

**OFFICIAL PROCEEDINGS OF THE COUNTY BOARD  
WASHINGTON COUNTY, MINNESOTA  
JUNE 2, 2020**

**WASHINGTON COUNTY BOARD OF COMMISSIONERS CONVENES**

The Washington County Board of Commissioners met in regular session at 9:00 a.m. in the Washington County Government Center, County Board Room.

Present:       Commissioner Lisa Weik, District 5  
                  Commissioner Gary Kriesel, District 3  
                  Commissioner Fran Miron, District 1  
                  Commissioner Wayne Johnson, District 4  
                  Commissioner Stan Karwoski, District 2

Also Present:  Kevin Corbid, County Administrator  
                  Susan Tice, County Attorney Civil Division Chief  
                  Stephanie Kammerud, Board Clerk

The Board recited the Pledge of Allegiance.

**COMMENTS FROM THE PUBLIC**

Board Chair Miron asked for comments from the public; none were heard.

**CONSENT CALENDAR**

Commissioner Kriesel moved, seconded by Commissioner Weik, to adopt the Consent Calendar as follows:

- A. Approval of the May 12, 2020, County Board meeting minutes.
- B. Approval of comment letter to Lower St. Croix One Watershed, One Plan Policy Committee in response to their Draft Plan.
- C. Approval of Agricultural License Agreement No. 13445 between Washington County and Mike Slater.
- D. Approval of Law Enforcement Tier One Membership Agreement No. 13451 between the Health and Emergency Response Occupations (HERO) Center and the Washington County Sheriff's Office.
- E. Approval of Joint Powers Agreement No. 13455 between the Ramsey County Sheriff's Office and the Washington County Sheriff's Office for the purchase and use of an armored multi-terrain rescue vehicle.

The motion was adopted 5-0 with a Roll Call vote as follows: Ayes, Commissioners Weik, Kriesel, Johnson, Karwoski, and Miron. Nays, none.

## **COMMUNITY SERVICES**

### **Recognition of the Washington County Family Child Care Provider of the Year for 2020**

The County Board recognized Brenda Ewy, St. Paul Park, as the 2020 Washington County Family Child Care Provider of the Year.

## **GENERAL ADMINISTRATION**

### **COVID-19 Update**

County Administrator Kevin Corbid presented requests for County Board action.

#### **Policy on Accommodations**

Mr. Corbid reported that on May 13, 2020, Governor Walz issued Executive Order 20-55 Protecting the Rights and Health of At-Risk Populations during the COVID-19 Peacetime Emergency. This Order seeks to protect vulnerable persons who are considered high-risk in this pandemic, including those over age 65. The Order recommends that employees who are considered at-risk be assigned to work from home, when possible. Washington County is committed to the extent possible to provide accommodations to at-risk employees. The county's Americans with Disabilities Act policy covers accommodation requests for only those employees who are disabled as defined by the ADA and may not cover employees who are at risk during this pandemic, as the definitions are different.

Human Resources is requesting a new, temporary policy to address this situation. The policy is titled COVID-19 Accommodation Policy and reads as follows:

#### **COVID-19 ACCOMMODATION POLICY**

This policy is intended to be in place through December 31, 2020, or until government restrictions change, or until Emergency Orders are partially or fully lifted.

#### **POLICY**

As a critical service provider, Washington County is implementing phased reopening plans with the main objective to keep our employees, clients and residents safe and healthy. The County has developed and implemented a COVID-19 Preparedness Plan following guidance from the Centers for Disease Control and Prevention (CDC), the Minnesota Department of Health (MDH), federal OSHA standards related to COVID-19 and Minnesota Emergency Executive Order (EO) 20-48. Pursuant to Minnesota Emergency EO 20-55, *Protecting the Rights and Health of At-Risk Populations during the COVID-19 Peacetime Emergency*,

Washington County will utilize an interactive process for employees who are at-risk as defined in EO 20-55 and wish to request an accommodation. *Employees who have been approved to telework do not need to make a request under this policy.*

This policy is distinct from Human Resources Policy #5016, Americans with Disability Act policy. Employees who wish to request a reasonable accommodation based on a disability as defined in Human Resources Policy #5016 should apply through that policy and process.

## **ACCOMMODATIONS**

An accommodation is any change or adjustment to a job or work environment that does not create undue hardship for the County but enables an individual who is potentially at-risk to perform their assigned job duties.

Accommodations may include but are not limited to: acquiring or modifying equipment or devices, offering job restructuring, extending telework, including part-time or modified work schedules, reassigning to a vacant position, and working to mitigate the potential for transmission of COVID-19 in the workplace pursuant to Washington County's Preparedness Plan.

Accommodations will be made on a case-by-case basis because the nature and level of risk and the requirements of a job will vary.

Accommodations made under this policy will be made without regard to whether the employee is legally disabled. Thus, if the County is able to provide an accommodation to an employee under this policy, it does not mean that the employee is regarded as having a legal disability or has a legal disability.

The employer reserves the right to cancel an accommodation based on business or service delivery needs.

## **PROCEDURE**

1. **EMPLOYER NOTIFICATION:** Employees must notify their supervisor that they need an accommodation specific to the COVID-10 pandemic for a reason related to a condition as defined in EO 20-55. The employee must complete a COVID-19 Accommodation Request Form and submit medical documentation; medical documentation is not required if the risk is due to age.
2. **PROCESS:** After receiving a request, the department will determine if it can accommodate the requested accommodation, provided such accommodation does not create an undue hardship for the County. If the department is unable to provide the requested accommodation, the supervisor should meet with the employee to discuss the situation and consider alternative accommodations. If needed, the department can consult with Human Resources staff.

The employer may ask questions to help decide if there is a reasonable accommodation that can be provided, barring undue hardship. In some instances, an accommodation that would not have posed an undue hardship prior to the pandemic may pose one now.

The department may opt to provide a requested accommodation on an interim or trial basis, with an end date, while awaiting receipt of medical documentation. This practice is recommended where the requested accommodation would provide protection if the department determines that the work environment is not conducive to social distancing and other mitigating factors such as significant interaction with the public.

3. **REQUEST FOR APPEAL:** Individuals who are dissatisfied with the decision pertaining to their COVID-19 accommodation request may file an appeal within fourteen (14) days with the Human Resources Director for a final decision. Individuals who believe the decision is based on discriminatory reasons may file a complaint internally through the county's Respectful Workplace Policy and Procedure.
4. **DATA PRACTICES:** Under the Minnesota Data Practices Act, all data pertaining to employees' medical diagnoses are private data on that person. When written data is kept on an employee, those records must be kept separate from their personnel files, must be kept locked and ultimately sent to Human Resources.

Mr. Corbid stated it is envisioned that this new policy would be in place through the end of the year, or until government restrictions change, or are partially or fully lifted.

Commissioner Karwoski moved the adoption of the COVID-19 Accommodation Policy as proposed to ensure county compliance with Executive Order #20-55 issued by the State of Minnesota. Commissioner Johnson seconded the motion and it was adopted unanimously.

### **COVID-19 Budget Authority**

Accounting & Finance Director Tabatha Hansen presented the first draft of an estimated COVID-19 financial impact report. As Washington County continues its response to the COVID-19 pandemic, there are a multitude of budget impacts including the redirection of staff time and other resources.

Payroll costs have increased significantly, as staff were diverted to COVID-19 activities. Year-to-date (YTD) payroll costs for budgeted spending diverted to COVID-19 is currently \$751,075.

New unbudgeted spending due to COVID-19 includes several modifications across the organization. These include capital/information technology costs that have been required for employees to work remotely, personal protection equipment (PPE), cleaning supplies, physical barriers, emergency shelter housing costs, and compensatory time. New unbudgeted YTD spending is \$464,445, making the total budgeted and unbudgeted YTD COVID-19 spending \$1,215,520. The total year-end 2020 forecast is estimated at \$3,182,882. The total forecasted revenue shortfalls due to COVID-19 are estimated at \$7,558,747. This brings the total estimated Washington County COVID-19 impact to an estimate of \$10,741,629.

The county has received \$756,802 in new grants/funding received.

Regarding the forecasted revenue shortfalls and 5% lag in property taxes, Commissioner Johnson asked if there is an expectation that the county will eventually receive that revenue, or do we expect it is permanently gone. Ms. Hansen responded that is difficult to answer, and despite the economy, taxpayers are paying their taxes. The 5% lag is where it is at now, and this is the best estimate for the year.

Commissioner Johnson asked if the payroll expenses include the extra work for the Sheriff's Office. Ms. Hansen responds that any department uses the COVID work order for a direct COVID-related response. The payroll costs are for all departments.

Commissioner Johnson asked about the costs of overtime during current times of protests and riots, when the Sheriff's Office goes into other communities for assistance. Ms. Hansen responded that there is a work order established to capture those costs and the Sheriff's Office provides the direction on where to charge back those costs.

Board Chair Miron asked about the payroll costs being less than what the early estimates were. Mr. Corbid responded that the Accounting & Finance Department is tracking the costs that are being coded under the pandemic response work order. Mr. Corbid continued that there has been discussion regarding the Federal CARES Act funding and it being shared with the counties. If the county receives any of that funding, federal guidance allows counties to count all of the payroll costs for staff in the departments of Public Health & Environment and Sheriff's Office. There are a couple different estimates that are being done for a variety of different purposes in showing that. When tracking what the Federal CARES Act could do for the county, it is a much larger number related to that potential than are shown here. The idea behind the Federal CARES Act is to stabilize the local government units' budgets so it allows for more flexibility in the use of that money by allowing the county to backfill and assuming that those payroll costs are eligible expenses under the Act.

Ms. Hansen stated the total unbudgeted spending is nearing fully expending the initial \$350,000 contingency funds that were originally County Board approved on April 7. Ms. Hansen is requesting additional funds of \$250,000 in 2020 contingency funds to cover the unbudgeted spending due to COVID-19.

Commissioner Weik asked about the eligibility under the continuing Emergency Declaration. Mr. Corbid responded there are now two local emergencies that have been declared. The first was for the COVID-19 pandemic that was declared by the board on March 17, 2020, which continues to run. The second was an emergency declaration that was signed by Board Chair Miron on Saturday, May 30, related to the civil unrest that is occurring. Both of those local declarations allow for the process of the emergency accounting, spending, and procurement of goods and services, and tracking them the way that Ms. Hansen has identified. The declarations give the county the ability to function and manage through these emergency account procedures.

Mr. Corbid added that the requested funds of \$250,000 are available in the 2020 contingency funds and expects that if the FEMA request for reimbursement goes through, the county would likely replenish the contingency fund if the money is not needed in the emergency fund.

Commissioner Weik moved to authorize an additional \$250,000 in 2020 contingency funds that have been approved as part of the adopted budget to pay for emergency expenses through Emergency Fund 140, as created by County Policy #2508 Emergency Operations Accounting. Commissioner Johnson seconded the motion and it was adopted unanimously.

## **Legislative Update**

County Administrator Corbid reported that in the last few days of the Legislative Session, there was hope that the Legislature would pass a bill that would share some of the federal allocation that was received by the State of Minnesota from the Federal Government to its cities and counties. That did not occur. There was discussion that the Governor may be able to provide sharing of this revenue by Executive Order, without legislative action. That also has not occurred. Matt Massman from MICA (Minnesota Inter-County Association) and Julie Ring from AMC (Association of Minnesota Counties) and their teams are working on this issue. Commissioners are encouraged to communicate with legislators how important it is to share this revenue, and that the counties receive an adequate portion of that funding because of their role in providing public safety, public health, and other safety net services.

## **Sheriff's Report**

Sheriff Dan Starry reported that last week he was shocked and sickened to see the video of the loss of life of George Floyd. On behalf of the Washington County Sheriff's Office, Sheriff Starry expressed condolences to Mr. Floyd's family, friends, and the community that is hurting and grieving.

The Sheriff's Office has worked tirelessly for many years building trust and collaboration to all who they serve. The Sheriff's Office continues to assist with bringing unity to its community that is in need of peace, trust, and comfort during this time of unrest.

Over the past week, the Sheriff's Office employees have been called to the City of Oakdale and other communities within the metro assisting with peaceful protests and incidents of civil unrest. The team continues to do this while displaying professionalism and teamwork.

Since last Tuesday, all staff were ordered into the office on 12-hour workdays and days off were suspended. Many staff have worked well over their shift to make sure citizens are safe. The Emergency Operations Center stands at the Sheriff's Office and has an ongoing presence at the multi-agency Command Center that is overseeing the operations of all in the state. The Sheriff's Office continues to receive and relay relevant information to law enforcement partners for effective responses to any issue that has or may arise within the county.

The Washington County Sheriff's Office is fortunate to have built relationships with many law enforcement partners. Sheriff Starry has had many personal conversations with Sheriffs around the

state and they have sent their staff to Washington County to assist. Sheriff Starry acknowledged the assistance of Minnesota counties Anoka, Dakota, Sherburne, Carlton, Pine, Chisago, Scott, Carver, Morrison, Rice, and Wisconsin counties Polk and St. Croix. Sheriff Starry noted, when asked, they came.

Sheriff Starry said he is proud of the staff at the Washington County Sheriff's Office. Staff have worked long hours away from their family and have sacrificed their safety for the citizens that the county serves. Sheriff Starry thanked the citizens for their support as well.

Commissioners thanked and commended Sheriff Starry and all of the staff in the Sheriff's Department.

### **Board Workshop on June 9**

Mr. Corbid inquired if the board would be willing to conduct a board workshop next week to discuss the Composting Concepts facility in Woodbury. There is no official board meeting scheduled for June 9<sup>th</sup> and the board has the option to hold a workshop only. Commissioner Weik moved to set a board workshop on Tuesday, June 9, 2020, at 9:00 a.m., with the option of in-person or remote presence. Commissioner Karwoski seconded the motion and it was adopted unanimously.

### **Local State of Emergency Declaration**

Due to the protests and civil unrest in the community, County Administrator Kevin Corbid reported that he and Board Chair Miron had signed the following declaration on Saturday, May 30, 2020:

#### **A RESOLUTION DECLARING A LOCAL STATE OF EMERGENCY FOR THE SAFETY AND PROTECTION OF LIFE AND PROPERTY**

WHEREAS, on May 25, 2020, George Perry Floyd died while in custody of the Minneapolis Police department which has led to wide-spread protests, acts of civil disobedience, vandalism, looting and rioting; and

WHEREAS, the Washington County Board recognizes and supports the right to peaceful protests as protected by the Constitutions of the United States and the State of Minnesota; and

WHEREAS, the greater Twin Cities area has experienced continuous nights of civil disobedience, vandalism, looting, and rioting resulting in damage to public and private property and threats to the health and safety of citizens; and

WHEREAS, the Governor of the State of Minnesota has issued an Executive Order 20-64 declaring a Peacetime Order to Provide Safety and Protection to the People of Minneapolis, St. Paul and Surrounding Communities; and

WHEREAS, Washington County has utilized employees of the Sheriff's Office in response to threats both inside and outside of county borders; and

WHEREAS, Washington County has reached out to external in-state and out-state partners in support of the response to demonstrations; and

WHEREAS, Washington County is preparing to request State resources should the civil unrest continue or escalate; and

WHEREAS, Minnesota Statutes Section 12.29 gives authority to the Chair of the Washington County Board of Commissioners to declare a local emergency in Washington County for a period of three days, after which a meeting of the Board of County Commissioners will be needed to resolve to continue the local emergency; and

WHEREAS, the Washington County Emergency Manager and Washington County Sheriff recommend the Chair of the Washington County Board of Commissioners declare that a local emergency exists in Washington County to protect the health and safety of its citizens and the protection of public and private property.

NOW, THEREFORE, BE IT RESOLVED, I, Fran Miron, as Chair of the Washington County Board of Commissioners, hereby declare a local emergency in the County of Washington, Minnesota, as of May 30, 2020, due to ongoing and expected civil disobedience vandalism, looting and rioting and direct the County Administrator and County Sheriff to coordinate such actions and activities as necessary and request such local, state, and/or federal assistance as needed to protect lives and public and private property in Washington County to the extent practicable and allowed by law, ordinance and resolution.

Mr. Corbid reported the declaration will expire on its own unless the board wishes to extend the declaration. At the recommendation of Sheriff Starry, there is not a need to continue the declaration at this time.

### **COMMISSIONER REPORTS**

Commissioners reported on meetings and other events that they attended. Please see archived web streaming of the board meeting for full commissioner reports at [www.co.washington.mn.us](http://www.co.washington.mn.us), under "County Board."

### **BOARD CORRESPONDENCE**

Board correspondence was received and placed on file.



## **ADJOURNMENT**

There being no further business to come before the Board, Commissioner Karwoski moved to adjourn, seconded by Commissioner Weik, and it was adopted unanimously. The County Board meeting adjourned at 11:02 a.m.

## **BOARD WORKSHOP – PROPERTY RECORDS AND TAXPAYER SERVICES**

The Board met in workshop session to review assessment year 2020 local appeals and adjustments in preparation for the County Board of Appeal and Equalization meeting. Present for the workshop were Commissioners Miron, Karwoski, Kriesel, Johnson, and Weik. Also present were Kevin Corbid, Jennifer Wagenius, Jan Lucke, and county staff.

Attest:

A handwritten signature in cursive script that reads "Kevin J. Corbid".

Kevin Corbid  
County Administrator

A handwritten signature in cursive script that reads "Fran Miron".

Fran Miron  
County Board Chair