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MINNESOTA LOCAL GOVERNMENT

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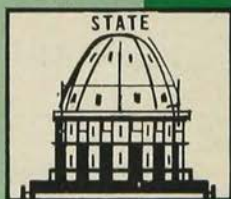
County Government

IS YOUR GOVERNMENT



Public Affairs Series

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and
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Agricultural Extension Service
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*Check your knowledge of your
county government—*

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COUNTY GOVERNMENT

The Territory of Minnesota was established by act of Congress in 1849. The first territorial legislature established nine counties to provide local government throughout the area but only three of the counties were organized at the time. Nine years later in 1858, when Minnesota became a state, 60 counties had been established but only 30 were organized and functioning. The 87th and last county to be established was Lake of the Woods in 1922.

Extremes in county size are represented by Ramsey county with only 161 square miles, and St. Louis in which Duluth is located with 6,503 square miles. Extremes in population are represented (using 1958 figures) by Cook County, 3,552 people, and Hennepin, 780,208 people.

Establishment of new counties under present laws is possible, but the state constitution imposes minimum requirements on such counties. Such action may be initiated by petition and decided by a vote of the people in the counties affected. A majority of the voters in the counties affected—as well as a majority of the voters in the proposed county—is required to establish the new county.

Changes in county boundaries may be made by a similar procedure, the vote required being a majority in each county affected by the changes. Changes in county seat location and changes in names of counties may also be initiated by petition and submitted to a vote of the people in the county.

Organization and Officers of County Government

Historical Development

The county had its origin in England centuries ago. It was at first called the Shire, the principal officer of which was the "shire reeve." He served the king in enforcing the law, collecting taxes and preserving the peace. Eventually his title was shortened to that of *sheriff*. As county government was developed in England and adopted in America, more officers were added to do the additional work that the county was required to perform.

The county law enacted by the Minnesota territorial legislature in 1849 provided for a county board of commissioners consisting of three members—plus a judge of probate, a register of deeds,

a coroner, a sheriff, a treasurer, and three assessors. All were to be elected by the voters. In addition, the law provided for the election of two justices of the peace and two constables for each election precinct.

Among the many changes which have been made by the legislature from that date to the present have been the following:

1851—Authorized territorial judges to appoint a clerk of court and provided for the election of a district attorney and a county surveyor.

1858—Established our system of town government. Abolished the three-member board of commissioners, replacing it with a county board of supervisors. Also created the office of county auditor, to be appointed by the county board.

1860—Reestablished the county board of commissioners and increased the membership to five instead of three. Also made them elective by districts rather than at large.

The office of district attorney was redesignated county attorney. The elective office of court commissioner was also created.

1864—Authorized the county commissioners to appoint a superintendent of schools.

1869—Amended the law to require county commissioners to appoint a superintendent of schools.

1877—Made the office of superintendent of schools elective. The clerk of court and the auditor were made elective in later years.

County Government Today

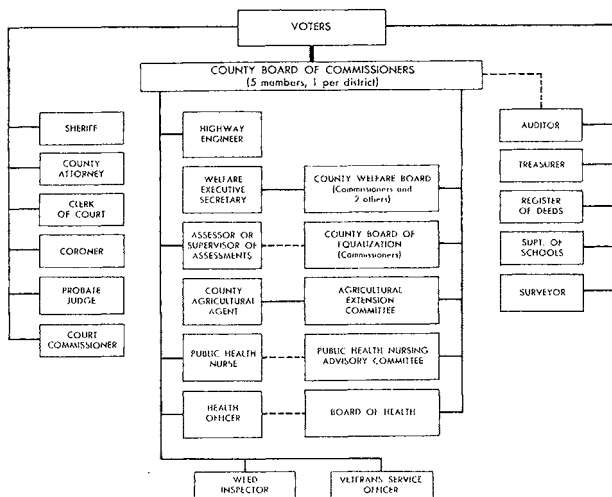
County government today is basically as outlined above insofar as elective officers are concerned. All but two of the counties now have five county commissioners elected from districts (Ramsey and St. Louis counties have seven). Terms of office of the commissioners, the auditor, treasurer, register of deeds, sheriff, attorney, clerk of court, coroner, superintendent of schools, surveyor, and court commissioner are 4 years; the probate judge, 6 years.

All are nominated and elected without party designation in the state primary and general elections held in the even-numbered years. Any voter is eligible to seek election to any county office except that of probate judge. To qualify for probate judge, one must also be "learned in the law."

To become a candidate for a county office, one must pay a fee of \$10 and file an affidavit of candidacy with the county auditor during the filing period in the election year when the office will be on the ballot.

Over the years the legislature has also provided for the appointment of several other officers, boards,

ORGANIZATION OF COUNTY GOVERNMENT IN MINNESOTA



and committees by the county board or other authorities. *Appointive officers* authorized by the legislature for most counties include: a highway engineer, a county assessor or a supervisor of assessments, a weed inspector, a health officer, a veterans service officer, a public health nurse, a welfare executive secretary, and various types of county extension agents.

While most of these officers are appointed by the county board, state laws establish minimum qualifications for most of them and often require the board to secure the approval of a state agency before making an appointment.

Boards and committees appointed by the county board in most counties include the county board of health (five members, of which one must be a physician and one a dentist); a public health nursing advisory committee (16 members, including the health officer or another physician, the county superintendent of schools, and one commissioner); the county extension committee (six appointed members, two of whom must be women, plus two commissioners and the county auditor); and the

county welfare board. The welfare board in most counties consists of the five county commissioners plus two persons, one of whom must be a woman.

These boards and committees exercise some supervision over the functions with which they are concerned, and help coordinate the agencies of government and the private groups involved in the activity. While not a part of county government, county agricultural societies or fair associations and county historical societies are supported in part by county funds and have semi-public status.

Purpose and Functions of Minnesota Counties

The primary purpose of the county is to serve as a local agent of the state government in law enforcement; tax assessment and collection; welfare administration; and the administration of other state established services, regulations, and functions which cannot be effectively administered directly from the state capital.

The county board and the other officials of the county are therefore governed in their actions and limited in their power by state law to a considerable extent. It is their responsibility to carry out the laws of the state which apply to persons or things within their particular county.

To make certain that the county and its officers serve their purpose, the state legislature has usually specified in the law which county official or body is responsible for carrying out each particular act. For this reason, county officials are legally officers of the state in performing many important functions, and the organization and officers of the county parallels to an extent the organization and officers of state government.

Role of the County Board of Commissioners

The legislature has given the county board of commissioners—which serves as the county governing body—specified financial, legislative, and administrative control over some of the personnel and functions of county government. However, under Minnesota law the county has only those powers given to it by the legislature and constitution, so the board may act only within the limits specified by state law.

The management and control of county property and the transaction of county business affairs is vested in the county board. It has complete charge of county roads, buildings and other property; is responsible for levying county taxes, authorizing expenditures, letting contracts, making purchases, borrowing money; and can authorize the payment of claims against the county for goods and services rendered.

Each year the board elects from its members a chairman and vice-chairman. The chairman presides at board meetings; he also signs, with the auditor, all legal documents, deeds, contracts, etc. for the county. In its capacity as "board of directors" of the county, it is assisted by the auditor who by law serves as secretary and clerk for the county board of commissioners.



County Finance—Taxes on Real and Personal Property

The county tax on property is levied by the county board. The legislature has imposed maximum limitations, however, on the levies which may be made for many of the functions which the county is authorized or required to perform.

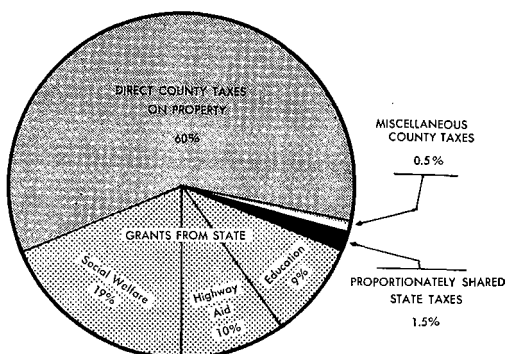
Among the purposes for which counties may levy property taxes are:

Services—Agricultural societies; roads and bridges; building funds; weed eradication; cattle testing; cooperative extension work; insect pest control; and general governmental purposes (including salaries, supplies and expenses, operation of jail, printing of notices, etc.,

Educational—County libraries; historical societies; county school surveys; county school tax funds (to pay, together with state aid, the tuition of non-resident high school pupils); and county school transportation fund (to pay, together with state aid, the cost of transportation for non-resident high school pupils).

Welfare—Multi-county health departments; hospital sites and buildings; civil defense; nursing homes; veterans service officer; social welfare (county share of old age assistance, aid to dependent children, aid to disabled, and aid to blind, plus administrative costs); and poor relief.

COUNTY REVENUES



Where a typical Minnesota county gets the money to carry out its functions. (Based on revenue figures for an actual county. "Grants from state" include some federal aid allocated to the counties by the state.)

For certain counties, the legislature has authorized levies for purposes other than those listed. All counties have been authorized to make levies for the payment of principal and interest on bonds which the county has sold for the purpose of financing major improvements, such as the construction of a courthouse.

Non-Property Tax Revenue for Counties

The main county functions, measured in expenditure of money, are road construction and maintenance, and public assistance. To aid the county in meeting the costs of these two functions, the state and the federal government provide funds, called grants-in-aid.

The county must provide its share of the funds to pay for these programs; this it raises through the property tax. A substantial part of all the property taxes levied by the county go for highways and welfare purposes.

In addition to these state and federal aids for roads and welfare, the county receives shares from the state-collected cigarette, death, and gift taxes,

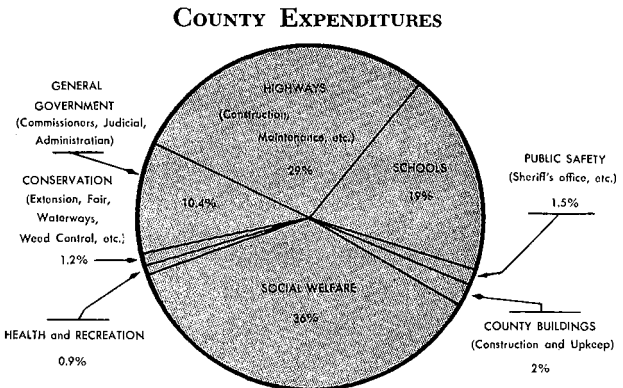
which it may use for general governmental purposes. Some counties also receive state funds to support tuberculosis sanatoriums and public health nursing services.

Still another source of county revenue, although a minor share of the total amount, is the money paid to the county in fees, licenses, fines, and other charges.

County Expenditures

It is the county board which determines, within the limits set by state law, how much money will be appropriated and spent for various purposes. This central financial control gives the county board some influence over many activities. The amount of that influence varies from one activity to another, however, depending on the provisions of state law and the legal relationship existing between the board and the officer in charge of the activity.

The county board has only a limited control over the compensation paid county elective officers, for example, because state law governs such salaries and fees to a considerable extent. Recent legislation, however, has given more control over some of these salaries to the board.



How a typical Minnesota county allocates its revenues. (These include state and federal grants-in-aid for school districts and county functions.) Slightly different categories may be used, but a similar picture will be shown in your own county's annual report.

The county board does have extensive control over the appropriations for salaries of employees and for supplies and expenses of the various county officers, boards and committees.

Limits on County Officers, Boards, and Committees

The legal relationship of the county board of commissioners to other county officers, boards, and committees is governed by statute. The county board has little influence or control over the functions and duties of the other *elected* county officers (whose duties are spelled out in statutes of the legislature). It does have a measure of control over the functions and duties of those officials which it *appoints*. However, they too are governed to an extent by state law and to an extent by the other boards and committees of the county which supervise their activities.



Law Enforcement

Enforcement of state laws is a major function of the county and its officers. The *sheriff*, the *county attorney*, the *coroner* and the *courts* (district, probate, and justice of the peace) which serve the county are jointly responsible under state law for the enforcement of state laws regulating criminal and civil matters.

The *clerk of district court* and the *court commissioner* aid the district court in adjudicating cases brought before it. The *county attorney* may call on the state attorney general, and the *sheriff* may call on the governor, the liquor control commissioner, and the crime bureau for assistance if needed.

Tax Assessing and Collecting

Assessment, equalization, and collection of state and local (county, town, city or village, and school district) property tax levies in the manner prescribed by state law is in part the responsibility of the county. It carries out this responsibility through the *county assessor* or *supervisor of assessments*, the *county board* (serving as a board of equaliza-

tion), the *county auditor*, and the *county treasurer*. The county officers are aided by town, city, and village assessors and their boards of equalization.

The state commissioner of taxation exercises state-wide supervision over tax assessment and equalization. The state auditor and the state treasurer are responsible for the levying and the collection of state-imposed property taxes, working with and through the county auditor and treasurer.

Election Administration

State elections are administered through the county. The *county auditor* is charged by state election laws with the responsibility for procuring and distributing the ballots to be used in the county; receiving the filings for offices elective within the county; and, with the assistance of the county canvassing board, reporting the results of the election to the secretary of state and the state canvassing board.

In carrying out this responsibility, the county auditor works with the secretary of state and the clerks of cities, villages, and towns in the county.

School Administration

The common school districts, which do not have an appointed superintendent, are assisted by the *county superintendent of schools*. He also aids the state department of education in carrying out state laws and in collecting information used by the department in allocating state aid funds to the districts in each county.

The county superintendent has other responsibilities for the improvement of education in the schools of the county. He works with superintendents of high schools in matters of transportation, serves as secretary of the county school survey committee, advises the county board and other public and private agencies on educational matters, and aids the teachers in improving themselves professionally.

Property Records

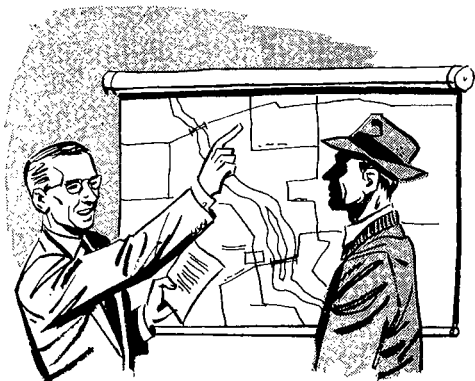
Recording of real property titles—and certain legal documents such as mortgages, liens, and other papers affecting real estate, as well as some chattel mortgages—is the responsibility of the *register of deeds*.

The Coroner

Investigation of the cause of death when the cause is unknown or unusual, the holding of an inquest with a jury of citizens to decide the probable cause of death in certain cases, and the burial of unknown persons who die within the county is the responsibility of the coroner.

The Surveyor

The *surveyor* surveys land at the request of private owners at their own expense, or on order of a court when a dispute develops over land boundaries. He keeps a record of surveys made in the county, and makes surveys and maps at the request of authorized officials.



Road Construction and Maintenance

Construction and maintenance of county highways is the responsibility of the *county board of commissioners*. It appoints a *county highway engineer* and other employees to assist it in providing this important service. The county board and engineer work with the state highway department, town boards, and city and village councils in planning highway programs.

Public Welfare

The responsibilities of the *county welfare board* fall into two areas: (1) public assistance for the aged, dependent children, the blind, and the disabled; (2) welfare service for children, the mentally ill, and the mentally retarded. It appoints an *executive secretary*, case workers, and other personnel to assist in the discharge of these responsibilities.

The county welfare board and agency work with the state department of welfare in carrying out these programs and services.

In counties which are on the county relief system, the county welfare board also dispenses general relief to the needy who are not eligible for public assistance, or who are not adequately cared for by the public assistance allowances. In other counties, general relief for the needy is provided by the town board or city or village council.

Agricultural Extension

Among the many county agencies and officers, those especially close to the county's rural residents are the Agricultural Agent, the Home Agent, the 4-H Club Agent, and assistant agents. These extension agents are provided as a result of the cooperation of the county with the state and federal governments for the purpose of planning, financing, and administering a broad program of education through the Agricultural Extension Service.

At the national government level, this program is under the U. S. Department of Agriculture; at the state level, the Extension Service is part of the Institute of Agriculture at the University of Minnesota. The county extension agents represent the Extension Service in each county. These agents and the County Agricultural Extension Committee plan and direct the county's extension program.

This committee, which is set up under the provisions of state law, is composed of nine members. These include the chairman and a member of the board of county commissioners; the county auditor (who is secretary of the committee); and six members appointed by the county board, two of whom must be women. Of the six appointed members, one represents the county at large; each of the other five represents a county commissioner district. All six have 3-year terms, which are staggered so that two vacancies will occur annually.

The committee elects its chairman and vice-chairman to serve one year. This committee and the State Director of the Extension Service jointly appoint the extension agents. Reappointment is usually made when work is satisfactory. Funds to support the program and pay the extension agents and other extension personnel are provided in part by the county board and in part by the state and fed-

eral extension services from funds provided by the state legislature and the congress.

Agricultural extension work at the county level is a coordinated program, consisting of three major areas. These are agriculture, home economics, and 4-H Club.

The *agricultural agent* is responsible for administering the program under the supervision of the committee, and coordinating and guiding the work of the other agents. In addition, he provides professional assistance and information on soil conservation, crop improvement, insect and disease control, livestock improvement, farm management, marketing, public affairs, and many other matters of interest to the farmer.



The *county home agent* provides homemakers with information which will aid them in meeting their problems as homemakers, mothers, and citizens. *All agents* work with young people to help them learn farm and home jobs and to help them become more effective citizens.

All of these agents have the primary task of communicating new knowledge to those they serve, and to help them in applying that knowledge to better solve the problems they encounter. Education and self improvement is the goal. In some counties special agents are appointed such as forestry agents, Rural Development agents, etc.

Other Functions

The functions mentioned are among the most important purposes counties serve. Many other services are also provided by county governments through various officers, elective and appointive, which the legislature has seen fit to create. The

weed inspector, the health officer, the public health nurse, the veterans service officer, and others all serve to make the county an important and vital unit of local government to all Minnesotans.

Future Role of the County in Minnesota

From the time of its first establishment and organization in Minnesota over a century ago, the county unit of local government has become a more important instrument of local self-government as well as a more important administrative instrument of the state government.

Present Problems

The present pattern of counties was established nearly a century ago, to serve different purposes under different conditions. Improved transportation and communication facilities—combined with the changing pattern of agriculture and reduction in rural population—suggests that some counties might be consolidated. Making them larger in area, population, and wealth could reduce the cost of supporting county government for the individual taxpayer.

This problem is becoming especially acute in some of the smaller, less populous counties having limited taxable wealth. They find it especially difficult to match the funds put up by the state and federal governments for welfare and highway purposes. But they must put up their share in order to secure the grants-in-aid.

The organization and administration of county government is still another matter that should be examined by the people and the legislature. The long list of elective and appointive officers, boards, and committees should be re-appraised in the light of the cost of each to the taxpayer and the efficiency of administration and operation of each.

Can better organization lead to better administration and more effective use of personnel, supplies and equipment? Do we need all the elective officials? Might we secure more qualified personnel for some of the positions if we permit appointment by the county board instead of election? Could we combine the duties of some officers in the less populous counties so that there would be enough work to keep each official more fully occupied?

Alternatives for Action

How can these problems and questions be faced by the people most directly? Six states (California, Maryland, Texas, Ohio, Washington, and Missouri) have provided us with part of the answer. They have provided, in their state constitutions, and appropriate legislation, for county home rule.

The people in counties of these states are empowered to frame and adopt home rule charters providing for the officers, organization, functions, taxing power, and other pertinent matters necessary for county government. Minnesota's 1957 legislature submitted a constitutional amendment to a vote of the people, which was adopted in 1958. It authorizes the legislature to provide for county home rule.

Still another way of facing this problem would be through legislative authorization to counties permitting their voters to make changes in the organization of county government. They could be given optional forms of government from which to choose, much like the state law now permits villages to choose from among four different forms of village government. The legislature could also do more to authorize and encourage less wealthy counties to consolidate with one another. It already has authorized counties to join together to provide various functions such as rural libraries, health centers, and probation officers.

Whether our rural population can long continue to support the present pattern of local government with its several layers (towns, school districts, and county) to provide the various services we demand is a question the people will have to decide for themselves. Changes in public policy will come only as the people affected by the changes demand them. If the legislature can be persuaded to give more freedom for local self-government experimentation by the voters, they can work out their own solutions to the problems that face them now and in the future.

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