



# Board of County Commissioners Agenda Request

## 5B

Agenda Item #

**Requested Meeting Date:** July 23, 2024

**Title of Item:** County participation in class action lawsuit settlement agreement

<input checked="" type="checkbox"/> REGULAR AGENDA <input type="checkbox"/> CONSENT AGENDA <input type="checkbox"/> INFORMATION ONLY	<b>Action Requested:</b> <input type="checkbox"/> Approve/Deny Motion <input checked="" type="checkbox"/> Adopt Resolution (attach draft) <small><i>*provide copy of hearing notice that was published</i></small>	<input type="checkbox"/> Direction Requested <input type="checkbox"/> Discussion Item <input type="checkbox"/> Hold Public Hearing*
<b>Submitted by:</b> Dennis (DJ) Thompson		<b>Department:</b> Land
<b>Presenter (Name and Title):</b> Dennis (DJ) Thompson, Land Commissioner		<b>Estimated Time Needed:</b> 5 Minutes
<b>Summary of Issue:</b> <p>During the 2024 legislative session, an agreement to settle a class action lawsuit that was filed against all 87 Minnesota counties regarding surplus revenue from land sales was reached. The legislature also approved funding that settlement agreement.</p> <p>Counties participating in the settlement must make a good faith effort to sell all nonconservation land they have that forfeited between June 23, 2016 and December 31, 2023 and must provide public property tax data necessary to effectuate settlement. Counties are "in" unless they opt out in writing by August 1, 2024.</p> <p>A county that is not a participating county retains all risks of liability for claims related to properties forfeited before January 1, 2024. The state of Minnesota will not be financially responsible for claims related to those properties and may seek indemnification from counties that are not participating counties for any expenses or judgement related to those properties.</p>		
<b>Alternatives, Options, Effects on Others/Comments:</b>		
<b>Recommended Action/Motion:</b> Adopt resolution confirming participation in class action lawsuit settlement agreement.		
<b>Financial Impact:</b> Is there a cost associated with this request? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What is the total cost, with tax and shipping? \$ Is this budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Please Explain:</i>		

Legally binding agreements must have County Attorney approval prior to submission.

**CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA**

ADOPTED July 23, 2024

By Commissioner: xxx

**20240723-xxx**

**Resolution Confirming Participation in Class Action Lawsuit Settlement Agreement**

**WHEREAS**, on May 25, 2023, the Supreme Court of the United States ruled that Minnesota’s tax-forfeiture law was unconstitutional.

**WHEREAS**, following the ruling by the Supreme Court, a class action lawsuit was filed against all 87 counties in Minnesota.

**WHEREAS**, during the 2024 Legislative Session, a settlement was reached, and the legislature approved a settlement fund. Individual counties have the option of opting out of the settlement agreement. Subd 4. reads:

**Deemed election to become participating county; nonparticipating counties.**

A county that does not affirmatively notify the claims administrator by August 1, 2024, in writing, that it is not a participating county, will be deemed to have elected to become a participating county. A county that is not a participating county retains all risks of liability for claims related to properties forfeited before January 1, 2024. The state of Minnesota is not financially responsible for claims related to those properties and may seek indemnification from counties that are not participating counties for any expenses or judgement related to those properties.

**THEREFORE, BE IT RESOLVED**, that Aitkin County will not be opting out of the settlement agreement and will remain a participating county.

Commissioner xxx seconded the adoption of the resolution and it was declared adopted upon the following vote

xxx MEMBERS PRESENT

All Members Voting xxx

**STATE OF MINNESOTA}  
COUNTY OF AITKIN}**

I, Jessica Seibert, County Administrator, Aitkin County, Minnesota do hereby certify that I have compared the foregoing with the original resolution filed in the Administration Office of Aitkin County in Aitkin, Minnesota as stated in the minutes of the proceedings of said Board on the 23<sup>rd</sup> day of July 2024, and that the same is a true and correct copy of the whole thereof.

**Witness my hand and seal this 23<sup>rd</sup> day of July 2024**

\_\_\_\_\_  
Jessica Seibert  
County Administrator