

Notice & Agenda

Swift County Board of Commissioners

Tuesday, January 5, 2016

9:00 AM

Swift County Board Room – 301 14th St N, Benson, MN

If you need any type of accommodation to participate in this meeting, please contact the County Administrator at 320-314-8399 at least 48 hours prior to the meeting.

<u>Time</u>	<u>Reference</u>	<u>Item</u>
9:00 a.m.		Call to Order and Roll Call (Auditor)
9:01 a.m.	1	Nominations for Chair
9:02 a.m.	2	Nominations for Vice-Chair
9:04 a.m.		Consent Agenda
	3-4	(1) Minutes December 31, 2015
	5	(2) Minutes from the December 31, 2015 Executive Session
	6-16	(4) Consider approving revisions to the WIOA – JPA
	17-19	(5) Consider approving revisions to the Swift County DAC agreement to provide services to the Swift County Environmental Services Department
9:05 a.m.		Consider Approval of Commissioner warrants and review Auditor warrants
9:06 a.m.		Commissioner and Board reports
9:15 a.m.		County Administrator report
9:15 a.m.		Citizens Comments
9:20 a.m.	20	Organizational Meeting
	21-25	Adopt 2016 Committee assignments
	26	Appoint County Medical Examiner
	27	Set 2016 Board Meeting
	28	Set 2016 mileage rate (54 cents per mile)
	29	Adopt an Official newspaper
	30	Elected officials to attend annual conferences
	31	Set bounties for pocket gophers and beavers
	32	Allocate the cost of County Attorney to Welfare Fund
	33	Approve corporate signatures for 2016
	34	Designation of corporate depositories for 2016
	35	Define employee for Workers Compensation
9:25 a.m.	36-54	Public Hearing on revisions to the County Tobacco Ordinance Continued from the December 15, 2015 meeting
		Other Business
	55-56	Consider setting elected officials 2016 wages
	57-58	Consider approving the County Engineer 2016 cost of living increase
	59-61	Set 2016 county fee table
	62-64	Consider 2016 appointments to the Swift County Extension Committee
	65-67	Consider 2016 appointments to the Swift County Benson Hospital Board
	68-69	Consider approving AMC policy committee appointments and delegate appointments
10:30 a.m.		Adjournment

RESOLUTION

APPOINTING 2016 SWIFT COUNTY BOARD OF COMMISSIONER CHAIR

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, that _____ is hereby appointed the 2016 Chair of the Swift County Board of Commissioners.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox _____
P. Peterson _____

Hendrickx _____
Rudningen _____

E. Pederson _____

RESOLUTION

APPOINTING 2016 SWIFT COUNTY BOARD OF COMMISSIONER VICE-CHAIR

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, that _____ is hereby appointed the 2015 Vice-Chair of the Swift County Board of Commissioners.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox _____
P. Peterson _____

Hendrickx _____
Rudningen _____

E. Pederson _____

SWIFT COUNTY BOARD MINUTES

December 31, 2015

Chairman Fox called the meeting to order at 9:00 AM with all members present as well as County Administrator Mike Pogge-Weaver, County Attorney Danielle Olson, County Auditor Kim Saterbak, and County Engineer Andy Sander.

An addition was made to the agenda to include two resolutions accepting and making final payments on two highway projects.

12-31-15-01 Commissioner Fox moved and Commissioner Rudningen seconded to approve the consent agenda with the noted addition and correction. Motion carried unanimously.

12-31-15-02 Commissioner Hendrickx moved and Commissioner Rudningen seconded to approve the Consent Agenda which consisted of: (1) Minutes from the December 15, 2015 Meeting and (2) Approval of the required IV-D Cooperative Agreement, (3) Approval for final acceptance and final payment for state aid project 076-598-001, 076-599-055, and 076-599-058 competed by Riley Bros. Const., Inc. and (4) Approval for final acceptance and final payment for state aid project 076-620-022 competed by Central Specialties, Inc.

Board and Committee Reports were given as follows: Chairman P. Peterson reported on Prairie Five Community Action and the County Space Study Work. Commissioner Fox reported on SCBH, JD 9, and Chippewa River Watershed. Commissioner E. Pederson reported on JD 19, the County Space Study Work, RDA, SCSWCD, and DAC. Commissioner Rudningen reported on Prairie Lakes Youth, Radio Board, and Glacial Ridge Trail Scenic Byway. Commissioner Hendrickx reported on SPCC, and the State Prison Population Task Force Meeting.

Administrator Pogge-Weaver reported on the County Building Study, Human Services Cost Report Meeting, Hospital Meeting, and DAC agreement.

12-31-15-03 Commissioner Rudningen moved and Commissioner Hendrickx seconded to approve the Commissioner warrants as follows: Revenue: \$96,714.79; Road and Bridge: \$10,255.58; Solid Waste: \$24,740.04; Welfare & Family Services: \$83.58; and County Ditches Fund: \$6,766.53 which includes the following bills over \$2,000: Anoka County Human Services \$2,000.00; Countryside Public Health \$2,127.90; Federated Telephone Coop \$3,800.00; Johnson Feed Inc. \$2,125.00; K&K Tiling Inc. \$2,296.50; Life Insurance Co of N. America \$5,343.81; Krystal Lynne \$2,475.00; Marco \$2,573.51; Maximus Inc. \$3,350.00; Minnesota Life \$2,811.57; Morris Electronics \$5,513.46; Northern Lights Trail Snowmobile Club \$18,711.00; University of Minnesota \$16,882.50; K. VanHeuveln Inc. \$2,304.29; Waste Management of Northern Minnesota \$20,663.90; West Payment Center \$3,454.86; and Yellow Medicine County Jail \$3,465.97. Motion carried unanimously.

County Engineer Andy Sander discussed the County Highway System with the board.

12-31-15-04 Commissioner Hendrickx moved and Commissioner Rudningen seconded to approve the 2016 cost of living adjustment for non-union wage table. Motion carried unanimously.

Administrator Pogge-Weaver reviewed and discussed the 2016 Work Plan with the board. It was requested the Administrator Pogge-Weaver expand the work plan to add time for the space study, highway road planning, spring legislative updates, and progress update in July on the HRA building demolition work.

12-31-15-05 Commissioner Fox moved and Commissioner Rudningen seconded to move to closed session to evaluate the performance of an individual who is subject to its authority pursuant to Minnesota Statutes, Section 13D.05, subdivision 3 for a scheduled annual performance review of County Administrator Michel Pogge-Weaver. Motion carried unanimously.

The regular session recessed to closed session at 10:15 AM.

The meeting reconvened to regular session at 10:42 AM.

It was noted by the Chair that Administrator Pogge-Weaver had a favorable performance review in the closed session.

12-31-15-06 Commissioner Hendrickx moved a resolution and Commissioner Fox seconded to approve increasing the Administrator's salary by 1.5% on January 1, 2016, in line with the non-union group, and moving the Administrator 1 step on his anniversary date of February 11, 2016 as specified in the resolution. Motion carried unanimously.

12-31-15-07 Commissioner Rudningen moved and Commissioner Fox seconded approving a step increase for Amanda Ness as of January 10, 2016. Motion carried unanimously.

12-31-15-08 Commissioner Rudningen moved and Commissioner Hendrickx to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:46 AM.

WITNESSED:

Peter Peterson, Chair

ATTEST:

Michel Pogge-Weaver, Clerk of the Board

SWIFT COUNTY BOARD MINUTES
Record of Executive Session
December 31, 2015

Date convened: Thursday, December 31, 2015

Time Convened: 10:16 AM

Time adjourned: 10:41 AM

Members Present: Commissioners Fox, Hendrickx, E. Pederson, P. Peterson, and Rudningen

Members Absent: None

Also Present: County Administrator Michel Pogge-Weaver

Purpose: To evaluate the performance of an individual who is subject to its authority pursuant to Minnesota Statue 13D.03, Subd 3 for a scheduled annual performance review of County Administration Michel Pogge-Weaver

Chairman P. Peterson called the executive session to order at 10:16 AM with all members present as well as County Administrator Mike Pogge-Weaver. The Board reviewed the Commissioners' evaluation forms and gave verbal feedback to Mr. Pogge-Weaver on his performance to date. The review was favorable.

Chairman P. Peterson adjourned the Executive Session at 10:41 AM

WITNESSED:

Peter Peterson, Chair

ATTEST:

Michel Pogge-Weaver, County Administrator



Request for Board Action

BOARD MEETING DATE:
January 5, 2016

Commissioner's Report

Department Information

ORIGINATING DEPARTMENT: Administration	REQUESTOR: Mike Pogge-Weaver	REQUESTOR PHONE: 320-314-8399
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Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving revisions to the WIOA – JPA	
AGENDA YOU ARE REQUESTING TIME ON: Consent Agenda	ARE YOU SEEKING APPROVAL OF A CONTRACT? Yes
IS THIS MANDATED? No	EXPLANATION OF MANDATE: n/a
BACKGROUND/JUSTIFICATION: Swift County is part of the Workforce Innovation and Opportunity (WIOA) JPA group with 14 counties in Southwest Minnesota. Revisions are being made to meet federal requirements in order to continue to receive federal funds for the program.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? None	

Budget Information

FUNDING: None

Review/Recommendation

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Will need to approve to form prior to final execution	RECOMMENDATIONS: Approve
COMMENTS: n/a	COMMENTS: None

RESOLUTION

APPROVING THE WIOA JPA

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, that the Workforce Innovation and Opportunity Act (WIOA) Joint Powers Agreement (JPA) is approved.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox ___
P. Peterson ___

Hendrickx ___
Rudningen ___

E. Pederson ___

**WORKFORCE SERVICE AREA #6
SOUTHWEST MINNESOTA**

**WORKFORCE INNOVATION AND OPPORTUNITY ACT
(WIOA)
JOINT POWERS AGREEMENT**

For the Counties of

**REGION 6W & REGION 8
(Big Stone, Chippewa, Cottonwood, Jackson, Lac qui Parle, Lincoln, Lyon,
Murray, Nobles, Pipestone, Redwood, Rock, Swift and Yellow Medicine)**

**SOUTHWEST MINNESOTA
CHIEF ELECTED OFFICIALS JOINT POWERS BOARD**

JULY 1, 2016 - JUNE 30, 2018

ADOPTED BY:

COUNTIES OF:

**Big Stone, Chippewa, Cottonwood, Jackson, Lac qui Parle, Lincoln, Lyon,
Murray, Nobles, Pipestone, Redwood, Rock, Swift and Yellow Medicine)**

AND

**SOUTHWEST MINNESOTA
CHIEF ELECTED OFFICIALS JOINT POWERS BOARD**

Southwest Minnesota Joint Powers Agreement Workforce Investment Program

This Joint Powers Agreement (“Agreement”) is made and entered into this 1st day of July, 2016, by the Board of Commissioners of the following Counties of the State of Minnesota: Big Stone, Chippewa, Cottonwood, Jackson, Lac qui Parle, Lincoln, Lyon, Murray, Nobles, Pipestone, Redwood, Rock, Swift and Yellow Medicine (hereinafter referred to as participating County Boards) as follows:

Recitals

WHEREAS, Congress enacted the Workforce Innovation and Opportunity Act (WIOA) of 2014, (Public Law 113 – 128) and

WHEREAS, the United States Department of Labor (DOL) has made available funds through the Workforce Innovation and Opportunity Act; and

WHEREAS, the Governor of the State of Minnesota, through the Department of Employment and Economic Development (DEED), pursuant to the, Workforce Innovation and Opportunity Act, hereinafter referred to as the Act, will make available funds for the delivery of services provided for under the Act, and

WHEREAS, Minn. Stat. §471.59 permits governmental units to jointly exercise powers that each may separately exercise; and

WHEREAS, the participating County Boards desire to provide planning and coordination as set forth in the Act within the multi-county area covered by this Agreement,

NOW THEREFORE, in consideration of the recitals and mutual agreements contained herein, and pursuant to the foregoing, the participating counties do hereby establish/extend the Southwest Minnesota Chief Elected Officials Joint Powers Board, having the composition, powers and duties provided in this agreement as follows:

ARTICLE I - PURPOSE

As cited in Minn. Stat 471.59, subd. 2 requiring purpose of Joint Powers Agreement, the following is set forth in accordance with said requirement:

To carry out the purpose of the Workforce Innovation and Opportunity Act (WIOA) as cited in Section 2 of the WIOA law as:

- (1) To increase, for individuals in the United States, particularly those individuals with barriers to employment, access to and opportunities for the employment, education, training, and support services they need to succeed in the labor market.

- (2) To support the alignment of workforce investment, education, and economic development

systems in support of a comprehensive, accessible, and high-quality workforce development system in the United States.

- (3) To improve the quality and labor market relevance of workforce investment, education, and economic development efforts to provide America's workers with the skills and credentials necessary to secure and advance in employment with family-sustaining wages and to provide America's employers with the skilled workers the employers need to succeed in a global economy.
- (4) To promote improvement in the structure of and delivery of services through the United States workforce development system to better address the employment and skill needs of workers, jobseekers, and employers.
- (5) To increase the prosperity of workers and employers in the United States, the economic growth of communities, regions, and States, and the global competitiveness of the United States.
- (6) For purposes of subtitle A and B of title I, to provide workforce investment activities, through statewide and local workforce development systems, that increase the employment, retention, and earnings of participants, and increase attainment of recognized postsecondary credentials by participants, and as a result, improve the quality of the workforce, reduce welfare dependence, increase economic self-sufficiency, meet the skill requirements of employers, and enhance the productivity and competitiveness of the Nation.

ARTICLE II – GOVERNANCE

The Southwest Minnesota Chief Elected Officials Joint Powers Board shall have the following governance structure:

1. One elected official appointed by the County Board from each of its fourteen counties. The appointments shall be made by each respective County Board on an annual basis in January of each year.
2. Each representative shall be, during his/her tenure on the Joint Powers Board, a member of the County Board of Commissioners that appointed him/her.
3. Each representative of the Joint Powers Board shall be appointed for one-year terms, commencing January 1 of each year, except that each representative may be removed by resolution without cause, by the County Board of Commissioners that appointed him/her.
4. If the office of any Joint Powers Board representative becomes vacant, the vacancy shall be filled by appointment of the County Board of Commissioners with the authority under Article II, Section 1 of this Agreement to appoint that representative. Said appointment shall occur within thirty (30 days) of the existence of the vacancy.
5. Meetings - The JPA will meet at least semi-annually. Special meetings may be held at

any time upon the call of the Chair. All meetings of the Joint Powers Board shall be conducted in a manner consistent with the Minnesota Open Meeting Law, Minnesota Statutes - Chapter 13D.

6. Voting - Each representative shall be entitled to cast one vote on any matter before the Joint Powers Board. No vote shall be cast by one representative on behalf of another representative. Unless otherwise provided, any action within the authority of the Joint Powers Board may be taken by the affirmative vote of the majority of the representatives present at a regular meeting or at a duly held special meeting, if a quorum is present. A majority of the fourteen (14) representatives shall constitute a quorum. Once established, a quorum may not be lost until a meeting is adjourned.
7. Officers - The Joint Powers Board elects a chairperson and vice-chairperson from its membership. The Chair or Vice-Chair shall preside at all meetings of the Joint Powers Board and shall perform all other duties and functions assigned to them by the Joint Powers Board. For the purpose of entering into agreements with the State of Minnesota, the Chairperson or Vice Chair, upon approval of the Joint Powers Board, is authorized to sign agreements on behalf of the parties. Elections of offices will occur annually, at the first meeting following the 1st of each year.
8. Minutes and all official documents of the Joint Powers Board meetings and other action will be maintained at the SW MN Private Industry Council, Inc. Office located at 607 West Main Street, Marshall, MN 56258.

ARTICLE III - RESPONSIBILITIES OF THE JOINT POWERS BOARD

The Joint Powers Board shall have all powers that may be necessary or proper to discharge the duties imposed upon it by the Act and the rules and regulations promulgated by the U.S. Department of Labor and the State of Minnesota pursuant thereto, provided, that the Joint Powers Board shall be subject to those limitations contained in Minnesota Statutes Section 471.59. Such powers shall include:

1. The Joint Powers Board may enter into any contract or any lease necessary, or proper for the exercise of its powers, or the accomplishments of its purposes. Since such contracts could create a liability to individual member's counties, the vote required to enter into such contract must be a unanimous vote.
2. The Joint Powers Board may adopt standards and guidelines relating to the exercise of its powers or the accomplishment of its purpose.
3. The Joint Powers Board shall appoint a 26-member Southwest Minnesota Workforce Council Board in accordance with the Workforce Innovation and Opportunity Act Section 107 (b) (2). All appointments shall be for 2 years. There shall be at least one private industry member, as defined in category (a) below, appointed from each of the 14 counties. The Southwest Minnesota Chief Elected Officials Joint Powers Board shall

appoint additional members from category (b), category (c) and category (d) below, in numbers sufficient to maintaining a 26-member board. No county shall have more than one member from category (a) below. The Southwest Minnesota Chief Elected Officials Joint Powers Board shall appoint a sufficient number of members from category (a) below to assure that the required majority of private industry members is maintained.

- (a) Majority of the members of the Board shall be representatives of business who (1) are owners of businesses, chief executives or operating officers of businesses, or other business executives or employers with optimum policymaking or hiring authority; (2) represent businesses, including small businesses, or organizations representing businesses that provide employment opportunities, that at a minimum, include high-quality, work-relevant training and development in in-demand work-relevant training and development in in-demand industry sectors or occupations in the local area; and (c) are appointed from among individuals nominated by local business organizations and business trade associations.
- (b) Not less than 20 percent of the members of each local board shall be representatives of the workforce within the local area, who – (1) shall include representatives of labor organizations (for a local area in which employees are represented by labor organizations), who have been nominated by local labor federations, or (for a local area in which no employees are represented by such organizations) other representative of employees; (2) shall include a representative who shall be a member of a labor organization or a training director, from a joint labor-management apprenticeship program, or if no such joint program exists in the area, such a representative of an apprenticeship program in the area, if such a program exists; (3) may include representatives of community-based organizations that have demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or that provide or support competitive, integrated employment for individuals with disabilities; and (4) may include representatives of organizations that have demonstrated experience and expertise in addressing the employment, training, or education needs of eligible youth, including representatives of organizations that serve out-of-school youth;
- (c) Shall include representatives of entities administering education and training activities in the local area, who – (1) shall include a representative of eligible providers administering adult education or literacy activities under title II; (2) shall include a representative of institutions of higher education providing workforce investment activities (including community colleges); (3) may include representatives of local educational agencies, and of community-based organizations with demonstrated experience and expertise in addressing the education or training needs of individuals with barriers to employment;
- (d) Shall include representatives of governmental and economic and community development entities serving the local area, who – (1) shall include a representative of

economic and community development entities; (2) shall include an appropriate representative from the State employment service office under the Wagner-Peyser Act serving the local area; (3) shall include an appropriate representative of the programs carried out under title I of the Rehabilitation Act of 1973 serving the local area; (4) may include representatives of agencies or entities administering programs serving the local area relating to transportation, housing, and public assistance; and may include representatives of philanthropic organizations serving the local area; and

- (e) May include such other individuals or representatives of entities as the chief elected officials in the local area may determine to be appropriate.

The nomination and recommendation of the individuals to serve on the Southwest Minnesota Workforce Council shall be made as follows:

- (a) Private sector representatives on the Southwest Minnesota Workforce Council shall be selected by the members of the Southwest Minnesota Chief Elected Officials Joint Powers Board from among individuals nominated by general purpose business organizations after consulting with, and receiving recommendations from, other business organizations in the Workforce Service Area (WSA). Such nominations, and the individuals selected from such nominations, shall reasonably represent the industrial and demographic composition of the business community and targeted industries within the region. Whenever possible, at least one-half of such business and industry representatives shall be representatives of small business, including minority business.
- (b) The education representatives on the Southwest Minnesota Workforce Council shall be selected from individuals nominated by regional or local education agencies, vocational education institutions, institutions of higher education (including entities offering adult education) or general organizations of such institutions, within the Workforce Service Area (WSA).
- (c) Labor representatives on the Southwest Minnesota Workforce Council shall be selected from individuals recommended by recognized State and local federations. If the State or local labor federation fails to nominate a sufficient number of individuals to meet the labor representation required, individual workers may be included on the Council to complete the labor representation.
- (d) The remaining members of the Southwest Minnesota Workforce Council shall be selected from individuals recommended by interested organizations. No person who is a member of a County Board of Commissioners shall be appointed as a Southwest Minnesota Workforce Council member.
- (e) Recruitment for all positions includes public notice in the legal papers in appropriate county/counties newspapers, notice sent to the local Chamber of Commerce and other business/civic organizations throughout the region and personal

recruitment by JPA and Workforce Council members. Nominations are provided to the Joint Powers Board and approved for appointment at the JPB level.

The Southwest Minnesota Chief Elected Officials Joint Powers Board shall exercise good judgment and comply with all affirmative action guidelines in selecting Southwest Minnesota Workforce Council members. The Southwest Minnesota Workforce Council may be incorporated and independent from the Southwest Minnesota Chief Elected Officials Joint Powers Board.

4. The Southwest Minnesota Chief Elected Officials Joint Powers Board shall work with the Southwest Minnesota Workforce Council as required by law in the development and delivery of the Workforce Innovation and Opportunity Act Programs. The Southwest Minnesota Chief Elected Officials Joint Powers Board and the Southwest Minnesota Workforce Council may jointly consider the establishment of advisory groups and/or task forces. These advisory groups should be on a regional and area-wide basis in order to obtain more local input on the development and delivery of effective Workforce Innovation and Opportunity Act Programs. The membership of such groups should be determined by mutual agreement between the Southwest Minnesota Chief Elected Officials Joint Powers Board and the Southwest Minnesota Workforce Council.
5. The Joint Powers Board shall enter into an Agreement with the Southwest Minnesota Workforce Council and the Southwest Minnesota Private Industry Council (WSA 6 Grant Sub-Recipient & Fiscal Agent). This agreement shall define the responsibilities of the Joint Powers Board, the Grant Sub-Recipient and the WorkForce Council. Nothing in the Agreement shall serve to limit or supersede the functions of the Workforce Council pursuant to Section 107 of the Workforce Innovation and Opportunity Act of 2014.
6. On an annual basis the Joint Powers Board will review the financial contribution made by each county to the SW MN Workforce Council to support the work of the Chief Elected Official Board and the Workforce Council.

ARTICLE IV - INSURANCE AND INDEMNIFICATION

Parties to this Agreement shall maintain workers compensation insurance, automobile insurance and general liability insurance for bodily injury, personal injury, and property damage for their officials and employees in the performance of duties arising from this Agreement and provide certification and evidence of such coverage to the other Parties within thirty (30) days of signing this Agreement.

Each party to this Agreement agrees to defend the action of its own employees and/or agents and agrees to hold harmless, indemnify and defend the other parties, its commissioners, officers, employees and agents against any and all claims, losses, damages or lawsuits for damages, including the payments of reasonable attorney's fees, arising from, allegedly arising from or related to the acts of its own employees and /or agents in the performance of duties contemplated by this agreement.

The parties do not waive the limits of liability and immunity as governed by the provisions of the Municipal Tort Claims Act, Minnesota Statutes Chapter 466, and other applicable laws. The Southwest Minnesota Private Industry Council, Inc., as fiscal agent, shall maintain a two million dollar (\$2 million) liability insurance coverage.

Each party shall be responsible and liable for its own personnel, equipment and supplies and shall have sole title and interest in the equipment and supplies it utilizes as part of this agreement unless some alternative arrangement is provided for in writing.

ARTICLE V - DISPOSAL OF SURPLUS FUNDS OR PROPERTY

Upon termination of this Agreement, all property, real and personal, held by the Joint Powers Board at the time of termination shall be distributed by resolution of the Joint Powers Board in accordance with law and in a manner to best accommodate Joint Powers Board efforts and as specified by the State of Minnesota, Department of Employment and Economic Development (DEED) as outlined in WIOA legislation/regulations.

ARTICLE VI - INDEBTEDNESS

Obligations or other forms of indebtedness issued pursuant to this Agreement shall require authorization by the Joint Powers Board and each member County Board.

ARTICLE VII - FISCAL AGENCY HOST

Southwest Minnesota Private Industry Council, Inc. shall be responsible for fiscal management of grants and other resources such as cash contributions, program income and oversight of funds. Each Member County may, at any time, review and examine the financial records of the Joint Powers Board.

ARTICLE VIII - AMENDMENT

This Agreement may be amended only upon the agreement of 10 of 14 participating counties by resolution of their County Boards of Commissioners. Notice of any proposed amendment must be provided to all participating County Boards of Commissioners at least 30 days prior to the effective date of the proposed amendment.

ARTICLE IX - TERMINATION

Any one participating County Board may withdraw from this Agreement only on notice of an intention to withdraw delivered to the other participating County Boards and to the Commissioner of the Department of Employment and Economic Development not less than 60 days before the effective date of the withdrawal. The participating counties may terminate this Agreement upon majority vote of all parties to the Agreement.

Termination shall not act to discharge any liability incurred by the fourteen-county Workforce Service Area or by the individual parties. A party shall be responsible for its actions and the actions of the fourteen-county Workforce Service Area to the extent consistent with State and local laws. This fourteen-county Workforce Service Area shall cease to exist thirty days after the Joint Powers Board, by unanimous vote, approves a final report of the activities and affairs of this fourteen-county Workforce Service Area.

If funding for this project terminates prematurely, this Agreement shall be null and void 60 days after the effective date of such action.

ARTICLE X - EFFECT OF WITHDRAWAL

Where a party exercises its option to withdraw under the terms of this Agreement, no fiscal liability shall accrue subsequent to the effective date of such withdrawal. The withdrawing party shall remain liable for actions of the Joint Powers Board prior to the effective date of withdrawal.

EFFECTIVE DATE

The effective date of this Agreement shall be upon initial agreement of the participating County boards.

IN WITNESS WHEREOF, the participating _____ County Board, by
(County Name)

Resolution, has caused this Joint Powers Agreement to be executed by its respective officers.

(Signature)
Chairperson: County Board

Date: _____

ATTEST:

(Signature)
County Joint Powers Board Representative

Date: _____



Request for Board Action

BOARD MEETING DATE:
January 5, 2016

Commissioner's Report

Department Information

ORIGINATING DEPARTMENT: Administration	REQUESTOR: Mike Pogge-Weaver	REQUESTOR PHONE: 320-314-8399
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Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving revisions to the Swift County DAC agreement to provide services to the Swift County Environmental Services Department	
AGENDA YOU ARE REQUESTING TIME ON: Consent Agenda	ARE YOU SEEKING APPROVAL OF A CONTRACT? Yes
IS THIS MANDATED? No	EXPLANATION OF MANDATE: n/a
BACKGROUND/JUSTIFICATION: The Swift County DAC is requesting an increase in their reimbursement rates for the assistants and supervisor they provide at the Swift County Environmental Services. Staff is supportive of this change.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? None	

Budget Information

FUNDING: None

Review/Recommendation

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Will need to approve to form prior to final execution	RECOMMENDATIONS: Approve
COMMENTS: n/a	COMMENTS: None

RESOLUTION

APPROVING REVISION TO THE AGREEMENT FOR SERVICES BETWEEN SWIFT COUNTY DAC AND SWIFT COUNTY ENVIRONMENTAL SERVICES

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, that the revision to the agreement for services between the Swift County DAC and the Swift County Environmental Services Department related to worker wage reimbursement effective January 1, 2016 is approved.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox _____
P. Peterson _____

Hendrickx _____
Rudningen _____

E. Pederson _____

AGREEMENT FOR SERVICES

This addendum to the agreement made on January 21st, 2014, by and between the Swift County Developmental Achievement Center (D.A.C.) and Swift County Environmental Services (S.C.E.S) shall become effective January 1st, 2016.

The parties, for good consideration, hereby agree as follows:

Item E.2. WORKER WAGE REIMBURSEMENT

The rate S.C.E.S. pays the D.A.C. shall be adjusted from \$17.55 per hour for the D.A.C. workers and \$11.55 per hour for the D.A.C. supervisor to \$18.43 per hour and \$11.78 per hour respectively for a total of \$29.98 per hour beginning January 1st, 2016. An annual increase in D.A.C. worker wage reimbursement will then commence at the same rate set in the County wage contract.

Chairman
Swift County Board of Commissioners



Director
Swift County D.A.C.

Date

12-9-15

Date

ATTEST:

County Administrator & Clerk of the Board



Request for Board Action

BOARD MEETING DATE:
January 6, 2015

Commissioner's Report

Department Information

ORIGINATING DEPARTMENT: Administration	REQUESTOR: Mike Pogge-Weaver	REQUESTOR PHONE: 320-314-8399
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Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving organizational meeting actions.	
AGENDA YOU ARE REQUESTING TIME ON: Organizational Meeting	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? Yes	EXPLANATION OF MANDATE: State Statute requires the board to take approved a number of items annually at the first meeting in January
BACKGROUND/JUSTIFICATION: The following resolutions are required to be reviewed and action taken on them annually. They include: <ul style="list-style-type: none"> • Adopt 2016 Committee assignments • Appoint County Coroner • Set 2016 Board Meeting • Set 2016 mileage rate (54 cents per mile) • Adopt an Official newspaper • Elected officials to attend annual conferences • Set bounties for pocket gophers and beavers • Allocate the cost of County Attorney to Welfare Fund • Approve corporate signatures for 2016 • Designation of corporate depositories for 2016 • Define employee for Workers Compensation 	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? None	

Budget Information

FUNDING: n/a

Review/Recommendation

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Was not submitted for review	RECOMMENDATIONS: Approve
COMMENTS: n/a	COMMENTS: None

RESOLUTION

**ADOPTING 2016 BOARD COMMITTEE REPRESENTATIVES,
ADVISORY COMMITTEE REPRESENTATIVES, AND
JOINT DITCH BOARD REPRESENTATIVES**

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, that the 2016 Board Committee Representatives, Advisory Committee Representatives, and Joint Ditch Board Representatives as listed on Exhibit A is here by approved.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox ___
P. Peterson ___

Hendrickx ___
Rudningen ___

E. Pederson ___

2015 BOARD REPRESENTATION

COMMITTEE/GROUP	REPRESENTATIVE	DAY OF MEETING	MEETING TIME	PLACE
BOARD COMMITTEES:				
Policy Committee	Peterson Rudningen	As needed	10:30 a.m.	Board Room
Technology Committee	Rudningen	4th Friday	9:00 a.m.	Board Room
Personnel Committee	Hendrickx Rudningen	Mon after 1st Tue	10:00 a.m.	Board Room
Solid Waste Committee	Peterson Fox	As needed	9:00 a.m.	Enivron Ser.
Building Committee	Peterson Pederson	As needed	9:00 a.m.	Board Room
Health Insurace Committee	Hendrickx Rudningen	As needed		
Well-being Committee	Fox Rudningen	As needed		
ADVISORY COMMITTEES:				
Appleton Park Board	Hendrickx			
Revolving Loan Fund	Entire Board			
Extension Committee	Pederson Rudningen	4th Wednesday	Quarterly Jan, April, July, Oct	
RDA/GROW Boards	Pederson Peterson/Alternate	3rd Thursday		DeToy's
Swift County Law Library	Peterson			
Planning Commission	Rudningen			
Prairie V CAC Board	Peterson	4th Monday	10:00 a.m.	Montevideo
Prairie Lakes Detention Bd	Rudningen Peterson/Alternate	3rd Wednesday	9:00 a.m.	
SCEMO	Pederson Rudningen	bi-monthly		
Swift County DAC Board	Pederson	3rd Wednesday	12:00 Noon	
Swift County Youth Program	Vacant			

2015 BOARD REPRESENTATION

COMMITTEE/GROUP	REPRESENTATIVE	DAY OF MEETING	MEETING TIME	PLACE
Upper Mn Val Reg Dev Com	Hendrickx	4th Tuesdays	Evenings	
Water Planning Committee	Pederson			
Jobs Training/Private Ind.Co	Fox		Quarterly	
Pioneerland Library System	Pogge-Weaver	3rd Thursday	Quarterly	
Safety	Pederson			
Historical Society	Peterson	4th Thursday		
Countryside Public Health	Peterson	2nd Wednesday	Monthly	Montevideo
West Minn Revolving Loan	Fox			
Swift Falls Park Board	Rudningen			
SW Mental Health Bd	Fox			
RIDES Advisory Council	Peterson			
Region 6W FEMA Board	Peterson		Annually	
Chippewa River Watershed	Fox	3rd Friday	Monthly	
Pomme de Terre Watershed	Fox	2nd Friday		
Hospital Government Group	Pederson Peterson	As needed - 2 or 3 times a year		
Glacial Trail Scenic Biway	Rudningen	4th Monday		
Woodland Centers	Hendrickx Fox	2nd Thursday		
HRA Board	Peterson			
Joint Engineer Committee	Peterson Rudningen	As needed		
SWCD	Pederson	2nd Thursday	8AM	Benson
Restorative Justice	Fox	2nd Tuesday		
Sheriff's Task Force	Pederson Peterson			
Swift County Benson Hospital	Fox			

2015 BOARD REPRESENTATION

COMMITTEE/GROUP	REPRESENTATIVE	DAY OF MEETING	MEETING TIME	PLACE
C 6 Drug Task Force	Rudningen			
Prairie Waters Tourism	Hendrickx			
RDA Loan Committee	Peterson			
	Pederson			
6W Corrections	Hendrickx	1st Thursday		
	Peterson			
Radio Board	Rudningen			
	Peterson/Alternate			
Nurse Family Partnership	Peterson	Quarterly 2nd Monday		
		1,4,7,10		
Southern Prairie Community Care	Hendrickx	4th Friday		
	Fox Alternate			
MN Public Sector Collaborative	Rudningen	Quarterly		

2015 JOINT COUNTY DITCH BOARDS

JOINT COUNTY DITCH BOARDS				
JOINT COUNTY DITCH BOARD	REPRESENTATIVE	DAY OF MEETING	MEETING TIME	PLACE
JT CO DITCH NO. 2 (S & S)	Hendrickx			
	Fox			
JT CO DITCH NO. 3 (C & S)	Pederson			
	Fox			
JT CO DITCH NO. 4 (S & P)	Peterson			
	Hendrickx			
	Rudningen			
JT CO DITCH NO. 6 (C & S)	Peterson			
	Fox			
JT CO DITCH NO. 8 (C & S)	Fox			
	Rudningen			
JT CO DITCH NO. 9 (S, S, & P)	Rudningen			
	Fox			
JT CO DITCH NO. 18 (S,K, & C)	Fox			
	Pederson			
	Hendrickx			
LAT B OF JT CO DITCH NO. 18 (S & C)	Fox			
	Pederson			
	Hendrickx			
LAT C OF JT CO DITCH NO. 18 (S,K,&C)	Fox			
	Pederson			
	Hendrickx			
JT CO DITCH NO. 19 (S & K)	Hendrickx			
	Peterson			
	Rudningen			
	Fox			
JT CO DITCH NO. 21 (S, K, & C)	Hendrickx			
	Peterson			
	Rudningen			
JT CO DITCH NO. 22 (S, K & C)	Hendrickx			
	Rudningen			

RESOLUTION

APPOINTING A COUNTY MEDICAL EXAMINER

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, that Dr. A. Quinn Strobl is appointed the Swift County Medical Examiner and may be supported by the Anoka County staff in the Anoka County Medical Examiner’s Office.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox _____
P. Peterson _____

Hendrickx _____
Rudningen _____

E. Pederson _____

RESOLUTION

2016 SWIFT COUNTY BOARD OF COMMISSIONER’S MEETING SCHEDULE

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, that the Swift County Board of Commissioner shall hold all meetings in the Swift County Courthouse located at 301 14th St N in Benson Minnesota with its regular meetings being held the 1st Tuesday of each month at 9:00 AM and the 3rd Tuesday of each month at 11:00 am with the following exceptions:

The June 14, 2016 meeting will be moved from 11:00 AM to 5:00 PM for the Board of Equalization
The December 6, 2016 meeting will be moved from 9:00 AM to 5:00 PM for TNT Hearing

BE IT RESOLVED, that the Swift County Board of Commissioner will hold the following special meetings:

End of the year meeting on Friday, December 30, 2016 at 9:00 AM

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox ___ Hendrickx ___ E. Pederson ___
P. Peterson ___ Rudningen ___

RESOLUTION

ADOPTING A NEW MILEAGE RATE

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, that the mileage rate as of January 1, 2016 shall be 54 cents per mile.

Adopted on a _____ vote by the Swift County Board of County Commissioners
the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox ___
P. Peterson ___

Hendrickx ___
Rudningen ___

E. Pederson ___

RESOLUTION

ADOPTING 2016 OFFICIAL NEWSPAPER

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, that the 2016 primary official newspaper for Swift County shall be the Swift County Monitor News and the secondary official newspaper shall be the Appleton Press.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox ___
P. Peterson ___

Hendrickx ___
Rudningen ___

E. Pederson ___

RESOLUTION

ELECTED OFFICIALS TO ATTEND ANNUAL CONFERENCES

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, that the County Treasurer, County Sheriff, County Attorney, and County Commissioners as the County Officials designated to attend the annual conferences for their offices.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox _____
P. Peterson _____

Hendrickx _____
Rudningen _____

E. Pederson _____

RESOLUTION

ADOPTING 2016 BOUNTIES

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, that the 2016 bounties are set as follows:

Beaver Bounty

\$75.00 for beavers (in or out of season) in designated ditches only with the approval of the Parks and Drainage Supervisor.

Pocket Gophers Bounty

Pocket gophers bounties shall only be paid to a township. The County will pay \$3.00 per pocket gopher when the total bounty paid by a township is a minimum of \$5.00 per pocket gopher or \$2.00 per pocket gopher when the total bounty paid by a township is less than \$5.00 per pocket gopher.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox _____
P. Peterson _____

Hendrickx _____
Rudningen _____

E. Pederson _____

RESOLUTION

COUNTY ATTORNEY SERVICES TO HUMAN SERVICES

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, that the actual cost of the County Attorney services to Human Services shall be charged to the Welfare Fund.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox _____
P. Peterson _____

Hendrickx _____
Rudningen _____

E. Pederson _____

RESOLUTION

2016 CORPORATE SIGNATURES

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, that the Board Chair _____, County Treasurer Ronald Vadnais, and County Auditor Kimberly Saterbak are the 2016 authorized corporate signatures.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox ___
P. Peterson ___

Hendrickx ___
Rudningen ___

E. Pederson ___

RESOLUTION

DESIGNATION OF DEPOSITORIES FOR 2016

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, by the Swift County Board of Commissioner, that the following are hereby designated as County depositories for the Year of 2016:

- State Bank of Danvers
- Citizens Alliance Bank of Murdock
- Financial Security Bank of Kerkhoven
- First Security Bank of Benson
- CO-OP Credit Union of Montevideo, Inc.
- Prairie Sun Bank - Appleton
- Community Development Bank, FSB - Ogema/Hancock
- Wells Fargo Securities LLC
- Riverwood Bank of Benson
- Franklin Templeton Investments
- Bank of the West – Benson
- Farmers and Merchants State Bank of Appleton

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox _____
P. Peterson _____

Hendrickx _____
Rudningen _____

E. Pederson _____

RESOLUTION

WORKERS' COMPENSATION COVERAGE FOR ELECTED OFFICIALS

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, pursuant to the requirements of Minn. Stat. §176.011, subd. 9 (6), that all officers of Swift County who are elected or appointed to a regular term in office, or to complete the unexpired portion of a regular term, shall be included within the definition of “employee” as that term is defined in Minn. Stat. §176.011 subd. 9 for purposes of coverage under the Workers’ Compensation Laws of the State of Minnesota, and

BE IT FURTHER RESOLVED, that this resolution recognizes that Swift County has in the past included said officials in all Workers’ Compensation reports and audits and that this resolution is intended to meet the statutory requirements and confirm an existing practice, not to establish a new practice.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox _____
P. Peterson _____

Hendrickx _____
Rudningen _____

E. Pederson _____



Request for Board Action

BOARD MEETING DATE:
January 5, 2016

Commissioner's Report

Department Information

ORIGINATING DEPARTMENT: Administration	REQUESTOR: Mike Pogge-Weaver	REQUESTOR PHONE: 320-314-8399
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Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Public Hearing on revisions to the County Tobacco Ordinance	
AGENDA YOU ARE REQUESTING TIME ON: 9:25 am	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? No	EXPLANATION OF MANDATE: n/a
BACKGROUND/JUSTIFICATION: <p>Countryside Public Health has previously discussed possible changes to the County's tobacco ordinance. A public hearing was opened on December 15, 2015 and continued to the January 5, 2016 meeting. Attached are the proposed changes Countryside Public Health would like to discuss with the board and public.</p> <p>Notices of this public hearing were mailed to current tobacco resellers in the County. Notice was published in our official paper.</p> <p>Also attached is a tobacco free grounds policy for the board consider.</p>	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED?	

Budget Information

FUNDING: None

Review/Recommendation

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Under review and approval to form will be needed prior to final approval by the board	RECOMMENDATIONS: Review and consider taking an action
COMMENTS: n/a	COMMENTS: None

SWIFT COUNTY TOBACCO ORDINANCE

Proposed

SWIFT COUNTY TOBACCO ORDINANCE

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SWIFT COUNTY TOBACCO ORDINANCE

SECTION 1. PURPOSE

Because the County recognizes that many persons under the age of 18 years purchase or otherwise obtain, possess, and use tobacco, tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery products, and such sales, possession and use are violations of both state and federal laws; and because studies, which are hereby accepted and adopted (i.e. CDC, Minnesota Department of Public Health/ASSIST) have shown that most smokers begin smoking before they have reached the age of 18 years and that those persons who have reached the age of 18 years without having started smoking are significantly less likely to begin smoking; and because tobacco use has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; this Ordinance shall be intended to regulate the sale, possession, and use tobacco, tobacco related devices, **electronic delivery devices, and nicotine or lobelia delivery products**, for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco and related licensed products , and to further the official public policy of the State of Minnesota in regard to preventing young people from starting to smoke as stated in Minnesota Statute 144.391.

SECTION 2. DEFINITIONS AND INTERPRETATIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. The singular shall include the plural, and the plural shall include the singular. The masculine shall include the feminine and neuter, and vice-versa. The term “shall” means mandatory and the term “may” means permissive. The following terms shall have the definitions given them:

Subd. 1. Child-resistant packaging. “Child-resistant packaging” shall mean packaging that meets the definition as set forth in Code of Federal Regulations, title 16, section 1700.15(b), as in effect on January 1, 2015, when tested in accordance with the method described in Code of Federal Regulations, title 16, section 1700.20, as in effect on January 1, 2015.

Subd. 2. Compliance Checks. “Compliance Checks” shall mean the system the County uses to investigate and ensure that those authorized to sell licensed products are following and complying with the requirements of this ordinance. Compliance checks may involve the use of minors as authorized by this Ordinance. Compliance checks may also mean the use of minors who attempt to purchase licensed products for educational, research and training purposes as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state, or local laws and regulations relating to licensed products.

Subd. 3. Electronic Delivery Device. “Electronic Delivery Device” shall mean any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device shall include any component part of such a product whether or not sold separately. Electronic delivery device shall not include any product that has been approved or otherwise certified by the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose

Subd. 4. Indoor Area. “Indoor Area” shall mean all space between a floor and a ceiling that is bounded by walls, doorways, or windows, whether open or closed, covering more than 50 percent of the combined surface area of the vertical planes constituting the perimeter of the area. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent. A standard (0.011) gauge window screen is not considered a wall.

Subd. 5. Individually Packaged. “Individually Packaged” shall mean the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall include, but not be limited to, single cigarette packs, single bags or cans of loose tobacco in any form, and single cans or other packaging of snuff or chewing tobacco.

Subd. 6. Licensed Products. “Licensed Products” shall mean any tobacco, tobacco related device, electronic delivery device, or nicotine or lobelia delivery device, as they are defined by this section.

Subd. 7. Loosies. “Loosies” shall mean the common term used to refer to a single or individually packaged cigarette, or any other tobacco product that has been removed from its packaging and sold individually.

Subd. 8. Minor. “Minor” shall mean any natural person who has not yet reached the age of eighteen (18) years.

Subd. 9. Moveable Place of Business. “Moveable Place of Business” shall refer to any form of business whose physical location is not permanent, including, but not limited to, any business operated out of a motorized vehicle, mobile sales kiosk, trailer, or other structure or equipment not permanently attached to the ground.

Subd. 10. Nicotine or Lobelia Delivery Products. “Nicotine or Lobelia Delivery Products” shall mean any product containing or delivering nicotine or lobelia intended for human consumption, or any part of such a product, that is not tobacco or an electronic delivery device as defined in this section, not including any product that has been approved or otherwise certified for legal sale by the United States Food and

Drug Administration for tobacco use cessation, harm reduction, or for other medical purposes, and is being marketed and sold solely for that approved purpose.

Subd. 11. Retail Establishment. “Retail Establishment” shall mean any place of business where tobacco, tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery products are available for sale to the general public. Retail establishments shall include, but not be limited to, grocery stores, convenience stores, and restaurants.

Subd. 12. Sale. A “Sale” shall mean any transfer of goods for money, trade, barter, or other consideration.

Subd. 13. Self-Service Merchandising. “Self-Service Merchandising” shall mean open displays of licensed products in any manner where any person shall have access to licensed products without the assistance or intervention of the licensee or the licensee’s employee. The assistance or intervention shall entail the actual physical exchange of the licensed products between the customer and the licensee or employee. Self-service merchandising shall not include vending machines.

Subd. 14. Smoke or Smoking. “Smoke” or “Smoking” shall mean inhaling or exhaling smoke from any lighted or heated cigar, cigarette, pipe, or any other tobacco or plant product, or inhaling or exhaling aerosol or vapor from any electronic delivery device. Smoking shall include being in possession of a lighted or heated cigar, cigarette, pipe, or any other tobacco or plant product or an activated electronic delivery device intended for inhalation.

Subd. 15. Tobacco or Tobacco Products. “Tobacco” or “Tobacco Products” shall mean any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product including but not limited to cigarettes, cigars, cheroots, stogies, perique, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco; snuff; snuff flour; cavendish; plug and twist tobacco; fine cut and other chewing tobaccos; shorts; refuse scraps, clippings, cuttings and sweepings of tobacco; and other kinds and forms of tobacco. Tobacco excludes any tobacco product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and is being marketed and sold solely for such an approved purpose.

Subd. 16. Tobacco Related Devices. “Tobacco Related Devices” shall mean any pipe, rolling papers, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, smoking, or inhalation of vapors of tobacco or tobacco products. Tobacco related devices shall include accessories or components of tobacco related devices which may be marked or sold separately.

Subd. 17. Vending Machine. “Vending Machine” shall mean any mechanical, electric or electronic, or other type of device which dispenses licensed products, upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the licensed product.

SECTION 3. COUNTY TOBACCO RETAILER LICENSE

No person shall sell or offer to sell any tobacco, tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery products, without first having obtained a license from the county.

Subd. 1. License Application. An application for a license to sell a licensed product shall be made on a form provided by the County. The application shall contain the full name of the applicant, the applicant’s residential and business addresses and telephone numbers, the name of the business for which the license is sought, and any additional information deemed necessary. Upon receipt of a completed application, the County Auditor shall forward the application to the County Board of Commissioners, or its designee for action at its next regularly scheduled meeting. If the County Auditor, or designee, shall determine that an application is incomplete, he or she shall return the application to the applicant with notice of the information necessary to make the application complete.

Subd. 2. Action on License. The County Board or its designee may either approve or deny the license, or it may delay action for such reasonable period of time as necessary to complete any investigation of the application it deems necessary. If the County Board shall approve the license, the County Auditor or designee shall issue the license to the applicant. If the license is denied, notice of the denial shall be given to the applicant along with the notice of the applicant’s right to appeal the decision.

Subd. 3. License Fees. Each application for a tobacco retailer’s license shall be accompanied by a fee as set by the Swift County Board of Commissioners. Application for licenses issued after June 30 of a calendar year shall be accompanied by a prorated fee.

Subd. 4. License Term. The licensing period begins on June 30 of a calendar year and ends June 30 of the following calendar year. Each license issued shall expire on June 30 of the calendar year unless sooner revoked by the County or unless the business with respect to which the license was issued is transferred. In either case the holder of the license shall immediately surrender it to the County Auditor or designee.

Subd. 5. Renewals. The renewal of a license issued under this section shall be handled in the same manner as the original application. The request for renewal shall be made at least thirty days, but no more than sixty days before the expiration of the current license.

Subd. 6. Issuance as a Privilege and Not a Right. The issuance of a license issued under this section shall be considered a privilege and not an absolute right of the applicant and shall not entitle the holder to an automatic renewal of the license.

Subd. 7. Moveable Place of Business. No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this Ordinance.

Subd. 8. Display. All licenses shall be posted and displayed in plain view of the general public on the licensed premises.

Subd. 9. Transfers. All licenses issued under this Ordinance shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued.

Subd. 10. Revocation or Suspension. Any license issued under this Ordinance may be revoked or suspended as provided in Section 11 of the Ordinance.

SECTION 4. BASIS FOR DENIAL OF TOBACCO RETAILER'S LICENSE

The following shall be grounds for denying the issuance or renewal of a license under this Ordinance; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean the county must deny the license. If a license is mistakenly issued or renewed to a person, it shall be revoked upon the discovery that the person was ineligible for the license under this section.

- A. The applicant is under the age of 18 years.
- B. The applicant has been convicted within the past five years of any violation of a federal, state, or local law, ordinance provision, or other regulation relating to licensed products.
- C. The applicant has had a license to sell tobacco, tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery products, suspended or revoked within the preceding twelve months of the date of application.
- D. The applicant fails to provide any information required on the application, or provides false or misleading information.
- E. The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding such a license.

SECTION 5. LICENSEES RESPONSIBLE FOR ACTION OF EMPLOYEES

All licensees under this Ordinance shall be responsible for the actions of their employees in regard to the sale of licensed products on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the County from also subjecting the clerk to whatever penalties are appropriate under this Ordinance, state or federal law, or other applicable law or regulation.

SECTION 6. MANDATORY COMPLIANCE CHECKS

All licensed premises shall be open to inspection by the Swift County Sheriff's Department or its designee, Countryside Public Health, or other authorized County official during regular business hours. From time to time, but at least once a year, the county shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of fifteen (15) years, but less than eighteen (18) years, to enter the licensed premise to attempt to purchase licensed products. Minors used for the purpose of compliance checks shall be supervised by designated law enforcement officers, Countryside Public Health personnel, or other authorized County personnel. Minors used for compliance checks shall not be guilty of the unlawful purchase, or attempted purchase, nor the unlawful possession of licensed products, when such items are obtained or attempted to be obtained as part of the compliance check. No minor used in compliance checks shall attempt to use false identification misrepresenting the minor's age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his or her employee and shall produce any identification, if any exists, for which he or she is asked. Nothing in this section shall prohibit compliance checks authorized by state or feral laws for education research, or training purposes, or required for the enforcement of a particular state or federal law. Compliance checks for the purpose of this Ordinance will not be performed in townships or municipalities where a similar ordinance meeting the minimum requirements of this statute exists.

SECTION 7. PROHIBITED SALES

Subd. 1. General. It shall be a violation of this Ordinance for any person to sell or offer to sell any licensed products:

- A. To any person under the age of eighteen (18) years.
- B. By means of loosies as defined in Section 2, Subd. 6 of this Ordinance.
- C. Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances

except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process. It is not the intent of this provision to ban the sale of lawfully manufactured cigarettes or other tobacco products.

- D. By any other means, to any other person, in any other manner or form prohibited by federal, state, or other local law, ordinance provision, or other regulation.

Subd. 2. Vending Machines. It shall be unlawful for any person licensed under this Ordinance to allow the sale of licensed products by the means of a vending machine unless minors are at all times prohibited from entering the licensed establishment.

Subd. 3. Self-Service Sales. It shall be unlawful for a licensee under this Ordinance to allow the sale licensed products by any means whereby the customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the licensed products between the licensee or his or her clerk and the customer unless minors are at all times prohibited from entering the licensed establishment and unless ninety (90) percent or more of the licensed establishment are generated by the sale of tobacco and tobacco related products.

Subd. 4. Liquid Packaging. The sale of any liquid, whether or not such liquid contains nicotine, intended for human consumption and use in an electronic delivery device, that is not contained in child-resistant packaging is prohibited. All licensees under this chapter must ensure that any liquid intended for use in an electronic delivery device is sold in child-resistant packaging. Upon request, a licensee shall provide a copy of the certificate of compliance or the full protocol laboratory testing report for the packaging used.

SECTION 8. PROHIBITED ACTS

Unless otherwise provided, the following acts shall be a violation of this Ordinance:

Subd. 1. Illegal Sales. It shall be a violation of this Ordinance for any person to sell or otherwise provide any licensed products to any minor.

Subd. 2. Illegal Possession. It shall be a violation of this Ordinance for any minor to have in his or her possession any licensed products. This subdivision shall not apply to minors lawfully involved in a compliance check.

Subd. 3. Illegal Use. It shall be a violation of this Ordinance for any minor to smoke, chew, sniff, or otherwise use any licensed products.

Subd. 4. Illegal Procurement by a Minor. It shall be a violation of this Ordinance for any minor to purchase or attempt to purchase or otherwise obtain any licensed products. This subdivision shall not apply to minors lawfully involved in a compliance check.

Subd. 5. Illegal Procurement. It shall be a violation of this Ordinance for any person to purchase or otherwise obtain such items on behalf of a minor. It shall further be a violation for any person to coerce or attempt to coerce a minor to illegally purchase or otherwise obtain or use any licensed products. This subdivision shall not apply to minors lawfully involved in a compliance check.

Subd. 6. Use of False Identification. It shall be a violation of this Ordinance for any minor to attempt to disguise his or her true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

Subd. 7. Smoking. Smoking shall not be permitted and no person shall smoke within the indoor area of any establishment with a retail tobacco license. Smoking for the purposes of sampling licensed products is prohibited.

SECTION 9. EXCEPTIONS AND DEFENSES

Nothing in this Ordinance shall prevent the providing of tobacco or tobacco related devices to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony. It shall be an affirmative defense to an alleged violation of this Ordinance for a person to have reasonably relied on proof of age as described by state law.

SECTION 10. ADMINISTRATIVE REVIEW

Subd. 1. Notice. Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his or her right to be heard on the accusation. The citation shall provide notice that a hearing must be requested within ten (10) business days of receipt.

Subd. 2. Hearings. If a person accused of violating this Ordinance so requests, a hearing shall be scheduled, the time and place of which shall be published and provided to the accused violator.

Subd. 3. Hearing Officer. The Swift County Board or its designee shall serve as the hearing officer.

Subd. 4. Decision. If the hearing officer determines that a violation of this Ordinance did occur, that decision, along with the hearing officer's reasons for finding a violation and the penalty to be imposed under Section 11 of this Ordinance, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred, or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.

Subd. 5. Appeals. Appeals of any decision made by the hearing officer shall be filed in the district court for the jurisdiction of the county in which the alleged violation occurred.

Subd. 6. Misdemeanor Prosecution. Any violation of this Ordinance is a misdemeanor. Nothing in this section shall prohibit the county from seeking prosecution as a misdemeanor for any alleged violation of this Ordinance. If the county elects to seek misdemeanor prosecution, no administrative penalty shall be imposed.

Subd. 7. Continued Violation. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense.

SECTION 11. ADMINISTRATIVE PENALTIES

Subd. 1. Licensees. Any licensee found to have violated this Ordinance, or whose employee shall have violated this Ordinance, shall be charged an administrative fee as follows:

First Offense:	\$ 75.00
Second Offense/at same licensed premise within 24 months:	\$200.00
Third and Subsequent Offense/at same licensed premise within 24 months and the license shall be suspended for not less than seven (7) days	\$250.00

Second and subsequent offenses occurring on the same licensed premises after 24 months or more of a previous violation shall be treated as if it were a first offense.

Subd. 2. Minors. Minors found in unlawful possession of, or who unlawfully purchase or attempt to purchase tobacco, tobacco related devices, electronic delivery devices, or nicotine or lobelia delivery products, shall be charged an administrative penalty of \$25.00 and shall participate in an appropriate educational/diversion program. In second and subsequent offenses, minors shall be charged an administrative fee of **\$50.00.**

Subd. 3. Other Individuals. Other individuals, other than minors, regulated by subdivision 2 of this subsection, found to be in violation of this Ordinance shall be charged an administrative fee of \$50.00.

SECTION 12. SEVERABILITY AND SAVINGS CLAUSE

If any section or portion of this Ordinance shall be found unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, that finding shall not invalidate the effectiveness of any other section or provision of this Ordinance.

SECTION 13. REPEAL OF PRIOR ORDINANCES

This Ordinance, upon its adoption, shall repeal the Swift County Tobacco Ordinance dated December 1, 1998.

SECTION 14. EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication.

ADOPTION OF ORDINANCE

Passed and approved by the Board of County Commissioners, Swift County, Minnesota, this day of, 2015.

Chairperson

Attest: _____
Clerk of the Board

APPROVED AS TO FORM AND EXECUTION:

County Attorney

**SWIFT COUNTY
ELECTRONIC DELIVERY DEVICE
USE ORDINANCE**

Adopted _____
Effective _____

SWIFT COUNTY

ELECTRONIC DELIVERY DEVICE USE ORDINANCE

SECTION 1. PURPOSE AND INTENT

Because the County recognizes that e-cigarettes produce a vapor of undetermined and potentially harmful substances, which may appear similar to smoke emitted by traditional tobacco products; and because e-cigarette devices can be used with unregulated substances; and because their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions; this Ordinance shall be intended to prohibit the use of any electronic delivery device anywhere smoking is prohibited.

Unregulated electronic delivery devices, commonly referred to as electronic cigarettes, or e-cigarettes, closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine or other substances created by heat through an electronic ignition system. After testing a number of e-cigarettes from two leading manufacturers, the Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA's testing also suggested that quality control processes used to manufacture these products are inconsistent or non-existent. ("Summary of results: Laboratory analysis of electronic cigarettes conducted by FDA", Food and Drug Administration (FDA), July 22, 2009).

SECTION 2. ORDINANCE JURISDICTION - MUNICIPALITIES

Pursuant to Minnesota Statutes § 145A.05, this Ordinance applies throughout all Swift County, including the municipalities therein.

SECTION 3. DEFINITIONS

Except as may otherwise be provided or clearly implied by context, all terms shall be given their commonly accepted definitions. For the purpose of this chapter, the following definitions shall apply:

Electronic Delivery Device. Any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device shall include any component part of such a product whether or not sold separately. Electronic delivery device shall not include any product that has been approved or otherwise certified by

the United States Food and Drug Administration for legal sales for use in tobacco cessation treatment or other medical purposes, and is being marketed and sold solely for that approved purpose.

Use. The inhaling or exhaling of vapor from any electronic delivery device. Use shall also mean carrying an electronic delivery device that is turned on or otherwise activated.

SECTION 4. PROHIBITION

The use of any electronic delivery device is prohibited anywhere smoking is prohibited by the Minnesota Clean Indoor Act, as it may be amended from time to time. Pursuant to Minnesota Statutes § 145A.05, this Ordinance applies throughout all Swift County, including the municipalities therein.

SECTION 5. OTHER APPLICABLE LAWS

This ordinance is intended to complement the Minnesota Clean Indoor Air Act, Minnesota Statutes sections 144.411 to 144.417, as it may be amended from time to time. Nothing in this ordinance authorizes smoking or the use of an electronic delivery device in any location that is regulated by other applicable laws or regulations.

SECTION 6. VIOLATION AND PENALTIES

Subd. 1. Use Where Prohibited. It is a violation of this Ordinance for any person to use an electronic delivery device in an area where prohibited by this Ordinance, or to use an electronic delivery device in an area where prohibited by a private policy established by the proprietor or other person in charge of the area.

Subd. 2. Proprietors. It is a violation of this Ordinance for the proprietor, person, or entity that owns, leases, manages, operates, or otherwise controls the use of an area in which the use of an electronic delivery device is prohibited under this Ordinance to knowingly fail to comply with the provisions of this Ordinance.

Subd. 3. Penalties. A person who violates any provision of this Ordinance is guilty of a petty misdemeanor. Each day of violation constitutes a separate offense.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication.

ADOPTION OF ORDINANCE

Passed and approved by the Board of County Commissioners, Swift County,
Minnesota, this day of, 2015.

Chairmperson

Attest: _____
Clerk of the Board

APPROVED AS TO FORM AND EXECUTION:

County Attorney

Swift County Tobacco-free Policy

Purpose

Swift County is committed to creating an environment where employees, clients, guests, volunteers, and partners have the opportunity to make their health and well-being a priority in their professional and personal life.

The health hazards of tobacco use are well known. Tobacco is a major cause of preventable disease and death. Tobacco-free workplaces help support employees who want to quit using tobacco or have already quit, and promote a healthy work environment for all employees. A tobacco-free policy demonstrates the commitment to eliminate the health hazards of second hand smoke and the need for treating nicotine addiction.

Policy

Tobacco use, which includes but is not limited to cigarettes, cigars, chewing tobacco, snuff, pipes, e-cigarettes and all other forms of smoked or smokeless tobacco products, is prohibited:

- Inside all county owned, leased and rented buildings;
- Outside on all county owned, leased and rented grounds, including but not limited to parking lots and sidewalks; this would not prohibit a person from smoking in their private vehicle;
- In county owned, leased or rented vehicles or equipment; and

The littering of tobacco-related products on the grounds or parking lots of Swift County or neighboring properties is also prohibited.

Swift County is responsible for providing its employees a safe and healthy environment and does not allow the use of tobacco during “home” visits while employees are present. If the client/family is unable to refrain from tobacco or nicotine use during a visit, services might not be provided.

Swift County will not solicit or accept any contributions or gifts of money, curricula, materials or equipment from companies that directly manufacture and are identified with tobacco products, devices or electronic cigarettes. Swift County will not promote or allow promotion of tobacco products or electronic cigarettes on Swift County property or at Swift County sponsored events.

Employees are responsible for knowing and understanding the tobacco-free work site policy and should contact their supervisor or manager should they have questions.

Scope

This policy applies to all employees who work for Swift County. In addition, the policy applies to contractors, vendors, clients, guests, volunteers, and partners on county owned, leased, or rented property.

Guidelines

1. Candidates that apply for employment or to volunteer with Swift County will be notified of this policy during the pre-employment process of our tobacco-free policy.

2. Signs will be posted at all county property entrances and other appropriate areas to remind employees, contractors, clients, guests, volunteers, and partners of this policy.
3. Employees, clients, guests, volunteers, and partners should not loiter near neighboring properties or discard litter in a way that negatively reflects on Swift County.
4. Swift County funds may not be used to purchase tobacco products.
5. Employees must abide by the venue's rules regarding tobacco usage during any Swift County sponsored event or gathering, while representing Swift County at any function, or while participating in any county paid conferences.
6. Employees will notify clients/families that tobacco and nicotine use is not allowed while services are being offered in the home of the client/family when employees are present.
7. Tobacco products must be kept out of plain view when on Swift County property, during "site" visits, at Swift County sponsored events, or when representing Swift County at any function or event.
8. Employees and volunteers are not allowed to buy tobacco products for clients or transport clients to buy tobacco products.
9. All employees are expected to help enforce the policy by reporting violations to management.

Exception

It is not a violation of this policy to use a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product or for other medical purposes and is being marketed and sold solely for such an approved purpose.

Tobacco Cessation Resources

Swift County is committed to supporting employees, clients, and volunteers interested in becoming tobacco free.

- For employees: All of Swift County health insurance plans with PreferredOne covers 100% of the cost without a deductible for in-network Tobacco cessation counseling and Tobacco cessation prescription drugs. Contact PreferredOne at 1-800-940-5049.
- Employees, clients and volunteers who do not have health insurance or have a different type of insurance may contact QUITPLAN of Minnesota at 1-800-QUITNOW (1-800-784-8669).

Policy Enforcement

Supervisors and managers will have formal enforcement responsibility. They are responsible for investigating all allegations of violations of this policy. Compliance with this policy is expected and employees who violate this policy will be subject to current disciplinary procedures.

Through signs stating our tobacco-free buildings and grounds, clients, guests, volunteers, contractors, vendors will be informed and encouraged to support our policy. Individuals who use tobacco products in buildings or on county grounds will be politely reminded of the tobacco-free policy.



Request for Board Action

BOARD MEETING DATE:
January 5, 2016

Commissioner's Report

Department Information

ORIGINATING DEPARTMENT: Administration	REQUESTOR: Mike Pogge-Weaver	REQUESTOR PHONE: 320-314-8399
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Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider setting elected officials for 2016 wages.	
AGENDA YOU ARE REQUESTING TIME ON: Other Business	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? Yes	EXPLANATION OF MANDATE: State Statute requires the board annually set elected officials salaries and to set the minimum salary for elected official during general election years.
BACKGROUND/JUSTIFICATION: The attached resolution sets the 2016 salaries for the currently elected County Attorney, County Treasurer, and County Sheriff. For all three positions, a 1.5% COLA is provided which follows the union and non-union employees at the County. It also provides the County Treasurer an additional 2.5% increase since his wage is currently below the wage set out in the old county wage table based on his years of service with the County. This follows the implementation method used for non-union employees. For the County Sheriff and County Attorney, the proposal provide two step increases in 2016 based on wage comparisons to other County Sheriff and County Attorney in the region and the state. It also sets the minimum salary for individuals newly elected or appointed to the offices of County Attorney, County Treasurer, and County Sheriff for 2015 and beyond.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? None	

Budget Information

FUNDING: n/a

Review/Recommendation

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Was not submitted for review	RECOMMENDATIONS: Approve
COMMENTS: n/a	COMMENTS: None

RESOLUTION

**ADOPTING 2016 SALARIES FOR CURRENTLY ELECTED OFFICIALS
SETTING 2016 MINIMUM SALARIES FOR NEWLY ELECTED OFFICIALS**

Motion by Commissioner _____ Seconded by Commissioner _____

WHEREAS, The County Board shall, in accordance with statutes, annually set the salary of the County elected officials at its first meeting in January.

THEREFORE, BE IT RESOLVED, that the salaries of the currently elected County Attorney, County Treasurer, and County Sheriff be set for 2016, as listed below:

County Attorney \$76,358.88	(2015 Salary \$70,930.08)
County Treasurer \$80,662.40	(2015 Salary \$77,513.01)
County Sheriff \$84,905.60	(2015 Salary \$78,873.60)

BE IT FURTHER RESOLVED, that the minimum annual salary for individuals newly elected or appointed to the offices of County Attorney, County Treasurer, and County Sheriff for 2016 and beyond is set as follows:

County Attorney \$4,000	(MN Statutes 388.18)
County Treasurer \$6,000	(MN Statues 385.373)
County Sheriff \$6,000	(MN Statues 387.20)

BE IT FURTHER RESOLVED, that the salaries of the appointed offices of County Auditor, County Assessor, and County Recorder and their assistants, and their clerical staff shall be fixed by the County Board and shall be paid out of the General Fund of the County. The salaries of the County Auditor, County Assessor, and County Recorder are set pursuant to the County Salary Schedule on file in the Administration Office.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox _____
P. Peterson _____

Hendrickx _____
Rudningen _____

E. Pederson _____



Request for Board Action

BOARD MEETING DATE:
January 5, 2016

Commissioner's Report

Department Information

ORIGINATING DEPARTMENT: Administration	REQUESTOR: Mike Pogge-Weaver	REQUESTOR PHONE: 320-314-8399
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Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving a 2016 cost of living increase for the County Engineer	
AGENDA YOU ARE REQUESTING TIME ON: Other Business	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? No	EXPLANATION OF MANDATE: n/a
BACKGROUND/JUSTIFICATION: For 2015, Swift County has set our cost of living increases at 1.5% for non-union employees. In discussions with the Yellow Medicine County Administrator, she has agreed that this can be offered to the Shared County Engineer for 2016.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? None	

Budget Information

FUNDING: n/a

Review/Recommendation

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Was not submitted for review	RECOMMENDATIONS: Approve
COMMENTS: n/a	COMMENTS: None

RESOLUTION

COUNTY ENGINEER 2016 COST-OF-LIVING INCREASE

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, the County Engineer shall receive the same cost of living and other benefits provided to non-union employees for 2016.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox ___
P. Peterson ___

Hendrickx ___
Rudningen ___

E. Pederson ___



Request for Board Action

BOARD MEETING DATE:
January 5, 2015

Commissioner's Report

Department Information

ORIGINATING DEPARTMENT: Administration	REQUESTOR: Mike Pogge-Weaver	REQUESTOR PHONE: 320-314-8399
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Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approval of new fees for the Sheriff's Department	
AGENDA YOU ARE REQUESTING TIME ON: Other Business	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? No	EXPLANATION OF MANDATE:
BACKGROUND/JUSTIFICATION: The Sheriff's department is proposing to increase a few fees with in the department starting with the new year. The attachment shows the proposed fees along with the current fee level. If not change is noted then no change is proposed.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED?	These are all revisions to current policies that are in place.

Budget Information

FUNDING: n/a

Review/Recommendation

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Was not submitted for review	RECOMMENDATIONS: Approve
COMMENTS: None	COMMENTS: None

RESOLUTION

APPROVING NEW FEES IN THE SHERIFF’S DEPARTMENT

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, that the revised fees as attached for the Sheriff’s Department are approved and are effective as of January 6, 2016.

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox _____
P. Peterson _____

Hendrickx _____
Rudningen _____

E. Pederson _____

Swift County Fee Schedule

Department	Type Expense	What For	Amount
Sheriff	Service Charge	Boarding Fee for Out-Of-County Inmates	\$55.00 per day
		Booking Fee for Inmates Incarcerated	\$25.00
		Pay to stay	\$20.00 per day
		Work Release Fee	\$20.00 per day
		Work Release Sack Lunch	\$3.00
		Inmate Co-Pay for Medical Expenses	\$10.00
		Urinalysis testing	\$10.00 to \$70.00 (Depending on Type)
		Fingerprinting Applicants	\$10.00
		Permit to purchase	No charge
		Permit to carry	\$75.00 to \$100.00 (Depending on Type)
		Service of a Summons and Complaint	\$55.00
		Commission for Collection on Executions	6% on total
		Posting Notices of Sale	\$55.00
		Certificate of Sale	\$75.00
		Mortgage Foreclosure Sale	\$75.00
		Service of Process - Not Found	\$55.00
		Redemption of Property	\$100.00
		All other processes	\$55.00
		Mileage	\$0.60
		Deputy Labor for Property Inventory/Escorts/Events	\$75/hr with minimum of 3 hrs
Labor for Records Staff in Supplying Documents	\$25/hr		
Explosives Permits	No charge		
Burning Permits	No charge		

Old \$10.00

Old \$40.00

Old \$40.00

Old \$50.00

Old \$50.00

Old \$40.00

Old \$40.00

Old \$0.50

*Plus sales tax where applicable



Request for Board Action

BOARD MEETING DATE:
January 5, 2016

Commissioner's Report

Department Information

ORIGINATING DEPARTMENT: Extension	REQUESTOR: Casey Olson	REQUESTOR PHONE: 320-843-3796
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Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving appointments to the Swift County Extension Committee.	
AGENDA YOU ARE REQUESTING TIME ON: Other Business	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? Yes	EXPLANATION OF MANDATE: n/a
BACKGROUND/JUSTIFICATION: A county must have an Extension Committee. The committee must have nine members, with the option to also appoint two youth members for a total committee of 11. Two members must be county commissioners appointed by the county board. The county auditor or the auditor's designee must be a member. Six adult members must be appointed at large by the county board. Matthew Mattheisen, 3 year term; Kevin Voorhees, 3 year term; Halle Walsh, 2 year youth term; all starting January 2016. Recommendation made by the Swift County Extension Committee at their meeting on October 28, 2015.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? n/a	

Budget Information

FUNDING: Per Diems/Mileage for Committee Meetings, Trainings, etc.
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Review/Recommendation

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Was not submitted for review	RECOMMENDATIONS: Approve
COMMENTS: n/a	COMMENTS: No

RESOLUTION

**MAKING APPOINTMENTS TO THE
SWIFT COUNTY EXTENSION COMMITTEE**

Motion by Commissioner _____ Seconded by Commissioner _____

WHEREAS, two adult terms and 1 youth term on the Swift County Extension Committee is set to expire on December 31, 2015.

NOW, THEREFORE, BE IT RESOLVED, that the following individual is appointed the Swift County Extension Committee for term as listed below effective January 1, 2016:

<u>Individual</u>	<u>Term Expiration</u>
Matthew Mattheisen (Adult)	12/31/2018
Kevin Voorhees (Adult)	12/31/2018
Halle Walsh (Youth)	12/31/2017

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox _____
P. Peterson _____

Hendrickx _____
Rudningen _____

E. Pederson _____



SWIFT COUNTY EXTENSION OFFICE

2016 Extension Committee Members

<u>Adult Members</u>	<u>Term Ends</u>	<u>District</u>
Polly Johnson	December 31, 2016	2
Laura Perry	December 31, 2016	1
Kim Benson	December 31, 2017	4
Jess & Tammy Berge	December 31, 2017	5
Matt Mattheisen	December 31, 2018	3
Kevin Voorhees	December 31, 2018	4

<u>Youth Members</u>	<u>Term Ends</u>	<u>District</u>
Dylan Smith	December 31, 2016	3
Halle Walsh	December 31, 2017	4

<u>Commissioners</u>	<u>Term Ends</u>	<u>District</u>
Ed Pederson	Elected Annually	2
Eric Rudningen	Elected Annually	5

<u>County Staff</u>	<u>Term Ends</u>	<u>District</u>
Kim Saterbak, Auditor	No Term End Date	2
Mike Pogge Weaver, Administrator – No Voting Rights		2





Request for Board Action

BOARD MEETING DATE:
January 5, 2016

Commissioner's Report

Department Information

ORIGINATING DEPARTMENT: Administration	REQUESTOR: Mike Pogge-Weaver	REQUESTOR PHONE: 320-314-8399
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Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving appointments to the SCBH Board of Directors	
AGENDA YOU ARE REQUESTING TIME ON: Other Business	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? No	EXPLANATION OF MANDATE: n/a
BACKGROUND/JUSTIFICATION: The terms of two of the County appointments (Kory Johnson and Patty Schreck) to the Swift County Benson Hospital Board of Directors is set to expire on December 31, 2015.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? None	

Budget Information

FUNDING: n/a

Review/Recommendation

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Was not submitted for review	RECOMMENDATIONS: Approve
COMMENTS: n/a	COMMENTS: None

RESOLUTION

**MAKING AN APPOINTMENT TO THE
SWIFT COUNTY BENSON HOSPITAL**

Motion by Commissioner _____ Seconded by Commissioner _____

WHEREAS, two of the County appointments to the Swift County Benson Hospital Board of Directors is set to expire on December 31, 2015.

NOW, THEREFORE, BE IT RESOLVED, that the following individual is appointed the Swift County Benson Hospital Board of Directors for term as listed below effective January 1, 2016:

<u>Individual</u>	<u>Term Expiration</u>
Kory Johnson	12/31/2018
Patty Schreck	12/31/2018

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox _____
P. Peterson _____

Hendrickx _____
Rudningen _____

E. Pederson _____

SWIFT COUNTY-BENSON HOSPITAL
BOARD OF DIRECTORS TERM LIST:

2015

Terms consist of three consecutive years beginning January 1st, ending December 31st.

City allows two consecutive terms; County allows unlimited terms.

Member	Term Expires	Appt. By	Current Term
Tom Anderson	12/31/2015	City	First
Dan Enderson	12/31/2016	County	First
Joe Fox	12/31/2016	County	Second
Jill Hedman	12/31/2016	City	First
Richard Horecka, MD	12/31/2016	County/Med Staff	First
Kory Johnson	12/31/2015	County	First
Deb Moorese	12/31/2017	City	Second
Brian Samuelson	12/31/2017	County	Third
Patty Schreck	12/31/2015	County	Second



Request for Board Action

BOARD MEETING DATE:
January 5, 2016

Commissioner's Report

Department Information

ORIGINATING DEPARTMENT: Administration	REQUESTOR: Mike Pogge-Weaver	REQUESTOR PHONE: 320-314-8399
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Agenda Item Details

BRIEF DESCRIPTION OF YOUR REQUEST: Consider approving AMC policy committee appointments and delegate appointments	
AGENDA YOU ARE REQUESTING TIME ON: Other Business	ARE YOU SEEKING APPROVAL OF A CONTRACT? No
IS THIS MANDATED? No	EXPLANATION OF MANDATE: n/a
BACKGROUND/JUSTIFICATION: The County is allowed to have on appointment on each policy committee and 8 total delegates to the full body. Our policy committee appointments are as follows: Environment & Natural Resources Policy Committee, Joe Fox; General Government Policy Committee, Pete Peterson; Health & Human Services Policy Committee, Gary Hendrickx; Public Safety Policy Committee, Edward Pederson; and Transportation & Infrastructure Policy Committee, Eric Rudningen. Our current delegates are as follows: Joe Fox, Gary Hendrickx, Pete Peterson, Eric Rudningen, Andy Sander, Deanna Steckman, Scott Collins, and Mike Pogge-Weaver.	
PREVIOUS ACTION ON REQUEST / OTHER PARTIES INVOLVED? n/a	

Budget Information

FUNDING: n/a

Review/Recommendation

COUNTY ATTORNEY: Danielle Olson	COUNTY ADMINISTRATOR: Mike Pogge-Weaver
RECOMMENDATIONS: Was not submitted for review	RECOMMENDATIONS: Review and take an action
COMMENTS: n/a	COMMENTS: n/a

RESOLUTION

**APPOINTING SWIFT COUNTY DELEGATES AND
POLICY COMMITTEE APPOINTMENT FOR AMC**

Motion by Commissioner _____ Seconded by Commissioner _____

BE IT RESOLVED, that the following individuals are selected as for the following AMC policy committee appointments:

Environment & Natural Resources Policy Committee	Joe Fox
General Government Policy Committee	Pete Peterson
Health & Human Services Policy Committee	Gary Hendrickx
Public Safety Policy Committee	Edward Pederson
Transportation & Infrastructure Policy Committee	Eric Rudningen

BE IT RESOLVED, that the following individuals are selected as voting delegates to AMC:

Joe Fox, Swift County Commissioner
 Gary Hendrickx, Swift County Commissioner
 Edward Pederson, Swift County Commissioner
 Pete Peterson, Swift County Commissioner
 Eric Rudningen, Swift County Commissioner
 Andy Sander, Swift County Engineer
 Deanna Steckman, Swift County CSSA Director
 Mike Pogge-Weaver, Swift County Administrator

Adopted on a _____ vote by the Swift County Board of County Commissioners the 5th day of January 2016.

Swift County Board of Commissioners

Peter Peterson, Chairman

ATTEST:

Michel J. Pogge-Weaver
County Administrator and Clerk of the Board

Fox	___	Hendrickx	___	E. Pederson	___
P. Peterson	___	Rudningen	___		