Minnesota Counties Consider Opioid Lawsuits

By Jill Suurmeyer, AMC Research Analyst

Across the state, AMC has heard concerns from commissioners and staff about the rising budget costs in public safety and health and human services due to the repercussions of substance abuse and addiction. Some communities are strained by the consequences of methamphetamine use, but statewide, there’s a growing trend of opioid abuse, resulting in a 12 percent increase in opioid-related deaths since 2015. Local governments across the country are also struggling with the impact of opioid addiction, and many are considering legal action to hold opioid manufacturers accountable for their role in creating the opioid epidemic.

Opioids are pain-reducing medications such as oxycodone, fentanyl, and morphine, also known by brand names like Oxycontin, Percocet, and Vicodin. These medications were created to treat short-term pain that occurs after trauma or surgery or at the end of life. However, during the 1990s physicians and other medical professionals expanded the conditions treated with opioids to include common aches and pains. There were a number of factors for this expansion, but most significantly, marketing campaigns convinced medical professionals that all pain should be treated and that opioids were a safe, non-addictive pain reliever. Lawsuits against opioid manufacturers allege that big pharma companies knew opioids were not intended for long-term pain management or minor aches and pains, but still pursued aggressive marketing campaigns that dishonestly represented the addiction risk of opioids. These campaigns targeted medical professionals and the public and proved to be effective in increasing prescriptions and patient acceptance. Between 1999 and 2013, the number of opioids dispensed in the United States quadrupled with big pharma collecting $9.5 billion in sales in 2015 alone.

Across the country, dozens of local governments have filed suit against opioid manufacturers and in some cases, pharmaceutical distribution companies. The intention of these lawsuits is to hold manufacturers accountable for the devastation caused by opioid addiction. A county may use the proceeds from the lawsuit to curtail the use and abuse of opioids or cover the costs of law enforcement and social services related to opioid addiction.

The wave of lawsuits has resulted in law firms, small and large, soliciting counties as potential clients in opioid litigation. There are many good reasons for counties to pursue litigation, chiefly, it will help counties pay for the future costs resulting from the opioid epidemic. However, counties considering filing suit and contracting with a private firm, should take into consideration:

• Does this law firm have experience in this type of litigation?
• How much county staff time will this law firm require for collecting information and documents for the lawsuit?
• How will this law firm be compensated for its work and is this compensation rate comparable to other law firms offering to represent the county?
• Is this law firm representing other counties or local governments in similar lawsuits?

Each county board should carefully consider whether pursuing legal action against opioid manufacturers and distributors is the right choice for your county. For more information on opioid abuse prevention efforts in Minnesota counties, please read the Local Public Health Association’s article “Local Public Health Pushes Opioid Abuse Prevention” on page 9 of this issue.

A MESSAGE FROM ANNOUNCED CANDIDATE FOR AMC SECOND VICE PRESIDENT

Dear AMC Delegates:

My name is Rich Sve and I’ve been a Lake County Commissioner since 2008. I have met many of you this year at AMC events, but wanted to take this opportunity to reach out again and ask for your support in electing me Second Vice President of the Association of Minnesota Counties at the annual conference in St. Cloud in early December.

Since first being elected, I have continually worked to strengthen and advance our communities. I have brought that same level of engagement to my participation in AMC. I have enjoyed working with many of you on various committees and boards. Some of my AMC activities include:

• I chaired the finance sub-committee for One Watershed One Plan and have been a member of the Local Government Water Round Table since 2010.
• I was AMC’s appointee to the state’s Payment in Lieu of Taxes (PILT) Advisory Group in 2012.
• I have been a panel member for AMC’s New Commissioner Conference (County Government 101) for the past six years.
• I represent AMC on Minnesota’s Section 404 Assumption Feasibility Study work group.
• Through AMC, I am a member of the Environment, Energy and Land Use Steering Committee for the National Association of Counties (NACo) since 2010.

I truly appreciate the confidence you have afforded me in representing all 87 counties through AMC in various capacities over the years and I look forward to continuing to do so in the future.

Thank you for your consideration in electing me Second Vice President of AMC at the annual conference in St. Cloud.

Sincerely,
Commissioner Rich Sve
Lake County
President’s Notes
By Gary Hendricks, Swift County Commissioner & AMC President

AMC is a GREAT Organization

I keep a copy of Good to Great by Jim Collins in my office at all times and I find that I reference it a lot. The book’s theme is centered on how good organizations can become great ones. During the past year, I have seen how the Association of Minnesota Counties (AMC) utilizes this concept to the fullest. I’ve used this space to showcase some of the leaders in our association because it’s the dedication of AMC members and staff that make this a great association.

One of my favorite chapters in Good to Great centers on getting the right people in the right seats on the bus as you move forward.

The first seats on the AMC bus are for our staff. I believe that we have the right staff that brings a plethora of ideas, perspectives, and energy to the organization. As AMC Executive Director Julie Ring always says, “It’s really the perspectives and energy to the organization. As AMC, the first seats on the AMC bus are for our staff. I believe as you move forward.

The hard work of members and staff led to counties having a tremendous year legislatively, including the County Program Aid formula change and securing additional funding in many of our priority areas. It is essential for the AMC committees and members in general to stay engaged in order to maintain the vibrant association that we are.

A big heartfelt “Thank You!” to all who have stepped forward and taken a seat on the AMC bus. You have taken us in the right direction to being a truly GREAT organization!

Director’s Notes
By Julie Ring, AMC Executive Director

Highlighting Strategic Plan Accomplishments

The AMC Board of Directors and staff made great progress this year on the five main goals in the 2016-2018 strategic plan. Below you’ll find the highlights of AMC’s accomplishments in 2017:

Goal 1. Leverage and embrace the diverse strengths of our membership.
- Launched three new committees focused on member services: Education & Training, Business & Partnership Development, and Research.
- Launched a new Governance Committee and revamped the Finance Committee for the AMC Board of Directors to provide additional opportunities for member involvement.
- In preparation for legislative activities, created short-term work groups to gather diverse input on a variety of policy topics, including: transportation funding, METS/NWSure technology, data practices, courthouse costs, public lands, funding for Soil and Water Conservation Districts, and day training and habilitation.
- Reached beyond the “usual suspects” for membership on new committees, work groups, and for testifiers during the legislative session.
- Increased opportunities and methods for member input at the policy committee meetings and throughout the legislative session.

Goal 2. Maximize membership value through programs and services that meet current & emerging needs.
- Launched a new Education & Training Committee to oversee a significantly expanded calendar of offerings.
- Rapidly deployed new regional training sessions, conference sessions, and individual county sessions, including Performance Management 101 pilot.
- Launched PATHWAYS Program for new County Administrators and Coordinators.
- Created Collaboration & Negotiation for Leaders Certificate with Mitchell Hamline School of Law, Dispute Resolution Institute (with CLEs).
- Offered a New Commissioner School follow-up session, in partnership with MCIT.
- Explored work with higher education institutions to fill critical county positions.
- Initiated partnerships with Minnesota Service Cooperatives.
- Revitalized the Minnesota Counties Foundation through updated bylaws, mission, vision, and programming.

Goal 3. Attract, develop and retain a high performing AMC workforce.
- Monitored compensation trends in the Twin Cities market.
- Updated the AMC Personnel Policy.
- Created and filled a new Association Management Specialist position.
- Created a new Federal Relations Coordinator role.
- Offered additional professional development opportunities including reimbursement for higher education.

Goal 4. Increase and diversify revenue.
- Launched a new Business & Partner Development Committee.
- Created a new Preferred Business Partnership program for private sector businesses.
- Secured two grants through the Minnesota Counties Foundation to support AMC’s work on county staff development – a grant from the National Joint Powers Alliance to fund a new Human Resources Technical Assistance Center and a grant from the Bush Foundation to support a county workforce symposium.
- Expanded county participation in key NACo Financial Services Corporation programs.
- Secured outside sponsorship for more events.

Goal 5. Position AMC as the reliable source of information for and about Minnesota counties.
- Use of public relations firm for legislative session increased exposure to Capitol press corps.
- Strategic use of Twitter to reach legislators and media.
- Ongoing implementation of “Campaign Monitor” and “Voice Value” to manage all email communications with members, allowing for data analytics.
- Engaged the past presidents in a review of communication vehicles.

Under the leadership of the AMC Board of Directors, AMC is growing new programs and services to meet members’ current and future needs. We strive to exceed our members’ expectations every year, without exception.

Board of Directors
OFFICERS
President ................. Gary Hendricks (Swift)
First Vice President .... Susan Harris (Isanti)
Second Vice President ... Mary Allen (Schuyler/Anoka)
Secretary/Treasurer ...... Joe Bawden (Wilson)
Past President ........ Jack Swanson (Roseau)

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District III ............ Joe Bawden (Wilson)
District IV ........... Larry Lindor (Pipe)
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District VI ............ Todd Patter (Lac qui Parle)
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District X .......... Jim Ische (Carver)
District XI ............ Liz Werkman (Dakotah)
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MEMBER SERVICES COMMITTEE CHAIRS
Business & Partner Development .... Scott Schulte (Anoka)
Education & Training ... Susan Marin (Isanti)
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MEMBER SERVICES COMMITTEE CHAIRS
Administration ............ Becky Failing (651-789-4332)
Director .............. Becky Failing (651-789-4332)
Education Director .......... Heather Bandoni (651-789-4341)
Research Analyst .......... Jill Nowacek (651-789-4341)
Member Services Assistant ... Suzanne Luthin (651-789-4333)

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General Government & Taxes .......... Melissa Purvis (651-789-4323)
Policy Analyst .............. Matt Hilgott (651-789-4343)
Health & Human Services ......... Melissa Purvis (651-789-4323)
Policy Analyst .............. Rochelle Werkund (651-789-4325)
Public Safety Policy Analyst .......... Ryan Erdmann (651-789-4345)
Transportation & Infrastructure Policy Analyst .......... Emily Murray (651-789-4333)
Association Management .......... Betty Hammer (651-789-4333)
Policy Liaison .............. Ben Baglow (651-789-4321)

CONTRACT SERVICES
Local Public Health Association (LPHA) Director .......... Lori Schmidt (651-789-4354)
MINNESOTA ASSOCIATION OF COMMUNITY CORRECTIONS ACT COUNTIES (MACCAC) Director .............. Ron Seibert (651-789-4366)
MIICCUA Director .......... Anne Kibler (651-789-4323)

STATE JUVENILE DETENTION ALTERNATIVE INITIATIVES (JDAI) Coordinator ............ Curtis Sherkelin (651-789-4323)
Assistant Coordinator ........... Katrina Dwyer (651-789-4323)

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To Advertise: CLASSIFIED ADS: Member counties may place classified ads at no charge. Send your ad to Becky Failing at (651-789-4357) or e-mail Classifieds@mncounties.org.

For more information about the Association of Minnesota Counties, visit www.mncounties.org.
Thanks to all of our AMCAM members for their support of Minnesota Counties!

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- Wold Architects and Engineers
- WSB

**UPCOMING MEETINGS & EVENTS**

**December 2017**
- 3-5 AMC Annual Conference, St. Cloud
- 3 AMC Board of Directors
- 4 MRC Board of Directors
- 5 MTM Board of Directors and Annual Meeting
- 6 MACCAC Board of Directors
- 7 MACSSA Forums
- 13 LPHA Legislative & Executive Committees
- 14 AMC Executive Committee Planning Session
- 15 MACA Executive Committee
- 22-25 CHRISTMAS HOLIDAY (AMC Office Closed)
- 28 NEW YEARS HOLIDAY (AMC Office Closed)

**January 2018**
- 1 NEW YEAR’S DAY (AMC Office Closed)
- 8 MRC Board of Directors
- 9 - 11 NACo State Association Presidents and Executives Conference, Washington D.C.
- 11 MnCCC Board of Directors
- 12 MTM Board of Directors
- 15 MARTIN LUTHER KING, JR. DAY (AMC Office Closed)
- 17 LPHA Legislative & Executive Committees
- 18 LPHA General Meeting
- 19 AMC Board of Directors
- 24 Census 2020-prep for Counties with State Demographer, Rochester*
- 25 MACCAC Meetings
- 25 MACSSA Meetings
- 26 MACCAC Board of Directors
- 31 Census 2020-prep for Counties with State Demographer, Staples*

*More information on these sessions is available on page 8 of this issue.

Successful plans take partnership.

Let’s talk retirement today: Thomas Jones Jr, 612-597-7631

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NOVEMBER - DECEMBER 2017 Minnesota COUNTIES
The Federal Perspective

By Dennis McGrann, AMC Federal Liaison
Lockridge Grindal Nauen LLP

This fall the main focus in Congress has shifted from the Affordable Care Act to Tax Reform. Near the end of October, both the House and Senate agreed to a Budget Resolution. This Resolution outlines the major components of the budget and seeks to implement tax reform. It allows for a tax reform bill to be passed with a simple majority vote, but does not require a specific amount of revenue to be raised. The President and Congress are currently working on a tax reform package that includes changes to corporate and individual income tax rates.

In addition to tax reform, Congress has also continued work on a variety of other critical legislation, such as the annual appropriation bills, the Children’s Health Insurance Program, and the reauthorization of the FAA. The Highway and Transit Subcommittee held a hearing on October 11 to discuss “Building 21st Century Infrastructure for America.”

The House Ways and Means Committee bill preserves the full SALT deduction for corporations and passthrough entities. The proposal would also reduce the number of individual income tax rates from seven to four. The measure now goes to the House floor for a vote and if passed, it will go to the Senate for consideration.

Among the other provisions included in the bill is a permanent reduction in the corporate income tax rate to 20 percent from 35 percent. The proposal would also reduce the number of individual income tax rates from seven to four. The measure now goes to the House floor for a vote and if passed, it will go to the Senate for consideration.

At the White House

Opioid Public Health Emergency: President Trump declared opioid abuse a public health emergency, calling on Acting Secretary of Health and Human Services (HHS) Eric Hargan to declare an emergency under section 319 of the Public Health Service Act (PHS) Act waiving certain regulations and allowing states greater leeway in how they use federal funds to combat the epidemic. The emergency declaration lasts 90 days and can be renewed indefinitely. The declaration allows for temporary appointments of specialists to crisis areas under federal grants, but it doesn’t create additional funding. The HHS public health emergency fund currently has only about $57,000 left in it, although Congress could reclaim it. The action allows for shifting of funds in the 13 unfinished appropriations bills and get them passed before a stopgap bill funding the government runs out on December 9. Other Members have said they doubt any quick action will occur on the bills and get them passed before a stopgap bill funding the government runs out on December 9.

Transportation and Infrastructure: The administration has yet to agree upon how to pay for the proposal. The White House is looking very closely at public-private partnerships, incentives for private investment, along with specific elements for rural areas. The Administration said that it intends for the infrastructure proposal to be in addition to the investments made in the FAST Act. The infrastructure bill has been passed several times from the House and Senate and will need to be funded in the current Continuing Resolution. The Administraion said that they do not expect to take up the bill until the New Year.

Affordable Care Act: The latest Affordable Care Act (ACA) repeal bill that was known as the Graham-Cassidy proposal failed in the Senate in late September. The legislation was canceled. Senator Leader announced on Tuesday, September 26 that they don’t have the votes necessary to pass a repeal bill by October 1, the deadline to pass legislation with only 51 votes. Senators have suggested that some of the provisions of the ACA repeal with tax reform; however, many Members are resistant as they believe including healthcare could increase the difficulty in passing tax reform legislation. Meanwhile the Senate Health, Education, Labor, and Pensions Committee (HELP) has continued to hold bipartisan hearings on the legislation passed in the House floor. The Senate Health, Education, Labor, and Pensions Committee (HELP) passed a proposal with narrow changes to the healthcare law, but it has yet to be voted on in the Senate.

The FAA reauthorization: President Trump signed a six-month reauthorization of the Federal Aviation Administration (FAA) in September. The Disaster Tax Relief and Airport and Airway Extension Act of 2017 (H.R. 3823) was passed by unanimous consent in both Chambers allowing Congress to avoid a costly shutdown of the FAA. The reauthorization did not include any substantial changes. Instead, the bill provides a series of temporary measures for debate on substantive policy changes to the authorization including whether to allow a traffic control centralhub to be implemented. The FAA under this extension is allowed to continue operating through March 31, 2018. The Senate has not yet incorporated the version of the FAA reauthorization, but negotiations remain ongoing between the two Chambers and the Administration as the deadline approaches.

In the U.S. Senate

Tax Reform: The Senate Finance committee released their version for tax reform on November 15, 2017. The proposal would reduce the corporate income tax rate to 20 percent, and phase out the individual rate to 20 percent starting in 2019. The Senate Finance Committee began considering the proposal in hearings on November 13. Each Chamber has agreed to its own version of the legislation, they must reconcile the bills.

Appropriations: Majority Leaders in the Senate are working to develop a bipartisan budget deal to fund the government, but as both Chambers of Congress have focused their efforts on tax reform legislation, the process of finalizing this year’s spending bills has been delayed. The government’s funding has been provided by a Continuing Resolution (CR) since the start of its new fiscal year on October 1 as none of the 12 regular spending bills have been completed and sent to President for signature. The deadline for the current Continuing Resolution funding the government is December 8, which leaves only 12 working days left that Congress has currently scheduled.

Many Members have said that the first step for advancing appropriations bills would be to agree upon new budget constraints and funding levels. The Senate Appropriations Committee (S Appropriations) has yet to agree upon how to pay for the proposal. The White House is looking very closely at public-private partnerships, incentives for private investment, along with specific elements for rural areas. The Administration said that it intends for the infrastructure proposal to be in addition to the investments made in the FAST Act. The infrastructure bill has been passed several times from the House and Senate and will need to be funded in the current Continuing Resolution. The Administraion said that they do not expect to take up the bill until the New Year.

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Dealing With the Un-Recordable Document

By Amber Bougie, Chief Deputy Hennepin County Recorder/Registrar; Mark Chapin, Hennepin County Auditor/Treasurer; and Martin McCormick, Hennepin County Registrar/Recorder.

Our hope in writing about the “un-recordable” document is to share our thinking at Hennepin County, to pose some options, and to stimulate conversation about these kinds of situations. We do not think there is a right answer and we know that different counties and Registrars approach this situation differently.

The situation

A customer attempts to record documents in the Recorder/Registrar of Title’s Office that do not pertain to or affect real estate or are not otherwise recordable pursuant to law. These documents sometimes include incoherent information, strange and/or ornate certifications/stamps, fingerprints (sometimes appearing to be in blood), and references to a strawman.

The documents most often have no legitimate purpose and can be considered a form of paper terrorism. The customers use certified copies of the recorded documents to provide substantiation, or conformance in an attempt to support their cause to avoid governmental authority, including liability for payment of debt and taxes.

Our view is that it is recordable, a document presented for recording must convey or affect interest in real estate and must otherwise conform to the recording requirements. To determine whether a document “affects an interest in real estate” an analysis is required which must consider the Recording Act, Minnesota case law, and the objective of recording acts in general.

Depending upon the circumstances, this may require a legal opinion from the County Attorney or the Examiner of Titles. There are a few instances where a document that doesn’t affect real property can be recordable under statutory authority.

The recommendation

Our general practice in this situation is to advise the customer that the document is not recordable because it doesn’t pertain to real estate. In most cases the customer doesn’t own property, or, doesn’t own property within the County. If the customer doesn’t accept the decision, they will be referred to a supervisor or the Recorder who, unless they determine otherwise, will deny the acceptance of the document for recording.

If a supervisor or the Recorder is not present, we request that the recording deputy make a copy of the document, return the original (and any payment) to the customer and request their name, address and contact information, informing them that a supervisor will call or write them with their decision.

Some counties may record the documents in order to avoid potential conflict with the customer upon advice from their County Attorney. In Hennepin County, we have decided that we do not want to muddy the public record with irrelevant documents. We do not want to give any sense of authenticity or authority to the claims or information in these documents by having the County Recorder certification on them.

Papers in Safekeeping

We never suggest that documents presented for recording that do not pertain to or affect real estate be filed as “papers in safekeeping.” Such a request must be independently initiated by the prospective filer.

If a customer presents a document to be included in “Papers in Safekeeping”, they are informed that, 1. A fee is required for each document (our standard document recording fee), 2. The document(s) will not be indexed or made part of the public record, and 3. The original document(s) will remain in a private and secure file with the Recorder until a written request is made by the customer for withdrawal.

Further, placing these documents in safekeeping does not allow for a certified copy of the document to be issued since it is not made part of the County Recorder’s official public record. Some counties may have an exorbitant yearly fee, set by their County Board, for the holding of such documents which can limit its use under Minnesota Statute § 600.23. Currently, this statute is mandatory for Registrars, however, the Minnesota County Recorders Association (MCRA) Legislative Committee will be introducing a Recorder’s housekeeping bill that seeks to make the keeping of such papers permissible so that those counties that do not want to keep these types of documents will have an option not to do so.

A Common Argument for Recording

One of the arguments that has been made for recording these un-recordable documents is that they are being submitted pursuant to Rule 220 of the Minnesota General Rules of Practice which relates to the filing of Birth Certificates with the Registrar of Titles to show that a minor is now of majority age. The customer will submit their own Birth Certificate and not cite to a Certificate of Title, but will state that their Birth Certificate is such a certificate and not an argument for recording of their document. This rule appears to be of no real use to Registrars or Examiners of Titles as there are other means to prove the age of majority. The MCRA Legislative Committee will be seeking to have this rule removed.

When confronted with a customer who presents an un-recordable document, we offer the following advice:

• Know your counties policy and guidelines when it comes to these types of documents;
• Anticipate your response and have a plan of action;
• If in doubt, contact your County Attorney for advice;
• Don’t attempt to reason with the customer as they can sometimes be illogical or hostile and will engage in unproductive arguments; and
• Maintain a record of all communications with customers who seek to record un-recordable documents and papers.
Annual Meeting: Members Vote on MCIT JPA, Board Member

Planning is in full swing for the 2017 Annual Meeting of the MCIT membership in St. Cloud Dec. 4. Members will have the opportunity to gather to hear about the highlights of the past year, objectives for the coming year and exercise their voice by voting on two key items.

Wanting to make the meeting convenient for members and ensure the greatest attendance, the meeting will again be held in conjunction with the Association of Minnesota Counties Annual Conference. The MCIT Annual Meeting convenes at 4 p.m. Dec. 4 in the State/Sunwood Room of the St. Cloud Best Western Kelly Inn [attached to the River’s Edge Convention Center].

Highlights of this year’s meeting include:

- Financial report for the year ending Dec. 31, 2016
- Vote on changes to the MCIT Joint Powers Agreement
- Election of a board member
- Announcement of the 2017 MCIT Award winners
- 2017 program overview

Registration begins at 3:30 p.m. Members are encouraged to come early to converse with the MCIT Board of Directors and staff, as well as with colleagues from other counties.

Joint Powers Agreement Amendments Reflect Statute

Pursuant to MCIT Bylaws, county members will vote on amending the MCIT Joint Powers Agreement (JPA) during the 2017 Annual Meeting. This culminates a year of review and discussion by the MCIT Board of Directors. Taking the advice MCIT gives its members to review joint powers agreements routinely, the MCIT Board asks members to adopt changes to the JPA that:

- More clearly define the responsibilities of the MCIT Board of Directors.
- Add provisions regarding meetings of the board.
- Clarify the process to terminate the JPA.
- Add language on how the JPA can be amended.
- Include indemnification and hold harmless language.

These changes are being proposed to ensure the document reflects operations of MCIT relative to the provisions of Minnesota Statutes, Section 471.59 and follows MCIT’s standard risk management advice. The original MCIT Joint Powers Agreement was developed in 1987. Since that time, it has been amended three times. Past changes have included language that better reflects the statutory obligations outlined in the statute; constitute general housekeeping changes, such as grammar, punctuation and overall readability; removed references to services no longer provided by MCIT; memorialized how changes in membership status, assets and liabilities are addressed; and changed the name of the organization.

An affirmative vote of the majority of the membership attending the Annual Meeting constitutes a change in the JPA and does not require execution by individual members.

Notices of the Annual Meeting and the vote to amend the JPA will be sent to members in mid-October. Members can view the proposed changes on the MCIT website at MCIT.org/mcit-news/.

One Board Member to Be Elected

This year one board seat is open for election, and pursuant to the MCIT Bylaws, the election will be held during the 2017 Annual Meeting. Yellow Medicine County Commissioner Ron Antony (shown at right) is seeking election to his first four-year term that expires Dec. 31, 2021.

Antony was appointed to the MCIT Board in February 2017 to fill the unexpired term of former Lac qui Parle County Commissioner Graylen Carlson when he left the board.

Antony was first elected to his seat as a Yellow Medicine County Commissioner in 2002 and is currently serving as vice-chair of that board. He also serves as chair on three joint powers boards and is chair of the Minnesota Workforce Council Association.

Any county commissioner, auditor or auditor-treasurer interested in being a candidate for the MCIT Board of Directors is asked to submit a letter of interest and qualifications to the MCIT Nominating Committee, 100 Empire Drive, Suite 100, St. Paul, MN 55103-1885 by the close of business Nov. 9, 2017. The committee reviews all submissions for the position.

An announcement detailing the election and the rolls and responsibilities of an MCIT Board member was mailed to all commissioners, auditors and auditor-treasurers Oct. 9.

Designate Voting Delegates

Only the county’s designated voting delegate or alternate can make a motion or second a motion and cast ballots at the Annual Meeting. County members should have received the request to designate their voting delegates in early October.
As Deadline Nears, Counties Are Signing Up For LUCA

According to latest (November 14) figures from the US Census, 36 Minnesota counties have signed up so far for the Bureau’s Local Update of Census Addresses (LUCA) Program.

If your county has not done so, we strongly urge you to get your application in before the December 15 deadline.

The LUCA Program will be the only opportunity for counties to ensure that all housing units are accounted for prior to the 2020 Census. Since Census forms are sent to addresses, not people, addresses that are missing may not receive Census 2020 forms, resulting in an undercount.

If your county did not receive the registration materials, or need a replacement set of applications, contact the Chicago Regional Office of the U.S. Census Bureau at 844-344-0169 or via e-mail at GEO.2020.LUCA@census.gov. You may also visit their website at www.census.gov/geo/partnerships/luca.html.

The State Demographic Center, which is Minnesota’s liaison with the U.S. Census Bureau can also provide assistance. You can reach them at demography.helpline@state.mn.us, or visit their LUCA page at www.mn.gov/admin/demography/census2020/luca/

Upcoming Seminars to Help Counties Insure a Complete Count for Census 2020

It may seem hard to believe, but it’s already time to begin planning for the 2020 Census. Census Day is April 1, 2020, and counties and local governments need to begin organizing to insure that everybody in their jurisdictions gets counted.

AMC, along with the League of Minnesota Cities, the MN School Boards Association, MN Association of Townships and service cooperatives across the state have scheduled a series of nine regional seminars that covers what local governments need to do to insure a complete count.

There’s a lot that rides on Census data. Even one missed person could mean as much as $1,530 in lost federal funding each year of the decade in health, transportation, housing and education programs. It’s also used to apportion congressional districts, to draw county board and city council districts, and to help guide governments decisions.

The seminars will cover how to set up local “complete count committees,” a new concept in Minnesota, but one that has been in place for years in many other states. They are volunteer partnerships of local governments and key players – businesses, civic groups, faith communities, schools, cultural associations and interested citizens. Their job is to identify hard-to-count populations, and to develop and execute strategies for getting them counted in the 2020 Census.

The aim of the seminars is to give participants the data tools, best practices and a plan for promoting an accurate count in each area.

Census Seminar Schedule:

- **Rochester, January 24, 2018**
  Southeast Service Cooperative and Wood Lake Meeting Center
  210 Wood Lake Drive SE

- **Staples, January 31, 2018**
  National Joint Powers Alliance (NJPA)
  202 12th Street NE

- **Sartell, February 1, 2018**
  Resource Training & Solutions
  137 23rd Street South

- **St. Paul, February 8, 2018**
  Minnesota Counties Intergovernmental Trust (MCIT)
  100 Empire Drive, Suite 100

- **Thief River Falls, March 7, 2018**
  Northwest Service Cooperative (NWSC)
  114 W 1st Street

- **Fergus Falls, March 8, 2018**
  Lakes Country Service Cooperative (LCSC)
  1001 E. Mount Faith

- **Mountain Iron, March 21, 2018**
  Northeast Service Cooperative
  5525 Emerald Avenue

- **Marshall, April 11, 2018**
  SouthWest/West Central Service Cooperative (SWWC)
  1420 East College Drive

- **Mankato, April 12, 2018**
  University of Minnesota Extension Regional Office
  1961 Premier Drive, Sakata Room
Child Protection Workers Deserve Our Support and Thanks

By Chief Justice Lorie Gildea, Minnesota Supreme Court
and Commissioner Emily Piper, Minnesota Department of Human Services

Protecting vulnerable children from abuse and neglect has always been a difficult job, and no one knows that better than the county and tribal staff who are under increasing stress as major reforms in the child protection system have been implemented over the past two years. The number of Minnesota children suspected of being abused or neglected grew significantly in 2016. More than 39,500 children were the subject of reports, a 25 percent increase from 2015. Of those children, 16,400 were part of child maltreatment investigations, a 43 percent increase over the previous year.

A number of factors contribute to the recent spike in child protection cases, including increased awareness about child protection issues, changes in how reports are reviewed, and a growing opioid crisis. The reforms themselves – while needed – have increased demand for child protection services.

As the co-chairs of the Children’s Justice Initiative (CJI) Advisory Committee, we are grateful for the work child protection staff do every day, and for the support that you, as county leaders, provide. We know that you are committed to the safety and well-being of every child in your counties, and we commend your efforts to find safe, permanent homes for these children. Your staff work tirelessly to provide resources and services to the struggling parents so that their children can be reunited safely or find other permanent families.

Established in 2000, CJI is a collaboration between the Minnesota Judicial Branch and the Minnesota Department of Human Services. CJI works with local juvenile courts, social services agencies, county attorneys, guardians ad litem, attorneys for parents and children, counties, tribes, and other key stakeholders throughout the state. CJI’s primary goal is to find safe, stable, permanent homes for children who have been abused or neglected. Our first strategy is reuniting children with their parents if that is safe or, if not, through another permanent placement option, often adoption. In all cases, we want to reduce delays in permanency that can occur as part of the judicial process.

As leaders in CJI and in our respective state roles, we support your work to help children in any way we can. To that end, since August 2016, we piloted the Permanency Technical Assistance Project in three counties: Houston, Winona, and Scott, and implemented Permanency Technical Assistance Workshops in seven counties: Blue Earth, St. Louis, Ramsey, Becker, Clay, Otter Tail, and Stearns. We conducted workshops tailored to each county and included an education component, listening session, review of county data, and identification of cases that are beyond the permanency timelines. At the conclusion of each workshop, counties were given an opportunity to develop an action plan to move cases to permanency and prevent others from going beyond the permanency timeline.

We received great response from those who attended workshops this year and will plan more for next year. Thank you for making it possible for your staff to attend these workshops. We believe they will help.

Again, thank you for all you do to make a difference in the lives of children and to support the staff who fight for them.

Editor’s note: Lorie Gildea has been chief justice of the Minnesota Supreme Court since 2010 and had previously been a district court judge and a prosecuting attorney for Hennepin County. Emily Piper has been commissioner of Human Services since 2015. Prior to her appointment, she served as general counsel for Gov. Mark Dayton.

Workforce Housing Development Program
Funding Available

This competitive funding program targets small to mid-size cities in Greater Minnesota with rental workforce housing needs. Up to $2 million in grant funds are available to build market rate residential rental properties in communities with proven job growth and demand for workforce rental housing. Communities are required to secure matching funds that, at a minimum, match one dollar for every two dollars in funding offered through the program.

This program was previously administered by the Department of Employment and Economic Development (DEED) and is now administered by Minnesota Housing. For application materials and more information, visit mnhousing.gov.

Eligible Applicants must satisfy the following requirements:
• Must be an eligible project area (generally small- and medium-sized cities in Greater Minnesota).
• Must be working with a developer. Minnesota Housing will not review applications submitted by developers.
• Must have a viable proposal for the development of a market rate residential rental property, which can include mixed income.

Minimum Application Requirements
• Projects must expand workforce housing in the community.
• Projects must certify that the community has a vacancy rate below at or below 5 percent.
• Projects must submit a letter of support from a local business that employs a minimum of 20 full-time employees in aggregate.
• Projects must provide a local government resolution that states matching funds from the local government, a nonprofit organization or a business have been committed and, at a minimum, match one dollar for every two dollars requested.
• The developer or an entity affiliated with the developer cannot be the source of matching funds.
• Preference will be given to applicants who have a match commitment higher than the statutory minimum of one dollar for every two dollars.
• Funds requested cannot exceed 25 percent of the rental housing development project costs of the project.
• Projects must demonstrate that construction will begin within 12 months of grant contract execution.

Applications are due by 4:30 p.m. on Thursday, January 25, 2018. We expect to make recommendations to the Minnesota Housing Board in March 2018.

Questions? Contact Katie Moore (katie.moore@state.mn.us) at 651-296-6354.
Local Public Health Pushes Opioid Abuse Prevention

By Lorna Schmidt, Director, Local Public Health Association of Minnesota

By now, many people have heard the numbers highlighting the devastating impacts of opioid abuse. Nationally, more than 100 people die from an opioid overdose and more than 1,000 people receive emergency-room treatment for prescription opioid misuse every day. Minnesota alone saw 395 opioid overdose deaths in 2016. Nearly half of those deaths involved prescription opioids, and more than one-third involved heroin. Unfortunately, these numbers continue to increase, casting our nation billions in health care costs and lost workplace productivity.

The complexity of the opioid epidemic means no one strategy alone will create the change needed to change current trends. Successfully addressing the opioid problem will require a comprehensive approach with engagement from numerous, diverse stakeholders; and efforts to prevent the abuse of opioids from occurring in the first place must be a core component of that approach.

For the most upstream prevention, counties can look to their local public health departments. Armed with data from community assessments and the Minnesota Department of Health’s recently released Opioid Dashboard* (a one-stop shop for statewide data regarding opioid use, misuse and overdose death prevention), local public health can provide insight into the underlying causes of opioid use and bring together community partners to implement strategies that counter them.

Depending on a community’s unique needs, prevention strategies may focus on: youth prevention, public awareness, provider education, safe disposal of prescription drugs, access to Naloxone, and/or treatment. Examples of prevention efforts currently underway by some of Minnesota’s local public health departments include:

Youth Prevention.

“Top Secret Project: Decoding the Mysteries of the Teen Domain” is a free traveling exhibit brought to schools in partnership with Anoka County, area schools and the Hazelden Betty Ford Foundation to help parents and other concerned community members understand how ordinary objects found in a teen’s bedroom (e.g., books, candles, dental floss, lip balm) may point to potentially risky behavior, such as alcohol and/or drug use, self-harm, eating disorders, bullying, or criminal or gang activity. The Project gives parents the opportunity to walk through a full-size mock-up of a typical teen’s bedroom to try to spot some of the dozens of everyday items that may be cause for concern. Learn more at www.anokacounty.us/TopSecret.

Public education.

Local public health is helping to sponsor public service announcements (PSAs) in movie theaters to increase public awareness of opioid and other substance abuse and reduce stigma that may deter individuals from seeking treatment. They also are hosting community viewings and discussions of documentaries that highlight the personal experiences of individuals coping with opioid addiction or the loss of a loved one to an opioid overdose.

Safe Disposal.

Local public health is raising awareness of prescription drug drop-off sites (including hours and specific locations) to make it easier for individuals to dispose of unused medications, thereby reducing access to prescription opioids. They also are also working to expand the number of drop-off sites by adding pharmacies and partnering with hospice providers to promote proper disposal of medications.

Access to Naloxone.

Local public health is conducting cross-checks with pharmacies to make sure pharmacists can execute requests for Naloxone without barriers. Naloxone is a drug that can help stop an opioid overdose.

Treatment.

Links to treatment options and real-time vacancies for treatment beds are being added to county websites to support individuals seeking immediate help.

The best opioid prevention programs will include a multi-pronged approach that works along a continuum of care to address the factors that drive individuals to use opioids, educate providers and the community about the addictiveness of prescription opioids, reduce access to opioids, and expand access to treatment for those in need. Local public health is well positioned to partner with health care providers, pharmacists, law enforcement, schools, employers and community organizations to do this work. Contact your local health department to find out more.

*Check out Minnesota’s Opioid Dashboard at http://www.health.state.mn.us/divs/healthimprovement/opioid-dashboard/.

Let’s show the world what we can do together.
Day by day. Project by project. Together we’re building better places that bring the world closer.
Budgets About Competing Resources and Making the Best Allocation Decisions Possible

By David Minke, Pine County Administrator
MACA Secretary

If you work for a county, then you are just wrapping up the budget process and constructing your final 2018 budget. If you are a county commissioner, you are contemplating the final property tax levy you will support.

At its simplest, a county budget is an estimate of revenue and expenditures and legal authorization to expend certain sums of taxpayer money on certain activities.

For most counties, “the budget” represents a major investment of time over six or more months, numerous meetings, public input, and sometimes heated debate. Now, we approach the moment of truth, or rather the Truth in Taxation meeting in December, where the final budget and levy are formally presented and public feedback solicited. Regardless of how you feel the budget process went, now is an opportune time to ask the question—what did I like about the process?

What I like most about the budget process is the story telling—not tall tales, but nonfiction stories. Stories told by staff who deliver services. Stories told by commissioners about their priorities and expectations. Stories told by taxpayers about the impact of county services and the impact of property taxes. Some of the stories are about success—Pine County and the Mille Lacs Band have partnered to jointly fund a community coach. Some of these stories are about failure—Out of home placements exceeding budget might fall into this category (or kids placed in a safe environment can also represent a “win”). However similar or different those stories might be from county to county, at their heart, they are stories about us, about our communities and about our values.

County commissioners are called to work these stories into revenues and expenditures in a quest to answer V.O. Key’s classic budget question, “On what basis shall it be decided to allocate x dollars to activity A instead of activity B?”

Key distilled budgeting down to its simplest question—deciding between competing activities. I’ve often divided those “activities” into three groups. (1) Existing programs, (2) New or expanded programs, and (3) Tax relief. How you think about allocating resources will define your approach to budgeting. How do you frame the question? Below are a few thoughts to get started:

- Be clear with your goals: Do you know what you want to accomplish? Do you know what you are willing to give up to accomplish your goals?
- Do you have the information you need to make a good decision? If not what information do you need?
- If there is disagreement, do you understand the reason for the disagreement? Is the disagreement over policy, priority, data, personality, etc.?
- Where in your process is trust and where is there a lack of trust?
- Are your decisions financially sustainable?

All budgets are about competing resources and making the best allocation decisions possible. So, as this budget season wraps up, review the stories you heard and the stories you told and think about how you will improve the process next year.
Association of Minnesota Counties
BOARD OF DIRECTORS MINUTES
September 13, 2017

CALL TO ORDER
President Gary Hendrickx called the AMC Board of Directors’ meeting to order at 2:00 p.m. on Wednesday, September 13, 2017 at Breezy Point Resort in Brainerd, Minnesota located in Breezy Point, MN. Introductions were made.

APPROVAL OF AGENDA
MOTION by Susan Morris; seconded Marcia Ward to approve the September 13, 2017 AMC Board of Directors’ agenda with the HR Support System & Pathways action item being moved earlier during the executive director’s report. The motion carried.

PRESIDENT’S REPORT – COMMISSIONER GARY HENDRICKX
• Executive Committee Update – Meeting minutes from the July and August Executive Committee meetings were included in the board packet.
• Property Update– AMC explored options for acquiring adjacent properties for additional parking spaces. The State Capitol Area Architectural and Planning Commission has planning and zoning jurisdiction jointly with the City of St. Paul. As part of their comprehensive plan, they are working to redevelop Rice Street and would likely not allow the adjacent properties to be removed and replaced with a parking lot. As a result, the executive committee recommends that AMC will not pursue property acquisition at this time. The board members agreed with this recommendation. AMC staff and President Gary Hendrickx will continue to discuss options for space and parking needs as opportunities arise.

SECRETARY/TREASURER REPORT – COMMISSIONER MARY JO MCGUIRE
• Approval of the Minutes
  MOTION by Mary Jo McGuire; seconded by Barry Nelson to approve the August 18, 2017 AMC Board of Directors’ meeting minutes as presented. The motion carried.
• Approval of the July Financial Report
  MOTION by Mary Jo McGuire; seconded by Larry Lindor to accept the July financial statement as presented pending the AMC 2017 annual audit. The motion carried.

FINANCE COMMITTEE REPORT – COMMISSIONER MARY JO MCGUIRE
Mary Jo McGuire reported that the Finance Committee is working on the 2018 AMC budget. It will be ready for action at the October Board meeting. Members of the finance committee are Jack Swanson, Todd Pater, Rick Anderson, Mary Jo McGuire, Sharon Hanson and Bob Meyer.

EXECUTIVE DIRECTOR’S REPORT – JULIE RING
• Amicus Update – Our petition to be an amicus in the Otto v. Becker, Ramsey and Wright Counties was received and approved. AMC hired attorney Ken Bayless to prepare and submit our amicus brief.
• County-Tribal Summit – Rochelle Westlund staffs our Indian Affairs Advisory Committee. She has been working to develop better relations between counties and tribes. AMC is working with the State Bureau of Mediation to design a County-Tribal Summit. The Pew Foundation is interested in helping to support this effort. Plans are underway to hold the event at the Intercontinental Hotel in St. Paul in conjunction with AMC Legislative Conference in February 2018.
• HR Support System & Pathways Update – Julie Ring gave an overview of a HR Support System & Pathways orientation program. The HR Support System will be a three-year project and has a goal of being self-sustaining at the end of the three-year period. The development is being funded primarily by a grant from NJPA. The program will be developed and administered by David Drown and Associates.

To move forward with this program, AMC needs to commit resources to the three-year development. The Executive Committee recommends funding the AMC portion of the project from AMC Operating Reserves, which are healthy.

MOTION by Scott Schulte, seconded by Jim McDonough to approve the HR Support Program, associated contracts, and AMC’s portion of the funding from AMC Operating Reserves. The motion carried.

DEPUTY DIRECTOR’S REPORT- LAURIE KLUPACS
• Fall District Meetings – Laurie Klupacs reported that fall district meeting venues are nearly complete and AMC is working on agendas. District Directors were asked to let Laurie know if they have additions to the general agenda.
• Annual Conference – Annual Conference registration opened the day after Labor Day and hotel rooms sold out in less than 45 minutes. All AMC Board members have a room reserved at the Kelly Inn from Sunday, December 3 through Tuesday, December 5.

BUSINESS AND PARTNERSHIP COMMITTEE REPORT
Chair Scott Schulte reported that the Business and Partnership Committee met in August and has finalized the new Preferred Business Partners program that will be rolled out in the next two months. The main purpose of this program is to generate non-dues revenue. Scott also reported that he, Julie Ring and Laurie Klupacs had a meeting with Optum and had a tour of their facility in Eden Prairie.

EDUCATION AND TRAINING COMMITTEE REPORT
Chair Susan Morris reported that the Education & Training Committee will meet at 8:00 a.m. tomorrow morning. Kitty Atkins from the Mitchell Hamline School of Law will review the Collaboration & Negotiation for Leaders Program and talk about possibilities for next year. The Committee will also review the special sessions held during the Policy Conference, on the topics of Performance Management, Parliamentary Procedure, and Immigrants and Minnesota’s Workforce. Laurie Klupacs will talk with the committee about AMC Annual Conference plans.

GOVERNANCE COMMITTEE REPORT
Chair Susan Morris gave an update on the committee’s work, which includes updating the AMC Bylaws, and updating the AMC Personnel Policy. She noted that these items would be action items at the next AMC Board meeting.

RESEARCH COMMITTEE REPORT
Chair Jack Swanson reported that the Research Committee is meeting tomorrow to discuss HR/workforce research for 2018. The Committee will also discuss creating a centralized data publication that combines numerous collections of Minnesota government data into one document. This centralized data publication will be available to the public and will help county staff and commissioners easily find information about their county and the state as a whole.

GENERATIVE DISCUSSION: FUTURE OF AMC ADVISORY TASK FORCES
AMC has three long-standing advisory task forces: Ag & Rural Development, Broadband, and Indian Affairs. These task forces are not always well attended and there was discussion on whether these should continue in their current format, change or be discontinued. After discussion, Executive Director Julie Ring encouraged board members to attend the advisory committee meetings at the conference and plan for additional conversation on this topic at the next board meeting.

STRATEGIC DISCUSSION: KEY POLICY COMMITTEE ISSUES
Each policy committee chair provided a report of issues that would come before the committees at this conference.

ADJOURN
MOTION by Scott Schulte; seconded by Rich Sve to adjourn the AMC Board meeting at 5:00 p.m. The motion carried.
THE CAT® 12M3 MAKES THE GRADE

The Cat® 12M3 motor grader and its all-wheel-drive (AWD) counterpart not only meet Tier 4 Final emission standards, but also provide improved fuel efficiency and operator comfort.

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Electronic joysticks reduce hand and arm movements by 78 percent to help reduce operator fatigue and enhance productivity. The cab features a more comfortable seat with heated and ventilated options, as well as several convenient new storage bins.

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