

Corrective Action Planned:

Meeker County Social Services does not consider reviews of case files for the Medical Assistance Program or the Temporary Assistance to Needy Families program as unnecessary. These cases are reviewed by the supervisor whenever a client calls questioning the eligibility results of the application, whenever a worker is absent and the case needs to have an action taken, or whenever the case is transferred to another worker these cases are "reviewed" by the supervisor or a peer. In reality, approximately 10 percent of a worker's MA/TANF cases are "reviewed" throughout any given year. In addition, formal targeted reviews are completed annually by the supervisor on approximately 10 percent of each worker's cases for the SNAP program. Because over 90 percent of the cases that receive SNAP also have MA and could have TANF, by reviewing such things as income, household composition, etc. for SNAP, it would also be reviewing those things for MA and TANF. In the future we will note whenever a case is being reviewed either formally or informally.

Bi-weekly unit meetings are held for the Financial Workers in which policy and procedures are gone over to ensure worker compliance. We review sections of the Combined Manual and the Health Care Manual often targeting specific areas that seem confusing or troublesome. We discuss difficult cases and where to find appropriate answers. The supervisor and the mentor both attend their respective state monthly meetings and share information gained at those meetings at the unit meetings. Workers are encouraged to "brush up" on their knowledge by taking the available on-line courses offered through the Train Link and attend the yearly Financial Worker conference.

Anticipated Completion Date:

Since reviews and training is an ongoing process, we will continue doing as we have been. Effective immediately we will note whenever a case has been reviewed by either the supervisor or a peer.

IV. OTHER FINDINGS AND RECOMMENDATIONS

MINNESOTA LEGAL COMPLIANCE

PREVIOUSLY REPORTED ITEM NOT RESOLVED

96-1 Ditch Special Revenue Fund - Cash and Equity Balances

Criteria: As stated in Minn. Stat. § 385.04, in part, "...every warrant shall be paid only from the cash on hand in the fund from which it may be properly payable." As allowed by Minn. Stat. § 103E.655, subd. 2, loans may be made from ditch systems with surplus

funds or from the General Fund to a ditch with insufficient cash to pay expenditures. The loan must be repaid with interest. Also, a fund balance to be used for repairs may be established under Minn. Stat. § 103E.735, subd. 1, for any drainage system, not to exceed 20 percent of the assessed benefits of the ditch system or \$100,000, whichever is larger.

Condition: Nine of the 48 individual drainage systems had deficit cash balances totaling (\$22,345); an increase of \$7,904 from the (\$14,441) reported in the prior year. Fourteen of the 48 individual drainage systems had deficit equity balances totaling (\$69,910); an increase of \$41,193 from the (\$28,717) reported in the prior year.

Context: If the County transfers money from one account or fund to a drainage system account, the money plus accrued interest must be reimbursed from the proceeds of the drainage system that received the transfer.

Effect: Allowing a ditch system to maintain a deficit cash balance, in effect, constitutes an interest-free loan from other County funds and, as such, is in noncompliance with Minnesota law.

Cause: Ditch expenditures were necessary; the ditch levies were not sufficient, and no loans were formally made between ditches or other County funds.

Recommendation: We recommend that the County re-evaluate its efforts in eliminating the ditch system cash balance deficits by borrowing from an eligible fund with a surplus cash balance, as they have done for other ditch systems, and by levying assessments pursuant to Minn. Stat. § 103E.735, subd. 1, which permits an accumulation of a surplus balance to provide for the repair and maintenance costs of a ditch system.

Client's Response:

Meeker County's management is aware of this issue and has become more aggressive in establishing repair fund balances for each ditch system as outlined in Minn. Stat. § 103E.735.

ITEM ARISING THIS YEAR

12-4 Driver Awareness Class

Criteria: As stated in Minn. Stat. § 169.022, in part, "... Local authorities may adopt traffic regulations which are not in conflict with the provisions of this chapter; provided, that when any local ordinance regulating traffic covers the same subject for which a penalty is provided for in this chapter, then the penalty provided for violation of said local ordinance shall be identical with the penalties provided for in this chapter for the same offense."

In 2009, the Minnesota Legislature enacted a new statute, Minn. Stat. § 169.999, to authorize the issuance of administrative citations and prescribe criteria for them. See 2009 Minn. Laws, ch. 158. Among other provisions, the statute states that a governing body resolution must be passed to authorize issuance of administrative citations. The resolution must bar peace officers from issuing administrative citations in violation of Minn. Stat. § 169.999. The statute specifies the offenses for which an administrative citation may be used. The authority requires the use of a uniform administrative citation prescribed by the Commissioner of Public Safety and specifies that the fine for an administrative violation must be \$60, two-thirds of which must be credited to the general revenue fund of the local unit of government, and one-third of which must be transferred to the Commissioner of Minnesota Management & Budget for deposit in the state's General Fund. A local unit of government receiving administrative fine proceeds must use one-half of the funds for law enforcement purposes. Each local unit of government must follow these and other criteria specified in the statute.

Condition: Meeker County has established a Driver Awareness Class option in lieu of issuance or court filing of a state uniform traffic ticket. Sheriff's Deputies have the discretion to offer traffic violators the option of attending the Driver Awareness Class in lieu of a citation. The course is two hours long and costs \$75, which is payable to the Meeker County Sheriff.

Context: In a letter to State Representative Steve Smith on December 1, 2003, the Minnesota Attorney General specifically addressed the issue of a driver improvement course or clinic in lieu of a ticket or other penalty. After reviewing the state law, the Attorney General concluded: "All such programs, however, require that a *trial court* make the determination as to whether attendance at such a [driver's] clinic is appropriate. We are aware of no express authority for local officials to create a *pretrial* diversion program." (Emphasis is that of the Attorney General.)

The Minnesota Supreme Court has stated, "[a]s a creature of the state deriving its sovereignty from the state, the county should play a leadership role in carrying out legislative policy." *Kasch v. Clearwater County*, 289 N.W. 2d 148, 152 (Minn. 1980), quoting *County of Freeborn v. Bryson*, 243 N.W. 2d 316, 321 (Minn. 1976).

Effect: The County's Driver Awareness Class is unauthorized and in violation of Minn. Stat. § 169.022.

Cause: We were informed by the County Sheriff that this diversion program was approved by both the former County Attorney and former District Court Judge.

Recommendation: We recommend the County comply with Minn. Stat. ch. 169, including Minn. Stat. § 169.999 (2009) or any subsequent legislation, by not offering a Driver Awareness Class in lieu of issuance or court filing of a state uniform traffic ticket.

Client's Response:

It is the opinion of the County Sheriff and the County Attorney that the State Auditor's Office misconstrues the facts and policies of the Meeker County Driver Awareness Class.

Since 2005, the Meeker County Sheriff's Office, in conjunction with the Meeker County Attorney's Office and with the approval of the Meeker County Board of Commissioners and Meeker County District Court, has operated a Driver Awareness Class. The impetus was to create a truly pre-court diversion program that addresses low level, minor driving behavior offenders, thereby freeing valuable court time for the more serious offenses and offenders.

The Meeker County Driver Awareness Class is not based upon the issuance of an administrative citation or an administrative citation program. The authority for this class is rooted in law enforcement and prosecutorial discretion as well as the County Attorney's decision - where appropriate - to prefer driver education over in-court prosecution. The County Sheriff's Office and the County Attorney's Office do not require permission from the State Auditor to direct a traffic matter to this Class. Whether or not to pursue criminal charges is entirely within the County Attorney's discretion.

The Meeker County Driver Awareness Class has proven to be popular with participants as well as our criminal justice partners. The Class operates without the use of state or local funding. The objective of this program is to educate drivers on traffic safety and traffic laws with the overall goal of enhancing public safety on our roadways.

The Meeker County Sheriff's Office, the Meeker County Attorney's Office and the District Court in Meeker County have reviewed the Driver Awareness Class and the parameters under which it is held. Our conclusions differ from those reached in the State Auditor's report, and we respectfully disagree with the report's findings and recommendations.