

Aitkin County Board of Commissioners
Request for County Board Action/Agenda Item Cover Sheet



To: Chairperson, Aitkin County Board of Commissioners Date: 7/5/2012

Via: Patrick Wussow, County Administrator

From: Bobbie Danielson, HR Manager *Bobbie Danielson*

Title of Item:

Personnel Committee Recommendation

Requested Meeting Date: 7/10/2012 Estimated Presentation Time: 5 minutes

Presenter: Patrick Wussow or Bobbie Danielson

Type of Action Requested (check all that apply)

- For info only, no action requested
- For discussion only with possible future action
- Let/Award Bid or Quote (attach copy of basic bid/quote specs or summary of complex specs, each bid/quote received & bid/quote comparison)
- Approve/adopt proposal by motion
- Authorize filling vacant staff position
- Request to schedule public hearing or sale
- Request by member of the public to be heard
- Item should be addressed in closed session under MN Statute
- Approve under Consent Agenda
- Adopt Ordinance Revision
- Approve/adopt proposal by resolution (attach draft resolution)
- Other (please list) _____

Fiscal Impact (check all that apply)

- Is this item in the current approved budget? Yes No _____ (attach explanation)
- What type of expenditure is this? Operating Capital Other (attach explanation)
- Revenue line account # that funds this item is: _____
- Expenditure line account # for this item is: 01-090-6101 through -6165

Staffing Impact (Any yes answer requires a review by Human Resources Manager before going to the board)

- Duties of a department employee(s) may be materially affected. Yes No
- Applicable job description(s) may require revision. Yes No
- Item may impact a bargaining unit agreement or county work policy. Yes No
- Item may change the department's authorized staffing level. Yes No *maintains current level*

BJD
HR Review

Supporting Attachment(s)

- Memorandum Summary of Item
- Copy of applicable county policy and/or ordinance (excerpts acceptable)
- Copy of applicable state/federal statute/regulation (excerpts acceptable)
- Copy of applicable contract and/or agreement
- Original bid spec or quote request (excluding complex construction projects)
- Bids/quotes received (excluding complex construction projects, provide comparison worksheet)
- Bid/quote comparison worksheet
- Draft County Board resolution
- Plat approval check-list and supporting documents
- Copy of previous minutes related to this issue
- Other supporting document(s) (please list) _____

Provide (1) copy of supporting documentation NO LATER THAN Wednesday at Noon to make the Board's agenda for the following Tuesday. (If your packet contains colored copies, please provide (4) paper copies of supporting documentation as we do not have a color printer or copier.) Items WILL NOT be placed on the Board agenda unless complete documentation is provided for the Board packets.

AITKIN COUNTY HUMAN RESOURCES

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To: County Commissioners
From: Bobbie Danielson, HR Manager 
Date: July 5, 2012
Subject: Personnel Committee Recommendations

The Personnel Committee met on June 26, 2012, and unanimously recommends refilling the following position:

Attorney's Office

1 full-time Assistant County Attorney, Grade J, salary range \$49,254.40 to \$88,774.40. This is a budgeted position, previously held by Ben Smith. His last day was 6/13/2012. Additional information is attached.

If you have any questions or concerns prior to the meeting, please feel free to contact me or Patrick. Jim Ratz will also be available at the board meeting to answer questions.

Memo

To: Aitkin County Personnel Committee
From: James P. Ratz, Aitkin County Attorney
Date: 7/5/2012
Re: Assistant County Attorney Position

As you are aware, Ben Smith submitted his resignation on May 30, 2012, with his last day of employment being June 13, 2012. Mr. Smith had been with our office since February 2007 and had a starting salary of \$50,000.00. At the time of Mr. Smith's resignation, he was making \$57,988.33. The Assistant County Attorney position is an exempt position with a hay grade of J. The salary range for a hay grade J employee is \$49,254.40 – \$88,774.40 with a mid-point salary of \$69,014.40.

We request Mr. Smith's position be re-filled based on the following reasons:

1. Case Load

At the time of his resignation, Mr. Smith was assigned 580 cases. The magnitude of these files is not simply in the numbers. It is in the time it takes to prepare the files, such as determining appropriate charges, determining and making an appropriate offer, negotiating any possible settlement with defense counsel, keeping the victim apprised throughout the steps of the file, preparing and arguing motions, researching and writing briefs, determining suitable witnesses to prove the case, meeting with the witnesses prior to trial, and finally trying the case. The span for all of the above is time-sensitive and requires diligence to manage the files successfully.

2. Working with Victims

A victim is a natural person who incurs loss or harm as a result of a crime. Prior to the entry of the factual basis for a plea pursuant to a plea agreement recommendation, the prosecuting attorney must make a reasonable and good faith effort to inform the victim of the contents of the plea agreement recommendation and their right to be present at the sentencing hearing and at the hearing during which the plea is presented to the court and to express any objection of the victim to the agreement or to the proposed disposition. Working with the victims is an important yet time consuming process. While the prosecutor does not have to proceed pursuant to the victim's wishes, their thoughts and feelings are heavily considered in resolution of all files. The prosecutor will often meet or speak with the victim several times prior to resolution of the file or the commencement of trial.

3. Trial Preparation

Jury trials are time consuming and very draining. During the jury trial and usually a week to several weeks before, the prosecutor(s) and office staff start to focus primarily on the jury trial. Daily office work often needs to be re-assigned or set aside until the jury trial is complete.

4. CSI Effect

There are higher expectations from the trier of fact regarding law enforcement and their role regarding forensic evidence. For the County Attorney's Office, this translates into much greater demands on our efforts to secure forensic evidence for crimes of all types and levels, misdemeanor through felony.

Further, the CSI effect has made litigation increasingly complex. The analysis and incorporation of forensic evidence into trial has added exponential growth to the time committed to trial preparation.

5. Fewer State Attorney General's Office Resources

The State Attorney General's Office continues to have fewer and fewer resources allocated to handling appeals and assisting county attorney's offices. Over a period of about 15 years, the State Attorney General's Office has gone from handling all criminal appeals to handling a select few felony appeals. The State has shifted much of the time and expense of appeals to the County. Appellate work is very time consuming, deadline specific, and usually requires the prosecutor to travel to St. Paul for oral arguments. Appellate work is now a very real and significant drain on my office's resources. The local prosecutor's role does not end with the jury trial but continues through months, if not years, of appeals and post-conviction petitions.

Conclusion and Request

My office and I are acutely aware of the current economic situation and the need to be fiscally sensitive in all decisions having an impact on financial resources. We are, however, also extremely aware and sensitive to the impact crime has on the specific victims and on our constituents.

I sincerely believe that public safety will be placed at increased risk, and justice will be delayed for victims (especially for victims of property-related crimes), if the Assistant County Attorney position is not re-filled. I respectfully request that this committee recommend filling the Assistant County Attorney position. Thank you for your consideration of this important matter.