



## Ramsey County Sheriff's Office

Bob Fletcher, Sheriff

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### Office of the Sheriff

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[www.RamseyCountySheriff.us](http://www.RamseyCountySheriff.us)

December 30, 2020

Commissioner Toni Carter  
Commissioner Nicole Joy Frethem  
Commissioner Trista MatasCastillo  
Commissioner Jim McDonough  
Commissioner Mary Jo McGuire  
Commissioner Rafael Ortega  
Commissioner Victoria Reinhardt  
Ramsey County Courthouse  
15 West Kellogg Boulevard, Room 220  
Saint Paul, Minnesota 55102

Reference: Budget Appeal Pursuant to Minn. Stat. § 387.20, Subd. 7

Dear Commissioners,

It is with some regret that I must inform you that the Sheriff's Office has filed a "Notice of Appeal" with the Court Administrator of District Court regarding the Sheriff's Office 2021 budget set by County Board resolution on December 15, 2020, and have served the Notice on County Manager Ryan O'Connor, accepted by Amani Ward, Administrative Assistant 1 and Chief Clerk Janet Guthrie, accepted by Lisa Dee, Administrative Assistant 3. A copy of that notice is attached for your convenience.

This appeal is based upon Minnesota Statute 387.20 Subdivision 7 which states:

The Sheriff, if dissatisfied with the action of the county board in setting the amount of the sheriff's salary or the amount of the budget for the office of sheriff, may appeal to the district court on the grounds that the determination of the county board in setting such salary or budget was arbitrary, capricious, oppressive or without sufficiently taking into account the extent of the responsibilities and duties of said office, and the sheriff's experience and qualifications and performance.

The statute goes on to state:

If the court shall find that the board acted in an arbitrary, capricious, oppressive or unreasonable manner or without sufficiently taking into account the extent of the responsibilities and duties of the office of the sheriff, the sheriff's experience,



qualifications and performance, it shall make such order to take the place of the order appealed from as is justified by the record and shall remand the matter to the county board for further action consistent with the court's findings. After determination of the appeal the county board shall proceed in conformity therewith.

The Sheriff's Office 2021 requested budget simply sought to correct the identified structural unfunded imbalances and maintain a "status quo" operation. However, the County Manager recommended, and County Board adopted, a significant mid-biennium levy reduction after the 2021 budget was already approved. The County Board approved a budget cut of \$1.175 million from the 2021 budget and failed to fund the office's request for \$822,789 to address the agreed upon structural imbalances.

As a result, the Sheriff's Office 2021 budget now requires \$1,997,789 be added to the new amended 2021 budget to maintain and perform the duties and responsibilities of said office. The appeal seeks funding in the following areas:

1. **Reinstatement of the 2021 budget cut and levy reduction.** The County Board, at the recommendation of the County Manager, was arbitrary, capricious, oppressive, and/or without sufficiently taking into account the extent of the responsibilities and duties of said office when instituting a 2021 budget levy reduction of \$1.175 million, \$745,000 in the form of a 2.6% vacancy factor and \$430,000 in line-item spending reductions.

The duties and responsibilities of the Sheriff's Office can not be properly performed with 12 vacant deputy sheriff positions necessary to meet this budgetary restriction. When there is no staffing coverage, posts are filled on overtime at a much higher rate. Therefore, overtime needs of the Sheriff's Office have in the past years consumed any salary surplus created by delayed hiring vacancy rates. The salary dollars that were cut are necessary to meet the statutory responsibilities and duties of the office of sheriff. This action is also in conflict with the February 26, 1999 Settlement Agreement in which the County Board recognized that the Sheriff's Office has unique salary needs and agreed to remove the vacancy factor requirement.

In addition to the vacancy factor salary issue, line-item spending is required to cover the costs of software maintenance for body-worn cameras, the records management system, and the jail management system as well as and internal services that are paid back to county departments (i.e., information services, rent). Contractual obligations (e.g., staff development, training, and uniforms) as established by collective bargaining agreements approved by the County Board, must also be funded.

2. **Fully funding retirement contributions.** The County Board, at the recommendation of the County Manager, failed to provide funding in the Sheriff's Office 2021 budget to cover a "retirement contribution rate calculation error" that was attributed to the county's budgeting software application. This error resulted in an estimated underfunding of \$165,000 in the Sheriff's Office 2021 budget. In a letter to the County Board, County



Manager Ryan O'Connor acknowledged this error. State law requires the county, as a public employer, to make retirement contributions (see Minnesota Statute Chapter 353). This action or inaction is oppressive and does not sufficiently take into account the extent of the responsibilities and duties of said office.

- 3. Funding salary differentials and premium pays.** The County Board, at the recommendation of the County Manager, failed to provide any funding in the Sheriff's Office 2021 budget to cover salary differentials and premium pays. All differentials and premium pays are accepted and approved by the County Board in collective bargaining agreements. Differentials and premium pays provide compensation to employees who must work nights, weekends, and holidays as the office provides 24-hour services every day of the year. The estimated cost is \$657,789 in the 2021 budget. This action or inaction is oppressive and does not sufficiently take into account the extent of the responsibilities and duties of said office. This structural underfunded imbalance was also confirmed with the County Manager's finance staff.

While I am not optimistic that a resolution can be reached prior to a hearing on this appeal, I stand ready, as always, to discuss these items further. I am sure that you can appreciate the unique duties, responsibilities, and status of the Office of Sheriff as distinguished from county departments. I believe it is this uniqueness, created by statute, that grants the appropriate level of checks and balances between the County Board and the Office of Sheriff to ensure that decisions are not arbitrary and/or capricious.

As an example, in a 1997 appeal by the Swift County Sheriff the court found that even "asking each department to limit its budget request to a three percent increase was arbitrary as defined by statute since different departments have different budgetary needs."

Further, in finding on behalf of the Sheriff, the court in that case found that:

"The budget as set by the county board is arbitrary as defined by statute... In some instances, the reductions were made in the hope that the sheriff could live within the reduced budget, but recognizing that there may well be a need for necessary expenditures in excess of the budget."

The court concluded by stating:

"...this court finds that the County Board acted in an arbitrary, capricious, oppressive and unreasonable manner as defined by statute in setting the budget and did not sufficiently consider the extent of the responsibilities and duties of the office of sheriff..."

In addition, I would ask that you review the 1999 Settlement Agreement between the Sheriff's Office and the County Board. I believe this agreement and resolution provides some guidance to the District Court regarding future budget funding expectations. It is also worth noting that there was no vacancy factor reduction in the 2020 budget.



It is my hope that as we prepare for a hearing in a neutral judicial setting that we can agree that this is the appropriate forum for disagreement and that good government is served when both bodies are accountable for their actions. I am confident that this hearing will assist the citizens of Ramsey County in better understanding the governmental decision-making process and shed light on spending priorities within county government.

Sincerely,

A handwritten signature in black ink that reads "Bob Fletcher".

Bob Fletcher  
Ramsey County Sheriff

Copy: Ryan O'Connor, County Manager  
Janet Guthrie, Chief Clerk – County Board  
Scott Williams, Deputy County Manager, Safety & Justice  
Alexandra Kotze, Finance Director  
Sergey Kovalchuk, Controller, Safety & Justice  
Matt Hill, Principal Assistant to the County Board Chair  
John Choi, Ramsey County Attorney  
John Kelly, First Assistant Ramsey County  
Kim Parker, Assistant Ramsey County Attorney  
Michael Upton, Civil Court Administrator  
David Metusalem, Chief Deputy  
Kyle Mestad, Director of Administration

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

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In Re: the Budget Appeal of

NOTICE OF APPEAL

Robert Fletcher  
Ramsey County Sheriff  
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TO: Ramsey County Board of Commissioners

PLEASE TAKE NOTICE THAT:

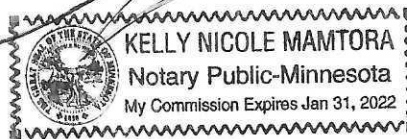
Pursuant to Minnesota Statute 387.20 Subd. 7, Ramsey County Sheriff Robert Fletcher hereby appeals to the Ramsey County District Court the action of the Ramsey County Board of Commissioners in setting the amount of Budget for 2021 for the Office of Ramsey County Sheriff.

This appeal is based upon the grounds that the determination of the Ramsey County Board of Commissioners in setting such Budget was arbitrary, capricious, oppressive, or without sufficiently taking into account the extent of the responsibilities and duties of said office.

Dated: 12-29-20



Robert Fletcher  
Ramsey County Sheriff



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DEC 29 2020