

# DFO COMMUNITY CORRECTIONS JOINT POWERS BOARD

June 14, 2017  
DRAFT MINUTES

**MEMBERS PRESENT:** Matt Flynn, Tim Tjosaas, David Kenworthy, Sheila Kiscaden, Marc Prestby, Mark Thein, Gary Peterson, Duane Bakke

**MEMBERS NOT PRESENT:**

**OTHERS PRESENT:** Janet Erickson, Stephanie Reese, Mary Funke, Travis Gransee, Michelle Olson, Alex Bunger, Angie Roche, Monty Vikdal, Angie Lettner, Curt Petzel, Amy Thompson, Paul Fleissner, Richard Devlin

**1. Call to Order:** The meeting was called to order at 12:02 p.m. by Matt Flynn and a quorum was determined to be present.

**2. Approval of June Agenda:** Motion to accept agenda by Duane Bakke, Tim Tjosaas seconded. Agenda approved.

**3. Approval of March 2017 Minutes:** March 2017 minutes were reviewed. David Kenworthy motion to approve, Mark Thein seconded. Minutes approved.

#### **4. Dodge, Fillmore, Olmsted Task Force Updates:**

##### **Dodge Task Force:**

- \*Pre-Trial Supervision Talks Occurring
- \*Workforce Development provided an overview of their programs offered
- \*Carey Guides Certified Trainers – DFO has 4 staff who have applied
- \*Drug Court Updates
- \*Attendance Review Board – statistics available if interested

##### **Fillmore Task Force:**

- \*Domestic Violence awareness training – good attendance (Law Enforcement, Corrections, Social Services)
- \*Courtroom Security Talks Continue
- \*Pre-Trial Supervision – jail has a 90 day hold, Pre-Trial supervision could help with jail capacity

##### **Olmsted Task Force:**

- \*Results First Initiative – Weston Merrick presented. Concept is to use resources wisely. Evaluates programs of our services provided to clients and determine which programs have the biggest return on investment. MMB – Weston shared findings and a little about what is to come
- \*Pre-Trial supervision conversations are occurring in all three counties. In Olmsted, the ADC capacity issue has contributed to the

#### **5. Legislative Update: CCA funding and additional information**

FY 2018 - CY 2017 CCA FORMULA ELIGIBILITY (*handout*)

Breakdown: 2.1 million dollar increase to the Community Corrections Act

3 counties – increase of \$112,030

3 factors considered: same 3 factors as in our Joint Powers agreement

Second increase to CCA funding (2 in the last 4 years) and it was several years since we have seen any increase

CCA FORMULA ELIGIBILITY  
FY 2018 - CY2017

CCA COUNTY/GROUP	FY16	FY 2018	FY 2018	FY 2018	CY2017		CY2017
	HOLD HARMLESS AMOUNT	TOTAL	DISTRIBUTION	TOTAL	CY2017	MIN LEVEL OF COUNTY SPENDING	2% TRAINING REQUIRE- MENT
		SUBSIDY	(above HH amt)	SUBSIDY	SUBSIDY		
Atkin County	210,957	264,724	75,004	265,961	275,343	22,753	5,607
Anoka County	3,914,224	4,762,428	1,057,124	4,971,348	4,866,888	749,772	97,338
<b>Arrowhead</b>							
Carleton County	484,676	674,253	196,244	680,920	677,667		13,552
Cook County	57,547	67,513	11,922	69,469	68,481		1,370
Koochiching County	282,167	330,093	69,363	351,530	340,811		6,816
Lake County	176,219	197,534	25,584	201,803	199,668		3,993
St. Louis County	3,646,865	4,584,346	1,048,272	4,694,937	4,639,642		92,793
<b>TOTAL</b>	<b>4,647,274</b>	<b>5,853,740</b>	<b>1,351,385</b>	<b>5,996,659</b>	<b>5,926,199</b>	<b>4,147,041</b>	<b>118,524</b>
Blue Earth County	827,597	1,085,005	370,907	1,198,504	1,141,766	484,614	22,835
Crow Wing County	656,635	866,941	282,657	939,292	903,117	73,990	18,062
Dakota	3,697,007	4,793,844	1,281,143	4,978,150	4,885,997	1,032,043	97,720
<b>Dodge/Fillmore/Olmsted</b>							
Dodge County	228,556	267,906	47,853	276,409	272,158		5,443
Fillmore County	274,833	308,971	33,338	308,171	308,571		6,171
Olmsted County	1,378,576	1,773,375	499,127	1,877,703	1,825,539		36,511
<b>TOTAL</b>	<b>1,881,965</b>	<b>2,350,253</b>	<b>580,318</b>	<b>2,462,283</b>	<b>2,406,268</b>	<b>229,407</b>	<b>48,125</b>
Hennepin	13,361,261	16,511,423	3,521,311	16,882,572	16,696,997	27,893,151	333,939
Kandiyohi	605,969	738,675	169,808	775,777	767,326	271,663	15,147
Morrison County	500,820	591,686	107,317	608,137	699,911	49,833	11,998
Ramsey	7,660,821	9,592,962	2,170,670	9,831,491	9,712,226	10,476,245	194,245
<b>Region 6W</b>							
Chippewa County	177,854	211,258	38,311	215,965	213,611		4,272
Lac Qui Parle County	116,132	127,755	10,975	127,107	127,431		2,549
Swift County	142,774	185,848	27,787	170,561	168,105		3,362
Yellow Medicine Coun	144,933	188,537	31,809	176,742	172,639		3,453
<b>TOTAL</b>	<b>581,493</b>	<b>673,198</b>	<b>108,882</b>	<b>690,375</b>	<b>681,786</b>	<b>158,045</b>	<b>13,636</b>
Rice	814,545	997,473	213,872	1,028,417	1,012,945	261,925	20,259
<b>Rock/Nobles</b>							
Nobles County	260,343	318,508	78,644	338,987	328,748		6,575
Rock County	114,048	125,050	14,020	128,068	126,559		2,531
<b>TOTAL</b>	<b>374,391</b>	<b>443,558</b>	<b>92,664</b>	<b>467,055</b>	<b>455,307</b>	<b>77,860</b>	<b>9,106</b>
Scott	878,123	1,249,976	462,863	1,341,006	1,295,491	2,396,976	26,910
Sherburne	586,364	840,295	275,880	862,244	851,264	428,380	17,025
Stearns	1,973,420	2,541,697	724,278	2,697,696	2,619,798	572,464	52,396
Steele	460,789	0	164,703	625,492	312,745	0	6,265
<b>Todd/Wadena</b>							
Todd County	432,546	486,764	69,144	501,690	494,227		9,885
Wadena County	286,269	340,966	61,969	348,238	344,602		6,892
<b>TOTAL</b>	<b>718,815</b>	<b>827,730</b>	<b>131,113</b>	<b>849,928</b>	<b>838,829</b>	<b>85,913</b>	<b>16,777</b>
<b>Tri-County</b>							
Norman County	109,736	122,869	17,035	126,771	124,820		2,496
Polk County	642,367	776,519	144,626	786,993	781,756		15,635
Red Lake County	75,342	87,260	11,251	86,593	86,927		1,739
<b>TOTAL</b>	<b>827,445</b>	<b>986,648</b>	<b>172,912</b>	<b>1,000,357</b>	<b>993,503</b>	<b>139,292</b>	<b>19,870</b>
Washington	1,902,138	2,373,352	610,117	2,512,255	2,442,804	678,639	48,856
<b>GRAND TOTAL</b>	<b>47,082,053</b>	<b>58,346,000</b>	<b>13,924,947</b>	<b>61,907,000</b>	<b>59,676,500</b>	<b>50,130,006</b>	<b>1,193,530</b>

Note: The first \$47,082,053 each year is held harmless at the FY2016 held harmless amount.

FY 2019 - CY2018 CCA FORMULA ELIGIBILITY (*handout*) \*Following year (2019) will likely become new base

CCA FORMULA ELIGIBILITY  
FY 2019 - CY2018

CCA COUNTY/GROUP	FY16	FY 2018	FY 2019	FY 2019	CY2018	CY2018	CY2018
	HOLD HARMLESS AMOUNT	TOTAL	DISTRIBUTION	TOTAL			
		SUBSIDY	(above HH amt)	SUBSIDY			
Aitkin County	210,957	285,961	75,004	285,961	285,961	23,631	5,719
Anoka County	3,914,224	4,971,348	1,057,124	4,971,348	4,971,348	785,864	99,427
<b>Arrowhead</b>							
Carlton County	484,876	680,920	196,244	680,920	680,920		13,618
Cook County	57,547	69,469	11,922	69,469	69,469		1,399
Koochiching County	282,167	351,530	69,363	351,530	351,530		7,031
Lake County	176,219	201,803	25,584	201,803	201,803		4,036
St. Louis County	3,646,665	4,694,937	1,048,272	4,694,937	4,694,937		93,899
<b>TOTAL</b>	<b>4,647,274</b>	<b>5,998,659</b>	<b>1,351,385</b>	<b>5,998,659</b>	<b>5,998,659</b>	<b>4,197,747</b>	<b>119,973</b>
Blue Earth County	827,597	1,198,504	370,907	1,198,504	1,198,504	508,701	23,970
Crow Wing County	658,635	939,292	282,657	939,292	939,292	76,953	18,786
Dakota	3,697,007	4,978,150	1,281,143	4,978,150	4,978,150	1,051,508	89,583
<b>Dodge/Fillmore/Olmsted</b>							
Dodge County	228,556	276,409	47,853	276,409	276,409		5,528
Fillmore County	274,833	308,171	33,338	308,171	308,171		6,163
Olmsted County	1,378,576	1,877,703	499,127	1,877,703	1,877,703		37,554
<b>TOTAL</b>	<b>1,881,965</b>	<b>2,462,283</b>	<b>580,318</b>	<b>2,462,283</b>	<b>2,462,283</b>	<b>234,748</b>	<b>49,246</b>
Hennepin	13,361,281	16,882,572	3,521,311	16,882,572	16,882,571	28,203,163	337,661
Kandiyohi	605,969	775,777	169,808	775,777	775,777	278,281	15,516
Morrison County	500,820	608,137	107,317	608,137	608,137	50,516	12,163
Ramsey	7,680,821	9,831,491	2,170,670	9,831,491	9,831,491	10,604,892	196,630
<b>Region 6W</b>							
Chippewa County	177,654	215,965	38,311	215,965	215,965		4,319
Lac Qui Parle County	118,132	127,107	10,975	127,107	127,107		2,542
Swift County	142,774	170,561	27,787	170,561	170,561		3,411
Yellow Medicine Coun	144,933	176,742	31,809	176,742	176,742		3,535
<b>TOTAL</b>	<b>581,493</b>	<b>690,375</b>	<b>108,882</b>	<b>690,375</b>	<b>690,375</b>	<b>160,036</b>	<b>13,807</b>
Rice	814,545	1,028,417	213,872	1,028,417	1,028,417	285,926	20,568
<b>Rock/Nobles</b>							
Nobles County	260,343	338,987	78,644	338,987	338,987		6,780
Rock County	114,048	128,088	14,020	128,088	128,088		2,561
<b>TOTAL</b>	<b>374,391</b>	<b>467,055</b>	<b>92,664</b>	<b>467,055</b>	<b>467,055</b>	<b>79,869</b>	<b>9,341</b>
Scott	878,123	1,341,006	462,883	1,341,006	1,341,006	2,481,189	26,820
Sherburne	586,364	862,244	275,880	862,244	862,244	433,905	17,245
Stearns	1,973,420	2,697,698	724,278	2,697,698	2,697,698	589,488	53,954
Steele	460,789	625,492	164,703	625,492	625,492	0	12,510
<b>Todd/Wadena</b>							
Todd County	432,546	501,690	69,144	501,690	501,690		10,034
Wadena County	286,259	348,238	61,989	348,238	348,238		6,965
<b>TOTAL</b>	<b>718,815</b>	<b>849,928</b>	<b>131,113</b>	<b>849,928</b>	<b>849,928</b>	<b>87,049</b>	<b>16,999</b>
<b>Tri-County</b>							
Norman County	109,736	126,771	17,035	126,771	126,771		2,535
Polk County	642,367	786,993	144,626	786,993	786,993		15,740
Red Lake County	75,342	86,593	11,251	86,593	86,593		1,732
<b>TOTAL</b>	<b>827,445</b>	<b>1,000,357</b>	<b>172,912</b>	<b>1,000,357</b>	<b>1,000,357</b>	<b>140,253</b>	<b>20,007</b>
Washington	1,902,138	2,512,255	610,117	2,512,255	2,512,255	595,091	50,245
<b>GRAND TOTAL</b>	<b>47,082,053</b>	<b>61,007,000</b>	<b>13,924,947</b>	<b>61,007,000</b>	<b>61,007,000</b>	<b>50,828,808</b>	<b>1,220,140</b>

Note: The first \$47,082,053 each year is held harmless at the FY2016 held harmless amount.

2017 Legislative Report (*handout – 4 pages*)

- \*Increases for all service deliveries

- \*Information about treatment courts and the additional appropriation those courts received

  - Olmsted won't benefit from this money

  - Some questions raised about local Drug Court participants

- \*Information listed on back page about what didn't happen

  - CPO counties requested to supervise Felony level offenses – this proposal was denied.

  - Sex Offense Supervision - (impact to us would have been a workload increase, without additional funds to go along with it)



# 2017 Legislative Session Report

## Public Safety & Corrections

### Many Positive Outcomes in Public Safety

As is often the case, the Judiciary and Public Safety committees were relatively quiet this session. They did work through tough budget decisions, with both the House and Senate getting spending targets far below what the Governor had proposed. In the end, the compromise bill provided significant funding increases for many of the items requested by the Governor with minimal controversial policy being enacted this session. More details on a couple of exceptions to that are in the summary below. The legislature was also able to gain agreement and passage of a bill to implement REAL ID.

#### Ch. 95 - Omnibus Judiciary and Public Safety Finance Provisions

##### Probation Funding

The Governor's budget set a high bar in terms of increases for the pass through funds for Community Corrections Act (CCA) and County Probation Officer (CPO) counties with a proposed increase of 5.4%. This would represent the largest increase in close to two decades. In the end, increases for all three delivery systems were included in the budget at 3.6%. This amounts to \$2.1 million for the CCA Subsidy, \$230,000 for CPO reimbursement, and \$696,000 for DOC field services.

##### Disaster Aid Contingency Account

In the initial budget proposed by the Governor, a one-time appropriation was recommended to the disaster aid contingency account of \$20 million. This account was created a couple of years ago, with strong county support, to eliminate the need for special sessions to allocate the state match for federally declared disasters and also to create a source of funds for counties that do not meet the federal threshold. These additional funds were needed to ensure an adequate balance to meet future disaster needs. Ultimately, the target for the omnibus bill did not have room for this appropriation, but the legislature did include a

provision that would move \$10 million to the account if there is a sufficient fund balance above projections at the end of this fiscal year (June 30, 2017). If there is a fund balance, but less than \$10 million, whatever amount that is will be transferred.

##### Criminal Justice System Funding

Below is a summary of the funding the legislature allocated to other part of the criminal justice system that are not detailed in other parts of this document.

- The courts received about 70% of their request for judge and staff salaries (2.5% increases each year rather 3.5%) and their full request for health care costs, information security, mandated services, two new judges (in the 7<sup>th</sup> and 9<sup>th</sup> judicial districts), and treatment courts. In total, courts saw an increase of nearly \$41 million for the biennium.
- The public defenders received their full request for health care costs, a little over half of their request for salary increases and about a third of their request for new attorneys. New funding for the biennium totals about \$9 million.

## PUBLIC SAFETY & CORRECTIONS

- DPS received full funding of staff salary and health care costs and partial funding requested for new initiatives, primarily linked to new staff in the Bureau of Criminal Apprehension (BCA). Also included were grants through the Office of Justice Programs for Pathways to Policing, Terrorism Recruitment Reduction, and Sex Trafficking prevention, totaling a combined \$1.26 million for the biennium.
- At the DOC, they received their full request for staff salaries and health care costs as well as requested increases for offender health care, food, and utility costs. Also funded were requests for technology modernization and increased costs for services provided to the agency by MN.IT. Their requests for expanded mental health services, nursing and other initiatives went unfunded.
- Finally, the bill included reductions in the Civil Court filing fee, the Family court motion fee, the Child Support Modification motion fee, and the elimination of the Harassment Restraining Order Respondent filing fee. In total, these fee changes reduced revenue collected by the state by roughly \$6.8 million for the biennium.

### Treatment Courts

In addition to the court funding noted above, the court's request of the legislature included just under \$1.7 million per year in ongoing funding for treatment court sustainability (the courts have made a decision to use the term treatment courts for all types of drug courts and other problem solving courts). About a year ago, the courts proposed moving to a formula based funding model for treatment courts. This funding is designated for existing treatment courts and will allow for the implementation of the formula plans without any reduction in funds to these programs. It was included, at the court's requested funding level, in the final omnibus bill.

### Law Enforcement Training Requirements and Funding

Both the Governor and the legislature placed a high priority on funding for expanded training for law enforcement officers in light of the serious mental health related situations officers face on a daily basis as well as the high profile incidents involving police that we have seen in the last couple of years. Toward that end, law enforcement training requirements were updated to state that "state and local law enforcement agency shall provide in-service training in crisis intervention and mental illness crises; conflict management and mediation; and recognizing and valuing community diversity and cultural differences to include implicit bias training to every peace officer and part-time peace officer employed by the agency." These additional training requirements were accompanied by an appropriation of \$6 million per year for reimbursements to law enforcement agencies to cover the costs of additional training. The funding sunsets after four years, though the requirements are permanent.

### Ch. 95 – Omnibus Judiciary and Public Safety Policy Provisions

#### STS Liability Clarification

A recent review of the existing statute that makes the state responsible for any liability related to injuries as a result of Sentenced to Service (STS) or community work service determined that there are some categories of STS participants, namely those working off supervision, jail pay-to-stay, or other administrative fees, were not covered. This exposed counties that used STS in this way to the liability. Legislation was proposed jointly by the DOC and counties to provide clarification that all STS injury claims remain the state responsibility. The House and Senate both heard the bill with no controversy and it was included in the policy section of the omnibus bill.

#### Appleton Prison Facility

One of the more controversial pieces of legislation to work its way through the process the session

## PUBLIC SAFETY & CORRECTIONS

dealt with the reopening of the vacant Prairie Correctional Facility in Appleton. The bill started out as a requirement that the DOC enter in to negotiations to lease or purchase the facility from its current owner, private prison operator CoreCivic. Various iterations of the bill stepped back from the obligation to lease or purchase at this time by tying DOC assessment or potential use to any future request for expansion. Ultimately, the final omnibus public safety bill included a requirement that the DOC get a third party evaluation that must report on the condition of the facility, costs to bring it up to useable condition as a DOC facility, and estimated costs to operate the facility. A report based on this evaluation is due to the legislature early next year.

### Alternative Options for Technical Violations

A bill was introduced that sought to decrease the instances of non-violent drug offenders having their probation or supervised release revoked resulting in prison time. The bill requires thorough evaluation of community options for these offenders prior to a prison commitment. While this is new statutory language, it closely matches the revocation process probation officers use currently as guided by case law, so implementation should be relatively seamless. As part of the proposal, there was also \$160,000 in annual funding allocated to expanded availability of the types of community resources these offenders need. The proposal was included in the omnibus bill.

### Rural Utility Cooperatives

This provision adds rural utility cooperatives to the list of eligible recipients of disaster aid funds. Including them in Minnesota statute is consistent with federal practices.

### Sheriff Conveyance Fee

This proposal streamlines the process by which the DOC pays county Sheriffs for transporting offenders to DOC facilities upon conviction. The process was developed as part of a joint process improvement effort between the DOC and the Minnesota Sheriffs' Association.

### Prescription Drug Collection

This legislation would require that all Sheriffs in the state make available a collection box for unused prescription medications. There are many Sheriffs that already provide this service and the language does allow the Sheriff to meet this mandate through an agreement with another provider. When non-law enforcement providers are accounted for, nearly every county in the state already meets this requirement.

### Law Library Funds

Legislation was introduced that would have allowed county law libraries with a significant reserve balance to contribute a portion of those funds to construction of a new facility. The bill passed the legislature granting this authority statewide but was vetoed by the Governor. The final omnibus bill did include language to allow this in Sherburne County, where the legislation originated, and where the law library board has already agreed to this arrangement.

### Ch. 76—REAL ID

The legislature got off to a quick start on discussing Minnesota's compliance with the federal REAL ID requirements (the House version of the bill was HF 3), but the discussion quickly bogged down over differing approaches to policy surrounding drivers' licenses for undocumented immigrants. Ultimately, language that limited the ability of DPS to revise the rules that currently prohibit those licenses (this effectively makes the prohibition in rule permanent unless the legislature acts to change it) was included in the omnibus public safety bill clearing that path for passage of REAL ID with only a few votes against.

DPS will begin issuing REAL ID compliant licenses no later than October 1, 2018. It is expected that with the passage of this legislation, the state's application for an extension on compliance will be granted and Minnesota licenses will be sufficient ID to board commercial aircraft until mid-year 2020. The bill does not increase the fee for REAL ID licenses and it is

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unclear if county deputy registrars will see a significant workload increase in issuing these licenses without additional funding for the work. The bill also provides that citizens that would prefer to not have a REAL ID license, and the data sharing with the federal government that goes along with it, can get a non-compliant license at their option. Finally, the bill provides a process by which, for a nominal fee of \$3-5, people with current licenses that expire after compliance is required in 2020 can get a REAL ID compliance license with an extended expiration date. (For example if a person renews in 2017, the license would expire in 2021 and their subsequent license would expire in 2025. That person can pay the small fee, in addition to their regular renewal fee,

in 2020 and get a compliant license that is good until their usual 2025 renewal date.)

### Ch. 83 – Data Sharing for Corrections Case Planning

This bill was introduced by the DOC in order to allow the transfer of case plan information, including information that typically had not been shared, for offenders whose supervision is transferred from one jurisdiction to another while ensuring that the private data stays private even as it moves from one government entity to another.

#### What Did Not Happen

##### Sex Offender Sentencing and Supervision Changes

Legislation was introduced that would have made a number of changes to sex offender sentencing law and supervision practices. The bill contained changes to sentences for possession and distribution of child pornography that met little resistance. Of more controversy were the provisions that eliminated the use of stays of adjudication and stays of imposition for sex offenders, created a new intensive supervised probation program, and lifetime probation and conditional release for these offenders. Multiple county stakeholders, including county attorneys and probation, expressed concerns about this language due to cost, caseload, and policy considerations. As the House moved the bill forward, some of the cost was funded, but ultimately the Senate never considered the proposal and it was not included in the final bill.

##### Supervision of Felons in CPO Counties

This proposal would allow County Probation Officer (CPO) counties the option to expand the categories of offenders under their supervision, currently juveniles, adult misdemeanor and adult gross misdemeanor offenders, to also include some felons that are currently supervised by the DOC in those counties.

#### 6. MACCAC Conference Invite: September 20 – 22 Grand View

Minnesota Association of Community Corrections Act Counties (MACCAC) – Annual Conference designed for Supervisors, Commissioners, Task Force members. This has historically been a good experience and if you are interested in attending, please let Travis know.

#### 7. Finance: Year-End Estimates (2016 & 2017) (2 handouts for each year)

##### \*2016 Adopted

\$52,000 revenues less than budgeted  
Personnel services under budget \$232,000 (open positions)  
Contracted Services underspent by \$99,000 & ITS by \$29,000  
Replaced old furniture – \$15,000 over budget

DFO expected to be favorable for 2016: \$352,000  
Dodge 29,000



Fillmore 35,000  
 Olmsted 288,000

DFO COMMUNITY CORRECTIONS  
 2016 ADOPTED BUDGET vs 2016 ACTUALS  
 AS OF JUNE 8, 2017

**DRAFT -  
 UNREVIEWED**

	1	2	3	4
	ADOPTED	YEAR END		COMMENTARY
	BUDGET	ESTIMATE	VARIANCE	F = Favorable, U= Unfavorable
<b>REVENUES:</b>				
CHARGES FOR SERVICES	550,600	509,600	(41,000)	1 Offender Fees \$52,000U
FINES	8,000	14,000	6,000	2
INTER-GOVERNMENTAL	3,115,755	3,104,755	(11,000)	3
DODGE/FILLMORE/OLMSTED CONTRIBUTIONS	6,478,838	6,478,838	0	4
TOTAL	10,153,193	10,107,193	(46,000)	5
<b>EXPENDITURES:</b>				
PERSONNEL SERVICES	7,930,845	7,698,845	232,000	6 Personnel Services \$232,000F - Due to employee turnover and vacancies.
SERVICES & CHARGES	2,177,348	1,996,348	181,000	7 Contracted Services \$99,000F, ITS \$29,000F
CAPITAL	45,000	60,000	(15,000)	8 Replaced old Furniture \$15,000U
TOTAL	10,153,193	9,755,193	398,000	9
CONTRIBUTION PAYOUT/(SHORTFALL)	0	352,000	352,000	10

**2016 Financial Highlights**  
DFO Community Corrections  
As of June 8, 2017

**DRAFT -  
UNREVIEWED**

2016 revenues are expected to be \$46,000 less than budgeted. This is primarily due to Offender Fees being \$52,000 under budget.

2016 expenditures are expected to be \$398,000 less than budgeted. Personnel expenditures are expected to be under budget by \$232,000 due to employee turnover throughout the year. Note that this is only a 2.9% variance from the Adopted Budget. Services and Charges are expected to be under budget by \$181,000. This includes under spending of Contracted Services by \$99,000 and ITS by \$29,000. Capital Assets will be \$15,000 over budget due to furniture replacement purchases.

The net of these results is that DFO Community Corrections is expected to be \$352,000 favorable for 2016.

Prior year payouts/(additional contributions needed) to/from the Counties:

	2013	2014	2015	Estimate 2016
Dodge	63,199	15,583	(3,325)	29,000
Fillmore	61,622	22,074	12,851	35,000
Olmsted	576,410	12,895	(232,283)	288,000
Total	701,231	50,552	(222,757)	352,000

The 2016 payouts will be processed as soon as OSA releases the 2016 audit report, expected sometime in December 2017.

**\*2017 Adopted Budget**

Revenues: \$20,000 under budget (attic housing contract termination)

Expenditures: \$340,000 less than what was budgeted

Discussion about ITS expenses – current hold on PC replacements

DFO expected to be favorable for 2017: \$320,000

DFO COMMUNITY CORRECTIONS  
2017 ADOPTED BUDGET vs 2017 ACTUALS  
AS OF MAY 31, 2017

	1	2	3	4
	ADOPTED	YEAR END	May 2017	COMMENTARY
	<u>BUDGET</u>	<u>ESTIMATE</u>	<u>VARIANCE</u>	<u>F = Favorable, U= Unfavorable</u>
<b>REVENUES:</b>				
CHARGES FOR SERVICES	528,500	513,500	(15,000)	1 Termination of ATTIC Housing Contract 3/31/17 \$15,000U, offset by unused expenditure budget below.
FINES	13,000	13,000	0	2
INTER-GOVERNMENTAL	2,895,294	2,890,294	(5,000)	3
DODGE/FILLMORE/OLMSTED CONTRIBUTIONS	7,224,677	7,224,677	0	4
TOTAL	<u>10,661,471</u>	<u>10,641,471</u>	<u>(20,000)</u>	5
<b>EXPENDITURES:</b>				
PERSONNEL SERVICES	8,230,509	8,018,509	212,000	6 Personnel Services \$212,000F - Due to employee turnover and vacancies
SERVICES & CHARGES	2,363,962	2,277,962	86,000	7 Contracted Services \$63,000F, Mayo Evidentiary Exams \$37,000F, ITS \$41,000U, Termination of ATTIC Housing Contract 3/31/17 \$15,000F (see above)
CAPITAL	67,000	25,000	42,000	8 Freeze on PC Replacements \$42,000F
TOTAL	<u>10,661,471</u>	<u>10,321,471</u>	<u>340,000</u>	9
CONTRIBUTION PAYOUT/(SHORTFALL)	<u>0</u>	<u>320,000</u>	<u>320,000</u>	10

**2017 Financial Highlights**  
DFO Community Corrections  
As of May 31, 2017

2017 revenues are expected to be \$20,000 less than budgeted. The main driver is that we will be paid \$15,000 less than budgeted for Charges for Services. This is due to the termination of the ATTIC Housing contract. As of April 1, 2017 we will no longer incur the Attic rent expense or receive the offsetting revenue, so there is no bottom line impact.

2017 expenditures are expected to be \$340,000 less than budgeted. Personnel expenditures are expected to be under budget by \$212,000 due to employee turnover throughout the year. Note that this is only a 2.6% variance from the Adopted Budget. Services and Charges are expected to be under budget by \$86,000. This includes under spending of Contracted Services by \$63,000, Mayo Evidentiary Exams by \$37,000, and the Attic rent expense by \$15,000 as mentioned above. ITS is currently tracking \$41,000 over budget. Capital Assets may be under budget by as much as \$42,000 due to a current hold on PC replacements.

The net of these results is that DFO Community Corrections is expected to be \$320,000 favorable for 2017.

Prior year payouts/(additional contributions needed) to/from the Counties:

	2013	2014	2015	Estimate 2016	Estimate 2017
Dodge	63,199	15,583	(3,325)	28,000	27,000
Fillmore	61,622	22,074	12,851	36,000	34,000
Olmsted	576,410	12,895	(232,283)	288,000	259,000
<b>Total</b>	<b>701,231</b>	<b>50,552</b>	<b>(222,757)</b>	<b>352,000</b>	<b>320,000</b>

The 2017 payouts will be processed as soon as the auditors release the 2017 audit report.

**\$112,030 – Greatest need in DFO. Permission requested to explore our needs and bring a proposal to the Joint Powers Board in September 2017. Caseload numbers are steady, crime rate is steady, increase in severity of offenses, which in our business this means higher risk and higher need clients.**

**\*Know the needs and how the density of our community impacts our work.**

**8. DFO Joint Powers Agreement: Draft 2018-2020 (handout – 10 pages)**

As promised at the last meeting, a *draft* Joint Powers Agreement is provided. There have been minor grammar modifications and no major changes to content. The draft will be forwarded to the respective County Attorney in each County and then to the County Boards for review. This Agreement should be finalized by December 2017, so it is in place before it goes into effect (covers 2018-2020).

An Agreement establishing participation in  
Dodge-Fillmore-Olmsted County  
Community Corrections Program  
Under the Minnesota Community Corrections Act

**A Joint Powers Agreement**

Article 1

Enabling Authority required by Minn. Stat. Section 471.59

THIS AGREEMENT is made by and between the political subdivisions organized and existing under the Constitution and laws of the State of Minnesota, hereafter collectively referred to as "Parties", and individually as "Party" which are signatories to this "Agreement."

Minnesota Statutes, Section 471.59 provides that two or more governmental units may by Agreement jointly exercise any power common to the Contracting Parties; and,

Minnesota Statutes Sections 401.02 and 401.05 provide that multiple counties may deliver community corrections program services through a joint powers entity created for this purpose; and,

In consideration of the mutual promises and Agreements contained herein and subject to the provisions of Minnesota Statutes Section 471.59 and all other applicable statutes, rules and regulations, the following parties:

Dodge County  
Fillmore County  
Olmsted County

here to agree as follows:

Article 2  
Purpose

The parties desire to establish a mechanism whereby they may jointly exercise powers common to each Participating Party on issues including:

- A. Establishment of the rights, obligations, terms and conditions under which the participating counties of Dodge, Fillmore and Olmsted desire to have delivery of correctional services provided by the Dodge-Fillmore-Olmsted Community Corrections program.
- B. Providing other similar or related services and programs as determined by the Board.
- C. Establishing procedures to add qualifying Parties to this Agreement.
- D. Establishing a mechanism whereby additional and/or alternative programs and services may be developed for the benefit of the Parties and in furtherance of the objective of the Parties.

### Article 3

#### Name

The name of this entity shall be the Dodge-Fillmore-Olmsted Community Corrections Joint Powers Entity

### Article 4

#### Agreement to Participate

**4.1 Charter Members** – A Party desiring to become a charter member of the Dodge-Fillmore-Olmsted Community Corrections Joint Powers Board shall indicate its intent by adoption of a board resolution prior to July 1, 2013.

**4.2 New Members** – A new Party may be added by adoption of a resolution by the governing body of the new Party and a unanimous vote of the Dodge-Fillmore-Olmsted Community Corrections Joint Powers Board.

**4.3 Compliance** – A Party agrees to abide by the terms and conditions of the Agreement, including, but not limited to, the Joint Powers Agreement, bylaws, memorandum of understanding, policies and procedures adopted by the Board.

**4.4 Financial Obligation** – Each party will contribute financially to the operations of the Joint Powers Entity, in accordance with the following formula:

#### **A. Annual Funding Formula:**

The annual funding contribution, based on the formula and the annual budget required will change the amount assessed to each member county.

Each summer, no later than July 15, the DFO Community Corrections levy funding share percentages will be recalculated using three variables to split the costs and funding among the three counties.

The three variables will be:

- 1) The population in the three counties between the ages of 15 and 34 during the three previous years. These numbers will be obtained from the Minnesota State Demographer or another independent source.
- 2) The number of felony cases sentenced in the three counties during the three previous years. This number will be obtained from the Minnesota Sentencing Guidelines Commission.
- 3) Caseloads in the three counties for the three previous years as reported by the Statewide Probation Survey. This is a snapshot on the last day of the year and is reported in the spring for each county.

The three variables will be averaged together to arrive at each county's fair share of DFO's shared cost. These percentages will be shared with the DFO Joint Powers Board at the first meeting following July 15 of each year.

The actual split of DFO costs between the three counties will be calculated by taking the Shared Expense and Revenue before adjustments (all DFO costs from the Olmsted County Budget System less Olmsted-only costs which may include: some rent, CCA Subsidies, and Olmsted-only Revenues). Fully grant-paid rent is added back, as there is no levy impact from this expense. Other county-specific

programs, such as the Domestic Violence Treatment contract expense and related collections, are subtracted. The remaining expense, net of the remaining revenue, is the amount to be split proportionally between the three counties, using each county's share as calculated above. County-specific amounts previously removed are now added back to arrive at the contribution amount needed from each county.

**B. Payments:**

Each county's contribution to DFO will be paid on a quarterly basis, with the payment due to Olmsted County, fiscal agent, on the first day of each quarter (January 1, April 1, July 1, and October 1). Olmsted County will send one invoice upon adoption of the budget which Dodge and Fillmore should use to trigger their quarterly payments to Olmsted.

**C. Year End Adjustment:**

At each DFO Joint Powers Board meeting, Olmsted Finance will share an estimate of the prior year's results to serve as preliminary notice to the three counties of the approximate amount of the coming deficit invoice or surplus remittance. Upon the completion of the Olmsted County audit, generally by December of the following year, a settle-up will be performed between the three counties. If DFO has a positive Unassigned Fund Balance at the end of the year, it will be dispersed between the three counties using the same calculations used to derive the respective shares of that year's budget. If DFO has a negative Unassigned Fund Balance, the shortage will be assessed the same way, and each county will be billed for its fair share of the liability.

**Article 5**  
**Governance**

**5.1 – Governing Board**

The Dodge-Fillmore-Olmsted Community Corrections Joint Powers Board shall be established as follows:

**5.1.1. Composition:**

County commissioners will be appointed as representatives by their respective county boards for terms of at least two years in length as follows: three commissioners from Olmsted County; two commissioners from Dodge County and two commissioners from Fillmore County. Each representative will have a single vote in the Joint Powers Board. An alternate will be selected from each county, who may vote only in the instance of the absence of one of the voting members. Each member county shall determine the method by which its representatives shall be appointed and serve, except that representatives must, at all times, be a current member of the Board of Commissioners of the member county.

**5.1.2. Documentation – Resolutions or other documentation of designation shall be filed with the Secretary of the Board.**

**5.1.3 – Members Not Employees – Members of the Board will not be deemed to be employees of the Joint Powers Entity. Each county board will determine the amount of per diems for each Joint Powers meeting for their appointees, if any, and will be responsible for paying those per diems.**





## **5.2 Term of Office; Vacancies**

All Dodge-Fillmore-Olmsted Joint Powers members shall serve a minimum two-year term, to be appointed at each county's annual meeting in January. Any vacancies shall be filled in the same manner in which the retiring Joint Powers Board member was selected.

## **5.3 Board Officers**

There shall be a Chair and a Vice-Chair, each elected for a term of one year by the Joint Powers Board. The Vice-Chair will automatically become the Chair the next year. Chairmanship will rotate between the three counties. The Dodge-Fillmore-Olmsted Community Corrections Administrator will be the recording secretary and a non-voting member of the Board. The Olmsted County Finance Director shall serve as Treasurer for the Joint Powers Entity and a non-voting member of the Board.

5.3.1 Election of Officers – The election of the Chair and Vice Chair shall be conducted at the first meeting of the Joint Powers Board for each calendar year.

5.3.2 – Additions to the Board – The Board may elect or appoint such other officers as it deems necessary to conduct the affairs of the organization.

5.3.3 – Committees – The Board shall have the authority to appoint such committees as it deems necessary to fulfill the purpose of the organization.

**5.4 – Meetings** - The Joint Powers Board will meet minimally four times a year, or as needed to accomplish the following duties:

- to elect Joint Powers Officers
- to present highlights of the previous year and plans for the new year, to review mid-year finances of the current year's budget, and approve a budget for next year
- approve the Comprehensive Plan, if one is due that year

Special meetings may be called by the Chairperson or upon the request of two or more Joint Power members. Notice of meetings shall be mailed or otherwise communicated to each Joint Powers members at least seven (7) calendar days prior to the scheduled meeting. Notices shall include an agenda containing those items to be considered. All meetings of the Dodge-Fillmore-Olmsted Community Corrections Joint Powers Board shall be subject to the provisions of Chapter 13 D of the Minnesota Statutes (Open Meeting Law). All votes taken of members of the Joint Powers Board shall be recorded and shall become matters of public record.

**5.5 Voting** – A quorum for a Joint Powers meeting will exist when four (4) voting members are present and each county has at least one of their voting representatives present. A motion shall be considered approved by the affirmative vote of a majority of the Board members present at the meeting. Abstentions shall not be counted as a vote cast for the purpose of this section. Proxy votes shall not be permitted.

**5.6 By-Laws** – The Board may adopt bylaws to govern its operations. Such bylaws shall be consistent with the Agreement and applicable law.

**5.7 Amendments** – This Agreement may be amended from time to time as deemed necessary.

## **5.8 Records, Accounts and Reports –**

5.8.1 Records and Reports – The books and records, including minutes and the original fully executed Agreement, of the Board shall be subject to Minn. Stat. Chapter 13 (the Minnesota Government Data Practices Act). They shall be maintained at the Community Corrections Division, of the Olmsted County Community Services Department. Records, accounts and reports shall be maintained by the Secretary and by the Treasurer.

5.8.2 Receipts and Disbursements – the Dodge-Fillmore-Olmsted Community Corrections Joint Powers Board will ensure strict accountability for all funds of the organization and will require reports on all receipts and disbursements, made to or on behalf of the Dodge-Fillmore-Olmsted Community Corrections Joint Powers Board.

### **Article 6** **Duties of Joint Powers Board:**

The Joint Powers Board will develop a definition of core services to be provided by the Dodge-Fillmore-Olmsted Community Corrections Program, consistent with state mandates and the Community Corrections Act. Individual counties may elect to enhance services, above and beyond these core services, at their own expense.

The Joint Powers Board will review, on at least an annual basis, what it considers to be core services, and which services individual counties elect to provide at their own expense.

The Joint Powers Board will designate a fiscal agent and a copy of the annual audit of Dodge-Fillmore-Olmsted Community Corrections will be provided to Joint Powers members.

The DFO Administrator will report to the Joint Powers Board related to finances and service provision for the previous and current year.

All monies shall be deposited with DFO's fiscal agent (Olmsted County) for the administration of Dodge-Fillmore-Olmsted Community Corrections programs.

### **Article 7** **Reservation of Authority**

All responsibilities not specifically set out to be jointly exercised by the Board under this Agreement are hereby reserved to the parties.

Nothing in this Agreement shall act as a waiver by a participating Party of its individual power and legal authority to provide any corrections related services not covered by this Agreement.

**Article 8**  
**Powers of the Board**

**8.1 General Powers** – The Board is hereby authorized to exercise such authority and powers common to the Parties as is necessary and proper to fulfill its purposes and perform its duties. Such authority shall include the specific powers enumerated in this Agreement or in the bylaws.

**8.2 Specific Powers** –

8.2.1 – Contracts. The Board may enter into contracts necessary for the exercise of its duties and responsibilities to govern the Dodge-Fillmore-Olmsted Community Corrections Joint Powers Entity. The Board may take such action as is necessary to enforce such contracts to the extent available in equity or in law. Contracts let and purchases made pursuant to this Agreement shall conform to the requirements applicable to contracts required by law (i.e., fiscal management, personnel management)

8.2.2 – Annual Budget – The Entity's budget year shall be January 1 – December 31. The Budget will be developed by the Board, with the assistance of the Olmsted County Finance Department.

8.2.3 – Insurance – The Board may obtain liability, property and auto insurance and may obtain such other insurance it deems necessary to indemnify the Board and its members for actions of the Board and its members arising out of this Agreement.

**Article 9**  
**Indemnification and Hold Harmless**

**9.1 – Applicability** – The Dodge-Fillmore-Olmsted Community Corrections Joint Powers Entity shall be considered a separate and distinct public entity to which the Parties have transferred all responsibility and control for actions taken pursuant to this Agreement. The Dodge-Fillmore-Olmsted Community Corrections Joint Powers Entity shall comply with all laws and rules that govern a public entity in the State of Minnesota and shall be entitled to the protections of Chapter 466 of the Minnesota Statutes.

**9.2 – Indemnification and Hold Harmless** – The Dodge-Fillmore-Olmsted Community Corrections Joint Powers Entity shall fully defend, indemnify and hold harmless the Parties against all claims, losses, liability, suits, judgments costs and expenses by reason of the action or inaction of the Board and/or agents of the Dodge-Fillmore-Olmsted Community Corrections Joint Powers Entity. This agreement to indemnify and hold harmless does not constitute a waiver by any participant of limitations on liability provided under Minn. Stat. Section 466.04.

To the full extent permitted by law, actions by the Parties pursuant to this Agreement are intended to be and shall be construed as a "cooperative activity" and it is the intent of the Parties that they shall be deemed to be a "single governmental unit" for purposes of liability, as set forth in Minn. Stat. Section 471.59, Subd. 1a(a); provided further that for purposes of that statute, each Party to this Agreement expressly declines responsibility for the acts or omissions of the other Parties.

The Parties to this Agreement are not liable for the acts or omissions of the other participants to this Agreement, except to the extent to which they have agreed in writing to be responsible for acts or omissions of the other Parties.

**Article 10**  
**Term**

This revised Agreement shall commence upon approval of the governing body of each Party and signatures of the officials with authority to bind the entity listed in Article 1.

The Agreement shall be in effect only with respect to the Parties who have approved and signed it.

This Agreement is for a three year period of time including 2018, 2019, and 2020.

**Article 11**  
**Withdrawal and Termination**

**11.1 Withdrawal** - Any of the three counties can opt to withdraw from Dodge-Fillmore-Olmsted Community Corrections if it notifies the other two counties by June 1<sup>st</sup> of each year.

**11.2 Effective Date and Obligations** - A withdrawal would become effective on January 1 of the county fiscal year following state approval. A withdrawing Party is obligated to continue to make its financial contribution required by Article 4 and to permit staff of the Community Corrections program to continue to deliver services until the date when the withdrawal becomes effective.

**11.3 Termination** – This Agreement shall remain in force until one or more of the Parties withdraws. If only one party withdraws, the remaining parties shall determine whether the Joint Powers Entity should continue or should be dissolved.

11.3.1 Effect of Termination – Termination shall not discharge any liability incurred by the Board or by the Parties during the term of the Agreement.

11.3.1A Financial obligations shall continue until discharged by law, this Agreement or any other agreement.

11.3.1B Property acquired by the Dodge-Fillmore-Olmsted Community Corrections Joint Powers Entity shall be distributed in the proportions by which the Parties made financial contributions to the Entity. Surplus funds of the Dodge-Fillmore-Olmsted Community Corrections Joint Powers Entity shall be returned to the Parties in the proportions by which the Parties made financial contributions to the Entity

Approved as to form and execution:

\_\_\_\_\_  
**Dodge County Attorney/ Date**

**IN TESTIMONY WHEREOF** the Dodge County Board of Commissioners has caused this Agreement to be executed by the persons authorized to act for the Board this \_\_\_\_ day of \_\_\_\_\_ 201\_.

DODGE COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Tim Tjosaas, Chairperson – Dodge County Board

**ATTEST:**

\_\_\_\_\_  
Jim Elmquist, Dodge County Administrator

Approved as to form and execution:

\_\_\_\_\_  
**Fillmore County Attorney/ Date**

**IN TESTIMONY WHEREOF** the Fillmore County Board of Commissioners has caused this Agreement to be executed by the persons authorized to act for the Board this \_\_\_\_ day of \_\_\_\_\_ 201\_.

FILLMORE COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Randy Dahl, Chairperson – Fillmore County Board

**ATTEST:**

\_\_\_\_\_  
Bobbie Vickerman, Clerk-Coordinator

Approved as to form and execution:

\_\_\_\_\_  
**Olmsted County Attorney/ Date**

**IN TESTIMONY WHEREOF** the Olmsted County Board of Commissioners has caused this Agreement to be executed by the persons authorized to act for the Board this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

OLMSTED COUNTY BOARD OF COMMISSIONERS

\_\_\_\_\_  
Ken Brown, Chairperson – Olmsted County Board

**ATTEST:**

\_\_\_\_\_  
Heidi Welsch, Clerk/Deputy Administrator

#### **9. Community Work Service Program**

About 4 years ago, one of our FTE's in Corrections was shifted to the Olmsted County Sheriff's Office. This FTE has now been returned to Corrections and will be filled as a Community Work Service Crew Leader. This position will supervise Juvenile Work Crews in all three Counties. Adult work crews and work service continues and has not been impacted. Clarification was provided regarding Juvenile Diversion and Administrative Supervision cases. This position was an "Olmsted" only position and continued to be an Olmsted only FTE when housed in the Sheriff's Office. Request to make this a "DFO" position and build it into the 2018 budget.

#### **10. Next Meeting: September 13, 2017 – Time: 12:00 – 1:30 p.m.**

**Adjournment of Meeting:** Duane Bakke moved to adjourn the meeting. Tim Tjosaas seconded the motion. Motion carried. Meeting adjourned at 1:08 p.m.

Submitted by,  
Michelle Olson