

CLAY COUNTY BOARD OF COMMISSIONERS – WORK GROUP

1:00 PM, TUESDAY, NOVEMBER 14, 2023

Meeting Room A / B – 3rd Floor – Courthouse

MINUTES

The Clay County Board of Commissioners met in Work Group session with the following Commissioners present: Paul Krabbenhoft, Frank Gross, Jenny Mongeau, Kevin Campbell, and David Ebinger. County staff present: Stephen Larson, Darren Brooke, Rhonda Porter, Sheriff Empting, Corey Bang, Kimberly Savageau, Jacqueline Finck, and Kevin Kassenborg (Clay SWCD).

Citizens to be Heard

There were no citizens to be heard.

Introduction to the Work Group

County Administrator Stephen Larson stated this work group meeting is to go over the County's legislative priorities and to plan for the upcoming year. Mr. Larson stated that there are a few agenda topics for discussion but are not limited to only these. There are a few department heads here that will discuss different things that are impacting their department. The goal by the end of this work group meeting is to have an idea of what the County finds are priorities going into the next legislative session.

Mental Health Acuity - Psychiatric Residential Treatment Facility (PRTF)

Mr. Larson stated that Representative Keeler has been bringing various legislative groups & committees to Clay County. From these meetings, issues regarding placing both juveniles and adults with high mental health acuity issues have been discussed. Representative Keeler stated her willingness to bring forth funding requests for a Psychiatric Residential Treatment Facility (PRTF) in the region in the next legislative session. Rhonda Porter stated that most of the Commissioners have heard the challenges with finding placement for children that have high acuity mental health needs and finding an appropriate level of care for them. Ms. Porter stated that many of these children are ending up at the West Central Regional Juvenile Center. The center has increased their mental health programming to serve those needs but it's not the most appropriate residential setting for the children. They need to be at a residential location where their mental health needs can be treated intensively. Ms. Porter stated there are multiple levels of care from Community-based services, where children can get care while at home, to hospital care, to PRTF. There are some PRTFs in the state but the closest one is about 3.5-4 hours from Clay County. The issues that were discussed with legislatures is the distance the children and families have to travel to receive the PRTF level of care and the limited bed capacity the facilities have. There were funds appropriated last legislative session for start up of PRTFs. Ms. Porter has been reviewing the DHS website waiting for Request for Proposals (RFPs) to come out to see what kind of projects would be eligible for the startup funds. She wasn't sure if the

funds are just for services or if it would also include a brick-and-mortar startup. With the startup of a PRTF in our region we're going to need a physical location first and foremost. Ms. Porter has reached out to community providers to see what their interest would be in starting this level of services. With the workforce shortages around the state and the high acuity level of needs, we're not getting much interest from community providers to develop this level of service. Solutions Behavioral Healthcare Professionals have shown interest in starting that level of care but we're just waiting for the RFP to come out. Ms. Porter stated that all the counties in our region are very interested in the development of a PRTF. Clay County seems to be a logical location being that we can draw from the North Dakota workforce and having a community provider that is willing to develop something. There are many entities in support and know there is a need for PRTFs.

Commissioner Mongeau asked if there have been instances where counties have partnered with providers for these types of services and what that may look like. Ms. Porter stated that she was in contact with someone who works for a provider that partnered with a county but plans to reconnect to gather more information. Ms. Porter stated the partnership would be the County identifying and securing the location and the contracting with the provider to provide the service.

Commissioner Ebinger asked if there is a provider in the area that will be able to maintain the staff. Ms. Porter stated that Solutions Behavioral Healthcare Professionals knows this line of work and knows what it takes to establish a PRTF, and they feel they could staff it. Commissioner Ebinger asked if there has been thought regarding partnering with Cass County. Ms. Porter stated that it could be something to explore but wonders how the funding would work across state lines. There was additional discussion regarding the size of the facility and the licensing and staff needed.

Commissioner Campbell asked if this would be a new service we would be providing. Ms. Porter stated that it would be and that we currently send children to other facilities that have been screened and need to be placed at a PRTF. Commissioner Campbell also asked what Clay County's demands for a PRTF were. Ms. Porter stated that as of now Clay County would have 8-10 children that need to be placed at a PRTF and unfortunately a number of the children are being placed at the Juvenile Center because there are no PRTF beds available.

Further discussion ensued regarding the security of the facility, the facility potentially serving juveniles and adults, and staffing of the program.

Commissioner Krabbenhoft stated he talked with Representative Keeler and her thoughts are to identify the region where the needs are for adults and children. Her goal this legislative session is to get a pilot grant that would gather all the information needed to identify the needs of the region.

Commissioner Mongeau asked what the highest needs in the County are. Ms. Porter

and County Attorney Brian Melton stated looking at numbers, it would be adults but both adults and juveniles have needs. Ms. Porter stated that a proposal was submitted with Solution Behavioral Healthcare Professionals for a 10-bed intensive residential treatment services and Representative Keeler has been checking into where that process is currently at with the Minnesota Department of Human Services (DHS).

Discussion ensued regarding staffing, facility size, funding needs from the State of Minnesota, and working with Representative Keeler on this subject in the next legislative session.

Flood Diversion Funding

Mr. Larson stated there has been discussion with the Board and legislatures in the past regarding flood diversion funding and thought it would be a good topic for discussion going into the next legislative session.

Commissioners Campbell and Mongeau discussed how much is left to fund for the flood diversion projects in Clay County and the City of Moorhead. Commissioner Mongeau stated that she talked with the City of Moorhead Mayor at a Chamber event regarding this being a legislative priority topic for the County to discuss. The mayor stated that because there were differences in what Clay County and the City of Moorhead asked, it caused issues with the legislatures. Commissioner Mongeau further discussed how she doesn't feel lift stations in the City of Moorhead are more important than cemetery mitigation in rural Clay County. It's hard for her to prioritize the City of Moorhead projects over the other Clay County projects and for those reasons maybe waiting a year to ask for flood diversion funding may be a better route. Commissioner Mongeau also recognizes that the Clay County project will be completed and funded either way and the City of Moorhead's projects won't be unless they receive funding from legislation.

Commissioner Campbell feels that we can't wait a year and that it was in the MCCJPA agreement that Clay County would ask for legislative funding annually.

Commissioner Ebinger stated that it's unreasonable to ask Clay County to prioritize the City of Moorhead projects over the rural Clay County projects and stated we can work together with asking.

Further discussion ensued regarding having the ask be for all the flood diversion projects as a whole and not prioritizing the City of Moorhead projects. Discussions also occurred on next steps contacting legislatures and bringing this topic to a regular Board meeting and an MCCJPA meeting.

911 Emergency Response Funds

Commissioner Ebinger stated he has voiced his concerns regarding updating Statute 403 for Minnesota Emergency Communicated. The lobbyists have been in limbo for a while and is looking like it won't be happening this year. Commissioner Ebinger also stated that he attended a presentation from a broadband company who are looking at expanding broadband in rural parts of Clay County. The broadband company stated that there are providers who will reject some of the funding requests that we are supporting to bring broadband to underserved areas in Clay County. These providers want the rural areas to become populated enough where they can then move in and extend their territory and not have to get state or federal funding.

Sheriff Mark Empting stated the county only gets about \$0.14 of the \$0.85 that has been collected for 911 fees. It's approximately \$300,000, including the City of Moorhead. There have been conversations with Representative Jim Joy on Clay County being able to get back most if not all of the 911 fees. The fees are collected by the address that is on the cell phone bill, so it doesn't matter if you have a 701 area code. Getting these fees would not only be beneficial for equipment but for the Red River Regional Dispatch Center (RRRDC). Currently there are MOUs for the RRRDC with each of the rural cities and retaining these fees would help the rural cities. Representative Jim Joy has tried to find out how much funds there are from what has been collected and no one seems to know. On the North Dakota side, they do get a majority of their 911 fees that are being collected. The fees in North Dakota are also more (around \$1.50) and the fees they get back are what are used to help fund the RRRDC. Commissioner Ebinger stated that the Emergency Communication (ECM) reduced the 911 fees a couple years ago because they said the Allied Radio Matrix for Emergency Response (ARMER) is built up and pretty much completed and didn't take local needs into consideration. So if there were leftover funds from previous years, it gets rolled over to general funds if the legislature passes it.

Commissioner Campbell stated to help make the case it would be good to know how much 911 fees are being collected from Clay County so we can compare what's being collected versus what is being distributed back to Clay County. Sheriff Empting stated that he has talked with one of the ECM employees who couldn't give an exact amount of funds available but estimated it's somewhere between \$30 million and \$50 million.

Further discussion ensued regarding 911 fees and funds.

Commissioner Campbell stated that Clay County should support Representative Jim Joy in any way needed. Commissioner Mongeau stated that Clay County should send a letter of support. There was additional discussion getting the small cities, Sheriff's office, and the Chamber involved to also send a letter of support. Commissioner Mongeau has discussed this with the Chamber and said they can help and when it comes to the Day at the Capitol, they can help lobby as well.

Other Clay County Department Considerations

Sheriff Empting stated that a law was put into place when someone was committed to the care of DHS, they had 48 hours to find them a bed. DHS never met the 48-hour rule since they shut down a lot of State hospitals. There were inmates that were in the Clay County Correctional Facility for upwards of 60-70 days before DHS found them a bed. So, this last legislative session they removed the 48-hour rule. Sheriff Empting believes that the 48-rule should be put back into place or allow the counties to bill the DHS for those they cannot find placements for. Those inmates they're not able to find placements for are suffering from mental health issues, they're causing property damage in the facility, and clearly need additional help beyond what is being provided at correctional facilities. Sheriff Empting stated that approximately 1/3 of the population in the correctional facility are waiting for Rule 20s or waiting for beds. That is a lot of funds the county is spending that should be picked up by the state.

County Attorney Brian Melton stated that prior to covid, DHS was more on top of the 48-hour rule and would find placements for the people that needed it. After Covid, the wait time is 30-60 days. Mr. Melton stated that in the last month he has committed two people to St. Peters, but they are on a 6-7 month wait period for that facility. These people are sitting in our correctional facility deteriorating and not getting the help that they need. If they get released, then there is the potential that they could harm others or themselves. Mr. Melton stated that some counties are suing DHS and as those were mounting up, that's when the DHS decided to go to legislature to ask them to forego the 48-hour rule. The new rule states it is 48 hours unless a bed has been identified. They can find a bed but still would have a waiting period for the bed, so they're still sitting in county correctional facilities while they're waiting. Sheriff Empting stated that they sent bills to DHS and of course they didn't pay them, but he thinks they should have to. He feels DHS is criminalizing mental health. Mr. Melton stated with shutting down all these state hospitals, they're forcing hospitals and jails to deal with these individuals that have mental health issues.

Further discussion ensued regarding the issue regarding the 48-hour rule and steps to take place in the future.

Sheriff Empting gave a brief update on the DSRO law change and emergency management in supporting local emergency managers, emergency management grants, eliminating radar gaps, railroad safety initiative, and ARMER radio funding.

Mr. Larson stated that the state is in the process of updating the Minnesota state seal. With that comes many changes that our departments will have to make. For example, the Sheriff's office have the current seal on their squad cars, uniforms, badges, and more. County Recorder Kimberly Savageau stated that the state seal is on the birth certificate paper that is issued for certified copies. Each sheet of paper costs approximately \$0.20 and the Records Office stocks up on this paper in the thousands, so we are looking at legislation that would allow us to use inventory past the May 11, 2024 date. Mr. Larson stated that if May 11th is the hard date, it would cost the County tens to hundreds of thousands of dollars to update everything.

Commissioner Krabbenhoft asked if the state is aware of the cost burdens this would put on the counties. Ms. Savageau stated she wasn't sure how aware of that they were but that she did reach out to the State Registrar, and they hadn't made the connection that the paper had the seal on it. She also reached out to the Secretary of State office asking if there was going to be a grace period. The seal appears on every notary stamp, so that is tens of thousands of people that it will affect, and it affects many documents that get recorded at the Records Office. The response received was very generic and that they're looking into it and will get back to us, but it may not be until February. The County Auditor, Treasurer, Finance Officer, and Recorder all also use the state seal to certify documents.

Further discussion ensued regarding the date the seal is scheduled to be implemented and all the changes that will need to be made because of the new seal.

Ms. Savageau stated that she serves on the state Vitals Advisory Committee (VAC) and we are looking at doing some legislation cleanup from the past as well as this last years legislation session regarding marriage officiants. The legislation that changed made it unclear as for as guidance to the County Recorders and made the process very unequal as to who can perform a marriage. For those that want to perform weddings, the process is quick and cheaper, but if you want to register as a Catholic Priest, you need come in and show your credentials, fill out paperwork. What VAC is looking for is for everyone who is looking to perform marriages to be treated the same and do the same thing. Ms. Savageau also discussed the differences in marriage license fees, there is a full license fee (\$115) and a reduced fee (\$40). When the fees are separated out, the county only gets \$25 of the fee whether it's the full or reduced license, the rest of the money goes to the state. The reduced license fee is based on if you do premarital education. Premarital education has not decreased the number of divorces and feel that the reduced fee should not be an option, since it has shown to not have a positive effect. Those that are getting ordained online are now authorized to sign off on that discount, which makes us question if they truly are providing premarital education or not. After Ms. Savageau reviewed the cost that goes into marriage licenses, she feels the fee the county gets needs to be more to cover costs.

Further discussion ensued regarding marriage license fees and state statute requirements.

Kevin Kassenborg, District Manager for Clay Soil and Water Conservation District stated that he didn't have anything to discuss or bring forward but appreciated the invitation and learning a bit more on the different topics that have been brought forward and discussed during this meeting. Mr. Kassenborg mentioned if the county could have a flood buyout fund or program established or if it could somehow be brought up to the legislators to show that there is a need, that would be beneficial.

Solid Waste Manager Corey Bang stated that the state takes 17% solid waste tax from Clay County and the vast majority of that goes into the general fund. Last year we got back an additional 3% when we lobbied for 100%. The Minnesota Solid Waste

Administrators Association will be lobbying for additional funds to come back to the County in the upcoming legislation session but would appreciate support from the Clay County Commissioners as well. The State continues to establish new rules, PFAS being one of them. They're also potentially going to be closing demolition landfills but won't help with funds to fix these issues.

Commissioner Mongeau stated that she feels it's helpful when lobbying for issues like this with legislatures that we make them aware that the County is doing its best to be resourceful in the amount of waste that is being diverted or recycled. Mr. Bang stated that if they could give the money back in grants, that even that would be helpful.

Commissioner Campbell stated one thing we need to keep up on is what the legislation will be doing regarding PFAS. One thing that we've learned through Prairie Lakes Municipal Solid Waste is through incineration, 95% of PFAS is destroyed. Now there are legislators that want to shut down those types of facilities, when in fact it could be a solution to a problem that could be beneficial as opposed to putting that in the ground.

Further discussion ensued regarding PFAS and funding from the state.

Adjourn

Mr. Larson summarized the discussions that took place during the Work Group meeting and what will be brought forward at an upcoming Board meeting.

The meeting was adjourned at 3:00 p.m.

Frank Gross, Chair
County Board of Commissioners

Stephen Larson, County Administrator