amended. No such town or city shall receive an appropriation hereunder exceeding 30 percent of the annual county tax levy for road and bridge purposes paid by the town or city.

History: *1975 c 289 s 1*

383B.61 TRANSFER OF DRAINAGE SYSTEMS.

Subdivision 1. **Applicability; definition.** (a) This section applies to transfers of management jurisdiction for the drainage systems listed in paragraph (b) from Hennepin County to a water management authority, as defined under section 103E.005, subdivision 29. The transfer procedure described in this section is an alternative to the procedure prescribed in section 103E.812. Section 103E.812 does not apply to transfers under this section, except as specified in this section.

(b) This section applies to transfer of the following drainage systems: Hennepin County Ditches 3, 6, 7, 9, 11, 12, 13, 16, 18, 19, 21, 22, 25, 26, 30, J-6, and J-20.

(c) For purposes of this section, "board" means the Hennepin County Board of Commissioners.

Subd. 2. **Transfer procedure.** (a) A water management authority may petition for transfer if the drainage system or portion of the drainage system proposed to be transferred lies within the jurisdictional boundaries

of the water management authority. The petition must be in a form prescribed by the board and must provide that the transferred drainage system be managed according to a plan adopted under sections 103B.205 to 103B.255.

(b) Upon receipt of a petition under paragraph (a), the board shall set a date and location for public hearing and shall publish notice of the hearing in newspapers with general circulation in the affected areas at least 30 days prior to the hearing. The notice shall include a statement that property owners have a right to object to the transfer at the hearing.

(c) The hearing shall be conducted according to procedures established by the board. Transfer shall be completed upon approval of the board.

(d) Costs of the transfer proceedings shall be attributable according to section 103E.812, subdivision 6.

Subd. 3. **Effect of transfer.** The transfer of a drainage system under this section is not a compromise of any property right held by an owner of assessed property on the transferred drainage system and the rights of the property owners are as provided in section 103E.812, subdivision 7. Transfer of a drainage system under this section has the effect given under section 103E.812, subdivision 8.

History: *2008 c 331 s 3*

PROBATION DEPARTMENT

383B.611 PROBATION AND INVESTIGATION DEPARTMENT, CREATION.

There is hereby established in the county of Hennepin, a probation and investigation department in connection with the district court of any such county in charge of an officer to be known as director of court service.

History: *1929 c 326 s 1; 1955 c 504 s 1; 1961 c 527 s 1*

383B.612 DIRECTOR OF COURT SERVICES; OTHER EMPLOYEES.

Such department shall consist of one director of court services and such assistants, deputies, probation officers, caseworkers, investigators, clerical help and other employees as the judges of said court shall from time to time appoint.

Such director of court services, assistants, deputies, officers, caseworkers, investigators, clerical help, and other employees shall be appointed and removed by the judges of the district court in any such county. They may be appointed either for a definite period of time or for an indeterminate period, in the discretion of the court. The salaries of all such persons shall be fixed by the judges of said court.

The judges may by order determine the necessary qualifications of applicants for positions in the department and may, in their discretion, provide that applicants shall undergo certain tests as to their qualifications.

The director of court services shall have general supervision of such department, subject to the direction of the judges of the court. The court may divide the duties of the department into branches or divisions, and appoint from such probation officers, investigators or other employees the heads of such branches or divisions. A juvenile division may be established distinct from all other divisions of such department.

History: *1929 c 326 s 2; 1939 c 183 s 1; 1955 c 504 s 2*

383B.613 DUTIES OF DEPARTMENT.

The duties of such department shall be:

(1) to undertake the supervision of all persons placed on probation or parole by any of the judges of said court, to keep accurate records of such supervision, and to report to the court as to such probation or parole as directed by any of the judges of the court;

(2) to be present when court is in session and so directed by any one of said judges;

(3) to perform the duties required of probation officers by chapter 521;

(4) to assist in administering the law providing for all allowances to mothers of dependent children, and to perform the duties of investigation and supervision, as found in Mason's Minnesota Statutes of 1927, sections 8671 to 8689;

(5) to provide for mental and physical examination of persons coming under the juvenile court law, and to provide for necessary mental, dental, surgical, and nursing care for such persons;

(6) to make such investigation as the court may direct concerning the circumstances of the offense, criminal record and social history of any person convicted of crime, and when deemed appropriate to obtain a physical and mental examination of such defendant and report thereon;

(7) to make collections of support money in divorce actions when ordered by a judge of the court for the benefit of children or indigent mothers and children jointly; to collect money ordered to be paid in desertion and abandonment cases; and to make collections of money or property when ordered to be paid as restitution or reimbursement, and to turn over such money or property to the person or persons entitled thereto. Before turning over such money as herein provided, the department may deduct from such money a charge for its collection services. Such charges shall be made in whatever amount and in whatever manner as is approved by the district court, fourth judicial district;

(8) to make investigations in divorce cases of children and home conditions when directed by a judge of said court, and also to exercise supervision over children in such divorce cases as the court may direct;

(9) when directed by a judge of the court and when the person having custody of children is indigent, to take such steps as may be necessary to compel persons ordered to pay money for the support of children when in default; to take such steps as may be necessary to compel persons to make reimbursement to comply with the order of court when in default; to institute, if necessary, contempt proceedings in behalf of such person or persons to whom money or property is ordered to be paid or delivered. It shall be the duty of the county attorney to conduct such contempt proceedings when directed by one of the judges of the court. The county attorney in such contempt proceedings or upon a separate motion supported by order to show cause and affidavits may move the court that any defaults or delinquent payments under such order of support be reduced to a judgment against the defaulting party, and where the local social services agency or any other public agency has advanced and expended funds to supply the unmet needs of such children because of such default by failure to pay the court order, such local social services agency or other public agency shall be subrogated and may recover under such judgment to the extent that public funds were expended for the care and support of such children;

(10) to perform such other duties for the protection of children and indigent mothers and children as may be directed by the court, including the exclusive operation, control and administration of any juvenile detention facility provided by such county for the temporary custody of delinquent children.

History: *1929 c 326 s 3; 1955 c 504 s 3; 1961 c 527 s 2; 1969 c 811 s 1; 1994 c 631 s 31*

383B.614 SPACE, SUPPLIES, EXPENSES, OFFICER'S POWERS, BOND; RECORDS.

Subdivision 1. **Board to provide.** The county commissioners of such county shall provide the department with suitably furnished office rooms, record books, stationery, postage, expenses of investigation and transportation which shall include payment to any probation officer and employee of the department as compensation or reimbursement for the use of such officer's or employee's own automobile in the performance of county duties mileage at a rate per mile not exceeding the maximum rate fixed by law plus a reasonable allowance, not exceeding $10 per month, to defray cost of parking fees incidental to such use, and such other actual expenses as are required for the proper execution of the purposes of this section.

Subd. 2. **Peace officer powers; bond for money received.** Probation officers shall have the power of peace officers in the execution of their duties. Each probation officer, before entering on the duties of the office, shall take an oath of office to be administered by one of the judges making the appointment. Each probation officer or employee who collects or has the custody of money shall execute a bond, with appropriate sureties, in a penal sum to be fixed by the judges, at the expense of the county, conditioned for the true accounting of all money received by the officer as a probation officer.

Subd. 3. **Records may be withheld.** The records of all cases in said office may be withheld from indiscriminate public inspection at the discretion of the judges of the court.

Subd. 4. **By majority of judges.** Any act, order, or thing required or permitted to be done by the judges of the court by the provisions hereof may be done by a majority of the judges.

Subd. 5. MS 1994 [Repealed, 1995 c 186 s 77]

History: *1929 c 326 s 4-7,9; 1953 c 385 s 1; 1986 c 444*

PUBLIC DEFENDER

383B.63 PUBLIC DEFENDER FOR CRIMES, MISDEMEANORS, ORDINANCES.

Subdivision 1. MS 1990 [Repealed, 1991 c 345 art 3 s 30]

Subd. 2. **Represent financially unable, including juveniles.** The public defender of Hennepin County may appear for and defend all persons charged with any crime, petty misdemeanor or ordinance violation in such county, and may appear for and represent all persons in juvenile court in such county who are financially unable to employ counsel.

Subd. 3. **Do appeals, if state defender unable.** If the state public defender is unable to provide the service, the public defender of Hennepin County may appeal a conviction of any crime, petty misdemeanor or ordinance violation or an adverse decision in juvenile court where the party appealing is financially unable to employ counsel and to pay the expenses of an appeal.

Subd. 4. MS 1988 [Repealed, 1989 c 335 art 3 s 57]

Subd. 5. MS 1988 [Repealed, 1989 c 335 art 3 s 57]

Subd. 6. **Chief unclassified; others classified.** The employees of the office of the Hennepin County public defender shall be and are hereby placed in the classified service as set forth in Laws 1965, chapter 855, as amended; except that the public defender shall be in the unclassified service.

History: *1973 c 317 s 1; 1986 c 444*

COURTS; BLOOMINGTON

383B.65 CONTRACTS, LEASES WITH BLOOMINGTON FOR COURT SPACE.

Subdivision 1. **Payments to retire debt first, then county may buy.** The county of Hennepin and the city of Bloomington may enter into contracts for terms not to exceed ten years and may enter into leases in connection with court and court-related activities. The term of any lease entered into by the county of Hennepin with the city of Bloomington shall not exceed the period required to service the debt on the bonds authorized by Laws 1983, chapter 523, article 12, section 1. Lease payments shall be irrevocably pledged to the payment of the debt. Upon the retirement of the debt created under Laws 1983, chapter 523, article 12, section 1, the city may lease space in the court building and related facilities to the county as the county may need for court purposes for periods not to exceed five years. If the city and the county deem it to be in the best interests of the public served by the facilities, the county may purchase them after retirement of the debt, or upon guaranteeing the servicing of the debt, at mutually agreed-upon terms.

Subd. 2. MS 2008 [Repealed, 2009 c 59 art 3 s 5; 2009 c 83 art 2 s 50]

History: *1982 c 523 art 12 s 2,4; 2006 c 260 art 5 s 10*

THREE RIVERS PARK DISTRICT

383B.68 BOARD OF PARK DISTRICT COMMISSIONERS.

Subdivision 1. **As provided in this section.** Notwithstanding any provision of sections 398.02 to 398.04, or any other law to the contrary, the Board of Park District Commissioners of the Three Rivers Park District shall consist of seven commissioners appointed or elected as provided in this section.

Subd. 2. **Two residents appointed by county board.** Two park district commissioners shall be appointed by the Board of Commissioners of Hennepin County. An appointee must be a resident of the Three Rivers Park District in order to qualify and serve as a park district commissioner. Each park district commissioner appointed pursuant to this subdivision shall serve for a four-year term. If a vacancy occurs among the commissioners appointed pursuant to this subdivision, the Board of Commissioners of Hennepin County shall appoint a successor.

Subd. 3. **Five elected from outside Minneapolis.** Five park district commissioners shall be elected as provided in this subdivision to represent those portions of Hennepin County outside of the city of Minneapolis. One park district commissioner shall be elected without party designation from each of the districts established pursuant to subdivision 4. Elections under this subdivision shall be held at the same time and in the same manner as elections for the office of county commissioner beginning at the 1986 general election. Each park district commissioner elected pursuant to this subdivision shall be a resident of the district represented and shall serve for a term of four years and until a successor is elected and qualifies, except that the term of office of each park district commissioner elected at the general election held in the year of a federal census shall be only two years and until a successor is elected and qualifies. At the general election following redistricting as required in subdivision 4, the three commissioners from odd-numbered districts shall be

elected for four-year terms and the two commissioners from even-numbered districts shall be elected for two-year terms. If a vacancy occurs in the office of any commissioner elected pursuant to this subdivision, the board of park district commissioners shall appoint a successor residing in that district to fill the unexpired term.

Subd. 4. **Decennial redistricting.** After September 1, 1985, and after at least 30 days' notice and public hearing, the Board of Park District Commissioners of the Three Rivers Park District shall divide the territory of Hennepin County outside the city of Minneapolis into five districts, which constitute the Three Rivers Park District. Each district shall be composed of contiguous territory as regular and compact in form as practicable and as nearly equal in population as possible, provided that no district shall vary in population more than ten percent from the average of all the districts, unless compliance with this requirement requires division of a voting precinct. After each federal census and by the date prescribed for redistricting of election districts in section 204B.135, subdivision 2, after at least 30 days' notice and public hearing, the Board of Park District Commissioners of the Three Rivers Park District shall redistrict the territory of the Three Rivers Park District into new commissioner districts as necessary to comply with the provisions of this subdivision. The districts established pursuant to this subdivision shall remain effective until new districts are established. Any person aggrieved by a districting plan established pursuant to this subdivision may challenge the plan in the same manner as a county commissioner districting plan may be challenged pursuant to section 375.025. The district court in reviewing any challenge to a districting plan under this subdivision shall proceed in the manner prescribed by section 375.025. Each districting plan established pursuant to this subdivision shall be filed in the office of the director of finance of Hennepin County or any successor office and shall be effective 31 days after its publication in a newspaper of general circulation in the county.

History: *1979 c 288 s 2; 1Sp1985 c 14 art 7 s 2-4; 1986 c 444; 1993 c 58 s 1; 2005 c 82 s 1-3*

383B.69 MS 1994 [Repealed, 1996 c 310 s 1]

383B.70 COMPENSATION OF COMMISSIONERS.

Notwithstanding the provisions of section 398.05 or any other law, the compensation of commissioners of the Three Rivers Park District must be set by the board of park commissioners.

History: *1977 c 101 s 1; 2001 c 44 s 1; 2005 c 82 s 4*

383B.702 DEPOSITORIES.

Notwithstanding section 398.18, the Three Rivers Park District may exercise the powers of a municipality under chapter 118A.

History: *1Sp1985 c 14 art 7 s 6; 2001 c 7 s 90; 2005 c 82 s 5*

383B.703 DISTRICT RENAMING.

The Suburban Hennepin Regional Park District, a local government unit organized and existing under the provisions of sections 398.01 to 398.36, is renamed the Three Rivers Park District. The district so named is the legal successor in all respects of the Suburban Hennepin Regional Park District as previously named and constituted. All bonds, resolutions, contracts, and liabilities of the Suburban Hennepin Regional Park District are the bonds, resolutions, contracts, and liabilities of the Three Rivers Park District as so renamed and reconstituted. The boundaries of the Three Rivers Park District shall include all of Hennepin County except the city of Minneapolis.

History: *1Sp1985 c 14 art 7 s 7; 2001 c 44 s 2; 2005 c 82 s 6*

383B.71 TRAIL SYSTEM.

In addition to the authority granted by chapter 398, the Three Rivers Park District is authorized to acquire, establish, operate, and maintain trail systems.

History: *1975 c 66 s 1; 2005 c 82 s 7*

383B.72 LAND ACQUISITION; TOWN CONSENT.

Notwithstanding the provisions of section 398.09, the Board of Park District Commissioners of the Three Rivers Park District, before acquiring by purchase or condemnation real estate located within the boundaries of any organized town in Hennepin County, shall secure the consent of the town board of such town to such acquisition, by resolution duly adopted by such board.

History: *1967 c 721 s 1; 2005 c 82 s 8; 2009 c 101 art 2 s 89*

383B.73 PARK DISTRICT TAX LEVY.

Subdivision 1. **Levy.** To provide funds for the purposes of the Three Rivers Park District as set forth in its annual budget, in lieu of the levies authorized by any other special law for such purposes, the board of park district commissioners may levy taxes on all the taxable property in the county and park district at a rate not exceeding 0.03224 percent of estimated market value. Notwithstanding section 398.16, on or before October 1 of each year, after public hearing, the board of park district commissioners shall adopt a budget for the ensuing year and shall determine the total amount necessary to be raised from ad valorem tax levies to meet its budget. The board of park district commissioners shall submit the budget to the county board. The county board may veto or modify an item contained in the budget. If the county board determines to veto or to modify an item in the budget, it must, within 15 days after the budget was submitted by the district board, state in writing the specific reasons for its objection to the item vetoed or the reason for the modification. The Park District Board, after consideration of the county board's objections and proposed modifications, may reapprove a vetoed item or the original version of an item with respect to which a modification has been proposed, by a two-thirds majority. If the district board does not reapprove a vetoed item, the item shall be deleted from the budget. If the district board does not reapprove the original version of a modified item, the item shall be included in the budget as modified by the county board. After adoption of the final budget and no later than October 1, the superintendent of the park district shall certify to the office of the Hennepin County director of tax and public records exercising the functions of the county auditor the total amount to be raised from ad valorem tax levies to meet its budget for the ensuing year. The director of tax and public records shall add the amount of any levy certified by the district to other tax levies on the property of the county within the district for collection by the director of tax and public records with other taxes. When collected, the director shall make settlement of such taxes with the district in the same manner as other taxes are distributed to the other political subdivisions in Hennepin County.

Subd. 2. MS 2000 [Repealed, 2001 c 44 s 5]

History: *1967 c 721 s 2; 1969 c 885 s 1; 1971 c 954 s 1; 1973 c 473 s 1; 1979 c 288 s 1; 1Sp1985 c 14 art 7 s 1; 1988 c 719 art 5 s 84; 1989 c 277 art 4 s 40,41; 2005 c 82 s 9; 2013 c 143 art 14 s 57*

383B.74 MS 2000 [Repealed, 2001 c 44 s 5]

BUILDING COMMISSION

383B.75 MUNICIPAL BUILDING COMMISSION.

That from and after the first Monday in January, 1904, all of the completed portions of the Hennepin County and Minneapolis Courthouse and City Hall Building, erected pursuant to chapter 395 of the Special Laws of 1887, shall be under the exclusive care of a commission of four members, styled "the municipal building commission," which shall be constituted as follows: The chair of the Board of County Commissioners of Hennepin County, the mayor of the city of Minneapolis, a person appointed by the Board of County Commissioners of Hennepin County, who shall serve at its pleasure, and a person appointed by the city council of the city of Minneapolis, who shall serve at its pleasure. The chair of the Board of County Commissioners of Hennepin County shall be president of said commission, and the mayor of the city of Minneapolis, vice-president thereof. The person appointed by the Board of County Commissioners of Hennepin County shall be the secretary of said commission and as such shall keep the records and accounts thereof. The comptroller treasurer of the city of Minneapolis shall keep a correct account of the receipts and expenditures of the commission. The commission shall by resolution establish regular meeting dates.

History: *1903 c 247 s 1; 1977 c 77 s 1; 1986 c 444*

383B.751 CARE AND CONTROL OF BUILDING.

The commission hereby created shall have the entire care and control of all of said courthouse and city hall building. It shall have power to assign unassigned rooms and space in any part of said building with entire control of any room or rooms in said building, and of all halls and corridors and of all boiler and machinery rooms. The commission in its discretion may reassign and reallocate occupied rooms or space therein provided that space already occupied may not be reassigned except after a hearing before said commission on written notice to the occupant or person in charge of such space; and the vote of three members of said commission shall govern as its final action after such hearing; provided further that any interested party may appeal from an adverse ruling of said commission to the district court, which court shall summarily decide the matter after a hearing thereon in the same manner as a civil case, and the determination of said matter by said court shall be final, provided that if the space in controversy is occupied or sought to be occupied by a district court judge or other district court official, that said final determination be made by a judge of the district court from a district other than that comprising Hennepin County, which other judge shall be selected by the governor upon request of the commission. When so determined and after being served with the court order the occupant or person in charge of such space or room shall remove therefrom in accordance with the terms of the order, and failing to do so, shall be deemed in contempt of court.

The commission shall also have the care and control of all engines, boilers, machinery, elevators and all mechanical and electrical appliances of every nature in said building. It shall cause all of the occupied portions of said building to be properly heated, lighted, cleaned and kept in repair for public use, with full authority to appoint any and all employees necessary to properly perform the duties hereby devolved upon such commission, with authority to fix the compensation of such employees. Persons employed by the municipal building commission on or before August 1, 1977, or thereafter, and having at least six months service, shall have tenure based on length of service. Promotions shall be filled from the eligible lists established and maintained by the Minneapolis civil service commission. No employee after six months continuous employment shall be removed or discharged except upon a majority vote of the members of the municipal building commission for cause, upon written charges and after an opportunity to be heard at a hearing conducted by the municipal building commission. The Minneapolis civil service rules relating to

cause for removal shall govern. An employee removed for cause may appeal to district court, which decision shall be final.

Nothing herein contained shall be construed to interfere in any manner with the powers and duties of the courthouse and city hall commission engaged in completing and furnishing said building.

History: *1903 c 247 s 2; 1937 c 251 s 1; 1977 c 191; 1986 c 444*

383B.752 EXPENSES; WARRANTS.

Said commission shall at the beginning of each calendar month render a detailed statement to the county auditor of Hennepin County and to the city controller of the city of Minneapolis, respectively, of all its expenses necessarily incurred for the purposes contemplated by sections 383B.75 to 383B.754 during the last preceding month in or with reference to portions of said building used or occupied by the county and by the city, respectively, including the proper portions of all expenses rendered for the common benefit of the county and city and properly chargeable to each of such municipalities; whereupon it shall become the duty of the proper officers of said county and of said city to forthwith draw warrants upon their respective treasurers, each for the amount of the account rendered against it by said commission, and it shall be the duty of the treasurer of said municipal building commission to forthwith pay to the parties properly entitled thereto the several amounts specified in said accounts rendered.

History: *1903 c 247 s 3*

383B.753 EXCLUSIVE CONTROL.

From and after the first Monday in January, 1904, neither the Board of County Commissioners of Hennepin County, nor the city council of the city of Minneapolis shall have anything to do with the care of any portion of the courthouse and city hall building, nor shall they have anything to do with the control of any portions of said building not specifically assigned for official use.

History: *1903 c 247 s 4*

383B.754 BUDGET DATE.

It shall be the duty of the municipal building commission to prepare a detailed statement of the estimated expenditures of such commission for the then ensuing year and transmit the same each year to the Board of County Commissioners of Hennepin County on the date specified by the board. The estimate shall specify what portion of the total expenditures of the commission shall be borne by the county and city, respectively, and it shall be the duty of the county commissioners to levy a tax at its proper meeting sufficient to meet the county share of the final statement of estimated expenditures. A like estimate shall be transmitted each year to the city council of the city of Minneapolis on the date specified by the council, and it shall be the duty of the city council to levy a tax at its proper meeting sufficient to meet the city's portion of the final statement of estimated expenditures. If the dates specified by the city and county are different, the commission shall transmit its budget estimate to both the city and the county on the earlier of the two dates. The commission shall submit a final statement of estimated expenditures ten days before the date Hennepin County and the city of Minneapolis are required to certify their tax levies.

History: *1903 c 247 s 5; 1983 c 76 s 1*

SOIL AND WATER CONSERVATION

383B.761 DISCONTINUANCE OF HENNEPIN COUNTY SOIL AND WATER CONSERVATION DISTRICT; TRANSFER OF DUTIES.

Subdivision 1. **Petition.** Notwithstanding section 103C.225, the Hennepin County Board of Commissioners may petition the Minnesota Board of Water and Soil Resources to discontinue the Hennepin Soil and Water Conservation District and transfer the duties and authorities of the district to the Hennepin County Board of Commissioners. The Minnesota Board of Water and Soil Resources has 60 days from the receipt of the petition to conduct its review. The Minnesota Board of Water and Soil Resources shall make its determination regarding the petition no later than its first regular meeting following the 60-day review period.

Subd. 2. **Discontinuance.** The Minnesota Board of Water and Soil Resources shall review the petition submitted under subdivision 1 to determine whether progress toward the goals identified in section 103C.005 can be achieved by discontinuing the Hennepin Soil and Water Conservation District and transferring the duties and authorities of the district to the Hennepin County Board of Commissioners. If the Board of Water and Soil Resources determines that progress toward the goals identified in section 103C.005 can be achieved by the discontinuance of the district and the transfer of district duties and authorities to the Hennepin County Board of Commissioners, the Board of Water and Soil Resources shall order the discontinuance of the Hennepin Soil and Water Conservation District. The order shall become effective within 60 days from the date of the order. The Minnesota Board of Water and Soil Resources may discontinue the Hennepin Soil and Water Conservation District without a referendum.

Subd. 3. **Transfer of duties and authorities.** Upon discontinuance of the Hennepin Soil and Water Conservation District by the Minnesota Board of Water and Soil Resources, the Hennepin County Board of Commissioners has the duties and authorities of a soil and water conservation district. The Hennepin County Board of Commissioners may assign these duties and responsibilities to the Hennepin County Department of Environmental Services or other county departments as deemed appropriate by the county board. All contracts in effect on the date of the discontinuance of the district, to which the Hennepin Soil and Water Conservation District is a party, remain in force and effect for the period provided in the contracts. Hennepin County shall be substituted for the Hennepin Soil and Water Conservation District as party to the contracts and succeed to the district's rights and duties.

Subd. 4. **Transfer of assets.** The Hennepin Conservation District Board of Supervisors shall transfer the assets of the district to the Hennepin County Board of Commissioners no later than 60 days from the date of the order. The Hennepin County Board of Commissioners shall use the transferred assets for purposes of implementing the transferred duties and authorities.

Subd. 5. **Grants.** Upon discontinuance of the Hennepin Soil and Water Conservation District by the Minnesota Board of Water and Soil Resources, Hennepin County has the eligibility of a soil and water conservation district for state grant funds.

Subd. 6. **Reestablishment.** The Hennepin County Board of Commissioners may petition the Minnesota Board of Water and Soil Resources to reestablish the Hennepin Soil and Water Conservation District. Alternatively, the Minnesota Board of Water and Soil Resources under its authority in section 103C.201, and after giving notice of corrective actions and time to implement the corrective actions, may reestablish the Hennepin Soil and Water Conservation District if it determines the goals identified in section 103C.005

are not being achieved. The Minnesota Board of Water and Soil Resources may reestablish the Hennepin Soil and Water Conservation District under this subdivision without a referendum.

History: *2013 c 114 art 4 s 96*

HOUSING AND REDEVELOPMENT AUTHORITY

383B.77 HENNEPIN COUNTY HOUSING AND REDEVELOPMENT AUTHORITY.

Subdivision 1. **Creation.** The Hennepin County Housing and Redevelopment Authority is created in the county of Hennepin. It shall have all of the powers and duties of a housing and redevelopment authority under sections 469.001 to 469.047. For the purposes of applying the municipal housing and redevelopment act to Hennepin County, the county has all of the powers and duties of a city, the county board has all 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, notwithstanding section 469.008, the area of operation includes the area within the territorial boundaries of the county.

Subd. 2. **Coordination with other authorities.** This section does not limit or restrict any existing housing and redevelopment authority or prevent a municipality from creating an authority. For purposes of this subdivision, "housing and redevelopment authority" includes any municipal department, agency, or authority of the city of Minneapolis which exercises the powers of a housing and redevelopment authority pursuant to section 469.003 or other law. The county authority shall notify a municipal authority by January 31 of each year as to the activities the county authority plans to participate in within the municipality. The municipal authority shall notify the county authority within 45 days of the date of the notice from the county authority, if the municipal authority does not consent to the activities of the county authority. If a city housing and redevelopment authority requests the county housing and redevelopment authority to exercise any power or perform any function of the municipal authority, the county authority may do so.

Subd. 3. **Local approval.** If a housing or redevelopment project is undertaken in Hennepin County pursuant to this section, the governing body of the city must approve the project before it is undertaken.

Subd. 4. **Commissioners.** Notwithstanding section 469.003, subdivision 5, the Hennepin County Housing and Redevelopment Authority shall consist of seven commissioners.

History: *1987 c 177 s 1; 1989 c 78 s 1; 1989 c 209 art 2 s 38; 1997 c 58 s 3; 2000 c 260 s 92; 2008 c 154 art 10 s 13,14*

BATHING BEACHES

383B.78 BATHING BEACHES.

Subdivision 1. **Public bathing beach; definition.** For purposes of this section, a public bathing beach means public land, roads, and highways adjoining public waters that have been or may be used for bathing or swimming, and privately owned places that the public is allowed to frequent or use for bathing.

Subd. 2. **Unlawful to bathe at public beaches at certain times.** In counties that have a population of 450,000 or more, a person may not frequent, swim, bathe, or congregate at a public bathing beach or public waters adjacent to a public bathing beach for the purpose of swimming or bathing, or congregating with others, from 10:30 p.m. to 5:00 a.m. of the next day.

Subd. 3. **Regulatory ordinances.** (a) The governing bodies of counties having a population of more than 450,000, and all cities and towns located in the counties may, by ordinance, resolution, or bylaw, regulate the use of public bathing beaches and public waters where a public bathing beach immediately borders for the purpose of bathing, swimming, or congregating with others, within their respective territorial limits, in a manner that is not inconsistent with this section.

(b) If a governing body determines that the safety, health, morals, or general welfare of the public require, the governing body may, by ordinance, resolution, or bylaw, provide that a public bathing beach is closed to bathing, swimming, and congregating after 9:00 p.m.

Subd. 4. **Not restrictive.** This section does not limit or abrogate any of the existing powers of a body or governing board of a county, home rule charter or statutory city, or town.

Subd. 5. **Penalty.** A person who violates a provision of this section is guilty of a misdemeanor.

History: *1990 c 391 art 8 s 43; 1997 c 7 art 1 s 132*

MULTIJURISDICTIONAL PROGRAM

383B.79 MULTIJURISDICTIONAL PROGRAM.

Subdivision 1. **Program authorized.** A multijurisdictional reinvestment program is authorized involving Hennepin County, the Hennepin County Housing and Redevelopment Authority, and one or more of the following political subdivisions: the cities of Minneapolis, Brooklyn Center, and other interested statutory or home rule charter cities in Hennepin County, the Minneapolis Park Board, the Three Rivers Park District, and any watershed district entirely or partially located in Hennepin County. The multijurisdictional program may include plans for housing rehabilitation and removals, industrial polluted land cleanup, water ponding, environmental cleanup, community corridor connections, corridor planning, creation of green space, acquisition of property, development and redevelopment of parks and open space, water quality and lakeshore improvement, development and redevelopment of housing and commercial projects, economic development, and job creation.

Subd. 2. **Use of appropriations.** Up to one-half of any state appropriation for the program authorized in subdivision 1 may be used by the county as a grant to the cities of Minneapolis and Brooklyn Center to provide assistance in a capital nature for constructing public infrastructure improvements in order to further economic development.

Subd. 3. **Matching.** Government jurisdictions participating in the reinvestment program planning and projects must match any state contribution on at least a dollar-for-dollar basis in the aggregate. Government jurisdictions, however constituted, may use any funds under their control for the match requirement.

Subd. 4. **Administration.** The board of county commissioners shall administer the program and funds and bond for projects in this section either as a county board or a housing and redevelopment authority. The board of county commissioners may acquire property in connection with the projects in this section with any funds under its control. Any sale, lease, or development of such property by the board of county commissioners shall be conducted in accordance with section 469.029.

Subd. 5. **Financing.** Hennepin County or the Hennepin County Housing and Redevelopment Authority may appropriate funds for any of the activities described in subdivision 1, whether or not state funds are appropriated for the activity. Hennepin County may include any part of the costs of a project described in section 469.002, subdivision 12, or in a designated transit improvement area as defined in section 469.351,

subdivision 1, paragraph (f), in a capital improvement plan adopted under section 373.40, and may issue bonds for such purposes pursuant to and subject to the procedures and limitations set forth in section 373.40, whether or not the capital improvement to be financed is to be owned by the county or any other governmental entity. Such purposes are in addition to the capital improvements described in section 373.40, but shall not include a sports facility building designed or used primarily for professional sports. No funds appropriated under this subdivision may be used to pay operating expenses.

History: *1995 c 224 s 94; 1Sp1998 c 1 art 3 s 21,22; 1999 c 223 art 2 s 47; 2001 c 214 s 10; 2006 c 187 s 1; 2010 c 389 art 7 s 3; 2014 c 229 s 1-3*

DEED AND MORTGAGE TAX

383B.80 HENNEPIN COUNTY DEED AND MORTGAGE TAX.

Subdivision 1. **Authority to impose; rate.** (a) The governing body of Hennepin County may impose a mortgage registry and deed tax.

(b) The rate of the mortgage registry tax equals .0001 of the principal.

(c) The rate of the deed tax equals .0001 of the amount.

Subd. 2. **General law provisions apply.** The taxes under this section apply to the same base and must be imposed, collected, administered, and enforced in the same manner as provided under chapter 287 for the state mortgage registry and deed taxes. All the provisions of chapter 287 apply to these taxes, except the rate is as specified in subdivision 1, the term "Hennepin County" must be substituted for the "state," and the revenue must be deposited as provided in subdivision 3.

Subd. 3. **Deposit of revenues.** All revenues from the tax are for the use of the Hennepin County Board of Commissioners and must be deposited in the county's environmental response fund under section 383B.81.

Subd. 4. **Expiration.** The authority to impose the tax under this section expires January 1, 2036.

History: *1997 c 231 art 16 s 15; 1Sp2001 c 5 art 7 s 62; 2002 c 390 s 4; 2008 c 366 art 9 s 13; 2013 c 143 art 4 s 29; 2026 c 128 art 8 s 9*

ENVIRONMENTAL RESPONSE FUND

383B.81 ENVIRONMENTAL RESPONSE FUND.

Subdivision 1. **Creation.** An environmental response fund is created for the purposes specified in this section. The taxes imposed by section 383B.80 must be deposited in the fund. The board of county commissioners shall administer the fund either as a county board, a housing and redevelopment authority, or a regional rail authority.

Subd. 2. **Uses of fund.** (a) The fund created in subdivision 1 must be used for the following purposes:

(1) acquisition through purchase or condemnation of lands or property which are polluted or contaminated with hazardous substances;

(2) paying the costs associated with indemnifying or holding harmless the entity taking title to lands or property from any liability arising out of the ownership, remediation, or use of the land or property;

(3) paying for the costs of remediating the acquired land or property;

(4) paying the costs associated with remediating lands or property which are polluted or contaminated with hazardous substances; or

(5) paying for the costs associated with improving the property for economic development, recreational, housing, transportation or rail traffic.

(b) No more than three percent of the fund may be used each year for the costs of administration.

Subd. 3. **Matching funds.** In expending funds under this section the county shall seek matching funds from contamination cleanup funds administered by the commissioners of the Department of Employment and Economic Development, the Metropolitan Council, the federal government, the private sector and any other source.

Subd. 4. **City approval.** The county may not expend funds under this section unless the governing body of the city in which the site is located approves the project.

Subd. 5. **Bonds.** The county may pledge the proceeds from the taxes imposed by section 383B.80 to bonds issued under this chapter and chapters 398A, 462, 469, and 475.

Subd. 6. **Priorities.** The first priority for the use of the environmental response fund created in this section is to clean up the site located in the city of St. Louis Park known as NL Industries/Tara Corporation/Golden Auto, EPA I.D. No. MND097891634 and to provide adequate right-of-way for a portion of the rail line to replace the 29th street line in the city of Minneapolis, including making rail improvements, changing the curve of the railroad track and eliminating a switching facility, and improving the land for economic development. No money from the environmental response fund may be expended for remediating the site until the site has been acquired through purchase or condemnation.

Subd. 7. **Land sales.** Land or property acquired under this section may be resold at fair market value. Proceeds from the sale of the land must be deposited in the environmental response fund.

Subd. 8. **DOT assistance.** With respect to the site described in subdivision 6, the commissioner of transportation shall collaborate with the county and any affected municipality by providing technical assistance and support in facilitating the railroad improvement and testing at that portion of the site to be used for the railroad improvement.

History: *1997 c 231 art 16 s 16; 1Sp2003 c 4 s 1; 2008 c 366 art 9 s 14*

WIND AND SOLAR BUSINESS PARTICIPATION

383B.82 WIND AND SOLAR BUSINESS ENTITY PARTICIPATION.

To exercise the authority granted to counties under section 373.48, Hennepin County may be a limited partner in a partnership, a member of a limited liability company, or a shareholder in a corporation established for the purpose of constructing, acquiring, owning in whole or in part, financing, or operating a facility that generates electricity from wind or solar energy. Liability for Hennepin County is governed by section 466.04. Section 466.04 also governs liability for a limited liability company or a corporation, either of which is wholly owned by Hennepin County and formed under this section.

History: *2010 c 361 art 5 s 12*

RAILROADS

383B.83 LIMITS ON RAILROAD CONDEMNATION POWERS OVER CERTAIN GOVERNMENTAL PROPERTY INTERESTS.

Notwithstanding anything to the contrary in chapter 117, sections 222.26, 222.27, 222.36, or any other law, the powers of a railroad corporation or a railroad company or a railroad interest acting as a public service corporation or a common carrier do not include the power to exercise eminent domain over a property interest owned by Hennepin County, the Hennepin County Housing and Redevelopment Authority, or the Hennepin County Regional Railroad Authority if such governmental power, by resolution of its governing board, determines based on findings that the public safety or access of first responders would be detrimentally affected by the exercise.

History: *2015 c 77 art 2 s 76*

HENNEPIN HEALTH CARE SYSTEM

383B.901 CREATION OF A COUNTY SUBSIDIARY CORPORATION.

There is created a corporation which shall be public in nature, operating as a subsidiary of the county of Hennepin. The public corporation shall be known as Hennepin Healthcare System, Inc. The purpose of the corporation is to engage in the organization and delivery of health care and related services to the general public, including the indigent as defined by state and federal law and as determined by the Hennepin County Board of Commissioners, and to conduct related programs of education and research. The corporation shall have one class of members, the governing member, who shall be Hennepin County, as represented by the Hennepin County Board of Commissioners. The governing member has all the rights, duties, and privileges specified under Laws 2005, chapter 125, and the bylaws of the corporation.

History: *2005 c 125 art 1 s 1,29; 1Sp2005 c 7 s 34*

383B.902 DEFINITIONS.

For the purpose of sections 383B.901 to 383B.928, the terms defined in this section have the meanings given them unless the context clearly indicates otherwise.

(a) "Corporation" means the county subsidiary corporation created by section 383B.901.

(b) "County" means the county of Hennepin.

(c) "County board" means the Hennepin County Board of Commissioners and its members.

(d) "HCMC" means the Hennepin County Medical Center, which is the medical center established and operated by the county under section 383B.217.

(e) "Effective date" means the effective date of the sections of Laws 2005, chapter 125, as defined in Laws 2005, chapter 125, article 1, section 29.

History: *2005 c 125 art 1 s 2,29; 1Sp2005 c 7 s 34*

383B.903 BOARD.

Subdivision 1. **Governance.** The corporation shall be governed by a board of directors that consists of between 11 and 15 directors and that includes members with the professional training and expertise needed

to govern a health system and safety net hospital. Two of the directors on the board of the corporation must be county commissioners currently serving as elected officials on the county board who are chosen and may be removed by a majority vote of the county board.

Subd. 2. **Term, quorum, and manner of acting.** The term of office for directors, rules governing quorum, and manner of acting for the board of directors must be specified in the bylaws of the corporation which shall be approved by the county board, except that:

(1) a vote of a majority of the board shall be required to hire or discharge the corporation's administrator, to approve the annual budget, and for any action which requires subsequent approval by the county board as specified in section 383B.908; and

(2) directors of the board of directors or any committee or advisory assembly or council appointed by the board of directors may participate in a meeting by means of telephone conference or similar communications equipment which enables all persons participating in the meeting to hear each other during the conduct of that meeting. Participation shall be considered presence in person at the meeting for purposes of notice and quorum requirements as specified in the bylaws.

Subd. 3. **Appointment of board members.** The county board shall appoint the initial board of the corporation. Thereafter, the county board shall appoint directors of the corporation by slate to open positions due to the completion of a director's term as specified in the bylaws of the corporation. The slate shall be nominated by a committee of the board of the corporation. The board of the corporation may by majority vote appoint a board member to fill a vacancy on the board occurring prior to the completion of the term, provided the newly appointed board member is submitted to the county board for approval when the next slate of directors is submitted to the county board for approval.

Subd. 4. **Qualifications.** Members of the board must possess a high degree of experience and knowledge in fields needed to govern a health system and safety net hospital and must possess a high degree of interest in the corporation and support for its mission. At least 75 percent of the board's noncounty commissioner members must have expertise in hospital administration, finance, business management, law, or health equity, or have other experience relevant to the administration of a health system and safety net hospital, with a preference for members with experience working in an urban setting with diverse cultural communities. Up to 25 percent of the board's noncounty commissioner members may represent urban, cultural, and ethnic perspectives of the population served by the corporation and the patient or consumer perspective. The corporation shall provide a public announcement of vacancies on the board of the corporation in the manner normally used by Hennepin County to provide public notice of open appointments.

Subd. 5. **Removal.** A director who is not a county commissioner may be removed without cause by a two-thirds majority vote of the board of the corporation. The county board may remove any board member for violation of the director's ethical and legal duties as a board member as specified in section 383B.905 or for the repeated failure to act in the best interests of the corporation. In addition, the county board may remove the corporate board in its entirety as specified in section 383B.908, subdivision 7.

History: *2005 c 125 art 1 s 3,29; 1Sp2005 c 7 s 34; 2026 c 127 art 3 s 7,8*

383B.904 OFFICERS.

Subdivision 1. **Election.** (a) The officers of the board of the corporation shall consist of the chair, vice-chair, secretary, treasurer, and other officers as the board shall from time to time deem necessary. The board shall elect officers by a majority vote of the board at the annual meeting, or in the case of the initial

board, at the first meeting following appointment by the county board. The county commissioner members of the corporate board are not eligible to serve as officers of the corporate board.

(b) Any of the offices or functions, with the exception of the chair and vice-chair, may be held or exercised by the same person.

Subd. 2. **Removal.** An officer may be removed without cause by a two-thirds majority vote of the board of the corporation.

History: *2005 c 125 art 1 s 4,29; 1Sp2005 c 7 s 34; 2026 c 127 art 3 s 9*

383B.905 AUTHORITY AND DUTIES OF OFFICERS AND DIRECTORS; UNPAID OFFICERS AND DIRECTORS LIABILITY FOR DAMAGES.

Subdivision 1. **In bylaws or by board.** Officers and directors have the authority and duties in the management of the business of the corporation that the bylaws prescribe or, in the absence of such prescription, as the board determines.

Subd. 2. **Ordinary prudent person standard.** Officers and directors shall discharge their duties in good faith, in the manner the officer or director reasonably believes to be in the best interests of the corporation, and with the care an ordinary prudent person in a like position would exercise under similar circumstances.

Subd. 3. **Not trustees.** Officers and directors are not considered to be trustees with respect to the corporation or with respect to property held or administered by the corporation, including, without limit, property that may be subject to restrictions imposed by the donor or transferor of the property.

Subd. 3a. **Conflicts of interest.** Conflicts of interest involving directors, officers, or employees of the corporation must be evaluated and resolved under chapter 317A. Directors, officers, and employees of the corporation are not considered "public officers" for the purposes of sections 471.87 to 471.89. This subdivision does not apply to Hennepin County Commissioners who also serve on the board of Hennepin Healthcare System, Inc.

Subd. 4. **Liability.** A person who serves without compensation as a director or officer of the corporation is exempt from civil liability to the same extent as provided under section 317A.257 for the directors and officers listed in section 317A.257, subdivision 1.

History: *2005 c 125 art 1 s 5,29; 1Sp2005 c 7 s 34; 2006 c 266 s 2; 2007 c 34 s 1*

383B.906 BYLAWS.

Prior to the appointment of the initial board of the corporation, the county board shall approve the bylaws of the corporation. Thereafter, the board of the corporation may adopt, amend, or repeal bylaws relating to the management of the business or regulation of the affairs of the corporation, except that the county board shall approve any bylaws change relating to:

(1) board composition, board and officer selection, terms, removal, or qualifications;

(2) the county board's reserved powers as specified in the bylaws;

(3) the ability of the corporation to engage in joint ventures;

(4) the ability of the corporation to incur debt through the county;

(5) the ability of the corporation to create subsidiaries;

(6) the ability of the corporation to merge or dissolve;

(7) the ability of the corporation to use subsidiaries to undertake functions or activities performed by employees of the corporation; or

(8) the mission of the corporation.

History: *2005 c 125 art 1 s 6,29; 1Sp2005 c 7 s 34*

383B.907 CORPORATE POWERS.

Subdivision 1. **Authority and powers of the board.** Subject to the reserved powers and limitations specified in sections 383B.903 and 383B.908, or as specified in the bylaws of the corporation, the corporation, through its board, shall, relative to the delivery of health care services, have, in addition to any authority vested by law, the authority and legal capacity of a nonprofit corporation under chapter 317A including the authority to:

(1) have members of its board or its officers or administrators serve as directors, officers, or employees of the corporation's ventures, associations, or corporations;

(2) hire and discharge an administrator;

(3) approve personnel policies and practices, any applicable labor agreements, and levels of compensation and benefits recommended by the administrator;

(4) use employees, agents, consultants, and facilities of the county, as necessary in the discretion of the board, paying the county its agreed proportion of the compensation or costs pursuant to an agreement with the county;

(5) spend funds, including public funds in any form, or devote the resources of the corporation to recruit and retain physicians whose services are necessary or desirable for meeting the health care needs of the population and for the successful performance of the public purpose of the corporation. Allowable uses of funds and resources include the retirement of medical education debt, payment of onetime amounts in consideration of services rendered or to be rendered, payment of recruitment expenses, payment of moving expenses, and the provision of other financial assistance necessary for the recruitment and retention of physicians, provided that the expenditures in whatever form are reasonable under the facts and circumstances of the situation;

(6) offer, directly or indirectly, products and services of the corporation and/or affiliated entities to the general public, and retain any profits earned through the provision of these products and services for the purpose of advancing the mission of the corporation;

(7) own shares of stock in business corporations;

(8) borrow money and issue bonds in support and promotion of the corporation's purpose and mission and providing any rights and obligations related thereto;

(9) accept gifts, grants, loans, or contributions of funds or property or financial or other aid in any form from, and enter into contracts or other transactions with, the federal government, the state of Minnesota, third-party payors, or any other source and to use any gifts, grants, loans, or contributions for any of its corporate purposes;

(10) enter shared service and other cooperative ventures;

(11) join or sponsor membership in organizations intended to benefit the corporation;

(12) enter partnerships, joint ventures, or other business arrangements to advance the mission of the corporation;

(13) sue or be sued; and

(14) incorporate other corporations, both for profit and nonprofit.

Subd. 2. **Other powers.** Subject to the reserved powers and limitations specified in sections 383B.903 and 383B.908, or as specified in the bylaws of the corporation, the corporation shall have all the powers necessary and convenient for the operation, administration, management, and control of the corporation's affairs. The enumeration of specific powers in this section is not intended to restrict the power of the corporation to take any action which, in the exercise of its discretion, is necessary or convenient to further the purposes for which the corporation exists and that is not otherwise prohibited by law, whether or not the power to take the action is necessarily implied from the powers expressly granted.

History: *2005 c 125 art 1 s 7,29; 1Sp2005 c 7 s 34*

383B.908 LIMITATIONS UPON CORPORATE POWERS; RESERVED POWERS.

Subdivision 1. **Powers reserved to county.** Notwithstanding the authority granted to the board in section 383B.907, the county board shall retain specific controls over the corporation's mission, ability to incur indebtedness through the county, indigent care, and governance. These county board controls must be specified in the bylaws or other transactional documents, which shall be approved by the county board.

Subd. 2. **Restriction on disposition of assets.** The corporation shall not have the power to dissolve, merge, consolidate, transfer, liquidate, or otherwise dispose of or distribute all, or substantially all, of the corporation's assets without a county board resolution approved by a majority of the county board.

Subd. 3. **Distribution of assets upon dissolution.** In the event of the dissolution of the corporation, the net assets of the corporation shall be distributed to the county for public purposes.

Subd. 4. **Compensation and payment limitations.** No part of the net earnings and assets of the corporation shall inure to the benefit of any private individual, nor shall any part of the income or assets of the corporation be distributed to or divided among any private individuals as dividends or otherwise.

Subd. 5. **Financial oversight.** The county board must approve the annual budget of the corporation as presented by the corporate board and shall receive an annual audited financial statement. The annual budget shall address how efficiencies and revenues contribute to stabilize or reduce county liabilities for indigent care. The county board shall also retain the right:

(1) to conduct an independent audit of the finances of the corporation; and

(2) in sustained conditions of financial distress, to modify the corporation's annual budget as needed to respond to the corporation's financial condition while preserving access to essential health services provided by HCMC.

Subd. 6. **County services.** The county board shall retain the authority to require the corporation to provide other health care or health care related services as the county board determines to be in the best interest of the county. The corporation shall provide these services as long as the county board provides

funds to pay for the services. Payment to the corporation for the services shall be as agreed between the corporation and the county board.

Subd. 7. **Dissolution or reorganization of corporation.** The county board shall retain the right to dissolve the corporation, reorganize the corporation, or remove the entire corporate board in order to resume management of and financial oversight over Hennepin County Medical Center upon a two-thirds vote of the entire county board if:

(1) the corporation experiences sustained conditions of financial distress, such as but not limited to the corporation meeting at least two of the following conditions:

(i) a negative operating margin of more than $30,000,000 for two consecutive years;

(ii) a decline in net assets of more than ten percent in the most recent year; or

(iii) a negative cash flow margin of more than ten percent in the most recent year;

(2) prior to taking any steps to dissolve the corporation, reorganize the corporation, or remove the entire corporate board, the county board and the corporate board engage in mediation in good faith. The attorney general may select an individual to serve as a mediator. In the mediation, the parties must attempt to address the corporation's conditions of financial distress through means other than dissolving the corporation, reorganizing the corporation, or removing the entire corporate board; and

(3) the county board and corporate board are not able to agree on another means to address the corporation's financial distress.

History: *2005 c 125 art 1 s 8,29; 1Sp2005 c 7 s 34; 2026 c 127 art 3 s 10,11*

383B.909 CORPORATE SEAL.

The corporation shall not have a corporate seal.

History: *2005 c 125 art 1 s 9,29; 1Sp2005 c 7 s 34*

383B.910 BOARD MEETINGS.

In accordance with the bylaws of the corporation, the board shall provide for annual, regular, and special meetings to be held at a designated interval throughout the year. Notice of these meetings shall be provided in accordance with the bylaws of the corporation.

History: *2005 c 125 art 1 s 10,29; 1Sp2005 c 7 s 34*

383B.911 PUBLIC DEPOSITORY.

The corporation shall have jurisdiction over its accounts and payrolls and shall establish and maintain a public depository. The corporation may use the county as a public depository. If the depository is not the county, the depository must be subject to chapter 118A, except that the corporation shall determine the appropriate security. The corporation shall establish and maintain all necessary accounts. The corporation may establish reserve accounts, depreciation accounts, and working capital funds in order to operate on an accrual basis.

History: *2005 c 125 art 1 s 11,29; 1Sp2005 c 7 s 34*

383B.912 TRANSFER OF RIGHTS.

Subdivision 1. **Corporation as continuation of HCMC.** The corporation created by section 383B.901 shall be considered a continuation of HCMC for purposes of all the rights, liabilities, and contractual obligations of the county pertaining to the operations of HCMC except as otherwise provided herein. The corporation succeeds to all rights and contractual obligations of the county pertaining to the operations of HCMC with the same force and effect as if those rights and obligations had been continued by the county itself.

Subd. 2. **Pending matters.** The corporation may conduct and complete any legal action, administrative proceeding, or any other matter commenced by or against HCMC or the county, on behalf of HCMC, which was incurred before or pending as of the effective date, in the same manner, under the same conditions, and with the same effect as though the action, proceeding, or other matter were conducted or completed by HCMC or the county acting on behalf of HCMC.

Subd. 3. **Transfer of documents required.** On the effective date, HCMC, or the county on behalf of HCMC, shall have the authority to transfer and deliver to the corporation, as specified in the lease and other transactional documents referenced in section 383B.913, all contracts, books, bonds, plans, paper, records, including all personnel and medical records, and other property of every description within the jurisdiction or control of HCMC, or the county acting on behalf of HCMC, except as otherwise provided herein.

Subd. 4. **Transfer of funds.** On the effective date, HCMC, or the county on behalf of HCMC, shall have the authority to transfer to the corporation all unspent funds appropriated to HCMC, as specified in the lease and other transactional documents referenced in section 383B.913.

History: *2005 c 125 art 1 s 12,29; 1Sp2005 c 7 s 34*

383B.913 LEASE OR TRANSFER OF ASSETS.

Subdivision 1. **Corporate status.** The corporation shall be considered a "public corporation" for purposes of section 465.035.

Subd. 2. **Lease of real property.** Notwithstanding any other laws to the contrary, as of the effective date, the county shall have the authority to enter into a lease, mutually agreeable to both parties, with the corporation for substantially all of the real property acquired by or turned over to the county for the establishment, operation, or maintenance of HCMC prior to and as of the effective date and necessary for the operation of the corporation. Subject to restrictions specified in the written lease and other transaction documents by and between the county and the corporation, the county shall lease the real property exclusively to the corporation. For the purposes of this subdivision, real property shall mean the real property used by the county for the operations of HCMC that the county shall lease to Hennepin Healthcare System, Inc., as specified in the lease documents and Laws 2005, chapter 125, as of the effective date.

Subd. 3. **Requirements of lease.** In order for the county to enter into the lease described in subdivision 2, the lease must also address the following:

(1) continued primary use of the property for health and hospital services;

(2) indigent care;

(3) capital improvements;

(4) joint ventures and partnerships;

(5) assignments and subleases; and

(6) changes to hospital capacity.

Subd. 4. **Transfer of assets.** The county shall transfer to the corporation assets as designated by the county in transactional documents accompanying the lease for use in the operations of HCMC. For purposes of this subdivision, assets means the equipment and other personal property used by the county for the operations of HCMC that the county shall transfer to Hennepin Healthcare System, Inc., as specified in the transaction documents and Laws 2005, chapter 125, as of the effective date.

Subd. 5. **No advertising or bids.** The county may transfer and lease the assets and real property to the corporation as specified in subdivisions 2 and 3 without first advertising for or soliciting any bids.

History: *2005 c 125 art 1 s 13,29; 1Sp2005 c 7 s 34*

383B.914 STATUS OF PRESENT EMPLOYEES; BARGAINING UNITS; RETIREMENT COVERAGE.

Subdivision 1. **Health system human resources system.** Persons employed at the corporation created shall be subject to a human resources system that is designed to offer appropriate benefits to workers employed in a health care setting. This human resources system shall replace the general county human resources system prescribed in sections 383B.26 to 383B.42, and any rules related to it. The corporation shall have the authority to establish all personnel policies and practices, negotiate applicable labor agreements, and set all levels of compensation and benefits which are considered appropriate by the board except as limited in this section. The human resources system is subject to the following human resources requirements:

(1) determine compensation according to the pay equity requirements under sections 471.991 to 471.999;

(2) provide preferences for veterans according to the Veterans Preference Act under sections 197.455, 197.46, and 375.63; and

(3) provide an appeals process for an individual who is discharged, demoted, or suspended.

Subd. 2. **Employee transfer.** All persons employed by the county whose employment is accounted for in the county enterprise fund for HCMC, on the effective date, shall be transferred to the corporation as specified in the lease and other transactional documents referenced in section 383B.913. The transfer of employees to the corporation under this subdivision does not constitute severance or termination of employment or a layoff entitling transferred employees to severance pay, termination benefits, a retirement plan refund, or any other right that may be applicable in the case of severance, termination, or layoff.

Subd. 3. **Current positions.** Each person employed by the county who is transferred to the corporation on the effective date shall retain employment and accrued benefits, including participation in deferred compensation programs, and will be recorded by most recent date of employment with Hennepin County upon transfer to the corporation created in section 383B.901.

Subd. 4. **Bargaining units.** The corporation shall recognize existing bargaining units organized by employees of HCMC and the exclusive representatives of those bargaining units as of the effective date. The corporation shall adopt all current labor agreements as of the effective date for the term of those agreements, except for countywide references, countywide provisions, and countywide human resources rules.

Subd. 5. **General employee retirement benefits.** (a) Except as provided in paragraph (b), employees of the corporation, other than paramedics, emergency medical technicians and the supervisors and managers

of such employees, and protection officers and supervisors of such employees, are "public employees" under chapter 353 and are members of the general employees retirement plan of the Public Employees Retirement Association, including employees transferred to the corporation under subdivision 2 and employees hired by the corporation after the effective date.

(b) Notwithstanding sections 356.24 and 356.25, the corporation has the authority to create alternative retirement plans that are not defined benefit pension plans for the following classes of employees: supervisors, managers, physicians, and independent health practitioners who bill independently for their time, provided the value of the aggregate benefits are substantially comparable to the general employee retirement plan of the Public Employees Retirement Association. These classes of employees are eligible to participate in the general retirement plan of the Public Employees Retirement Association until and unless the corporation creates alternative retirement plans. Only those employees who are within the designated class and who are hired after the date of creation of the alternative plan may be enrolled in the alternative retirement plan in lieu of participation in the general employees retirement plan of the Public Employees Retirement Association. Any alternative retirement benefit plan established by the corporation must comply with the financial reporting requirements for public pension plans under section 356.20 and the investment performance reporting requirements for public pension plans under section 356.219.

Subd. 6. **Employees eligible to continue participation in public employee retirement association correctional, police, and fire benefit plans.** Notwithstanding subdivision 5, both existing and future employees of the corporation in the positions of paramedic and emergency medical technician, including supervisors and managers of such employees, as provided in section 353.64, subdivision 10, are members of the public employees police and fire retirement plan under sections 353.63 to 353.68 and in the position of protection officer, including supervisors of such employees, as provided in section 353E.02, subdivision 2a, are members of the local government correctional retirement plan under chapter 353E.

Subd. 7. **Participation in state deferred compensation plan.** (a) Existing employees of the corporation, at the election of the corporation, if otherwise qualified, are eligible to participate in the Hennepin County supplemental retirement plan under sections 383B.46 and 383B.52.

(b) Existing and future employees of the corporation, at the election of the corporation, are eligible to participate in the Minnesota state deferred compensation plan under section 352.965, the postretirement health care savings plan under section 352.98, and all other deferred compensation arrangements for which all persons employed by the county whose employment is accounted for in the county enterprise fund for HCMC were eligible.

Subd. 8. **Subsidiaries.** Any subsidiary created by the corporation shall be subject to the same human resources requirements as those that apply to the corporation under subdivision 1.

History: *2005 c 125 art 1 s 14,29; 1Sp2005 c 7 s 34; 2008 c 349 art 11 s 10*

383B.915 BONDING AUTHORITY OF CORPORATION.

Subdivision 1. **Municipality.** The corporation shall be considered a "municipality" pursuant to section 475.51, subdivision 2, for purposes of bond issuance and shall have all the authority conferred on municipalities by chapter 475, unless that authority is modified in this section.

Subd. 2. **Sale of bonds.** Subject to the reserved powers and limitations specified in section 383B.908 and notwithstanding any of the corporation's enumerated powers, the corporation may issue and sell revenue bonds or other revenue obligations to finance capital improvements or for the acquisition and betterment of

facilities or other property to be utilized for the delivery of health care and related research, the establishment of reserves for bond payment, or for other proper corporate purposes.

Subd. 3. **Security for bonds.** Subject to the reserved powers and limitations specified in section 383B.908 and notwithstanding any of the corporation's enumerated powers, the bonds may be secured by a mortgage of or security interest in any property owned by the corporation or any interest of the corporation in any property and by a pledge of revenues to be derived from operation of the corporation's facilities as a first and prior lien thereon or as a lien subordinate to the costs of operation and maintenance of the facilities. The bonds must be in an amount, and shall mature, as provided by resolution of the board and may be issued in one or more series and shall bear a date or dates, bear interest at a rate or rates, be in a denomination or denominations, be in the form either coupon or registered, carry the conversion or registration privileges, have rank or priority, be executed in the manner, be payable in medium of payment at the place or places, and be subject to the terms of redemption, with or without premium, as the resolution may provide. The bonds may be sold at public or private sale at a price or prices determined by the resolution. Notwithstanding any law to the contrary, the bonds must be fully negotiable. The corporation may enter into the covenants the board, by resolution, shall deem necessary and proper to secure payment of the bonds. The revenue bonds must state on their face that they are not payable from, nor may be a charge upon, any funds other than the revenues and property pledged or mortgaged for their payment, nor shall the corporation be subject to any liability on them or have the power to obligate itself to pay or pay the revenue bonds from funds other than the revenues and property pledged and mortgaged. No holder or holders of the bonds shall ever have the right to compel any exercise of any taxing power of the county or any other public body to pay the principal of or interest on any of them, nor to enforce payment of them against any property other than that expressly pledged or mortgaged for their payment.

History: *2005 c 125 art 1 s 15,29; 1Sp2005 c 7 s 34*

383B.916 FINANCING THROUGH COUNTY.

In addition to the authority granted in section 383B.915, the county may finance any improvements, equipment, or other property to be operated by the corporation and may issue bonds for such purposes pursuant to and subject to the procedures and limitations set forth in section 373.40, 383B.117, 447.45, or other law, as appropriate, whether or not the capital improvement or equipment to be financed is to be owned by the county or the corporation.

History: *2005 c 125 art 1 s 16,29; 1Sp2005 c 7 s 33,34*

383B.917 OPEN MEETING LAW; GOVERNMENT DATA PRACTICES ACT.

Subdivision 1. **Data Practices Act.** (a) The corporation is subject to chapter 13, the Minnesota Government Data Practices Act.

(b) "Competitive data," as defined in this subdivision, are nonpublic data pursuant to section 13.02, subdivision 9, or private data on individuals pursuant to section 13.02, subdivision 12. Competitive data are any type of data that the corporation, in its discretion, determines that if disclosed could cause competitive disadvantage to the corporation, including causing adverse effects on the current or future competitive position of the corporation or the entities, facilities, and operations for which it is responsible. Data discussed at an open meeting of the corporation retains the data's original classification, including classification as competitive data, as provided in section 13D.05, subdivision 1, paragraph (c). Any data disseminated by the corporation to the county shall retain the same classification in the hands of the county, including the classification as competitive data, as provided in section 13.03, subdivision 4.

(c) A subsidiary, joint venture, association, partnership, or other entity that is formed by the corporation is not subject to chapter 13, except that if the corporation enters into a contract with such an entity to perform any functions of the corporation, the corporation shall include in the contract terms that make it clear that data created, collected, received, stored, used, maintained, or disseminated by the contracting entity in performing those functions is subject to the same requirements under chapter 13 as the corporation under this subdivision. However, this section does not create a duty on the part of the contracting entity to provide access to public data to the public if the public data are available from the corporation, except as required by the terms of the contract. Any entity contracting to perform functions of the corporation may classify data as competitive data as defined in paragraph (b).

(d) Notwithstanding section 13.384, the corporation, a nonprofit corporation providing physician services to the corporation and participating in an electronic exchange of health records with the corporation, and other persons under contract with Hennepin County who participate in the electronic exchange may share medical data for purposes of treatment, payment, or health care operations. The nonprofit corporation and other participants in the electronic exchange are considered to be related health care entities solely for purposes of section 144.293, subdivision 5, clause (2), and are not outside of the corporation's facility for purposes of section 144.651, subdivision 16. This paragraph does not otherwise limit the provisions of sections 144.291 to 144.298.

Subd. 2. **Open Meeting Law.** (a) The board of directors of the corporation is subject to chapter 13D, the Minnesota Open Meeting Law.

(b) The board may close all or part of a board meeting when discussing competitive data or considering strategic, business, planning, or operational issues the disclosure of which, in its discretion, it determines could cause competitive disadvantage to the corporation, including causing adverse effects on the current or future competitive position of the corporation or the entities, facilities, and operations for which it is responsible. Meetings of committees of the board of directors may, at the discretion of the board, be closed to the public.

(c) In addition, the following meetings of the corporation shall be held and shall be open meetings: (1) an annual public meeting to report on the affairs of the corporation and the goals for the future, including a report on the health services plan specified in section 383B.918; (2) meetings of the corporation held during the development and implementation phase of the health services plan for the purpose of informing the public and receiving public comment; and (3) that portion of a meeting at which the board of the corporation approves the annual budget prior to submission to the county board for approval. Meetings held under clause (1) or (2) may be chaired by a member of the board of directors or a member of the administration as designated by the board of directors. Except as provided in paragraphs (a), (b), and (c), other meetings of the corporation are not subject to chapter 13D.

(d) Chapter 13D does not apply to a subsidiary, joint venture, association, or partnership of the corporation unless such entity has been organized to assume management of the corporation.

History: *2005 c 125 art 1 s 17,29; 1Sp2005 c 7 s 34; 2008 c 315 s 20*

383B.918 HEALTH SERVICES PLAN.

The corporation shall prepare, and submit to the county board for review and approval, a health services plan that draws from a population health needs assessment and delineates the corporation's role in the community, including education, research, and services to improve the health status of the community including indigent populations. The health services plan shall contain a description of how the corporation shall continue to coordinate with the county to provide health-related services to the residents of Hennepin

County, including the indigent as defined by state and federal law and as determined by the Hennepin County Board of Commissioners.

History: *2005 c 125 art 1 s 18,29; 1Sp2005 c 7 s 34*

383B.919 TORT LIABILITY.

The corporation shall be a "municipality" for purposes of tort liability pursuant to chapter 466; except that chapter 466 does not apply to an action against any subsidiary, joint venture, association, or partnership of the corporation alleging malpractice, error, mistake, or failure to cure because of the actions of physicians or other health care providers employed by the entity, unless that entity has been organized to assume management of the entire corporation.

History: *2005 c 125 art 1 s 19,29; 1Sp2005 c 7 s 34*

383B.920 REVENUE RECAPTURE ACT.

The corporation shall be considered a "claimant agency" for purposes of the Revenue Recapture Act, chapter 270A.

History: *2005 c 125 art 1 s 20,29; 1Sp2005 c 7 s 34*

383B.921 PURCHASING.

Subdivision 1. **Public procurement.** Notwithstanding any law to the contrary, contracting and purchasing of goods, materials, supplies, equipment, and services that are included as part of a contract for the purchase of goods, materials, supplies, equipment, or services are specifically exempted from sections 383B.141 to 383B.151 and 471.345 to 471.371, or other applicable laws related to public procurement.

Subd. 2. **Purchasing and service contracts.** The corporation may purchase directly or utilize the services of a nonprofit cooperative hospital service organization, the county, the state of Minnesota, the University of Minnesota, or any other political subdivision or agency of the state of Minnesota in the purchase of all goods, materials, and services that the corporation may require.

History: *2005 c 125 art 1 s 21,29; 1Sp2005 c 7 s 34*

383B.922 LEGAL COUNSEL.

With respect to the provisions of section 388.051, the corporation shall be deemed a part of Hennepin County for purposes of the Hennepin County attorney serving as legal counsel to the corporation; provided, however, that the corporation and the Hennepin County attorney may enter into an arrangement with respect to the hiring of outside counsel on behalf of the corporation. The corporation shall reimburse the county for legal services provided by the Hennepin County attorney, including any and all costs, and the reimbursement shall be credited to the budget of the Hennepin County attorney.

History: *2005 c 125 art 1 s 22,29; 1Sp2005 c 7 s 34*

383B.923 SELF-INSURANCE.

Subdivision 1. **Self-insurance.** The corporation may participate in any self-insurance program established by the county in accordance with section 383B.155.

Subd. 2. **Additional benefits to employees.** The corporation may provide for the payment of additional benefits to employees from their accumulated vacation, sick leave, or overtime credits if the employees of

the corporation and any of its subsidiaries are entitled to the benefits of the Workers' Compensation Law and have at the time of compensable injury accumulated credits under a vacation, sick leave, or overtime plan or system maintained by the corporation. The additional payments to an employee may not exceed the amount of the total sick leave, vacation, or overtime credits accumulated by the employee and shall not result in the payment of a total weekly rate of compensation that exceeds the weekly wage of the employee. The additional payments to any employee shall be charged against the sick leave, vacation, and overtime credits accumulated by the employee. Employees of the corporation and any of its subsidiaries entitled to the benefits of the Workers' Compensation Law may receive additional benefits pursuant to a collective bargaining agreement or other plan, entered into or in effect on or after January 1, 2003, providing payments by or on behalf of the employer, and these additional benefits may be unrelated to any accumulated sick leave, holiday, or overtime credits and need not be charged against any accumulation; provided that the additional payments must not result in the payment of a total weekly rate of compensation that exceeds the weekly wage of the employee. The corporation and its subsidiaries may adopt rules and regulations consistent with chapter 179, to carry out the section relating to payment of additional benefits to employees from accumulated sick leave, vacation, overtime credits, or other sources.

History: *2005 c 125 art 1 s 23,29; 1Sp2005 c 7 s 34*

383B.924 HOSPITAL AUTHORITIES.

The corporation shall not be considered a hospital or hospital district subject to section 144.581.

History: *2005 c 125 art 1 s 24,29; 1Sp2005 c 7 s 34*

383B.925 TAX-EXEMPT STATUS.

The corporation is an organization exempt from taxation pursuant to chapters 290 and 297A.

History: *2005 c 125 art 1 s 25,29; 1Sp2005 c 7 s 34*

383B.926 MS 2014 [Repealed, 2016 c 158 art 2 s 123]

383B.927 INTERGOVERNMENTAL TRANSFERS.

For purposes of medical assistance, Medicaid, Medicare, and other public programs, the corporation shall continue to be a "unit of state or local government" and a "government owned or operated hospital," and shall be eligible to receive "intergovernmental transfers" and "certified public expenditures" as may be authorized from time to time by the state of Minnesota or Hennepin County.

History: *2005 c 125 art 1 s 27,29; 1Sp2005 c 7 s 34*

383B.928 INDIGENT CARE.

Subdivision 1. **Services.** The corporation shall provide health care and related services for the indigent of the county as required by the terms of the lease as specified in section 383B.913, subdivisions 2 and 3, consistent with any agreement for payment for those services made with the county.

Subd. 2. **Funds.** Notwithstanding any law to the contrary, the county may provide funds for the purchase of medical care for the indigent of the county from a provider selected by the county with or without public bid.

History: *2005 c 125 art 1 s 28,29; 1Sp2005 c 7 s 34*

INAPPLICABLE LAWS

383B.99 LAWS NOT APPLICABLE.

Chapters 375A; 383; and 392; sections 163.05; 375.16; 375.161; 375.21; 375.48 to 375.50; and Laws 1921, chapter 133, section 22, are not applicable to the county of Hennepin.

History: *1979 c 198 art 4 s 13*