



WRIGHT COUNTY BOARD WORKSHOP MINUTES

BOARD OF WRIGHT COUNTY COMMISSIONERS

APRIL 14, 2020

DATE APPROVED:

Christine Husom	District 1
Darek Vetsch	District 2
Mark Daleiden	District 3
Michael Potter	District 4
Charles Borrell	District 5

The Wright County Board met in workshop session at 9:21 A.M. with Husom, Daleiden, Potter, and Vetsch present. Borrell was present remotely.

I. Schedule Meetings As Needed

This portion of the agenda was addressed at the end of the meeting.

Lee Kelly, County Administrator, noted committee meetings have been suspended. Alan Wilczek, Facilities Services Director, will continue to provide written updates on facility construction. The Technology Committee plans to meet next week via WebEx. Kelly said a number of Personnel items are on hold since there was a recruitment freeze due to COVID-19. He is assessing the impact the pandemic will have on the budget.

Jami Goodrum Schwartz, Health & Human Services Director, brought up her desire to talk with Human Resources and Administration about hiring four of ten positions that are vacant. These positions provide needed services to the community and are budgeted.

Discussion continued regarding whether preliminary budget discussions should begin earlier than usual due to the need to evaluate the impact from COVID-19. Administration will work with the Auditor's Office in developing budget information for the May workshop.

Kelly said a Trailblazer update is planned for the May workshop. A preliminary budget discussion could be scheduled at the same time. Vetsch said Trailblazer could be scheduled in June or later. Vetsch said he would like to schedule an overview of the WIC program from Wright County Community Action as well.

Recommendations: Add Preliminary Budget Discussions to the 5-12-20 County Board Workshop Agenda.

II. Economic Development Authority

Bruce Kimmel, Senior Municipal Advisor from Ehlers, presented a proposal via telephone regarding Ehlers' facilitation of a Wright County Economic Development Authority (EDA) establishment process. Kimmel said it is important to do the required steps as mandated by statute for the EDA Committee. This involves explaining to stakeholders how the County intends to use the EDA to guide County economic growth. Kimmel said the first two projects for the EDA would be to redevelop the current County Government Center property and the Health & Human Services site.

Brian Asleson, Chief Deputy County Attorney, discussed the option to sell the property without an EDA. He said it is possible, but the statutes are cumbersome. The County cannot do a partnership without an EDA. Darek Vetsch, County Commissioner, said the County needs as many options on the table as possible. Michael Potter, County Commissioner, said an EDA is another tool for the County. He wants to keep taxes low. Charles Borrell, County Commissioner, said the County is better off not having an EDA. If the County keeps taxes low, it will be fertile ground for business as it has been in the past. Borrell suggested trying to sell the Government Center buildings at an auction. Discussion continued regarding the merits of utilizing an EDA or selling the property without one.

Kimmel said there are a number of tools and greater powers available with an EDA. The County is free to use any of those tools as deemed beneficial. The first decision to make is whether to establish an EDA. Once an EDA is created, another set of decisions will be needed regarding how the County wants to use it.

Vetsch expressed concern about long market times, and suggested creating the EDA now and deciding later whether to use it to sell the properties. Then the EDA would be in place to use as needed.

Kimmel said an EDA would allow the County to apply for Federal funds that are not otherwise available. Most of these programs require an entity to come to the table with certain tools (such as an EDA) and a level of commitment. Without that, the State or Federal government will not be as willing to help the County achieve its objectives.

Kimmel said that if the County focuses on the mandate for the Committee to be limited, the EDA process could be done within six months. Vetsch said he would rather wait to begin the process until June. Hopefully the COVID-19 situation will be under control by then and meetings will not have to be held remotely.

Kimmel said the County Board must discuss the composition of the EDA Advisory Committee. He suggested that the County Board begin discussions now about whom they want to invite to be part of the EDA Committee in compliance with State requirements. This could be done in June or July or whenever the Board decides. Mark Daleiden, County Commissioner, said the County must notify all the cities and townships and solicit input regarding which entities are interested in becoming involved. There must be a minimum of one township and one city official on this committee, among other requirements. Kimmel said the County has the option to ask for volunteers to serve on the EDA Committee.

Kimmel said actual hours worked by Ehlers would be billed at \$250 per hour. The total amount depends on the scope of work determined by the County Board. He estimated a maximum cost of less than \$10,000, or about 40 hours.

Kimmel outlined the areas Ehlers would help the County implement the steps required by Minn. Statutes 469.1082:

- 1) Kickoff meeting with the Wright County Board
- 2) Notification to all local government units and development agencies within the County that the County is taking steps to establish a new County EDA
- 3) County Board adopts resolution to create committee to recommend options for a County economic development service provider
- 4) Facilitate process with the County to identify and select committee members
- 5) Facilitate Committee meetings and a Draft Committee Report within 90 days of its initial meeting
- 6) Facilitate County Board discussion and action on the committee's report to form an EDA or seek special legislation
- 7) Coordinate resolutions electing to participate
- 8) As desired, assist the County Board and EDA Board with the consideration and adoption of EDA policies and procedures

Kelly said there are certain people in the County who are more interested in economic development than others. It is important that everyone knows that the County will initially be focused on repurposing the Government Center and the Health & Human Services sites. There will likely be other projects down the road for which the EDA could be utilized. The County Board has to comply with certain minimum statutory requirements and put forth a recommendation to develop an EDA, if they so choose.

Vetsch recommended that Ehlers and the Administration Department create a letter to the townships and cities that includes the goals for the EDA. Once the County Board has reviewed and approved it, the letter may be sent, and the EDA Committee can be established.

Kelly said he will work with Kimmel to draft a letter to the cities and townships. He will bring it to the 4-21-20 or 4-28-20 County Board as an Item For Consideration. The Board may choose to act on the matter at that time or refer it to a Committee Of The Whole.

Recommendations: Administrator Kelly will work with Bruce Kimmel of Ehlers to draft a letter regarding the establishment of an EDA Committee. Kelly will bring it to the 4-21-20 or 4-28-20 County Board Agenda as an Item For Consideration. The Board may choose to act on the matter at that time or refer it to a Committee Of The Whole.

III. Jurisdictional Transfer Braddock Ave. and CR147

Virgil Hawkins, Highway Engineer, distributed a status report on the jurisdictional transfer of Braddock Avenue and CR 147. Also distributed was a draft Cooperative Agreement 20-53 between the County of Wright and Buffalo Township related to this transfer. Hawkins said as part of this Agreement, the County would reimburse them for three years of maintenance costs following the transfer. Since the Agreement was drafted, Hawkins said they learned that there is a stretch of 380 feet on half the road on the east end of CR 147 that is in Rockford Township. Hawkins has reached out to Rockford Township in hopes of negotiating something with them as well. The Township indicated they will discuss it at their next Town Board meeting. No agreement has been reached yet. Although only a small piece of road, the process requires a public hearing at each Township because it is a turnback. Once agreements are reached with both Townships, public hearings would be held at each Township. Following that, Hawkins would bring resolutions to the County Board to adopt the jurisdictional changes. Hawkins said the Agreement he drafted for Rockford includes three years of maintenance costs, similar to the Buffalo Township Agreement. Rockford Township said they will work something out with Buffalo Township regarding snow plowing.

Recommendations: Informational only.

IV. CMRP (Central Mississippi River Regional Partnership) Update

Vetsch said the CMRP hoped to have a sample survey out by now, but that was delayed due to COVID-19. They are still in the process of creating a survey to push out to jurisdictions to get community engagement. The project itself is called Framework 2030. Planning NEXT is the consultant. They are creating a guide book for regional planning in this area. Vetsch emphasized that CMRP does not have planning authority. It provides a cross-jurisdictional planning perspective to provide the greatest value and the highest quality of life for the region. Regarding the river crossing, CMRP is considering the needs of all jurisdictions and how they would be affected. The goal is to take a wholistic view of the region. Every CMRP Partner is required to keep their individual jurisdictions updated.

Resolutions of Concurrence and PowerPoint presentations are forthcoming from CMRP. Vetsch said the group is not trying to adopt a new land use plan. CMRP will make some recommendations for the future. Each jurisdiction will control their land use. CMRP recommendations will be based on compiled data and community input.

Recommendations: Informational only.

V. Coronavirus (COVID-19)

Kelly asked for clarity regarding how the Board wants to communicate the policy related to Wright County Working Remotely Procedures During a Public Health Emergency. He distributed a draft document with the same title. Kelly said his understanding is that the goal remains to keep as many employees as possible working remotely out of the office. He stressed that employees need to be responsive, whether that means a one-hour time frame, or is left stated in general terms. Employees must use their Paid Time Off (PTO) or vacation leave if they are at home but working on chores or doing other nonwork-related activities.

Kelly asked whether the County will require employees to use sick time if they are ill. If so, he assumes that will be noted on the COVID-19 line on timesheets. Currently there is a line titled COVID-19 Working Hours and another COVID-19 Nonworking Hours. If an employee is working home remotely, those hours are tracked under the COVID-19 Working Hours. If at home but not working, the COVID-19 Nonworking Hours would be noted. Kelly said he assumes the County will continue to track those hours.

Kelly commented that if an employee who is working remotely only has five hours of work, they should contact their supervisor and request more work. Supervisors must ensure there is sufficient work provided. Departments should discuss between themselves regarding what tasks they have that could be done by someone outside of their department.

Kelly said his understanding is that employees will now use their Paid Time Off (PTO) / leave time if they are not working, or there is no work, or if they are sick. He asked for clarification on that point.

Kelly also discussed at the 4-09-20 County Board meeting that there were some forthcoming policies, such as Voluntary Leave Without Pay. Some employees that have plenty of leave accrued may choose to go unpaid at this time (within a reasonable amount) rather than use up their PTO or leave accrued hours.

Daleiden said a lot will depend on the Department Heads. They are responsible for knowing whether their employees are working remotely. Kelly said employees should also check in with their supervisors regarding their work loads and whether they need more work. They should also let the supervisor know if they need a day off or will not be available to work.

Vetsch asked whether the County is subject to the 80 hours of additional paid sick leave under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Kelly said his understanding was that the CARES Act applies universally. Schawn Johnson, Human Resources Director, said that County falls under the CARES Act as it is a government agency. The number of employees doesn't matter for a government agency. Daleiden said County employees are eligible for an additional two weeks of sick leave if they are sick with COVID-19 or caring for someone who is, along with the other parameters as defined in the CARES Act. Johnson said the pay varies depending on whether the employee is sick, or they are caring for someone else. Due to the complexity of the CARES Act, Johnson requested that employees who may fall under those guidelines contact a County Human Resources Representative. Daleiden said that message should be communicated to employees. Johnson said the CARES Act sick leave is available to employees until the end of 2020.

Johnson clarified that the CARES Act policy states that an entity has to have 500 or less employees. His understanding after talking to the County labor attorney is that government agencies are required to provide the additional sick leave through the COVID-19 legislation, which means all County employees are eligible. Depending on which scenario an employee falls under, they would be paid either 2/3 of their sick leave or 1/3. Employees may also compensate for the remaining balance with their regular sick leave or PTO hours to make their paycheck whole. Employees will have to work with Payroll on the details. Because of the challenge related to this situation, employees should reach out to Human Resources staff. Johnson said he sent information to Human Resources staff with additional guidance on this matter. With the assistance of the County labor attorney, Human Resources is putting together forms that outline the six different criteria required to be eligible for the CARES Act leave. The Family Medical Leave Act law (FMLA) changed because of the Emergency FMLA, so those forms had to be modified as well.

Recommendations: Administrator Kelly will draft communication for employees regarding the Voluntary Unpaid Leave policy, expectations of staff and supervisors regarding accountability when working remotely, and availability of additional sick leave through the CARES Act. Kelly will forward these items for action at the 4-21-20 County Board meeting.

The meeting adjourned at 10:45 A.M.

Minutes submitted by Deb Schreiner, Administrative Specialist

Memo

To: Wright County, Minnesota
From: Bruce Kimmel, Senior Municipal Advisor
Date: April 13, 2020
Subject: **Ehlers Facilitation of County EDA Establishment Process**

In advance of tomorrow's Board discussion of Ehlers' proposal to facilitate the statutorily required process for establishing a new County EDA, I wanted to provide a compilation of the documents and topics that we will cover.

1. Ehlers' April 9 proposal and scope of work: Does this document capture what the County wants us to do? And which areas require further detail or revisions following this discussion (e.g. not-to-exceed total for hourly fees)?
2. EDA advisory committee mandate: We believe it is crucial that the County communicate clearly that the primary purpose of the EDA committee is to meet the statutory requirements of M.S. Section 469.1082. However, we also see this as an opportunity for the County to build an initial, likely informal understanding with its local partners about the EDA's expected scope of work. What does the Board think about this approach?
3. Committee composition: We have developed the attached workbook to depict the categories from which the County could draw EDA advisory committee members. Although you must notify all cities and townships of your intent to establish a County EDA, starting with this committee process, the County gets to decide which entities are represented on the committee, and the number of members. We would appreciate the Board's thoughts and direction in this area.
4. Potential timeline, referencing the steps in Ehlers' Proposal Appendix A.
5. Summary of tasks / next actions, and Board direction to proceed.

Please contact me at bkimmel@ehlers-inc.com or (651) 697-8572 with any questions along the course of this County EDA establishment process, and thank you for the opportunity to be of assistance to Wright County.

April 9, 2020

Lee Kelly, County Administrator
Wright County
10 2nd Street Northwest
Buffalo, MN 55313

RE: DRAFT - Proposal to Facilitate the Establishment of a Wright County Economic Development Authority

Dear Lee,

On behalf of Ehlers, I am pleased to present this proposal to guide Wright County through the process of establishing a County economic development authority (EDA). We are deeply appreciative of our long-standing relationship with the County and hope that our past efforts and this proposal demonstrate our team's collective ability and readiness to help the County achieve this specific objective.

We understand the County is exploring the option of establishing an EDA, at least initially as a vehicle to redevelop the existing Government Center property in Buffalo. Most of the steps required to establish a new County EDA are specified in Minnesota Statutes, Section 469.1082. Ehlers proposes to guide County Staff, the County Board, and the statutorily-required advisory committee through all the steps needed to establish a new EDA - both those mandated by state law and any additional steps needed to build consensus on the County EDA's expected near-term scope of work.

For example, Ehlers will engage the Board and committee in facilitated discussions to reach statutorily-required decisions regarding (a) the recommended organizational option for providing "needed economic development...services in the most efficient and effective manner"; and (b) the geographic area of EDA operations.

But it will also be important for the County and committee to share an initial understanding of the ways in which the County anticipates using its prospective EDA authorities - and the ways in which it will not. We say "initial" because it would be impossible to predict exactly how the EDA might be used to advance the County's development interests, even over the first 2-3 years, and because we expect the EDA

scope of work, and its partnerships with other entities, to evolve over time. Nevertheless, establishing this sort of working agreement will be crucial to achieving the consent of the County's cities and townships as to the EDA's area of operations.

A more detailed scope of work is attached in [Appendix A](#).

Project Team

The Project Managers for the FMP will be Bruce Kimmel and Chris Mickelson assisted by Jessica Cook. Bruce and Chris will attend the Board and committee meetings, as well as attend meetings with the County staff, and oversee the project. Chris and Jessica will complete the needs assessment, as applicable.

Economic Development Experience

Ehlers has more economic development, redevelopment and housing experience than our peer firms. We advise communities across a wide spectrum of redevelopment and economic development processes, with projects ranging from \$500,000 to \$640 million. All members of the project team have also worked and served in local government during their careers, giving them a keen understanding of development and redevelopment goals from your perspective, not just through the financing lens.

Proposed Cost and Schedule

Ehlers will perform the work identified in the scope of service ([Appendix A](#)). We propose that the project will be billed hourly at the hourly rate of \$250 for actual hours worked. As the project unfolds, Ehlers will invoice monthly for work completed in the prior month, with descriptions of project activities and actual time expended by day. Ehlers is committed to delivering, and showing, value in our work.

We also propose to amend this proposal with a not-to-exceed maximum project cost following confirmation and clarification of the scope of work at a kick-off discussion with the Board on April 14, 2020. Ehlers would monitor and not exceed such maximum cost unless it requests, and the County agrees to, a revision to the scope of work.

The length of the overall process will depend largely on the time it takes (a) the County

to form the committee, (b) the committee to complete its statutorily-mandated work, and (c) the communities within the County to elect to participate in or withdraw from the proposed EDA. We appreciate your consideration of our proposal and look forward to further discussing how Ehlers can help the County establish an EDA.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce Kimmel". The signature is fluid and cursive, with a prominent initial "B" and a long, sweeping tail.

Bruce Kimmel
Senior Municipal Advisor

Appendix A: Scope of Work

Ehlers will work with the Wright County staff, Board, and a newly formed committee to undertake the steps needed to establish a County economic development authority. Most of these steps are specified in Minnesota Statutes, Section 469.1082.

Step 1. Kick-off Meeting with Wright County Board.

Step 2. Notification to all local government units and development agencies within the County, that the County is taking steps to establish a new County EDA.

Step 3. County Board adopts resolution to create committee to recommend options for a county economic development service provider.

Step 4. Facilitate process with County to identify and select committee members. Board determines structure of 11-15 person committee including up to two County Board members, at least one city official, at least one housing and redevelopment official, and at least one township official. Additional representatives may come from school districts, existing EDAs or HRAs, business, and/or labor organizations. [Note: The County may request that certain local governments and/or certain officials participate, but political subdivision representatives must be selected by their local governments – and must constitute at least 50% of the total committee membership.]

Step 5. Facilitate Committee Meetings and Draft Committee Report within 90 days of its initial meeting. The report must contain a needs assessment and the committee's recommendation for one of four organizational options allowed under state law:

- Establishment of a County EDA;
- Requiring an existing County HRA or multi-county HRA to operate with EDA powers [not applicable];
- That the County pursue special legislation; or
- No change in the existing structure.

In addition, the report must provide a recommendation about the area of operation.

Ehlers will carefully coordinate the committee meetings and report-drafting process with the committee chair, to ensure the focus is primarily on establishing an EDA to achieve the County's goal of redeveloping the Government Center property.

The Ehlers team will facilitate all aspects of the committee process, including organizing meetings, taking minutes, and drafting the report based on committee direction.

- Step 6. Facilitate County Board discussion and action** on committee's report to form an EDA or seek special legislation. If an EDA is formed, Ehlers may also facilitate Board discussion on the composition of the EDA Board.
- Step 7. Coordinate resolutions electing to participate.** Ehlers will develop materials requesting that cities and townships elect to participate in the County EDA, as well as sample resolutions for city and township consideration.
- Step 8. As desired, assist the County Board and EDA Board with the consideration and adoption of EDA policies and procedures.**

Wright County EDA Advisory Committee Worksheet

Membership: 11-15 Individuals, at least 50% of which (6-8 people) must be from political subdivisions of the County. No more than 2 County Commissioners.

Scenario 1: 11 Member Committee

<----- Minimum of 6 Members (and Effective Maximum of 9) across these categories ----->

Wright County

	<i>Cities (min. 1)</i>	<i>Local HRAs (min. 1)</i>	<i>Townships (min. 1)</i>	<i>School Districts</i>	<i>Local EDAs</i>
1. Commissioner A*	3.	4.	5.	6.?	7.?
2. Commissioner B	8.?				

Nonprofit Dev Org

For-Profit Dev Org

Other Private Business

Labor Org

Attendees (No Vote)

9. County EDP	10.?	11.?	?	County Staff
				Ehlers Facilitators

* Proposed Chair: "The committee shall select a chair at its initial meeting."

County Board Workshop – Tuesday, April 14, 2020

Jurisdictional Transfer – Braddock Avenue & County Road 147

Update/Status Report:

We met with Buffalo Township and have a negotiated agreement for the jurisdictional transfer of CR 147 to become a township road and Braddock Avenue NE to become a county highway (an extension of CR 148). We also learned that a small segment of CR 147 (the south 1/2 of about 380 feet of Division Street East) is located in Rockford Township (see below) and we must revoke this segment to Rockford Township.

We see the next steps as follows and seek the board's input/approval to move forward:

- Concurrence from County Board on reimbursement of three (3) years of maintenance costs by the county
- Forward Agreements to Buffalo Township & Rockford Townships for approval/signature
- Bring township approved agreement before the County Board for approval and to set Township Hearing dates
- Send appropriate public notice, in accordance with Mn Statutes 163.11, for the hearings to be held in each township
- Hold the hearings in each township (likely the night of a regularly scheduled township meeting)
- The County Board would then pass a revocation resolution and conveyance of R/W interest for each Township road segment (at a future county board meeting)

Rockford Township portion of CR 147 (Division Street East):





COOPERATIVE AGREEMENT NO. 20-53

BETWEEN

**THE COUNTY OF WRIGHT
AND
THE BUFFALO TOWNSHIP**

FOR

**JURISDICTIONAL CHANGES
ON**

BRADDOCK AVE. NE & COUNTY ROAD 147 (Bradshaw Ave. NE)

IN BUFFALO TOWNSHIP

COOPERATIVE AGREEMENT

THIS AGREEMENT, made and entered into by and between the County of Wright, Minnesota, acting by and through its County Board of Commissioners, hereinafter referred to as the “County” and Buffalo Township, Minnesota, acting by and through their Township Board, hereinafter referred to as the “Township.”

WITNESSETH:

WHEREAS, that portion of Braddock Avenue NE, within the limits of Buffalo Township and described as follows: Braddock Ave. NE – From 3300’ north of CR 138 (northern termini of CR 148) to County Road (CR) 113, approximately 1.0 miles total length, is identified as a jurisdictional transfer candidate in the County’s Long Range Transportation Plan (LRTP), and

WHEREAS, that portion of County Road No. 147 (Bradshaw Ave. NE), within the limits of the Buffalo Township and described as follows: C.R. 147 – From 10th Street South to 400 feet east of Calder Avenue SE, approximately 0.9 miles total length, is identified as a jurisdictional transfer candidate in the County’s Long Range Transportation Plan (LRTP), and

WHEREAS, County and Township Representatives have discussed the need for jurisdictional changes and have informally discussed conditions which would accompany these jurisdictional changes, and

WHEREAS, this cooperative agreement between the County and the Township outlines the conditions, responsibilities and financial obligations in making this jurisdictional transfer for the segments of Braddock Avenue NE and CR 147 (Bradshaw Avenue NE) described above, and

WHEREAS, Minnesota Statutes, Section 163.11, Subdivision 5a describes the process for revoking a county highway to a town, and

NOW, THEREFORE, IT IS MUTUALLY AGREED AND UNDERSTOOD THAT:

1. The County and Township, hereby agree to transfer the jurisdiction of the segments of Braddock Avenue NE and CR 147 (Bradshaw Avenue NE) described above and identified in the County’s LRTP (adopted September 17, 2019 by the County Board)
2. This segment of CR 147 (Bradshaw Avenue NE) meets or exceeds the condition of a comparable county road in which the town is located – satisfying State Statute 163.11, Subd. 5a(1). CR 147 was most recently improved in 2016 with 3.5” of new bituminous pavement and then a Seal Coat Improvement in 2018. The Township agrees to take over jurisdiction of the roadway in it’s current “as-is” condition.
3. The segment of Braddock Avenue NE described above is in fair/poor condition, with an old pavement surface and some areas along Constance Lake susceptible to erosion. The County agrees to take over jurisdiction of the roadway in it’s current “as-is” condition.
4. It is agreed that the jurisdictional transfer of the roadways described herein, will be effective on the date of the County Board resolution, following completion of the following process:
 - Execution of this Agreement by both the Township and the County
 - Holding a public hearing in the Township in accordance with State Statute 163.11, Subdivision 5a
 - The County Board adopting a resolution revoking CR 147 to the Township

5. It is agreed that the County will reimburse the Township for three (3) years of snow/ice control maintenance, in the amount of \$4600 per year, as a condition of this jurisdictional transfer. The County will pay the Township by October 15th of each year (2020, 2021, and 2022 respectively).

6. The Township shall indemnify, save and hold harmless the County and all its agents and employees of any form against all claims, demands, actions or causes of action of whatever nature or character arising out of or because of the execution or performance of the work provided for herein to be performed by the Township. The County shall indemnify, save and hold harmless the Township and all its agents and employees of any form against all claims, demands, actions or causes of action of whatever nature or character arising out of or because of the execution of performance of the work provided for herein to be performed by the County.

To the fullest extent permitted by law, actions by the parties 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 a “single governmental unit” for the purposes of liability, as set forth in Minnesota Statutes, Section 471.59, subd. 1a.(b). The parties to this agreement are not liable for the acts or omissions of another party to this agreement except to the extent they have agreed in writing to be responsible for the acts or omissions of the other parties as provided for in Section 471.59, subd. 1a.

Each party’s liability shall be governed by the provisions of Minnesota Statutes, Chapter 466 and other applicable law. The parties agree that liability under this agreement is controlled by Minnesota Statutes 471.59, subdivision 1a. and that the total liability for the parties shall not exceed the limits on governmental liability for a single unit of government as specified in Minnesota Statutes, section 466.04, subdivision 1(a).

7. It is further agreed that any and all full-time employees of the County and all other employees of the County engaged in the performance by any work or services required or provided for herein to be performed by the County shall be considered employees of the County only and not of the Township and that any and all claims that may or might arise under Workmen's Compensation Act of the State of Minnesota on behalf of said employees while so engaged and any and all claims made by any third parties as a consequence of any act or omission on the part of said County employees while so engaged on any of the work or services provided to be rendered herein shall be the sole obligation and responsibility of the County.

It is further agreed that any and all full-time employees of the Township and all other employees of the Township engaged in the performance by any work or services required or provided for herein to be performed by the Township shall be considered employees of the Township only and not of the County and that any and all claims that may or might arise under Workmen's Compensation Act of the State of Minnesota on behalf of said employees while so engaged and any and all claims made by any third parties as a consequence of any act or omission on the part of said Township employees which so engaged on any of the work or services provided to be rendered herein shall be the sole obligation and responsibility of the Township.

8. Before this agreement shall become binding and effective it shall be approved by the Buffalo Township Board and it shall also be approved by the County Board and such other officers as law may provide. This agreement may be executed in counterparts, and it shall remain in full force and effect until terminated by mutual agreement of the parties. If any provision or provisions of this agreement are held to be invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions shall not be affected.

All data collected, created, received, maintained, disseminated, or used for any purposes in the course of this agreement is governed by the Minnesota Government Data Practices Act, Minnesota Statutes, section 13.01, et seq. or any other applicable state statutes and state rules adopted to implement the Act, as well as state statutes and federal regulations on data privacy.

IN TESTIMONY WHEREOF the parties have duly executed this agreement by their duly authorized officers and caused their respective seals to be hereunto fixed.

COUNTY OF WRIGHT

Recommended for Approval:

Wright County Engineer

APPROVED:

Chairperson, Wright County Board

Wright County Administrator

Wright County Attorney

Date

BUFFALO TOWNSHIP

Recommended for Approval:

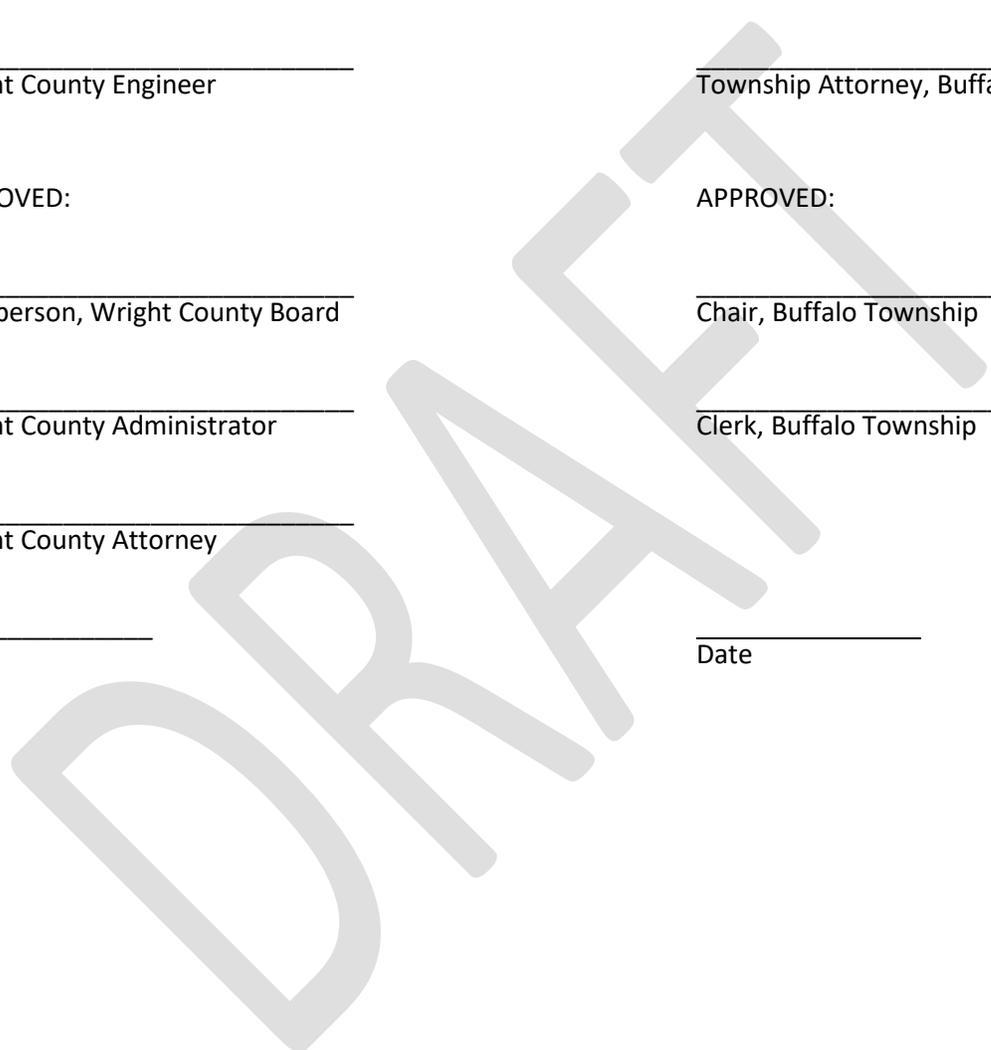
Township Attorney, Buffalo Township

APPROVED:

Chair, Buffalo Township

Clerk, Buffalo Township

Date





VOLUNTARY LEAVE OF ABSENCE WITHOUT PAY PROGRAM

DRAFT

PURPOSE AND OBJECTIVE

This program provides an opportunity for Wright County staff members to request unpaid time off from work in lieu of using PTO, vacation, sick, compensatory time, floating holidays, ESLB, and catastrophic sick leave and is intended to assist staff members during a public health emergency or disease outbreak situation (pandemic) only. Approval of an unpaid leave of absence pursuant to this policy is at the sole discretion of the County. This program will remain in effect until December 31, 2020.

PROCEDURE

Upon formal request by an employee, a voluntary leave of absence without pay may be granted by the County Administrator (or designee) for up to 280 hours to a full-time employee of unpaid leave from April 20, 2020 through December 31, 2020. **An employee may take a maximum of 40 hours of voluntary leave each bi-weekly pay period.**

A voluntary leave of absence without pay may be granted to a part-time employee by the County Administrator (or designee). The number of voluntary leave of absence without pay hours will be based upon the employees FTE status. (i.e. .50 FTE Status would be eligible for 140 hours from April 20, 2020 through December 31, 2020). **A part-time employee will be required to work 50% of their scheduled work hours each bi-weekly pay period.**

An employee granted an unpaid leave of absence shall have the right to return to employment in their original job or position of like status and pay. However, an employee is not protected from employment actions, such as layoff or elimination of the employee's position, that would have occurred regardless of whether the employee took leave. The County Administrator or designee shall have the right to place the employee in a position that most efficiently promotes the welfare of the County.

NOTICE & APPROVAL

Full-time and part-time employees who have successfully completed their one-year probationary period with Wright County may apply for a voluntary leave of absence without pay for the April 20, 2020 through December 31, 2020 time period. **Part-time employees will eligible for a pro-rated amount of voluntary leave without pay based upon their FTE status.**

The employee must request the voluntary leave of absence without pay in writing to his/her supervisor with as much notice as is practical. If the request is approved by the supervisor and department head, it will be forwarded to the County Administrator (or designee) for a final decision. The voluntary leave of absence without pay may be granted at the sole discretion of the County Administrator (or designee). The County Administrator (or designee) may consider the following factors:

1. County's service needs;
2. Employee's performance record and length of service;
3. Reason(s) for the request;
4. Other relevant information and applicable laws and policy, if any; and
5. Supervisor and department head recommendation.

The employee will be expected to remain in contact with the supervisor and a Human Resources representative throughout his/her voluntary leave of absence.

LIMITS

A. Non-exempt employees must request time off in either 4-or8-hour increments.

Non-exempt employee groups consist of the following:

- 1) Teamsters/Courthouse Unit;
- 2) MNPEA/Communication & Correction Officers;
- 3) AFSCME/Human Services;
- 4) Local 49'ers;
- 5) Wright County Deputy Association (WCDA); and
- 6) Non-union employees who are non-exempt.

B. Exempt employees must take time off in 8 hour per day increments due to FLSA requirements.

Exempt employee groups consist of the following:

- 1) Attorneys Association;
- 2) Teamsters (Sheriff's Supervisory Unit), and
- 3) Non-union employees who are exempt.

C. Employees must have sufficient paid time each pay period to withhold normal payroll deductions. This includes such things as insurance premiums (health and dental), life insurance, union dues, credit union deductions, flex plan elections, etc.

If granted, a voluntary leave of absence without pay may not exceed 280 hours of unpaid leave during the 2020 calendar year. An extension of a voluntary leave of absence without pay may be requested in writing and granted at the discretion of the County Board if an extraordinary circumstance is deemed to warrant such an extension. Failure of an employee to return from their voluntary leave without pay or not requesting an extension before the expiration of their leave shall be considered a voluntary resignation from the County.

D. Employees are not eligible to use Voluntary Leave of Absence if their vacation or PTO balance is at or exceeds their year-end maximum carry-over amount. Under no circumstances shall an Employee that participates in this program be allowed to exceed their maximum carryover amount.

STATUS & BENEFITS ACCRUALS

Employee benefits and service credits will continue to accrue as though an employee is actively at work. PTO, vacation and sick time accruals will continue to accrue at regular rates through the bi-weekly payroll process. The county's contribution toward insurance coverage will continue as long as the employee is continuing his or her regular contribution toward the insurance premium and scheduled pay increases and seniority dates remain unchanged. Employees must be in a paid status (minimum of 4 hours) the last scheduled work day prior to a holiday and the first scheduled work day following an observed holiday in order to receive compensation for a paid holiday. Employees who are approaching retirement should be aware that utilization of this program has the potential to affect PERA and social security benefits as these benefit plans are based on earnings.

Use of unpaid time must be clearly documented as Voluntary Leave of Absence Without Pay on time sheets identifying the number of hours taken.

Adopted by the Wright County Board on _____. 2020.