

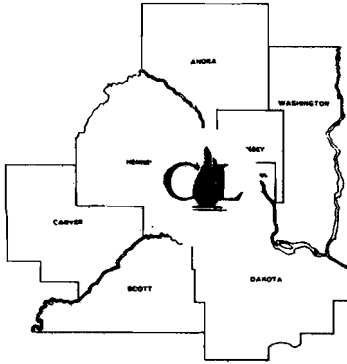
CITIZENS LEAGUE REPORT

No. 202

Hennepin County Government Reorganization

December 1966

Citizens League Report



Hennepin County Government Reorganization

OFFICERS

President
Archibald Spencer
Vice Presidents
Leslie C. Park
Greer Lockhart
Fred Cady
James L. Hetland, Jr.
Mrs. Stanley G. Peterson
Secretary
Mrs. Nicholas Duff
Treasurer
Richard A. Nordbye

STAFF

Executive Director
Verne C. Johnson
Associate Director
Arne L. Schoeller
Research Director
Paul A. Gilje

DIRECTORS

Raymond D. Black
Bruce W. Blackburn
Francis M. Boddy
John Burger
Charles H. Clay
Earl F. Colborn, Jr.
Waite D. Durfee
Harold D. Field, Jr.
Richard J. FitzGerald
Mrs. Ralph Forester
Glen F. Galles
Gilbert Giebink
E. Peter Gillette, Jr.
David Graven
Roger L. Hale
Henry S. Kingman, Jr.
Sally Luther
C. D. Mahoney, Jr.
James Martineau
Mrs. J. Paul McGee
John W. Mooty
Wallace E. Neal, Jr.
James R. Pratt
John W. Pulver
John C. Savage

DIRECTORS (Cont'd)

Dr. John C. Schwarzwald
Paul Van Valkenburg
James L. Weaver
John W. Windhorst

PAST PRESIDENTS

Leonard F. Ramberg
Stuart W. Leck
Leslie C. Park
Charles S. Bellows
Charles T. Silverson
Walter S. Harris, Jr.
John W. Windhorst
John F. Finn
Frank W. Walters
Malcolm G. Pfunder
James L. Hetland, Jr.
Norman L. Newhall, Jr.
Waite D. Durfee, Jr.
James R. Pratt
Charles H. Clay

ABOUT THE CITIZENS LEAGUE. . .

The Citizens League is a non-partisan, independent organization of more than 3,200 members, founded in 1952, and dedicated to the improvement of local government in the Twin Cities area.

Citizens League reports, which provide assistance to public officials and others in finding solutions to complex problems of local government, are developed by volunteer research committees, supported by a fulltime professional staff.

The League's annual budget is financed by annual dues of \$10 (\$15 for family memberships) and contributions from more than 600 businesses, foundations, and other organizations.

CITIZENS LEAGUE
RECOMMENDATIONS FOR LEGISLATION TO
REFORM THE STRUCTURE OF HENNEPIN COUNTY GOVERNMENT

Approved
Citizens League Board of Directors

December 2, 1966

SUMMARY

The existing structure of Hennepin County government is totally inadequate to the needs of a modern urban county. This inadequacy stems primarily from venerable provisions of general state law which apply equally to all counties, whether they contain 900,000 persons or as few as 4,000. The law prevents action by the County Board to effect internal reform, restructuring and coordination of functions in most areas of Hennepin County government. It vests independent power and authority in a whole series of separately elected officials who are not responsible to any policy-making body at the county level, but merely to the State Legislature, which exercises no meaningful review over the operations carried on by these officials.

Many of the independent elected officials perform essentially ministerial or administrative tasks. The nature of their jobs is such that the public is in no position to judge how effective or efficient the operations of these officials have been. A major reform which should be adopted by the 1967 Legislature would abolish the positions of most of the independent elected officials and replace these positions with appointive ones in connection with a reorganization of the functions of Hennepin County government under the County Board.

SUMMARY (continued)

The traditional concept of the County Board's role no longer fits the needs of Hennepin County. The Legislature should redefine the function of the County Board in Hennepin County, so as to make it a truly policy-making body responsible for all aspects of county government, except the judiciary. The size and complexity of existing county government, its growth, and its need for revitalization and reorganization, together with the need for county government to better relate to and cooperate with municipal and other levels of government, urgently demonstrate the need for a substantially fulltime, adequately paid policy-making body at the county level, which will be able to devote itself solely to study, policy-making and review. The legislation should provide for the Board's receding from the performance of the executive and administrative functions it is now required to perform.

The strong appointive position of County Manager should be created, as a necessary and indispensable complement to the reorientation of the County Board's function into that of a policy-making and review body. The County Manager, appointed by and responsible to the County Board, should have the strongest possible executive authority commensurate with an appointive position and should be the administrative head of county government, with all department heads in the restructured government responsible to and reporting to him. He should recommend the appointment of persons to these key positions, subject to County Board confirmation.

Provision should be made for a strong central county administrative staff under the County Manager and possessing the skills and talents, including systems and budget review, necessary for the initiation by the County Manager's office of proposals for and restructuring of all areas of county government through a regular process of the Manager's presenting detailed reorganization recommendations to the County Board for its study and action.

The power in the County Board and Manager to effect administrative reform should be broad enough to include the restructuring of all functions currently performed by the County and by the Courts, except directly judicially-related functions.

The Legislature should retain the power to define what governmental functions and services the county may provide. However, the new legislation should allow voluntary arrangements under which, when municipalities and the county can agree on the performance by municipalities of county functions or the performance by the county of certain municipal functions, the county would have the legal power to perform these services and functions.

Citizens League
545 Mobil Oil Building
Minneapolis, Minnesota 55402

FROM: County Government Structure Committee, James L. Hetland, Jr., Chairman

TO: Board of Directors

SUBJECT: Recommendations for Special Legislation to Provide for the Reform of the Structure of Hennepin County Government.

BACKGROUND

Historically, the county was an administrative district established solely for the convenience of state government. It was established to serve as a district for judicial administration, law enforcement, tax administration, elections, local road construction and maintenance, welfare services, and the administration of other state-established services, regulations and franchises. Because of this, the county was regarded as an instrument of the state for the local performance of state responsibilities and not as a unit of government to serve the needs of local residents for local services.

But Hennepin County today, along with other heavily urbanized counties in Minnesota and elsewhere, has been increasingly called on to provide services and perform functions which are very similar to those normally associated with municipalities. For example, the county is now operating a county general hospital, providing library service in the suburban areas, and operating a countywide municipal court system. In addition, the county has felt it necessary to establish or assume the responsibility for detention or correctional institutions and programs, such as the Juvenile Center now handling over 1,600 admittances per year and the expanding Home Schools for Boys and Girls at Glen Lake. The Minneapolis Workhouse is likely to be transferred to county jurisdiction as it provides detention facilities mainly for persons sentenced by the County Municipal Court, which last year replaced all local municipal courts in the county. A new county jail to replace the separate county and city jails will also be under consideration by the 1967 Legislature.

In contrast to the original purposes of the county, many of these new services are being provided to meet local needs of local citizens and are financed almost wholly from local revenue sources.

Despite these significant changes in the duties and functions of the county, there has been no accompanying legislative recognition that, in addition to being an administrative arm of the state, Hennepin County has also become a limited function, general purpose government with regard to these expanding local service functions. Nor has the Legislature really faced up to the fact that the performance of the traditional county functions in a county of nearly one million people is very different from their performance in a rural county of 5,000 residents operating under the same state laws. This is particularly true as to such matters as highway planning and construction, welfare administration and handling large court calendars, but it is also true as to administration of elections, money management, record-keeping of all types and almost any county function one might mention.

INTRODUCTION

This report recommends special legislation at the 1967 session of the Legislature to modernize and reorganize the structure of Hennepin County government. The scope of these recommendations should be clearly understood at the outset. The recommendations do not involve a home rule charter for Hennepin County. They do not provide for transfer of new governmental functions to Hennepin County. They do provide for the restructuring of existing county government, and concern themselves with the existing duties and functions of the county and the existing boards and officials of Hennepin County government. The committee believes that the recommended legislation is urgently needed so that Hennepin County will be in a position to more expeditiously and efficiently perform those necessary functions and services it is already charged to provide.

The needs we are addressing in this report should not be confused with the widespread discussion of need for a metropolitan area structure of government. Hennepin County government is not currently deeply involved in the functional areas - sewer, transit, etc. - nor with the areawide problems generally associated with discussion of a metropolitan areawide structure of government.

It is possible that Hennepin County should be performing additional services and functions. By the same token, some aspects of current county operations might in the future be performed by higher or lower levels of government than the county. But this report is not concerned with these questions, beyond recognizing that county government has grown enormously and will undoubtedly continue to grow at a fast pace.

The report addresses the question of how the government of the largest county in the state, which will administer a budget of nearly \$90 million next year, can be reorganized so as to do a better job with the many governmental services and in the many areas in which it is now operating.

The study has been primarily focused on the antiquated and ineffectual structure of Hennepin County government as imposed by existing state law, on the effects of this structure, and on the best manner in which this structure can be revamped by the Legislature so that county government will be able to perform its functions in an efficient and businesslike manner.

RECOMMENDATIONS

The special legislation we recommend should:

1. Make appointive all the currently elective offices in Hennepin County, except for the County Board, the County Attorney, the Judges of the District and County Municipal Courts, the Probate Judge, and the Clerk of District Court.

The County Board of Commissioners should be given complete authority over all functions now required by law to be performed by the currently independent elected officials, with the exception of the Attorney and the Court Commissioner, and the court record-keeping function of the Clerk of District Court. The law should make clear that the County Board has full policy authority over the performance of non-judicial related functions, and that persons holding the top positions serve at the pleasure of the County Board. In retaining the position of County Attorney as

elective, the duties of the position should be redefined so that the person holding this elective position becomes the County Prosecutor or District Attorney, independent of a second legal position, that of County Law Officer or County Counsel, an appointive position under the County Board. This position would be responsible for the function of providing ongoing legal services to the various departments and areas of county government.

The Court Commissioner function should be appointive, but under the Probate Court, not the County Board. The court records-keeping function of the Clerk of District Court should be combined with the functions of the now separate Municipal and Probate Courts Clerks and placed under the Courts Administrator, who should be responsible to and serve all three courts - District, County Municipal, and Probate.

The Clerk of District Court position should be made appointive but cannot be, as since 1956 it has been a Constitutional office. The Legislature should give consideration to amendment to the State Constitution so as to remove reference to this office. If this is done, individual counties could then determine if the position should be elective or appointive. In the meantime, even though the office must remain elective, we believe the special Hennepin County legislation we recommend should vest the Courts with the power to set the pay of and assign duties to the Clerk, who should serve under the Courts in the functional area related to courts record-keeping. The legislation should also place responsibility for the non-courts record functions of the Clerk - marriage licenses, etc. - under the County Board and Manager, who should also have responsibility for all non-courts records including traffic violations records of the Municipal Court, record-keeping currently under the other independent elected officials, etc.

Guarantees to the particular county officials elected in November, 1966, for four-year terms can and should be provided in the legislation, specifically that they shall suffer no loss of pay while in county employment during the period for which they were elected, and that, if they desire, they shall be given employment in the functional area involved in their elective position.

2. Designate the County Board as the policy-making or legislative arm of county government.

The Board shall be given broad budgetary powers, power to set salaries, power to determine the number of positions in the restructured department of county government, power to appoint and relieve the County Manager and power of approval of the Manager's recommended appointments to top county administrative positions.

The law should restrict the County Board and Commissioners, who should serve strictly in a policy-making capacity, from exercising administrative duties. This can be done by defining in the law the Board's powers and duties and its relationship to the recommended position of County Manager, who should fulfill the executive and top administrative functions of county government.

We cannot over-emphasize the need to establish a strong policy body in county government, responsible to the voters for all non-judicial functions of county government - the County Board. The importance of the ongoing need for a substantially fulltime, adequately paid policy and review body stems from the growing size and complexity of county government, need for reform and reorganization, and the certainty that the county will be asked to take on new tasks and duties.

It would be shortsighted to expect that policy direction of as vast, as many faceted and as expensive an operation as Hennepin County today should be placed in a part-time, school board type body holding one or two weekly meetings. The budget and tax levying functions of the Board alone, if adequately fulfilled, require long detailed hearings, meetings and information sessions over an extended period each year. In its capacity as the County Welfare Board, and the policy body for the Hospital, many hours are already spent. Its new duties in the personnel field, plus its function in many new areas in which we believe it should study and set policy, clearly require a working close to full-time board.

Increasingly also the Board should and will be devoting considerable time to consideration of the county's relationship to other units of government. How can it best cooperate with and aid the municipalities and fast growing rural areas of the county? What state aids and legislation are needed for the county? What about federal programs? How can Hennepin County government cooperate with the area planning and other special agencies of areawide government. How should the counties in this area cooperate to best provide the services and perform the tasks assigned to the counties by the Legislature?

3. Create and define the duties and powers of the new appointive position of County Manager, which should become the executive and administrative head of county government, supported by a strong staff capability.

The Manager should have the confidence of the Board. Thus, he should be appointed by and be responsible to the Board and serve at its pleasure. The Manager should have strong executive and administrative authority. He should fill or replace the top administrative and department positions, subject to County Board confirmation. These are the department head and "top deputy" positions which will remain outside of the uniform merit personnel plan. The law should make clear that department heads report to and are directly responsible to the Manager, not the County Board.

With the County Board setting goals and policies and reviewing progress in their accomplishment, the Board must rely on the Manager to see to the accomplishment of the Board's aims. He therefore should have the primary say in the selection of department heads, subject to Board confirmation. The Board holds the Manager accountable, and he in turn must rely on the top department personnel for performance.

A key role of the Manager which should be provided in the law is that of making regular yearly proposals to the Board for reorganization and reform, for recommended Board action, and for needed legislation related to Hennepin County government. The law should provide for the Board's holding public hearings on the Manager's proposals and, following such hearings, taking action on these proposals. Thus, some formal procedure will be provided for the establishment of goals and policies for county government and for some measurement against which the voters may judge the progress being made.

4. Provide specifically for the division of policy responsibility between the County Board and the Judiciary for all existing or newly created county functions in line with the findings of this report.

It should provide, for example, that:

. There be one combined probation function under the policy direction of the County Board.

. There be one combined courts record function under the policy direction of the courts (even though the Clerk of District Court position will remain elective until the Minnesota Constitution is amended).

. The functions of the Department of Courts Services and of the juvenile and adult correctional institutions be placed under the policy direction of the County Board, subject to the advice of a committee of the courts on policy matters pertaining to these functions and on the question of appointment and retention of the Director of Courts Services.

5. Provide maximum opportunity to Hennepin County on a voluntary and cooperative basis and on terms which can be agreed upon between the county and municipalities to provide certain services for municipalities and, conversely, to allow municipalities to perform agreed upon county services within municipal boundaries.

The committee also studied and considered the findings and recommendations of certain other recent Citizens League reports involving aspects of Hennepin County government. To the extent that recommendations contained in those reports have not yet been implemented (or require new legislation), the committee urges the carrying out of these recommendations where appropriate by the 1967 session of the State Legislature. Specifically, we recommend legislation as outlined in the below cited Citizens League reports to:

- Include employees of the currently independent elected officials in the County Merit Personnel Plan to go into effect in March, 1967. (CL Report of May 10, 1965).
- Consolidate the city and county jails under county jurisdiction and under the control of the County Board in a new building. (CL Report of July 13, 1966)
- Transfer the Minneapolis Workhouse to County jurisdiction. (CL Report of March 17, 1960)
- Reform laws pertaining to voting, voting machines and election procedures. (CL Report of March 2, 1966)
- Provide for a statewide "strong" County Assessor system. (CL Report of May 14, 1965)

The legislative proposals outlined above, while relatively simple on their face, are extremely complex in terms of existing state law, which, with respect to counties and especially Hennepin County, is scattered throughout the statute books, and currently places powers in a variety of county officials both elected and appointed. Due to the legal complexity of these matters, we recommend that the County Board immediately contract for legal assistance for the research and drafting required in the preparation of special legislation to carry out recommendations for reform of Hennepin County structure. The drafting attorney or attorneys should be instructed to cooperate with the County Attorney. In the short amount of time available before the next session, and with the press of work on his staff, we doubt the County Attorney's office alone should be asked to undertake this task.

FINDINGS

Legislators Now Set County Policy

Hennepin County operates under a county commissioner plus independent elected officials form of government. This form of government has been prescribed in general state law which requires the election of specific officers who are independent of each other and often uncoordinated in their activities. Not only is county government limited to those powers specifically given to it by the State Legislature, but also in most instances the legislation spells out which officer shall do what and how the county's powers shall be discharged. Thus, the County operates in a virtual legislative straitjacket and must seek legislative consent to make even minor changes in the structure or functioning of Hennepin County government.

The approval of the entire Legislature is needed to reassign responsibility or authority from one official to another, even when such reassignment clearly would lead to greater efficiency or more coordinated government. For example, before Hennepin County could set up a central purchasing department or a central budget office, legislative approval was required.

The list of minor administrative or housekeeping changes in county government which cannot be instituted without legislative approval is almost endless. The real governing body for Hennepin County, as for the other 86 counties in Minnesota, is the State Legislature. However, because of the custom of generally deferring to the local legislative delegation on local issues, it probably is more accurate to say that the Hennepin County legislators act as the governing body for Hennepin County. Since the county delegation has operated under a "unit rule system", whereby the consent of all but three or four of the delegation members is required before a local bill receives delegation support in the Legislature, it is necessary to obtain the support of over 90 per cent of the Hennepin County legislators to make changes in the county's government.

County Board's Current Role

Under Minnesota law the five-member Hennepin County Board of Commissioners is supposed to act as the administrative or executive head of the county. This means that a five-member board is supposed to make the day-to-day decisions entailed in running county government.

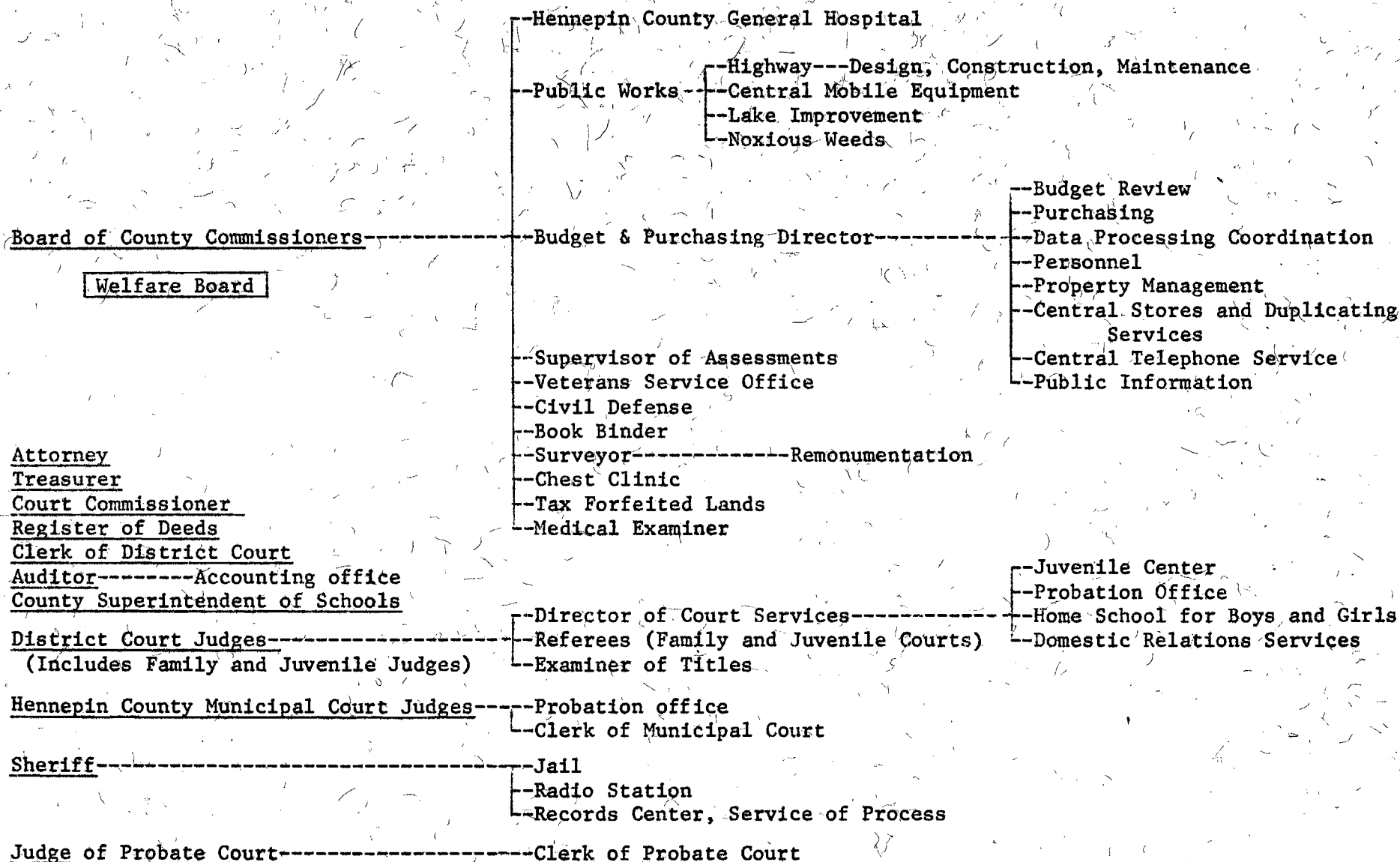
Within the framework of general law and of some special legislation pertaining to Hennepin County, the County Board is also a decision-making element of county government. For example, the County Board appoints and sets the salaries for the County General Hospital Administrator, the County Medical Examiner, County Surveyor, County Highway Administrator, County Highway Engineer, Budget and Purchasing Director, Supervisor of Assessments, Veterans Service Officer, Director of the Welfare Department, Weed Inspector, Civil Defense Director and County Library Director. To the extent that county funds are involved in operating these functions, it maintains budgetary control over them as well as varying degrees of policy control.

In addition to the County Board, state statutes provide for the election of a County Attorney, County Auditor, County Register of Deeds, County Sheriff, County Superintendent of Schools, County Treasurer, Clerk of District Court and

EXISTING ORGANIZATION OF HENNEPIN COUNTY GOVERNMENT

Elected by Districts of the County

Independent Elected Officials-Judges



Attorney

Treasurer

Court Commissioner

Register of Deeds

Clerk of District Court

Auditor ----- Accounting office

County Superintendent of Schools

District Court Judges ----- Referees (Family and Juvenile Courts)

(Includes Family and Juvenile Judges)

Hennepin County Municipal Court Judges ----- Probation office

Hennepin County Municipal Court Judges ----- Clerk of Municipal Court

Sheriff ----- Jail

Sheriff ----- Radio Station

Sheriff ----- Records Center, Service of Process

Judge of Probate Court ----- Clerk of Probate Court

Court Commissioner (plus a Probate Judge and 30 District Court and County Municipal Court Judges). These independent county officers are free to run their offices as they see fit and free to cooperate or not to cooperate with other county officials or departments as they may choose. Their salaries and the number of personnel in their offices and departments are determined by the State Legislature. Once these levels are set, the County Board must pass on the year-to-year operational and capital needs of the departments of the independent elected officials.

In addition, there are large areas of Hennepin County government operated under the direction of the Courts, which, under provision of various special legislation, appoint administrators and hundreds of other personnel engaged in probation and correction, as well as directly court-related work, operate county correctional institutions, etc.

The foregoing chart shows all elective positions of Hennepin County government and its current organizational structure. A five-page appendix to this report outlines the powers and duties of all of the various elected officials and judges of Hennepin County government.

Diffusion - Confusion

With this diffusion of authority, administrative reform or restructuring affecting diverse departments is well-nigh impossible to achieve. County government abounds with examples of duplication of service and record keeping, contradictory policies as between departments, waste of manpower, lack of consistency in pay and personnel matters, hours, levels of service, etc. For example, the county has operated under several separate and uncoordinated personnel systems, and, even with the advent of the new county merit personnel system in March, 1967, the employees of the independent elected officials are not now scheduled to come under the new system. There are no standards with regard to use of or improvement in county office space. Each department or official makes his own requests for space and remodeling, which is then provided on an office-by-office basis. Record keeping and duplication methods and procedures have been uncoordinated with the same type of records, regarding ownership of land, for example, being kept in different ways in many different offices, with great duplication of effort. Lawyers have had to deal with regard to the same lawsuit with separate clerks, some employed by the District Judges and others by the Clerk of District Court, who is independently elected and not responsible to either the County Board or the Court. Sheriff's deputies as bailiffs sit fulltime in courtrooms where it is universally agreed there is no requirement to keep order because land condemnation and civil litigation cases are being heard (as contrasted to criminal, juvenile and family courtrooms, in which a "peace keeper" is clearly required).

In most of these and other similar type situations there is no authority in the County Board to effect the administrative reforms necessary to rectify the situation and to establish more efficient and businesslike procedures and arrangements.

Shorter Ballot

In addition to the five County Board members and the 31 Judges of the District, County Municipal, and Probate Courts, Hennepin County voters now elect a County Auditor, Treasurer, Register of Deeds, Superintendent of Schools, Sheriff, Attorney, Clerk of District Court and Court Commissioner. The public is totally

confused by this proliferation of offices on which it is asked to pass judgment. For example, on November 8, 1966, in addition to voting for Senate, Congress, State offices, two Supreme Court Judges, legislators, a District Judge, four Municipal Court Judges, and County Board (in two districts), voters were asked to pass judgment on the additional eight county positions listed above.

These jobs without exception are very different from the jobs of congressmen, state legislators or county board members, whose actions and decisions are or should be subject to public scrutiny. Certain of these jobs - Auditor, Treasurer, Register of Deeds, Clerk of District Court - are clearly administrative or ministerial in nature. Their performance, while important, cannot be evaluated by a significant portion of the public. The decisions which persons in these positions make are not the kind which the public can or should be asked to pass on.

The Superintendent of Schools position as it has developed in Hennepin County no longer fulfills a needed function and should be abolished.

The main work of the Court Commissioner in the commitment field is important, specialized and requires professional background and experience. The Probate Court, which is responsible for persons under guardianship, should provide for the performance of this function through appointment of qualified persons to direct and undertake the duties involved.

While the Sheriff is the chief law enforcement officer of the county, only a small percentage of his employees are engaged in "police work" - the maintaining of law and order. Rather, in an urban county in which local police departments function in most areas, the Sheriff's main duties have become the providing of services - maintaining the jail, a radio station, a records center, an organization for service of legal papers, protection for courtrooms, etc. Direct police protection is provided only in outlying smaller non-urbanized areas of the county. While the Sheriff's law enforcement functions may grow, the expansion is most likely to be in service functions in support of local police - investigation, detection, communications, police training. Whether the Sheriff is regarded primarily as a lawman or as a purveyor of specialized services, we see no reason to retain the Sheriff's position as elective, any more than we would expect the position of a municipal police or corrections administrator to be elective.

Pending passage of a Constitutional amendment the Clerk of District Court position must remain elective, but this does not preclude restructuring of the functions performed by this office, with those not directly court related being placed under the County Manager and the courts records functions being made the responsibility of the courts. The judiciary by law should set the Clerk's salary and prescribe his duties.

The County Attorney's duties are many and varied. To the extent his function involves providing legal services to the many areas of county government, he fulfills a staff function. But the Attorney is also the county prosecutor - the lawyer who protects and represents the public interest. He convenes the grand jury; he conducts investigations; he is responsible for seeing that alleged law violators, including, on occasion, public elected or other officials or employees, are brought to trial. As the county prosecutor or "D.A." we believe the Attorney should remain elective. However, the legal administration and service functions should be placed in the hands of a separate appointed lawyer for the County.

With the exception of the County Attorney as Prosecutor, and the Constitutionally required position of Clerk of District Court, the elective positions of all of the currently independent officials of the county should be

abolished. The functions of their offices (except in the case of the Court Commissioner function, which should come under the Probate Judge, and the courts records function of the Clerk of District Court, which should be placed under the Courts and Courts Administrator) should be placed under the direction of the County Board and the administrative control of the County Manager.

Needed - A Local Decision-Making Body

A key ingredient in modernizing county government is the need to pinpoint responsibility for the policy decisions necessary in the restructuring of the existing functions of county government in one elective body - the County Board - which would then be directly accountable to the public for the performance of county government. In connection with its transformation to a county policy-making body the Board should be required to recede from its traditional state-designated role as the administrative arm of county government. The demand for study, goal setting, and review of county functions and their restructuring, along with the Board's ongoing need to consider the relationship of the county and of its functions to other levels of government and their functions, will require a fulltime, well-paid County Board.

Included in the powers to be given to the County Board should be the power to determine the year-to-year budgets of all areas of county government, the number of personnel (except Judges) required in all areas and departments of the county, and power to set wages and salaries for all county employees (except Judges). With respect to its own salaries and that of the elected County Prosecutor, the Board should set salaries subject to a legislatively set minimum, which we believe for the County Board should be in the range of \$12,000 - \$15,000, and for the Prosecutor at least the amount of the current salary of the County Attorney, \$17,000.

Eliminating unnecessary elective offices and pinpointing responsibility for policy making, reform and performance of county government in one elected board is not enough. An innovating policy-making and review body performs a decision-making function. This function should not be combined with the executive or administrative function which for large parts of county government the County Board is now required by state law to perform.

Yet a strong, centralized executive-administrative function is clearly needed in the sprawling, growing, multi-functional Hennepin County government of today and of the future.

Needed - A Strong County Manager

The County Board performing a decision-making function must be complemented by a County Manager with a strong staff capability to perform the executive-administrative functions of county government.

The following description of the County Board-County Manager structure by the National Municipal League is fully subscribed to by this committee:

"The fundamental rule for sound government is to elect policy-makers and appoint skilled administrators and technicians to carry out policies. If the voters don't like the policies of the elected officials, or if the voters object to the way the policies are executed, they can change officials at the next election.

"Here is where the county manager plan comes in perfectly. The voters don't have to investigate and compare the qualifications of the candidates for treasurer and assessor and eight or ten other officers. They simply mark their choices for county commissioners - and county judge and prosecuting attorney in states where the election of such officers is required.

"The county commissioners carry on from this point. They hire an experienced man for the job of county manager. He is chosen on the basis of training and ability, without regard to politics. It is his responsibility to pick qualified people to do the county's work. For example, he will hire those who handle finance, records, assessments, public works, public safety, law, welfare.

"If the county manager picks able people and does his own job well, the county commissioners will keep him on the payroll. If he bungles his job, he will be fired forthwith.

"A prime virtue of the county manager plan is that the minimum number of qualified people is hired to conduct the county's business. The taxpayers are not obligated to spend unnecessary thousands of dollars to fill elective offices that serve no useful purpose. The taxpayers are not penalized for the costly blunders of unqualified officers, nor for the waste resulting from uncoordinated and unplanned activities of many independent offices and boards.

"Of course the county manager plan does more than eliminate official deadwood. It provides for orderly, intelligent operation of the public's business. Overlapping functions and jurisdictional conflicts are abolished. Buck-passing doesn't work. All responsibility is placed on the shoulders of one executive, the manager, whose performance can easily be judged by the commissioners and the public."

Strong Budget Powers

Budgetary procedures and review will consume a major portion of the efforts of the Board and of the Manager and his staff. To fulfill a strong budgetary role it will be necessary for the Board to provide the Manager with management tools in the form of a competent central administrative staff, including the ability to perform ongoing, in-depth review of the many operations of county government. A budget process and timetable providing for close cooperation by the Manager and his staff with the reorganized departments in budget preparation and review, sufficient time for preparation of a proposed overall county budget by the Manager and for hearings and review by the Board should be evolved.

In the current situation in Hennepin County with the unparalleled growth of the county and its government, the transfer of new and expansion of existing functions, the need for restructuring and modernization, and the need for the county to cooperate with and relate to the municipal, state and metropolitan levels of government, the role of the County Board and County Manager as innovator cannot be over-emphasized. The Manager should be required by law to submit yearly reform proposals to the County Board for their study and action. His office should have the capability, in addition to providing for restructuring and coordinating the operations of county government under the policies of the Board, to conduct studies recommended by the Board, by the Legislature, by individual or groups of municipalities, or by civic organizations (subject to Board approval).

The County Board should be required by law to report periodically and in detail to the public and to the Legislature on important matters, such as development of county capital programs in such areas as highways, libraries and county buildings, on possible cooperative programs with the municipalities, on questions of new governmental functions which might be performed by Hennepin County, and on the need for legislation relating to Hennepin County. The County Board should also be required by law to hold public hearings and to take action on all recommendations contained in the yearly report to the Board by the County Manager.

Functional Restructuring

The legislation providing for a County Manager and redefining the role of the County Board should be broad enough in scope to give the Board and Manager power to consolidate administrative and operational control of similar functions regardless of where that control may now reside. For example, there should be just one probation office, probably coordinated with the correctional institutions, not two separate ones as now. Similarly, the Clerks of Court functions should be restructured, with the non-judicially related functions of the Clerk of District Court (marriage licenses, etc.) placed under the County Board and Manager, and the courts records function consolidated under the Courts Administrator.

The Courts Administrator function, mainly concerned with calendar matters, scheduling of juries, etc., directly relates to the judicial process, and this function should clearly be retained under the control of the Courts; but, as previously recommended by the Citizens League, the Courts Administrator should serve all of the courts, not only the District Court. In recommending that the courts records function of the Clerk of Court be placed in the Courts Administrator responsible to the judiciary, we believe that the law should provide that record keeping, microfilming methods and techniques be standardized and coordinated with other county record-keeping operations.

In the case of county institutional functions - the jail currently under the Sheriff, the Juvenile Center, the Boys and Girls Homes under the Judges, the workhouse if transferred - we believe that reform legislation should be broad enough in scope to allow close coordination in the administration of some or all of these institutions as the County Board may determine. They should be administratively and operationally responsible to the County Manager. We understand fully the legitimate interest of the Judges in these operations and in the operation of the Department of Courts Services, which works closely with the courts and the Director of which is currently responsible to a committee of District Court Judges. With the advent of the new county merit personnel plan, personnel of this department and of the institutions (except the jail) will come under the county personnel board and county personnel director under the County Board. Courts Services is a \$2 million dollar plus operation with nearly 250 employees. We see little reason why judges should be responsible for the operations of this department or of the institutions. But judges should have a meaningful role to play in policy decisions relative to these functions. Thus, a plan whereby a committee of judges would make recommendations to the County Board on policies related to these functions and on hiring or relieving the Director of Court Services appears desirable. We would envision that operation of parole, probation, and the institutions (with the possible exception of the jail) should probably come under the Director of Courts Services, with administrators in these areas reporting to the Director of Courts Services and he in turn reporting to the County Manager.

New County Functions

While the Legislature should no longer set the biennial money appropriations for county functions, it should retain its power to determine what functional areas the county shall and shall not engage in, and to approve transfer of functions, services or facilities to or from Hennepin County government. Thus, the county would not be given so-called full home rule powers under the proposed legislation, but would be given administrative home rule powers.

In Hennepin County we have and doubtless will continue to have a great many units of municipal government, many so small that it is difficult or impossible for them to provide adequately certain important local services. As county government is modernized, it will be in a better position to provide on a voluntary and contractual basis certain services to local government. Similarly, larger municipalities might be in a position to perform some county functions, for example snow plowing or maintenance of county roads in conjunction with local performance of these functions with respect to local roads.

There ought to be legal means whereby voluntary contractual agreements between municipalities and the county can be encouraged.

Initially, the functional areas in which such cooperation would take place would be those - such as road maintenance, snow removal, aspects of law enforcement, etc. - in which both the county and municipalities operate or have the legal power to perform. But, because Minnesota counties, including Hennepin, have only very limited powers, problems will arise in functional areas in which voluntary, cooperative, mutually beneficial agreements could be worked out between municipalities and the county, but the legality might be questioned on the grounds of the county's legal power to perform or provide a governmental service. In these situations we believe the Legislature should give careful consideration to vesting the county with power to perform and carry out a proposed contract in selected functional or service areas when one or more municipalities representing 25,000 or more persons and the county voluntarily agree on a plan for the county's providing the service.

In these ways, without establishing Hennepin County as a general purpose government with powers to perform all services and functions of government, the Legislature could provide, nevertheless, for flexible arrangements under which the county could voluntarily cooperate with local areas without many of the existing restrictions of state law which apply to counties.

COMMITTEE MEMBERSHIP AND SCOPE OF ACTIVITY

In the fall of 1965 the Citizens League Board of Directors recommended the establishment of a committee to study the structure of Hennepin County government, and charged this committee specifically to "review the present structure of Hennepin County government and make findings and recommendations on changes which may be needed." The Board observed that Hennepin County has developed into a chiefly urban county, with county government assuming many service functions which are not provided at the county level in more rural counties. There has not been, though, an accompanying change in the organization of county government as these additional functions and services have been assumed. The Board requested the committee to particularly examine the role and authority of the various officials, mostly independent elected officials who, by state law, are not responsible to the County Board of Commissioners. The Board also asked our committee to consider carefully the powers and role of the County Board itself.

Thirty-two Citizens League members have actively participated in the deliberations of this committee, which held 24 meetings, starting on September 30, 1965. James L. Hetland, Jr., a professor at the Law School of the University of Minnesota, chaired the committee, with another lawyer, Paul Van Valkenburg, serving as vice-chairman. Committee members included: Richard Bardon, Ralph N. Bearman, Lawrence Benson, Mrs. Nicholas Duff, Harry Fiterman, Richard N. Flint, W. E. Frenzel, Mrs. W. J. Graham, Jr., Dr. Kristofer Hagen, James Hawks, Robert Jacobson, Roger T. Johnson, William V. Lahr, Mrs. Raeder Larson, Wallace E. Neal, Jr., Donald T. Nightingale, Charles Nungesser, James E. O'Brien, Kenneth E. Pettijohn, T. K. Riddiford, Herm Sittard, Eugene Sloan, Alden C. Smith, Edward J. H. Smith, H. O. Sogard, James Solem, Stephen B. Solomon, Arthur J. Stock, Peter Weiss, and Paul Wilson. Arne Schoeller of the Citizens League staff assisted the committee.

Many members of the committee have participated in previous Citizens League studies of various aspects of Hennepin County government. Some of the committee members also are or have been elected or appointed officials or employees of the county or other levels of government.

The committee did not study and does not purport to have studied in any detail the operations of particular departments or officials of Hennepin County government. The committee studied and relied on several recent Citizens League reports covering particular aspects of Hennepin County government and its operations, and committee membership included persons who participated in all of these studies. The testimony of a number of county officials and other experts in county government who appeared before a previous Citizens League group studying the need for a county home rule charter, as contained in the detailed minutes of that committee's deliberations, was studied in detail. In addition, selected officials and other experts on Hennepin County government appeared before the committee in connection with its long deliberations.

These persons included: Robert Janes, Chairman of the Hennepin County Board; Richard Hanson, a member of the Board; Stanley Cowle, County Purchasing Agent and Budget Director; James J. Dalglish, county and city official from St. Paul; Raymond T. Olsen, State Planning Director, and former Bloomington City Manager and President of the League of Minnesota Municipalities; Harry Newby, a county official from Carleton County; representatives from the District Court bench and Court Services department; and Walter C. Jacobs, President of Space Utilization Analysis, Inc., who is in charge of the comprehensive study of government structure and county building space needs and was employed by the County Board in December, 1965, to conduct the

Hennepin County study and report to the County Board.

Following preparation of our preliminary Findings and Recommendations they were sent to all elected officials and judges of Hennepin County for their review. All were given an opportunity to react orally or in writing to the committee.

In addition to studying the existing structure of government in Hennepin County and some of the law pertaining thereto, the committee spent extensive time considering county government structure in various other large counties in Minnesota and in the United States, particularly counties the government structures of which have been reformed in recent years to provide for a "county manager system". The committee considered especially the respective roles of the county boards or other policy-making bodies and of the manager in these counties, as reflected in pertinent laws and in certain published material, particularly that of the National Municipal League, which has prepared extensive information on laws and charters relating to county government structure throughout the country.

Committee Review of Recent Citizens League
Recommendations Pertaining to Hennepin County Government

In carefully reviewing the findings and recommendations of previous Citizens League committees, this committee spent considerable time considering the approach to reform of Hennepin County government recommended by a Citizens League committee on county home rule, which was adopted by the Citizens League Board on November 4, 1964. This report recommended an approach requiring legislation to provide for the establishment of a county charter commission which would then, after study, recommend a specific form of home rule charter for Hennepin County, which the Legislature would probably require to be approved by the voters of Hennepin County. While subscribing completely to the definition of the government structure problems in that report, this committee has come to the conclusion that the most workable means of effecting reform in the existing structure of Hennepin County government would be through the passage of special legislation such as we have recommended in this report.

The committee also studied and considered the findings and recommendations of other recent Citizens League reports involving certain aspects of Hennepin County government. These reports recommended such matters as transfer of the Minneapolis Workhouse to county jurisdiction, the consolidation of the now separate City and County Jails and construction of a new facility under the jurisdiction of the county, the bringing of all county personnel including those of the now independently elected officials under the coverage of the County Merit Personnel Plan, a County Assessor for Hennepin County, and implementation of remaining recommendations of the January 13, 1965, Citizens League report which urged consolidation of courtroom functions and reform of the system under which criminal and traffic warrants are served in the county. In addition the committee considered the extensive work and data of a Citizens League Committee on County Space Needs, which met over 50 times between 1964 and early this year, studying individual county functions.

The Functional Approach to Restructuring County Government

This committee and other Citizens League committees which have been studying various aspects of Hennepin County government have heard extensively from Mr. Walter Jacobs, whose organization, S. U. A., Inc., has been under

contract with the County Board. In addition, previous reports of the Citizens League and minutes of Citizens League committees concerned with county matters have been made available to Mr. Jacobs and his study team.

The approach taken by the Jacobs study has been one of analyzing the functions of Hennepin County government, including, as we have not in this study, new functional areas which Jacobs believes could and should be undertaken by Hennepin County government. Thus, upon Jacobs' analysis of existing and of additional possible county functions, his team is now about to report to the County Board on a plan for the structuring on what he believes to be an efficient and workable manner of the various functions, assuming the County Board is legislatively empowered to rearrange and restructure existing county functions, and also assuming that the Legislature at the upcoming 1967 or subsequent sessions allows Hennepin County to move into various functional areas which the Jacobs study recommends as being necessary or desirable to have placed at the county level - such functions as county planning and a department of business development, fire inspection services, aspects of law enforcement and public safety functions, etc.

While this committee has not been charged with and is in this study taking no position on assumption by the county of additional functions beyond those such as the jail and the city workhouse, which the Citizens League has previously recommended be county functions, we are convinced that the approach we have used in this study, which is also the approach used by SUA, Inc., of thinking in terms of functions and of providing for the administrative grouping of related functions on a coordinated basis, is sound.

Thus, in the past we have urged the creation of a consolidated county merit personnel system to cover employees of all departments and areas of county government; we have urged that consideration be given to coordination in the administering of some of the correctional institutions operated by the county; we have urged that responsibility for the various functions performed in the courtroom as services in support of the judicial function be vested in one place, etc.

We have deliberately in this study refrained from making specific recommendations with regard to the much-needed rearrangement of functions which are currently performed by the county. The basic existing problem stems from the fact that state law largely precludes this type of modernization and restructuring of existing functions and services of county government because it does not provide for an overall policy and decision-making authority at the county level, and it does not provide for centralized administration of the many functions and services now being provided by Hennepin County government. On the contrary, it sets out what official or office shall perform what services and functions.

We believe it is high time that the County Board be designated the policy-decision-making authority in county government and that it be given the responsibility and the power to make the decisions on precisely how existing county government shall be modernized and reorganized. In addition to giving the elected county board these powers and responsibilities, the legislation should provide for the strong appointive position of County Manager as we have recommended.

It would be unwise, and we would not recommend, that the legislation go further and actually detail any specific plan for the restructuring of the existing functions of Hennepin County government. Such an attempt would, now or in the future, tend to create the very inflexibility in county government which exists under current provisions of state law. We are in a fast-changing situation in which

the functions and responsibilities of county government are rapidly increasing, revolutionary new methods of record keeping and information collection and dissemination are available to government, and it is difficult if not impossible to anticipate at any one time the best method for the county to effectively carry out its responsibility at some future date in time.

Thus, the County Board and the County Manager should be given the power and responsibility between them, not only to rearrange and modernize county government as we know it today, but also to make changes as, on the basis of study and experience, they appear desirable.

Court Related Functions

Study of structure with regard to the judicial functions now performed by the County Municipal, District and Probate Courts - whether, for example, the courts should be merged - is beyond the scope of the charge to this committee. However, we have had to consider structure questions with regard to a number of functions which are court related, either - as in the case of court records, courtroom personnel, etc. - service functions for the courts, or - as in the case of probation and parole and the correctional institutions, functions which are currently under the policy direction and operational control of the courts. Our findings and recommendations on these functions are contained in the first sections of this report. Because of the need for the Legislature to define which of these functions should be under the primary policy control of the courts and which under the County Board, these matters are considered in more detail in a separate subsection of the Discussion section of the report.

Continuous Task

We have recommended a structure or framework which we believe will allow the ongoing improvement and modernization of Hennepin County government. This work will proceed in connection with ongoing study by the County Manager and his staff, and by outside consultants hired by the County Board for specific studies at various times.

We should emphasize that we do not believe that the vesting of power and authority in the Board and in the Manager as we have recommended would place too much power in these positions. Under these recommendations the work and progress of the Board and of the Manager in restructuring and modernizing government will come under close public scrutiny because of the pinpointing of authority and responsibility in one elective body supported by an appointive Manager with a strong staff capability. As the Manager and consultants hired by the Board make specific recommendations for changes in county government, these recommendations will be available for close study by the public and civic groups during the period they are being considered by the County Board, and prior to action being taken by the County Board. Furthermore, the results, good or bad, of the moves taken by the Manager and the Board to change and improve county government will be subject to the scrutiny of the public and civic groups. Thus, the public may judge progress or lack of progress and will be in a position to reflect at the polls its satisfaction or dissatisfaction with the changes being made.

DISCUSSION OF FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

Reform Can Be Accomplished This Session

We believe the time is ripe for enactment of special legislation providing for the modernizing and restructuring of Hennepin County government as we have recommended above. There appears to be recognition and understanding of the nature of the problem among persons who are involved with county government in all of the key areas where understanding is necessary for the accomplishment of major reform. Hennepin County legislators understand the problem. Present County Board members understand the nature of the problem and appear to be generally agreed on the type of approach which should be taken. Even the independent elected officials themselves have markedly changed their position in the last several years with virtually everyone of the independent elected officials in a contested race in November, 1966, campaigning for reforms along the lines we have outlined in the recommendations contained in this report.

It is significant that no one has argued for complete home rule powers for Hennepin County government at this time. In other words, no one is saying that the County Board should take over the role of the Legislature in defining what functions and services Hennepin County should provide. All seem to agree that these major decisions should be left with the Legislature and that it should react to proposals from the County Board, from the City of Minneapolis, from suburban communities, as well as from the Hennepin County League of Municipalities and from other groups as to possible transfers of functions and services to or from Hennepin County.

But, there also appears to be wide feeling that, until county government can be streamlined with policy and decision-making authority for existing functions and services placed in one body, the County Board, and strong administrative power over county functions, responsible to the Board, placed in a County Manager, the Legislature should consider only with the utmost care transfer of additional service and functional responsibilities to the county.

The Legislature and Hennepin County Government

Since the primary function of the Legislature and its members is, or should be, the solution of state problems through the enactment of statewide legislation, the local county problems which must come before the Legislature if they are to be solved are often regarded as an intrusion on legislative time and attention. County problems, housekeeping as well as major problems, such as county courts or hospitals, must be presented to the legislators during the midst of a busy legislative session. Thus, the legislators will be trying to consider such matters as whether or not Hennepin County should be permitted to establish a central mobile equipment division, or how big a monthly allowance the Hennepin County Surveyor should receive for the use of his own automobile, at the same time that they are wrestling with state financial problems, problems of support for education, and other statewide matters. In short, then, these local county issues, the major ones as well as the housekeeping matters, often do not receive as much consideration as they deserve. In this setting, and when any change in the operation of county government can be blocked by a handful of local legislators, meaningful reform has been difficult to achieve.

In 1965, in the traditional manner, the Legislature, in its capacity as the decision-making authority with regard to salary and wage matters related to

the county, considered the following separate bills related to salaries, wages and numbers of positions allowed in various areas of county government:

- . Elected Officials, Appropriation and Raises.
- . Elected Officials, Salaries.
- . Municipal Court, Clerks.
- . Court Reporters, Municipal Court.
- . Compensation of Municipal Judges.
- . District Court Clerks.
- . Municipal Court Probation Officers.
- . Contracting for Warrant Service.
- . Probate Court, Fee for Filing Wills.
- . Probate Court, Fee for Copies of Records.
- . County, Fixing Time of Payrolls, 24 or 26 Annually.
- . County, To Provide Hospital and Medical Care for Retired Employees.
- . District Court, Assignment Clerk Budget (Clerks under Judges, not Clerk of District Court).
- . District Court, Allowing New Judge for Domestic Relations.
- . District Court Probation Officers.
- . County Municipal Court, Law Changes.
- . District Court Law Clerk's Salary.
- . Law Clerk for District Court Judge of Domestic Relations.

These bills were considered in the Hennepin County delegation in addition to a series of bills, many of a similar nature related to Minneapolis city government, which also suffers under an inflexible government structure requiring decision making on many internal and administrative matters by the Legislature, due to the inability of the voters in the city of Minneapolis to agree through public vote on change and modernization of Minneapolis city government.

In the case of the independent elected officials of the county, the Legislature attempts every two years to determine for the next two years exactly how much shall be spent separately in each and every department for wages and salaries, and it provides for any and all salary and wage increases in these areas of county government. For example, in 1965 the bill provided for the yearly salary allotments for the following offices and departments for 1966 and for 1967, as follows (yearly allotted amount):

County Attorney	\$ 230,586
Probate Court	197,128
County Auditor	468,133
Sheriff	1,205,514
Clerk of District Court	418,414
Court Commissioner	37,642
County Medical Examiner	95,671
County Superintendent of Schools	29,641
Book-binder	16,996
County Surveyor	144,937
Civil-legal	44,714
County Treasurer	277,953
Torrens title examinations	14,186
County Board clerical	14,527
Register of Deeds and Registrar of Titles	495,684

In addition, in a separate bill, the Legislature provided for the salaries of the County Board members and of the independent elected officials in the amounts indicated in the appendix to this report listing the powers and duties of these offices.

The independent elected officials request their biennial appropriations from the Legislature together in the form of a joint salary request bill consisting of lump sum amounts requested for each separate department, plus a section providing for across-the-board yearly percentage pay hikes for all employees with minimum and maximum dollar amount limits set to cover all employees, from the most junior steno right up to the top department deputy.

According to the officials, they generally endorse employees' legislative requests and leave it to the union representatives to negotiate the employees' raises with the Legislature. The officials themselves send simple statements to the Legislature covering requests for new positions and make brief appearances before the county legislators to answer questions.

This, then, remains the salary and wage administration aspect of personnel administration in county government as far as the independent elected officials are concerned. The practice is quite similar for the courts with minor variants. District Court judges' salaries are set statewide with a fixed override of \$1,500 for Hennepin County. The judges themselves work for their pay bills and requests for additional judges. District Court reporters, while employed by the judges, have their own statewide lobby, but Municipal Court reporters for Hennepin County lobby their own bills as do the Clerk of Municipal Court and the separate Municipal Court Probation Department, with the aid of union representatives. The Municipal Court judges handle their own bills, usually, as in the case of District Court, with the aid of the Bar Association.

Legislative Wage Administration

With the rapid growth of county government in terms of new functions, numbers of jobs, costs and complexity involved with many of the county operations, it no longer is feasible to continue the practice of providing biennial separate legislative appropriations for the separated parts of county government. The county legislators should be concerned during the 120-day legislative session with matters of state and areawide concern, and have no time to spend on the detailed analysis of various aspects of county government which should be necessary in order to make intelligent decisions as to appropriations for these various departments.

The existing practices are likewise increasingly unsatisfactory for the county officials themselves. The state law affecting county government and the local laws for Hennepin County originally passed in the early 1940's, envision a static situation in which each department of county government is off by itself doing its own job with a relatively set number of personnel, so that it is easy for the Legislature to review the needs of the various departments every two years. But this concept no longer fits the facts. New functions are being, and increasingly will be, shifted to county government, or between existing departments of county government. Automation and data processing will vitally affect the staffing requirements in various parts of county government.

It is very hard for a department head to know two years ahead what his requirements are going to be. He has a natural tendency to ask for more people, just to protect himself. But, even so, he can never be sure that a new function

will not be thrust upon his department, or possibly a function shifted from his department. For example, in 1965 a bill passed the Legislature which required title registration for all vehicles in Hennepin County, to be administered by the Register of Deeds. The Register of Deeds had made no provision in his legislative request for personnel to handle such a new function, but it was conservatively estimated, although no one really knew, that the County Register of Deeds might need as many as 40 additional employees just to handle the workload resulting from the passage of this new bill.

There is rigidity in the current practice, and a reluctance on the part of elected officials who are responsible to no one but the Legislature to effect change. For example, it has generally been agreed by the Hennepin County judges and the Sheriff that it is no longer necessary to have a deputy sheriff present at all times in all of the many court and hearing rooms in Hennepin County. The judges have said, and the Sheriff has agreed, that a pool of deputy sheriffs could handle quite a number of courtrooms in which criminal and traffic matters are not being heard. Nevertheless, in their legislative requests, neither the judges nor the Sheriff in 1965 initiated any action to reduce by even one man the number of deputy sheriffs who serve as bailiffs. Similarly, many judges and others have agreed that a courtroom clerk is not necessarily needed at all times in all of the courtrooms in the county, and that, as has been done in many other parts of the country, the number of clerks might be reduced. Nevertheless, in his 1965 request to the Legislature, the then Clerk of District Court, who is not responsible to the judges but only to the Legislature, requested five additional clerks for 1966-67 biennium.

Still another undesirable aspect of the existing situation is the tendency of the officials to request appropriations so as to bring the pay of their employees in line with that of other elected officials, even though there is no coordination as to classifications or pay as between the various officials. For example, in his 1965 request to the Legislature, the Hennepin County Auditor stated as follows:

"I hereby respectfully request that an additional \$2,937.60 be allocated to the Auditor's Salary Allowance to enable the Auditor to adjust and equalize the salaries of the Chief Deputy, Chief Accountant, eleven (11) Counter and Deputy County Auditors, and three (3) Key Punch Operators. This request becomes necessary to bring these employees, whose positions are at least comparable, to their counterparts employed in the County Treasurer's Office. The inequality between salaries paid for these positions results from the Treasurer submitting a salary list for 1965, spreading a blanket increase to the amount of \$10,000 over thirty-six (36) positions."

The surveyor requested \$600 additional to bring the salary of his office secretary to \$575 per month, which he claimed was the salary of other department heads' secretaries. Other requests on similar grounds were sprinkled through the written requests of officials to the Legislature.

The failure on the part of the independent elected officials to set or enforce fixed salary ranges, and the nature of the across-the-board raises granted employees of the independent elected officials every two years by the Legislature, result in a number of unsatisfactory situations. For example, in 1965 in the Clerk of District Court's office a long-term employee was making \$1,500 more per year than her supervisor, who held a significantly more responsible job.

Much more serious is the tendency of this practice to result in a "pan-caking" effect. All employees, regardless of the nature or responsibilities of their jobs, and regardless of their ability, are given percentage wage increases every year, with fixed minimums and maximums. This applies to everyone, from the top deputy or assistant County Attorney on down to the most junior clerical worker. For example, if the below 1965 request before the State Legislature of the independent elected officials had been granted, and the same request was granted in two subsequent sessions, we have computed below what the effect would be over a six-year period for a clerical worker and for a professional worker in departments affected by this practice. The figures are as follows:

Assume: 7% each year with \$30 minimum and \$40 maximum, first year, and \$25 minimum and \$35 maximum, second year.

<u>Examples:</u>	<u>Clerical Worker</u>	<u>Professional Worker</u>
	Base \$300	Base \$ 900
	Year 1 30	Year 1 40
	\$330	\$ 940
	Year 2 25	Year 2 35
	\$355	\$ 975
	Year 3 30	Year 3 40
	\$385	\$1015
	Year 4 27	Year 4 35
	\$412	\$1050
	Year 5 30	Year 5 40
	\$442	\$1090
	Year 6 31	Year 6 35
	\$473	\$1125
Total increase over 6-year period	\$173	\$ 225
Percentage increase over 6-year period	57.6%	25.0%
Average % increase/year	9.6%	3.75%

As can be seen, the clerical worker will receive percentagewise significantly greater increases than the professional worker. It is amply clear from a study of the county budget that, after years of this practice, routine positions under the independent elected officials, such as clerical positions, are paid considerably in excess of the community pattern, but, on the contrary, professional positions are poorly paid, resulting in difficulty in attracting competent personnel to these positions.

Other aspects of administrative chaos under the proliferated situation existing in county government under independent elected officials are as follows:

Employees under one job title, for example "Deputy Sheriff", are performing a wide variety of tasks, requiring apparently significantly different skills and training. Different persons with this same title and paid the same are performing clerical work, act as courtroom bailiffs, do patrol work, investigation, serve civil process, serve criminal and traffic warrants, and perform a variety of other duties.

. There is a wide divergence between the practices in various departments as to such matters as hours of work, fringe benefits, record keeping, length of lunch hours, and related matters. Offices close at different times, making for public confusion and employee morale problems. The lack of any uniformity or a policy on the part of the independent elected officials as to severance pay matters has resulted, for example, according to County Attorney George Scott, in a situation in which a retired employee collected in excess of \$6,000 from the county for accrued vacation and sick leave, when his department was unable to produce records to counter his claim, and there was no set department policy. Quite often, Mr. Scott reported to a 1965 League committee, employees have been paid over \$1,000 in severance pay on leaving one department to take another job with the county in a different department.

. In most departments there are no written job descriptions, work rules or standards for performance. There is no assurance whatsoever that basic sound personnel practices will be followed. Whether there is any personnel administration according to generally prescribed standards and, if so, whether it is sound and fair, depends entirely on the individual officials and on the judges and their appointees. As a result, unevenness exists -- some departments are well administered and others poorly.

The unsatisfactory situation outlined above is, we believe, generally now understood as well as the direction which should be taken in improving the situation. The Legislature, particularly the county delegation, should be freed up from decision making in the administrative or housekeeping areas of county government so that, in the time it has to consider important legislative questions related to Hennepin County, it may devote full time to consideration of the role of the county in terms of what functions and services the county should be performing, and the relationship of Hennepin County government to the other levels of government including the municipalities, the state, and the emerging governmental structures and agencies at the metropolitan areawide level.

Restructuring - What Would It Mean?

We are not recommending in this report a specific detailed plan for restructuring the existing functions of Hennepin County government. We are recommending that the power to restructure, except with regard to certain functions which we believe should remain under the judiciary, should be given to the County Board, which would then, after study, make the necessary policy decisions with the advice of the County Manager and his staff.

We would like to point out here, however, some of the types of changes which might be involved in restructuring. First, a thorough and ongoing analysis of the various functions of county government, such as is now being undertaken by SUA, Inc., must be made. Such study involves detailed analysis of all of the areas and departments of county government so as to determine in each case what kind of work and procedures are involved in the department. In all instances, for example, there are record-keeping operations of some type involved in the department. These are analyzed with a view towards seeing to what extent modern and up-to-date record-keeping standards for all of county government can be recommended. Next, record keeping is analyzed from the point of view of ascertaining what aspects can be centralized in what place. The analysis reveals, for example, that record keeping with regard to ownership of property, and transfer of real property, is being kept in many separate areas and departments of county government. There is much overlapping

and duplication involved in this instance, as there is in other aspects of record keeping in the county.

With established and recognized modern methods of record keeping, and with the use of computers and data processing, it is entirely possible to maintain centralized countywide record keeping for many types of records, with information almost instantly available in the various county offices and departments where it is needed. For that matter, it is entirely feasible to keep all sorts of records on a centralized basis, and to make them available not only throughout county government but also to the municipalities. This would be true with regard to tax records, property records, record keeping related to law enforcement, courts records, health and welfare records, etc.

Another aspect of the functional approach would involve the logical grouping of functions which involve certain aspects of public contact. Thus, for example, voter registration, marriage licenses, driver's licenses, filing of certain instruments, payment of taxes, etc. could be logically grouped together and coordinated in such a manner that the public would deal in one place and with one department in connection with these and similar types of transactions.

Similarly, administrative functions of the county, directly under the County Manager and his staff, would be logically grouped together. These would include certain general service functions involving all or nearly all aspects of county government, including such matters as personnel, procurement, providing of certain types of equipment and supplies such as typewriters, forms, office supplies, and other services.

Crucial to overall restructuring is the physical relationship of the various restructured departments and functions of county government. For example, certain types of functions should be coordinated and performed at one place, and, where public contact is involved, in a building or in part of a building convenient to the public.

Another key aspect of restructuring involves giving the County Board and the Manager the power to decide on the grouping of functions or sub-functions under directors or administrators responsible for groups of functions. Thus, the required legislation we recommend should not prescribe the number or title of the department heads or directors, or merely make the currently independent elected officials' positions appointive, but still require that a particular named official, for example the "Register of Deeds", perform particular duties or services. To the extent that general state law might still require that a named position be retained in the structure of county government to perform certain administrative acts, the County Board ought to be allowed wide latitude in designating administrators as the holder of the required position. In this manner one administrator might conceivably be "Register of Deeds", "Treasurer", and possibly "Deputy Clerk of District Court" for purposes of issuing marriage licenses.

The Judicially Related Functions

Because it will be necessary for the Legislature to define what functions, services or institutions, if any, should remain or be placed under the policy control of the judiciary, our committee has had to consider a wide gamut of functions which are in one way or another related to the courts. The judicial function itself, as contrasted to judicially related functions, is beyond the scope of this committee's assignment, so that such questions as to whether the courts should be merged, or

their jurisdictional limits altered, have not been considered. However, both within this committee and on the basis of careful review of previous Citizens League research and recommendations with regard to court related functions, we have considered these various functions from the point of view of making recommendations on where the policy authority ought to reside as between the County Board and the Manager on the one hand and the judiciary on the other. Our recommendations suggesting a particular manner of restructuring of these functions, either by the County Board or by the judiciary, should be taken as directional.

We believe that the clerk of court function for all three of the existing courts in the county ought to be combined, even though the courts themselves are not merged. Further, we believe that the non-judicially related functions of the Clerk of District Court - issuance of marriage licenses, for example - should be separated from the court record-keeping function and placed under the control of the County Board and Manager.

Keeping the records of the courts themselves is, we believe, sufficiently closely related to the judicial function itself so that this function might be placed under the Courts. However, this function is also only one of the record-keeping functions of the county, and, to the extent possible, we believe it should be coordinated with other record-keeping functions in the county particularly with regard to such matters as microfilming, storage and retention of old or inactive records, etc. Thus, we believe that the legislation should provide for close coordination between the clerk of court function under the judges and the centralized county administration under the County Manager, and might provide for transfer of records after a certain period of time from the jurisdiction of the court to centralized county record keeping. Furthermore, we believe that the judiciary should provide for sound administration of this courts records function under the control of the top administrator for the judiciary.

We are pleased that the District Court has recently hired an administrator, as recommended in a Citizens League report of January, 1965. We believe that, even though the courts are not merged, there is great merit in the courts' having one common administrator for all courts, particularly if, as we have indicated, the courts records function should be consolidated under the direction of a top administrative position responsible to the judiciary. The law should provide that the elective position of Clerk of District Court, which must remain elective until there is a Constitutional amendment, have its duties and pay set by the judiciary and be responsible to the courts.

Courtroom functions of law clerk and court reporter ought to be under the direction of the judiciary, and, as in the case of the courts record function, administratively under the top administrator responsible to the judiciary. Referees, to the extent needed, should be hired by the Courts Administrator under the direction of the courts.

We believe that the probation and parole functions of the Municipal and District Courts ought to be immediately consolidated under the Director of Court Services. This department, which works closely with the courts, has a broad range of responsibilities, is a rapidly expanding department with a budget in excess of \$2 million, and employs at this time approximately 235 professional and other employees. Operation of the Home School for Boys, the now building Home School for Girls at the same site, and of the Juvenile Detention Center, comes under this department. Because it involves corrections, as contrasted to the jail, which is essentially a holding operation, the Workhouse, which we believe should be transferred to county

jurisdiction, might logically also come under the operational control of the Department of Court Services. We are impressed with the argument that close coordination is desirable between parole, probation and correctional work, as related both to juveniles and to adults.

With the advent of the new county merit personnel system, the employees of the Department of Court Services and of the Boys and Girls Homes and the Detention Center will come under the uniform county merit personnel plan as of March, 1967. We have been informed that the magnitude of the operations of the Department of Court Services and their ever-increasing complexity have meant much increased involvement of the County Budget and Purchasing Office with this department. Representatives of the District Court have also informed us of the great time and effort expended by the District Court judges, particularly those who serve on the Court Services Committee, in connection with exercising policy and administrative direction over the department and its functions and the institutions - control which the District Court strongly believes should remain with the judiciary.

We have carefully considered these questions and we are impressed with the desirability of the judges having an ongoing and important role in considering policy questions related to all aspects of the Department of Court Services and of the correctional institutions. However, we believe that, through provision for a committee of the judiciary advising the County Board and the Manager with regard to these matters, this need can be met without the judiciary being required to be intimately involved with the operations of the department and the institutions on a regular basis. We also believe that the judiciary should have a strong advisory voice with regard to the selection and retention of the Director of Court Services, and of the top administrative personnel in connection with the correctional institutions. The legitimate concern of the judiciary for the broad policy direction of the department and of the institutions will be well served, we believe, through the provision for a judicial advisory committee. But we believe that ultimate policy responsibility for the Department of Court Services and the institutions and for the hiring and retention of the Director of Court Services and of the top administrators for the institutions, should reside with the County Manager, responsible to the County Board.

Powers and Duties of the County Board
and of the County Manager, and the
Relationship of These Two Functions

The committee has studied carefully extensive information from counties in other areas of the country, particularly those which have adopted some form of county manager system. For purposes of restructuring in Hennepin County, we believe that the following considerations with regard to the roles of the County Board and of the County Manager should be taken into account in the preparation and drafting of the legislation we have proposed.

Creating an officer called the "County Manager" does not in and of itself provide for the type of structure we recommend. A County Manager structure requires (a) a single elective board with control over practically all county expenditures and personnel, (b) exercising its authority through a county manager of its selection, (c) who, in turn, appoints, removes and directs all administrative appointees and initiates the annual budget, with a minimum of intervention in administrative matters by the board or any of its members.

The structure would not in our view be sufficient (a) if personnel or operations decisions are left under independent elective officers, or (b) if the

department heads and other logical subordinates of the County Manager are appointed by the Board, leaving the County Manager without effective power to discipline and control the administrative staff. It is, however, desirable to require the Manager's more important appointments to be submitted for confirmation by the Board, since a Manager holding office at the pleasure of the Board must satisfy the Board in all things. But a situation or practice in which the Board initiates the selection of those whom the Manager is to direct contradicts the intent of the plan and structure we recommend.

Assigned duties, organizational structure and lines of authority within the Manager's office must be allowed to develop to keep pace with the growth of county business, the size of the county budget, and the need for coordination. The need for a strong staff capability within the Manager's office cannot be over-emphasized. Key functions which should be placed directly in the Manager's office or closely coordinated therewith include budget, purchasing, management analysis, county record keeping, a separate internal audit function, property management, public information, complaints, and county personnel.

The systems and functions analysis function ought to be closely tied in to a strong budgetary function under the County Manager so that the Manager has the capability of working closely with the directors or department heads of the various areas of county government. It should be made clear that the Manager has the duty and responsibility to analyze and make recommendations on the budgets of the various departments as the overall county budget prepared by the Manager following submission of separate departmental budgets to him is presented to and studied by the County Board. The Board in turn should have ample time to review and study the budget. The Board is the budget-setting, appropriating, and taxing authority of county government, and, through the budget process, in effect sets and carries out key policy decisions.

The County Manager should have clear authority to approve departmental spending schedules and work programs. He should coordinate the administration of county services and approve transfers of personnel, equipment, and supplies between departments or areas of county government. He should analyze and recommend salaries to be paid county employees. His office should negotiate and administer all of the board's real property transactions and interests.

We have tried to emphasize in this report the role of the board in connection with evolving recommendations with regard to Hennepin County's relationship to the state, the municipalities of Hennepin County, and the structures of government at the Twin Cities metropolitan level. In this connection, as well as in connection with study and recommendations to the board on restructuring of county government, creation and elimination of county positions, employment or shifting of personnel between county departments, etc., a strong staff and research capability in the manager's office will be required.

The primary duty of the County Manager is to assist the Board of Commissioners in carrying out its responsibilities. The manager's activities should be carried on in accordance with the provisions of the recommended legislation outlining his powers and duties, and in accordance with instructions and authorization from the board. In short, the manager should be the general advisor, overseer and coordinator for the board of all of the county activities and functions, except those to be retained or placed under the direction of the judiciary.

We have also recommended that the legislation require a yearly detailed report by the manager to the board on proposed changes in county government, as a result of the ongoing study by the manager and his staff. The legislation should

also require that the board hold annual hearings on the reports and recommendations of the County Manager, and that the board, after study and hearings, to which the public and interested groups should be invited, should take action with regard to the specific recommendations contained in the manager's reports.

The role of the County Board as a policy-making, goal-setting, and review board for county government, should be spelled out in the legislation. The law should define the role of the board with relationship to the manager and to the department heads or directors under the restructured county government. The directors or top department heads are in the unclassified service, and appointments to these positions by the County Manager are subject to confirmation by the County Board, as well as decisions with regard to shifting or relieving persons in these positions. However, the legislation should make clear that, in its new policy-making role, the board and its members should not become involved in the administration of county services. Except for purposes of obtaining information, board members should deal with department heads through the County Manager. Provision should be included in the law to the effect that the County Board and its members are forbidden to coerce or attempt to coerce the County Manager or any other county officer appointed or confirmed by the board in the performance of his duties.

With regard to its key responsibility to appoint and discharge the County Manager, we have carefully considered what protection, if any, should be provided for the manager, and in line with the philosophy of the county manager plan to which this Committee subscribes, we believe that the board should have the power to relieve the manager of his position without notice or hearing, but that the law should provide that, in the event the manager is relieved of his position by the board on short or no notice, the board would be required to pay the manager his salary for three months following his being so relieved.

Voluntary Cooperative Arrangements With Groups of
Municipalities or Townships or Individual Municipalities
Regarding Provision of Certain Services

Hennepin County has historically not been, and, although it has acquired new services and functions, is not now a general-purpose level of government, as in the case of certain urban counties in some parts of the country.

In the case of Los Angeles County, for example, the county is equipped to provide almost any municipal services for local units of government. Charter and other provisions of law with regard to some counties provide that, upon the request of an incorporated area, the county must provide municipal functions for local areas, and, in Los Angeles County we have been informed that the county in some instances is providing virtually all local services, including fire and police protection, code enforcement, street building and maintenance, etc. for municipalities.

Our recommendation that the Legislature provide for voluntary cooperative arrangements between the county and municipalities does not envision this type of arrangement. However, we believe that, as Hennepin County government is restructured and becomes more efficient in its operations, it will increasingly be in a position to aid the municipalities and townships, and will gain the confidence of local government as an efficient governmental operation capable of providing, on a contract basis, certain services, particularly in those instances where a municipality or township is so small in population or physical size that it might prove

more efficient for the county to provide some local services. In addition, there are those situations we have indicated elsewhere in the report where constructive cooperation with regard to services such as street maintenance or snow removal could be worked out.

Thus, we have recommended that voluntary cooperative arrangements be provided for by the Legislature so that, as the county and local units can agree as to the best method for the provision of various services, whether that means performance in the local area by the county, or, conversely, performance of some aspects of county functions by municipal units, the law be broad enough to allow for the carrying out of such voluntary arrangements.

Initially the Legislature should probably provide for such arrangements, where they do not already exist (as in the case of police protection being provided by the Sheriff by contract in sparsely settled parts of the county), only in those situations where an individual municipality or group of municipalities or townships representing a substantial number of persons are ready, willing and able to contract with the county, and the county has agreed to provide a service or to have county services provided by the local units. Initially, also, the Legislature will probably want to restrict the functional areas in which such contracts might be made to those which the county and the localities recommend might be the subject of such contracts. Then, as county government is restructured and modernized, studies should be undertaken by the County Manager under the direction of the County Board, and in cooperation with the municipal units of government, to ascertain additional functional areas which might lend themselves to a voluntary cooperative approach between the county and local units. For example, aspects of law enforcement might well be coordinated or even provided for the localities by the county. Plans for county services in such areas as fire inspection, building code enforcement, etc. might well prove to be feasible and desirable.

Our main concern is that existing state law not be a bar to the working out between the county and local units of government of mutually desirable arrangements regarding the provision of governmental services. If some flexibility could be built into state law without providing for full home rule powers in the County Board, we believe that much progress can be made, and efficiencies realized.

Certain proposed legislation of the Advisory Commission on Intergovernmental Relations, which this Committee has studied, might be adaptable for purposes of implementing this recommendation through the enactment of new legislation.

APPENDIX

Positions and Duties - Elected Officials and Judges of Hennepin County Government

1. Hennepin County Board of Commissioners (Chapters 373 & 375, Laws of Minnesota, 1961). Commissioners are elected for four-year terms at alternate elections, three at one election and the others two years later. Three of the districts comprise city and suburban areas, one only city, and one only suburban. Commissioners are paid \$9,000 per year plus mileage, etc.

The responsibilities of the Board are primarily administrative in character, and broadly stated they are charged with carrying out the laws of the State of Minnesota at the county level. The Board has the principal financial powers of the county and does have legislative powers in setting the tax levies for the operations of county government. The appropriations, however, for the departments of the elected officials and for the courts are set by the Legislature, which also determines the number of positions in these areas.

Duties:

1. Levy taxes for the operation of the county government and such related activities as the Municipal Building Commission, Park Museum Fund, Twin City Metropolitan Planning Commission, Metropolitan Mosquito Control District, etc.
2. Approves the operating budgets of all county departments, subject, in the case of the courts and departments of the elected officials, to the appropriations set by the Legislature.
3. Authorizes the disbursement of all county funds.
4. Approves and executes all contracts on behalf of the county.
5. Serves as a Board of Equalization to set property tax policy within the county.
6. Serves as a Board of Welfare to administer the categorical aid programs of the federal government and the Old-Age Assistance program of the State of Minnesota.
7. Manages all county properties and institutions.
8. Directs by policy objective the activities of the Highway Department, Budget and Purchasing Office, Medical Examiner, Veterans Service Office, Supervisor of Assessments, Civil Defense, tax forfeited lands, Hennepin County General Hospital, and all county building activities.
9. When a vacancy occurs in the elected offices of Auditor, Treasurer, Register of Deeds, Sheriff, County Attorney or Superintendent of Schools, the County Board fills the vacancy.
10. Appoints the following officials:
 - a. Hospital Administrator
 - b. Welfare Director
 - c. Budget and Purchasing Director
 - d. Highway Administrator and Highway Engineer (operation of whose office, however, is determined by state law)
 - e. Supervisor of Assessments (directs local assessors outside of Minneapolis)
 - f. Medical Examiner
 - g. Civil Defense Director
 - h. Surveyor

- i. Veterans Service Officer
 - j. Weed Inspector
 - k. Six suburban members of County Library Board under 1965 law.
 - l. Five-member County Personnel Board under 1965 law.
11. Appoints Hospital Advisory Board and such other permanent or temporary boards or study groups as the County Board may determine.
 12. Executes the business of county government through five standing committees which meet weekly:
 - a. Public Grounds and Buildings
 - b. Road and Lake
 - c. Taxes
 - d. Ways and Means
 - e. Veterans Affairs Committee
 13. Designates County Board members to serve on following boards and commissions:
 - a. Metropolitan Mosquito Control District
 - b. Twin Cities Metropolitan Planning Commission
 - c. Minneapolis Planning Commission
 - d. County Agriculture Extension Committee
 14. May authorize the organization, dissolution or consolidation of school districts.
 15. The Chairman of the County Board is automatically a member of the following bodies:
 - a. County Board of Audit
 - b. Election Canvassing Boards
 - c. Board of Tax Levy
 - d. Municipal Building Commission

2. County Auditor (Chapter 384, Laws of Minnesota, 1961): The auditor is the chief accountant and controller of the county. The county auditor is elected for a four-year term. He acts as bookkeeper and cashier for the county. He keeps complete records as to what disbursements and receipts are executed in the name of the county. He also determines what is owed to other governmental divisions (village, state, school district, etc.) from tax receipts. He acts as election official in preparing ballots for election. He makes annual financial reports of the county, conducts tax sales. He also issues fishing and hunting licenses.

The county auditor acts as secretary to the County Board and Welfare Board, and is a member and secretary to the Municipal Building Commission, Salary and Classification Commission, Board of Tax Levy, Board of Equalization and County Cooperative Extension Committee. The auditor is paid \$12,150 per year.

3. County Treasurer (Chapter 385, Laws of Minnesota, 1961): The county treasurer is the tax-collecting agent for all units of government and receives and collects all taxes of the county, regardless of whether levied by state, county or other division. He has charge of all bonds and securities of the county, takes charge of all sinking fund bonds and invests surplus funds. He makes collections upon the authority of tax lists prepared by the county auditor. The treasurer pays out money only on warrants issued by the county auditor; he supervises the opening of safety deposit boxes of deceased and attends appraisals of estates. He distributes tax monies to all other units of government. The treasurer is paid \$12,100 per year.

4. Superintendent of Schools (Chapter 121.35, Laws of Minnesota, 1961): The Hennepin County superintendent of schools is superintendent of the common (ungraded rural) schools in the county. In addition, he supervises the ungraded rural schools in the independent school districts. He plans courses of study for each grade and approves the actions taken by these school boards in regard to the hiring of teachers and textbook selection. He visits these ungraded schools regularly.

The county superintendent of schools has no supervisory powers over the high and graded schools in independent school districts (although he does supervise ungraded rural schools, whether in common or independent school districts).

The county superintendent of schools performs certain duties which affect all school districts in the county, including the high and graded schools of independent school districts and Minneapolis. For example: He checks all school census counts; checks all teachers' pension payments (except Minneapolis, which has a separate pension fund); checks school attendance in all school districts in the county; and, after checking the annual reports of all school districts, passes them on to the State Department of Education. The job pays \$9,250 per year.

5. Register of Deeds (Chapter 386, Laws of Minnesota 1961): The register of deeds is custodian of all county records connected with real estate transfers. His duties include the recording of all instruments pertaining to real estate, plats for new additions within the county, corporation papers and military discharges. The register of deeds is also ex officio registrar of titles governing the torrens department. This department has charge of transfers as well as instruments evidencing encumbrances on land which has been registered under this system. The tract index department takes off pertinent information from all instruments recorded relating to abstract property and indexes these transactions according to legal descriptions, so attorneys, abstract companies, real estate firms and the general public can learn what has been filed for record affecting any specific piece of property. The chattel mortgage department files for record mortgages, assignments and releases on personal property located in the county outside of the city of Minneapolis. This department also makes chattel mortgage abstracts and files for record bills of sale on personal property located anywhere in the county. The job pays \$12,150 per year.

County Offices and Departments
Headed by Elected Officials;
Courts and Law Enforcement

The State of Minnesota looks to the counties for enforcing the laws of the state, and the law enforcers of the county are, in reality, officers of the state judicial wing, and are removable by the governor for malfeasance or nonfeasance.

6. The 16 District Court Judges: Hennepin and Ramsey Counties are each a separate judicial district. Hennepin is the Fourth Judicial District. Sixteen judges are elected by the voters in Hennepin County. They are elected for six-year terms and hold the only elective offices in the county for which qualifications are made by law - district judges must be learned in the law. Salaries of the judges are paid from the state treasury, but Hennepin County pays all of the other expenses of the court (witnesses, jurors, etc.), as well as \$1,500 annually to each judge.

According to the state constitution, district courts "shall have original jurisdiction in all civil cases, both in law and equity, where the amount in controversy exceeds one hundred dollars, and in all criminal cases where the punishment shall

exceed three months' imprisonment, and shall have such appellate jurisdiction as may be prescribed by law".

District courts are empowered also to establish highways and drainage systems.

The District Court of Hennepin County assumes administrative responsibility for the operation of the Department of Court Services (Probation Office, Juvenile Center and Home School). This very important department contains about 250 of the 300 plus personnel under the judge's control. A separate appropriation is passed every legislature for the operations of the Department of Court Services which are governed by Chapter 487, Laws of Minnesota, 1961. The District Court has also recently hired a Court Administrator, who is mainly concerned with the court calendar, scheduling of cases, jury lists, etc.

7. The 14 Hennepin County Municipal Court Judges: This court, new in 1965, replaced the separate municipal and justice courts in the county. It has its own separate probation department. It differs from the District Court in that it appoints its own clerk of court (the District Court clerk is elected). Court is held in a number of places in the county in addition to downtown Minneapolis. It handles all criminal and traffic matters initially and has jurisdiction in civil matters up to \$4,000. The court also incorporates the "conciliation" or small claims court.

8. Clerk of District Court (Chapter 485, Laws of Minnesota, 1961): The clerk of district court is responsible for keeping the records of the judiciary and a great variety of other duties. He keeps a register of actions (book of proceedings in each case), a docket of judgments, calendar of actions to be tried, issues certificates to jurors and witnesses. He administers the general operation of the courtroom. Generally, the clerk of district court is a repository for legal instruments and license-issuing. He issues marriage and driver's licenses, notary commissions, trade name certificates, ministers credentials, medical certificates, basic science certificates and records legal changes of name. His services are called for in some way in each instance of court legal action. The job pays \$12,150 per year.

9. Judge of Probate Court (Chapters 525, 526, 527, Laws of Minnesota, 1961): The probate courts in Minnesota are courts of record and handle the estates of deceased persons and persons under guardianship. (Persons under guardianship include minors, the mentally ill, feeble-minded and incompetents). Probate courts are allowed no other jurisdiction in Minnesota. In Hennepin, as well as in all other larger counties in Minnesota, juvenile delinquents are handled by a special juvenile court under the direction of a District Court judge. Although not technically required to be so by law, Hennepin County probate judges have for forty years been lawyers.

10. Court Commissioner (Chapter 489, Laws of Minnesota, 1961): The court commissioner presides at all hearings for the mentally ill, mentally deficient, senile, epileptics and inebriates. Such cases are referred to him by the probate court judge. He is authorized to issue writs of habeas corpus, to take acknowledgements of deeds and other instruments, perform marriage ceremonies, take depositions and certify to the same, and a variety of other acts. He is a judicial officer and has the same powers as a district court judge in chambers. He is elected for a four-year term and must be learned in the law. The court commissioner is paid \$12,150 per year. The District Court, not the County Board, fills vacancies which occur in this elective office.

11. Sheriff (Chapter 387, Laws of Minnesota, 1961): The county sheriff is the chief law-enforcing officer of the county. It is the sheriff's duty to preserve the peace, enforce the laws and arrest and commit to jail those who break the laws. The county in Minnesota is the principal division of government to enforce the laws of the state and county, and therefore the sheriff is actually an officer of the state. The sheriff's office is responsible for collection of delinquent taxes and conducts tax sales; serves summonses, subpoenas and other legal orders, as well as maintaining the county jail and boarding the prisoners in it. The sheriff upon the request of judges of both courts assigns bailiffs to the courts whose duty it is to maintain order in the court. He must provide the deputies and transportation when prisoners, mental patients, etc. are transported to the various institutions. The sheriff's office also operates a radio station which serves not only the Hennepin County sheriff's patrol but also the patrols of several suburban communities, including some in Wright and Anoka counties, plus the fire departments of certain suburban communities. With the advent of the county municipal court the sheriff now serves all criminal and traffic warrants of the court requiring service throughout the county. This service previously was largely performed by local police. The sheriff is paid \$12,150 per year.

12. County Attorney (Chapter 388, Laws of Minnesota, 1961): The county attorney is the chief legal officer of the county representing the State of Minnesota. He prosecutes offenders of state laws as well as advising all minor civil divisions and all county officers on legal matters. He represents Hennepin County in court. He deals only in county crimes in which the penalty exceeds a 90-day jail sentence, or a \$100 fine, or both. The county attorney by law is prohibited from giving legal advice in civil matters to any citizen. The county attorney is paid \$17,000 per year.