

02.05 COUNTY GOVERNMENT STRUCTURE

History of County Government

The 87 counties in Minnesota are rapidly changing from a purely quasi-municipal corporation of the state to a general purpose form of government. This shift has necessitated a change in the way counties deliver their services and the structure of the counties themselves.

Counties were originally organized to be administrative agencies of the state. In addition to this original purpose, counties are now providing more and more services. Traditionally, counties performed state mandated duties which included assessment of property, record keeping, maintenance of rural roads, administration of election and judicial functions, maintaining peace in rural areas, and relief for the poor. Today, counties are moving into other areas of government support, including social services, corrections, child protection, library services, hospitals and rest homes, public health services, planning and zoning, economic development, parks and recreation, water quality, and solid waste management. Relief for the poor is generally provided by the federal and state governments through the income maintenance programs.

County Board of Commissioners

County boards are responsible for the operation of the county and the delivery of county services. County board members are elected by district and serve a four-year term. Statute requires that county boards have five members, with the exception of Anoka, Hennepin, Ramsey, and St. Louis counties which must have seven. Counties with a population of over 100,000 people may, by board resolution, increase the size of the county board from five to seven members. Dakota and Olmsted counties are examples of counties with seven commissioners although not statutorily required. Counties may also change their board size to three, five, seven, or nine if passed by a referendum.

Election and Appointment of County Officials

Since the mid-1960's, counties and the state have gradually reduced the number of elective county offices. In the early 1970's, court administrators, county coroners, and county surveyors became appointed positions. Now, the Legislature has allowed any county to appoint the positions of county auditor, treasurer, and recorder. The positions of county sheriff, county attorney, and watershed district directors, as well as the governing board, continue to be elected positions.

In 1973, the Optional Forms of County Government Act was passed. While this allowed several major options for the modernization of county government, most counties have instead made structural changes by seeking special legislation. In recent years, more and more counties have moved to combine the position of county auditor and county treasurer into one position, elected or appointed.

Traditionally, property tax administration has been the primary responsibility of the county auditor, auditor-treasurer, and/or treasurer. Over time, the composition of statutory duties and the titles given to the positions responsible for their performance have evolved and will likely continue to. Common titles today for these positions include taxpayer services offices, property records and licensing offices, or

land records departments. The future focus is not so much on the title of the offices but rather on a reasonable aggregation of similar duties.

The underlying tension for this discussion remains whether these offices are elected or appointed, in addition to the issue of combining the offices and the respective statutory functions. Statutorily, there is a requirement that any move to appoint is subject to a referendum of the voters. These elections, particularly in Greater Minnesota, have tended towards unsuccessful.

A concise and factual summary of all these changes is produced periodically by the Office of House Research and can be found on its [website](#).

Since 2001, special legislation allowing a county to make a position appointed or combining auditor and treasurer has:

1. Required the county board to adopt the resolution providing for the change by at least 80%
2. Provided for a reverse referendum
3. Required local approval
4. Provided for the elected officeholder, if any, to continue to hold the office until the term expire

The most popular option has been making the office of county recorder an appointed position and combining the offices of auditor and treasurer, whether the combined office remains elective or is made appointive. Less than half of the options exercised were done so under general law authority. Those that were exercised under general law authority were the ones that do not require a referendum, although in several instances a referendum was in fact held. Most changes have been made following special legislation. To date, no county has opted to make the sheriff an appointed position.

Options for Restructuring County Government

Under [Chapter 375A of the Minnesota Statutes](#), counties may choose from the following organizations for their government:

- Elected executive
- County manager
- At-large chair
- County administrator
- County auditor-administrator

Some plans and options may not be adopted while others are in force. For example, a county may not adopt the auditor-administrator or the county administrator plans while it is operating under either the elected executive or county manager plans. The at-large chair and county administrator plans, however, are not mutually exclusive and may be adopted either concurrently or while the other is in effect. Except for the county administrator plan, all plans and options require the affirmative vote on a countywide referendum before being adopted.¹ A county administrator may be appointed by the county board without a referendum.²

¹ [Minnesota Statute 375A.12, subd. 2.](#)

² [Minnesota Statute 375A.06, subd. 5.](#)

A referendum may be initiated by any of the following:

- A resolution of the county board
- A recommendation of a county government study
- A petition signed by voters equal in number to at least 5% of the voters voting at the last election for governor

If a study commission is established, a referendum on a plan may not be initiated by resolution of the county board or a petition of the voters until after the study commission completes its work.³

None of the four organizational plans which require a referendum (that is, county executive, at-large chairperson, county manager, and auditor-administrator) have been adopted in any county. In fact, few have even been proposed.

Elected Executive Plan

The elected executive plan is outlined in [Minnesota Statute 375A.02](#) and provides for a county executive elected county-wide to a four-year term of office.

The county executive is the administrative head of the county with all the power and duties of an administrative or executive nature that the county board holds. The county executive is responsible for the administration of the affairs of the county and may also serve as head of a county department. The county executive has veto power over ordinances or resolutions of the county board that make appropriations.

In a county that has adopted the elected executive plan, various boards and commissions of the county are abolished and placed under the county board. Additionally, the offices of county auditor, treasurer, and recorder are abolished, and the county coroner and county surveyor are made appointed positions unless previously abolished and terminated.⁴

County Manager Plan

The county manager plan is outlined in [Minnesota Statute 375A.03](#) and provides for an appointed chief executive officer of the county who is designated as county manager. The manager is appointed by the county board for an indefinite period of time and serves at the board's pleasure.

The county manager is the administrative head of the county and has all the powers and duties of an administrative or executive nature that the county board holds. The official is responsible for the administration of the affairs of the county and may also serve as head of a county department. The county manager has no veto power over actions of the county board.

In a county that has adopted the county manager plan, various boards and commissions of the county are abolished and placed under the county board. Additionally, the offices of county auditor, treasurer, and recorder are abolished, and the county coroner and county surveyor are made appointed positions unless previously abolished and terminated.⁵

³ [Minnesota Statute 375A.12, subd. 3.](#)

⁴ [Minnesota Statute 375A.04.](#)

⁵ [Minnesota Statute 375A.04.](#)

At-Large Chair Plan

The at-large chair plan is outlined in [Minnesota Statute 375A.05](#) and provides for a chair of the county board who is elected in a county-wide election for a four-year term.

The at-large chair is elected, as are the other members of the board, and is otherwise member of the board as well as its chairperson. The at-large plan may be adopted only in counties that have either five or seven members on the county board.

County Administrator Plan

The county administrator plan is outlined in [Minnesota Statute 375A.06](#) and provides for an administrator who is appointed by the county board and serves at its pleasure. This plan is not available to counties operating under the elected executive plan, the county manager plan, or the auditor-administrator plan.

The county board may appoint an administrator without going to a countywide referendum on the question. The county board may appoint any qualified county official or employee as administrator, but if appointed, the person must resign the county position held before appointment as administrator.

The county administrator is the head of the county for the management of county affairs placed under the administrative charge. The county board may make the administrator head of any department over which the board has the power of appointment.

County Auditor-Administrator Plan

The county auditor-administrator plan is outlined in [Minnesota Statute 375A.08](#) and provides for the county auditor to assume the additional duties of county administrator. The auditor-administrator for a county is elected in a county-wide election.

Under this plan, the auditor continues to perform the duties of county auditor except for the duties pertaining to computation of taxes, delinquent taxes, and receipt and disbursement of money. These functions are transferred to the county treasurer.

The auditor-administrator plan is not available to counties that have provided for the appointment of the county auditor, or have combined the offices of auditor and treasurer. A county operating under the elected executive or manager plan cannot concurrently use the auditor-administrator plan.