



*Resolution  
of the  
Board of County Commissioners  
St. Louis County, Minnesota*

*Adopted on: February 28, 2006*

*Resolution No. 143*

*Offered by Commissioner: Fink*

WHEREAS, on behalf of the taxpayers of St. Louis County, the St. Louis County Board of Commissioners continually seeks ways to keep the cost of county government as cost effective as possible; and

WHEREAS, the cost of St. Louis County government is significantly affected by mandates from the State of Minnesota; and

WHEREAS, the Minnesota State Legislature in 2005 passed legislation (M.S. 6.79) which allows local governments to file resolutions with the State Auditor which either object to particular state mandates or make recommendations for reforming particular state mandates; and

WHEREAS, the State Auditor has encouraged local governments to submit mandate reform proposals to her office and has expressed a willingness to partner with local governments in achieving those reforms;

WHEREAS, the State of Minnesota has been involved in the systematic shifting of costs to County property taxpayers for obligations which are rightly the responsibility of the State.

NOW, THEREFORE, BE IT RESOLVED, that the St. Louis County Board of Commissioners hereby submits to the State Auditor a certified copy of this resolution and the list of mandates, along with statute citations and comments, as candidates for repeal;

RESOLVED FURTHER, that the St. Louis County Board of Commissioners requests that the State Auditor take any measures available to aid the repeal of these mandates.

Commissioner Fink moved the adoption of the Resolution and it was declared adopted upon the following vote:

Yeas - Commissioners Fink, O'Neil, Kron, Forsman, Raukar, and Chair Nelson - 6

Nays - None

Out of Room - Commissioner Sweeney - 1

**STATE OF MINNESOTA**

Office of County Auditor, ss.  
County of St. Louis

I, **DONALD DICKLICH**, Auditor of the County of St. Louis, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 28th day of February, A.D. 2006, and that this is a true and correct copy.

WITNESS MY HAND AND SEAL OF OFFICE at Duluth, Minnesota, this 28th day of February, A.D., 2006

DONALD DICKLICH, COUNTY AUDITOR

By

Deputy Auditor/Clerk of County Board

## Additional Unfunded Mandates

### Public Guardianship – MS 626.557 and MS 252A.05

**Eliminate the County's responsibility to petition and act as the delegated guardian for the state unless funding is provided to cover the county's costs. This is currently 100% county funds.**

#### **252A.05 Commissioner's petition for appointment as public guardian or public conservator.**

In every case in which the commissioner agrees to accept a nomination, the local agency, within 20 working days of receipt of the commissioner's acceptance, shall petition on behalf of the commissioner in the county or court of the county of residence of the mentally retarded person for appointment to act as public conservator or public guardian of the mentally retarded person.

#### **626.557, Subd. 10. Duties of county social service agency.**

(a) Upon receipt of a report from the common entry point staff, the county social service agency shall immediately assess and offer emergency and continuing protective social services for purposes of preventing further maltreatment and for safeguarding the welfare of the maltreated vulnerable adult. In cases of suspected sexual abuse, the county social service agency shall immediately arrange for and make available to the vulnerable adult appropriate medical examination and treatment. When necessary in order to protect the vulnerable adult from further harm, the county social service agency shall seek authority to remove the vulnerable adult from the situation in which the maltreatment occurred. The county social service agency may also investigate to determine whether the conditions which resulted in the reported maltreatment place other vulnerable adults in jeopardy of being maltreated and offer protective social services that are called for by its determination.

(b) County social service agencies may enter facilities and inspect and copy records as part of an investigation. The county social service agency has access to not public data, as defined in section [13.02](#), and medical records under section [144.335](#), that are maintained by facilities to the extent necessary to conduct its investigation. The inquiry is not limited to the written records of the facility, but may include every other available source of information.

(c) When necessary in order to protect a vulnerable adult from serious harm, the county social service agency shall immediately intervene on behalf of that adult to help the family, vulnerable adult, or other interested person by seeking any of the following:

- (1) a restraining order or a court order for removal of the perpetrator from the residence of the vulnerable adult pursuant to section [518B.01](#);
- (2) the appointment of a guardian or conservator pursuant to sections [524.5-101](#) to [524.5-502](#), or guardianship or conservatorship pursuant to chapter 252A;
- (3) replacement of a guardian or conservator suspected of maltreatment and appointment of a suitable person as guardian or conservator, pursuant to sections [524.5-101](#) to [524.5-502](#); or
- (4) a referral to the prosecuting attorney for possible criminal prosecution of the perpetrator under chapter 609.

The expenses of legal intervention must be paid by the county in the case of indigent persons, under section [524.5-502](#) and chapter 563.

In proceedings under sections [524.5-101](#) to [524.5-502](#), if a suitable relative or other person is not available to petition for guardianship or conservatorship, a county employee shall present the petition with representation by the county attorney. The county shall contract with or arrange for a suitable person or organization to provide ongoing guardianship services. If the county presents evidence to the court exercising probate jurisdiction that it has made a diligent effort and no other suitable person can be found, a county employee may serve as guardian or conservator. The county shall not retaliate against the employee for any action taken on behalf of the ward or protected person even if the action is adverse to the county's interest. Any person retaliated against in violation of this subdivision shall have a cause of action against the county and shall be entitled to reasonable attorney fees and costs of the action if the action is upheld by the court.