

**CITY OF SAINT PETER, MINNESOTA
AGENDA AND NOTICE OF MEETING**

Regular Workshop Session of Tuesday, January 20, 2015
Library Meeting Room – 5:30 p.m.
601 South Washington Avenue

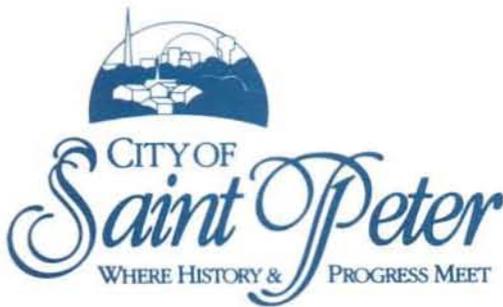
- I. **CALL TO ORDER**

- II. **DISCUSSION**
 - A. Transient Food Merchant Regulations
 - B. Drug Task Force Agreement
 - C. Solace Steering Committee Representation
 - D. Human Rights Commission Steerage
 - E. Others

- III. **ADJOURNMENT**

TP/bal

Office of the City Administrator
Todd Prafke



Memorandum

TO: Todd Prafke
City Administrator

DATE: 1/15/15

FROM: Russ Wille
Community Development Director

RE: Transient Food Merchant Regulations

ACTION/RECOMMENDATION

None needed. For Council information and discussion only.

BACKGROUND

As part of the workshop on Tuesday evening, I will provide an update regarding Transient Food Merchants (food trucks) within Saint Peter and a recommendation to license and regulate such operations in the City of Saint Peter.

The City of Saint Peter has no formal regulations or ordinances regulating the operations of Transient Food Merchants (TFM) within the city. Alternatively, in lieu of an ordinance, a set of operating guidelines have been established and communicated to TFM operators. The guidelines have been amended from time-to-time as deemed appropriate. A copy of the most recent guidelines has been attached for your review and consideration.

Previous City Council's had considered the regulations of TVM operations in 2008 and again in 2012 and accepted the concept of regulating TVM's via the developed guidelines. However, recent activities and phone inquiries may suggest that the time is right to codify the guidelines as an ordinance.

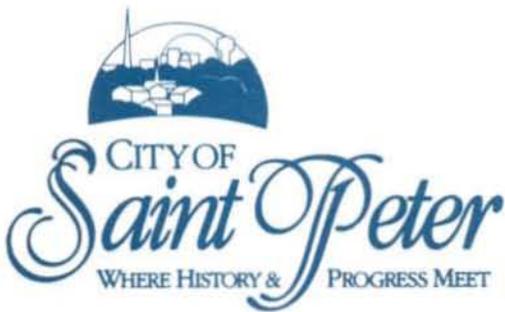
The primary TVM in Saint Peter is operated as Doc E's BBQ trailer. Doc E's establishes operations within the community on an intermittent basis. Other area TVM operators are located out of Mankato and additional food trucks are expected to be operational for the upcoming season.

To maintain control, ensure uniformity, and provide for the safe operation of food trucks, it may be an opportune and appropriate time to establish an ordinance.

The City of Mankato has recently adopted an ordinance providing for the regulation of TVM operators. Most of the guidelines established in Saint Peter are addressed in the ordinance adopted by our neighbor.

Should the Council desire, I would work with the City Attorney to adopt the established TVM guidelines as an ordinance for future consideration and adoption.

RJW



Memorandum

TO: Todd Prafke
City Administrator

DATE: 01/16/15

FROM: Matt Peters
Chief of Police

RE: Drug Task Force (DTF) Joint Powers Update

ACTION/RECOMMENDATION

None needed. For your input and discussion.

BACKGROUND

The Saint Peter Police Department has been an active participant in the DTF since 1999. The justifications for participation in the DTF are many. The most significant of which are: drugs permeate our society and impacts rich, poor, children, adults, students, professionals—all are touched in one way or another. Drugs harm our society, children and institutions and destroy families and result in drug related deaths posing a threat to the security of our community and the safety of the public.

Drug traffickers ignore the boundaries of local police and criminal justice agencies so jurisdictions have had to look at new models and new ways of working together. All of these realities mean that coordination of criminal justice efforts is essential to the successful fight against drug crime and abuse in Saint Peter and the Minnesota River Valley Region.

The fostering of coordination and cooperation among local, state, and federal criminal justice agencies is the thread that connects all of the Minnesota River Valley Drug Task Force's work, and sharing facilitates coordination and cooperation through a variety of means is not only effective, but also cost efficient.

Use of a Joint Powers Agreement (JPA) for the Minnesota River Valley Drug Task Force concept is intended to insure a well-coordinated drug enforcement effort regionally, to maximize combined law enforcement resources, and to increase the flow of drug related intelligence information between the various law enforcement agencies participating in the combined drug enforcement program. Many jurisdictions use a similar operations and governance model.

By working together we can significantly diminish the availability, use, sale, and distribution of illegal drugs in the region.

The participating entities are:

- City of Mankato

- City of North Mankato
- City of St. James
- City of Saint Peter
- City of Madelia
- County of Blue Earth
- County of Martin
- County of Watonwan
- County of Nicollet

The best practice mechanism for participation in the DTF is with a Joint Powers Agreement (JPA) with the goals of:

- Accomplishing joint activities which one government unit would not have been able to accomplish alone
- Cooperating in providing a very technical and specific service
- "Achieve the greater good"
- Jointly share costs
- Provide that one entity is not liable for another
- Allow the DTF to procure the appropriate insurance coverage

Membership for the City of Saint Peter is currently \$15,000 annually.

The proposed agreement, a copy of which is attached for Council review, is circulating among the various jurisdictions and has been reviewed by attorneys from almost all the participating entities.

Please feel free to contact me should you have any questions or concerns about this agenda item.

MP/

**MINNESOTA RIVER VALLEY DRUG TASK FORCE
AMENDED JOINT POWERS AGREEMENT**

This Agreement amends the Joint Powers Agreement (which became operative on February 1, 1990) to reflect changes in membership since February 1990, and to provide greater detail on task force procedures. This Amended Joint Powers Agreement is effective as of the date all nine participating governmental units have executed this Agreement.

The following governmental units recognize that there are benefits for a coordinated Task Force approach for narcotics laws enforcement:

<u>Cities</u>	<u>Counties</u>
City of Mankato	Blue Earth County
City of North Mankato	Martin County
City of St. James	Watonwan County
City of St. Peter	Nicollet County
City of Madelia	

To provide coordinated enforcement, it is beneficial for neighboring governmental units to share their resources;

In consideration of the mutual covenants contained herein, said governmental units agree pursuant to M.S. 471.59 as follows:

1. **PURPOSE:** The purpose of this Agreement is to provide law enforcement resources for narcotics laws enforcement in the jurisdictions of the governmental units which are party to this Agreement.
2. **METHOD:** The Minnesota River Valley Drug Task Force is a group of law enforcement officers working together under the direction of the Board of Directors for the purpose of narcotics laws enforcement within the boundaries of the governmental units party to this agreement.

Any peace officer assigned to or working with this Task Force is hereby deputized by the governing body of the governmental unit that they enter pursuant to this Agreement for the period of time that they are operating pursuant to and under the authority of this Agreement.

Law enforcement officers may enter the territory of a governmental unit of a party to this Agreement with full police powers in the following circumstances and under the following conditions:

- A. Any investigation relating to the narcotics enforcement mission of the Task Force.
- B. Any investigation relating to a crime in progress or criminals in flight observed by a peace officer assigned to or working with the Task Force.

3. **BOARD OF DIRECTORS:** The Minnesota River Valley Drug Task Force shall be governed by a Board of Directors. The Board of Directors shall consist of the Sheriff or Chief of Police of each participating governmental unit or a substitute law enforcement officer designated by the Sheriff or Chief of Police to serve in his/her place. Each board member shall have one vote. A prosecuting attorney appointed by the Blue Earth County Attorney shall also be a Board member and shall have one vote.
4. **RECEIPT OF FORFEITURE ASSETS:** All assets generated through seizure/forfeiture in narcotics law enforcement cases conducted by Task Force officers or participating governmental units shall be forwarded to the Task Force and shall remain the property of the Task Force until such time as the entire Task Force is dissolved. Such forfeited assets shall be forwarded to the Task Force whether derived from an investigation by Task Force officer, by Task Force officers in conjunction with other law enforcement agencies, or by law enforcement agencies of participating governmental units acting independently of Task Force officers.
5. **DISTRIBUTION OF FORFEITURE FUNDS:** Any asset seizures related to Task Force investigation that results in state court-ordered forfeitures must be disbursed according to Minnesota Statute 609.5315, Subd. 5:

Minnesota Statute 609.5315, Subd. 5: Distribution of Money. The money or proceeds from the sale of forfeited property, after payment of seizure, storage, forfeiture, and sale expenses, and satisfaction of valid liens against the property must be distributed as follows:

- A. 70 percent of the money proceeds must be forwarded to the appropriate property agency for deposit as a supplement to the agency's operating fund or similar fund for the use in law enforcement,
- B. 20 percent of the money or proceeds must be forwarded to the county attorney or other prosecuting agency that handled the forfeiture for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes, and
- C. the remaining ten percent of the money or proceeds must be forwarded within 60 days after resolution of the forfeiture to the state treasury and credited to the general fund. Any local police relief association organized under Chapter 423 which received or was entitled to receive the proceeds of any sale made under this section before the effective date of Laws 1988, Chapter 665, Sections 1 to 17, shall continue to receive and retain the proceeds of these sales.

Under this section, three (3) checks shall be written. The check to the State Treasurer should be sent to:

TREASURER'S OFFICE
303 SHERBURNE AVE.
ST. PAUL, MN 55155

And contain reference to Minnesota Statute 609.5315, Subd. 5.

The remaining checks shall be written and delivered to the appropriate law enforcement and prosecuting agency.

6. **DEFEND AND INDEMNIFY:** All parties to this Agreement agree to jointly share in any and all expenses incurred in defending against any and all claims, losses, damages, or lawsuits for damages arising from or related to the acts of the Task Force members and their

agents in the performance of the duties contemplated by this Agreement. This provision is not intended to increase liability limits for participating governmental units or stack liability limits of governmental units.

7. **EXPENDITURES:** Any expenditure over \$1,500.00 requires approval of the Board of Directors, and any narcotics "buy" over \$1,000.00 requires prior approval of the Task Force Commander and the Board member of the governmental unit providing the buy funds.
8. **FISCAL AGENT:** Blue Earth County shall serve as fiscal agent. The Sheriff of the Blue Earth County Sheriff's Office will serve as the authorized signatory for any official documents, financial records; grant documents, etc., as approved by Board of Directors. The finance director for Blue Earth County shall receive and disburse funds and keep financial records. As fiscal agent, Blue Earth County is authorized to initiate civil court actions, at the request of the Board of Directors, in furthering of Task Force goals.
9. **SUPERVISION:** The day-to-day supervision of the Task Force shall be provided by a Task Force Commander who is appointed by majority vote of the Board of Directors.

The Task Force Commander assigned to the Minnesota River Valley Drug Task Force will act as the daily coordinator of the Task Force officers and agents assigned from participating agencies.

Duties of the Task Force Commander will include:

- A. Provide effective leadership and administrative coordination of the Minnesota River Valley Drug Task Force.
 - B. Direct officer/agent assignments and manpower as necessary on a daily basis for given investigations.
 - C. Direct field operations.
 - D. Strengthen communications and cooperation with other law enforcement agencies in and outside of the geographic region.
 - E. Provide effective training programs for participating personnel, the costs of which shall be absorbed by the agency employing the officer in question with prior approval from the officer's employer.
 - F. Act as a liaison with the Command Staff as well as Investigative Divisions of all participating agencies concerning significant case developments, overtime, disciplinary problems, and other performance.
10. **PERSONNEL:**
 - A. Each governmental unit is responsible for providing its respective personnel with salaries, benefits, and overtime in accordance with FLSA regulations and departmental policy.
 - B. Each governmental unit of the Minnesota River Valley Drug Task Force shall be responsible for acts of its participating officers/agents and shall incur any liabilities arising out of the service and activities of those officers while participating in the Minnesota River Valley Drug Task Force. Personnel assigned to the Minnesota River Valley Drug Task Force shall have the same duties, powers, privileges,

responsibilities, immunities, and jurisdictions as conferred upon them as officers of their own jurisdictions.

- C. Temporary recall of personnel and/or equipment by a participating agency will be coordinated with the Task Force Commander.
- D. A two-year or longer assignment of personnel is preferred.
- E. All personnel assigned to the Minnesota River Valley Drug Task Force shall be coordinated by the Task Force Commander and shall be subject to the directive of that Commander regardless of position or rank in their respective agencies.
- F. Management from participating law enforcement agencies, with the input of the Minnesota River Valley Drug Task Force, will handle all actions of a disciplinary nature concerning law enforcement personnel from their agencies.

11. **EQUIPMENT**: The Task Force or the participating governmental unit will provide all equipment needed for the operation of the Minnesota River Valley Drug Task Force. In the event of negligence by a Task Force employee, the individual employee and/or agency may be responsible for the repair or replacement of the equipment. Vehicles assigned to the Task Force officers will be provided by the Task Force. Insurance for these vehicles will be the responsibility of the governmental unit providing the Task Force officer. Participating governmental units are expected to properly equip officers/agents assigned to the Minnesota River Valley Drug Task Force with equipment necessary to complete the effective investigations and safe enforcement operations.
12. **REPORTS**: Officers assigned to the Minnesota River Valley Drug Task Force will continue to use their respective agency reporting system unless all participating agencies agree at a later time to a reporting system change. Intelligence information will be submitted by the Minnesota River Valley Drug Task Force Commander through the Mid-State Organized Crime Information Center. The Task Force Commander will develop an annual report that will be sent to all participating agencies in the Task Force.
13. **MEDIA**: All media releases concerning arrests and investigations conducted by the Minnesota River Valley Drug Task Force shall be coordinated by the Task Force Commander and the chief of police or sheriff of the participating governmental units.
14. **FUNDING**: Each participating governmental unit agrees to provide whatever resources are agreed to in a yearly proposal. One dollar per capita per year per participating governmental unit is suggested. Those resources may be personnel or financial in nature and are designed to assist in the operation of the Task Force. Resources may also be provided in kind (e.g. furnishing office space) at the discretion of the Board of Directors. The Task Force fiscal agency at this time is the Blue Earth County Sheriff's Office. They shall be charged with the responsibility of keeping all financial records, filing required reports in connection with any grant funding, and complying with any required or requested financial audits.
15. **PURCHASE OF EVIDENCE; PAYMENT OF INFORMANTS (BUY FUNDS)**: The Minnesota River Valley Drug Task Force will supply funds within existing policy for the purchase of evidence by members of the Minnesota River Valley Drug Task Force. The jurisdiction where a drug purchase is made shall front buy money and be entitled to restitution unless BCA or DEA will provide buy money. Officers/agents assigned to the Minnesota River Valley Drug Task Force will be required to obtain receipts for expenditures of all buy funds in accordance with existing policy, as well as submit monthly expenditure

reports to the Minnesota River Valley Drug Task Force outlining expenditures of Minnesota River Valley Drug Task Force funds. Offices/agents assigned to the Minnesota River Valley Drug Task Force will also be subject to inspection and/or audit of their respective buy fund accounts and expenditures. Officers/agents assigned to the Minnesota River Valley Drug Task Force will adhere to the reporting and policy requirements for the expenditure of funds as required by task force policy and accepted practices and methods.

16. **LABORATORY ANALYSIS:** Minnesota River Valley Drug Task Force will supply analysis of any controlled substance and marijuana seized or purchased during an investigation conducted by the Minnesota River Valley Drug Task Force. Any fees for analysis will be paid by the agency(s) of jurisdiction relative to the investigation of the case. Minnesota River Valley Drug Task Force agrees to accept and retain all evidence submitted by the Minnesota River Valley Drug Task Force until an Order of Destruction or other legal authorization is obtained to remove or destroy evidence.
17. **TERMINATION:** Any party may terminate the terms of this agreement by giving thirteen (13) months' written notice to the other participating governmental units. Notice of intent to terminate this Agreement must be given no later than December 1 of the year proceeding the year of designated termination.
18. **DISSOLUTION:** The Task Force may be dissolved by majority vote of the Board of Directors. Any Task Force assets shall be divided among the governmental units participating in the Task Force at the time of dissolution. Distribution will be based on populations of participating governmental units. (Simplified example: If Task Force assets are \$100,000.00 and combined populations of participating governmental units is 100,000, and Mankato population is 30,000 and Blue Earth County is 30,000 not counting the City of Mankato, then Mankato receives \$30,000.00 and Blue Earth County receives \$30,000.00, etc.) Non-liquid asset values shall be determined by the fiscal agency.

19. Each signer certifies that the governing body of the governmental unit which they represent has passed a resolution authorizing entry into this Joint Exercise of Powers Agreement and that the signer has the authority to execute this Agreement on behalf of their governmental unit.

Participating Cities:

City of St. Peter

Title

Date

City of St. Peter Chief of Police

Date

19. Each signer certifies that the governing body of the governmental unit which they represent has passed a resolution authorizing entry into this Joint Exercise of Powers Agreement and that the signer has the authority to execute this Agreement on behalf of their governmental unit.

Participating Cities:

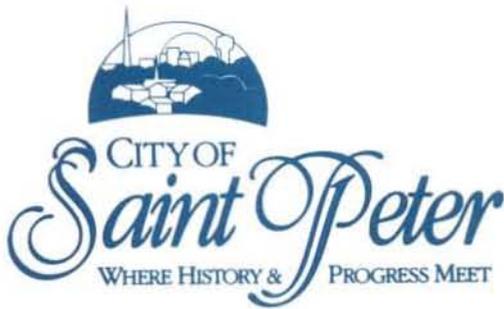
City of St. Peter

Title

Date

City of St. Peter Chief of Police

Date



Memorandum

TO: Honorable Mayor Strand
Members of the City Council

DATE: 1/16/2015

FROM: Todd Prafke
City Administrator

RE: Solace Project Steering Committee request

ACTION/RECOMMENDATION

None needed. For your information and discussion.

BACKGROUND

Members may recall multiple discussions about the Solace project. Council took action to support an application for funding to the State of Minnesota through the Minnesota Housing Finance Agency. That support was expressed through commitment to sell land for the project north of the Sunrise Drive Water Tower along Sunrise Drive. While that application was not awarded funding in the last cycle, the group looking to develop the project has continued to be hard at work on applying for funds in the new funding cycle.

The project is envisioned generally as an apartment style facility intended to assist women who have met the criteria of drug court unite with children, have consistent housing, and receive supportive and job training services.

To help ensure any project that may move forward meets the needs of the community, the organizers are working to assemble a Steering Committee and have asked that the City Council and the Saint Peter Police Department be represented, each with one seat on the Committee.

The exact rules for operation of the Steering Committee cannot be put in place until the Committee convenes, but this is a project that the Council previously supported and had an understanding of the potential partnerships with Drug Court, Nicollet County Human Services and others.

Participating in the Steering Committee does not give Council approval of the project but does help the City be a part of helping to make sure any project that comes forward is designed to meet needs of people from our community.

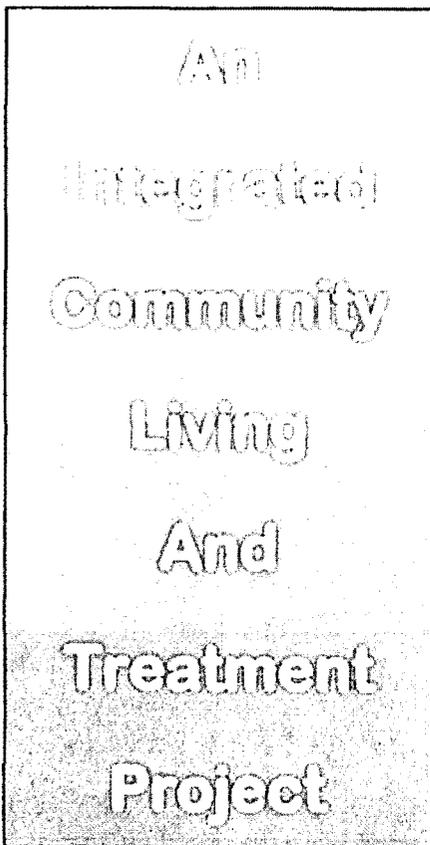
To be clear, any new application for funds of the same type as in the 2014 cycle would need a new approval and commitment from the City Council.

A summary of the project has been included and the organizers hope the Council would provide one of its own to participate. My goal is to determine if you wish to participate at this level and who that member may be.

Please feel free to contact me if you have any questions or concerns about this agenda item.

TP/bal

SOLACE PROJECT 2015



STEERING COMMITTEE:

Nicollet County Commissioner

St. Peter City Councilman

Judge, Nicollet County Court

Nicollet County Human Services

Director, Nicollet County Probation

St. Peter Police Department

Superintendent, St. Peter Schools

Director, Rivers Edge Hospital

Director, ASC Psychological Svcs.

George Komaridis

Richard Goodemann

Director, SW MN Housing Partners

The Solace Project Summary 2015

Mission

To help chronically psychologically disabled homeless women with children become functional in society.

Rationale

Approximately 80% of all legal and human services funds are spent on persons from this segment of society with very little outcome success.

Target Population

Women with dysfunctional developmental lives who meet two or more DSM – 5 psychiatric diagnoses, including substance use disorders, and criteria for homelessness, and who lack basic coping skills for effective living as adults.

Treatment Needs

Intensive, personalized therapy for cognitive, emotional and behavioral disorders and for construction or reconstruction of essential living and coping skills.

Existing Treatment

Existing treatment models have not worked with persons from this population because their treatment needs usually exceed the typical services which are available within their communities, and because they have typically been underdiagnosed and misunderstood.

Treatment Model

Treatment must be a comprehensive, integrated and individualized interdisciplinary therapeutic protocol that begins with the client's immediate assessed needs, regardless of therapeutic intensity, and continues until the client is able to establish an independent lifestyle in which she is able to provide for her and family.

Treatment must be provided in a safe living environment in the community, with assurance that basic living needs are met and demands of treatment do not create additional financial or coping stressors.

This is an integrated community living and treatment model.

The Solace Project

A Conceptual Treatment Program Model

Developed By

George V. Komaridis, PhD, Director

ASC Psychological Services

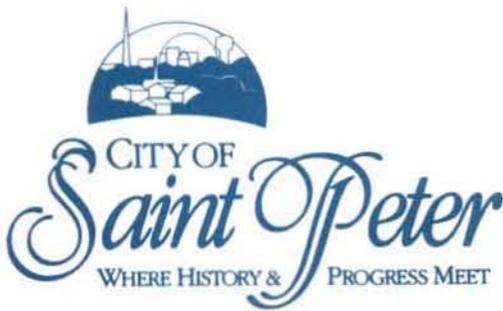
Purpose

To serve homeless women who have been chronically disabled by psychological, social, and chemical abusing problems. The population to be served will have usually been incarcerated, subjected to court ordered treatment protocols and requires substantial case management and treatment services when reentering their communities.

Rationale

Statistics show that 80% of all legal and human services funds are spent on 20% of our population, and those statistics remain unchanged because that segment of our population has resisted change despite all of the funds, programs and manpower that have been provided. Statistics also show that the social dysfunction in this segment of our population continues to be promulgated through each successive family generation.

This project targets this segment of our population with the goal of transforming these individuals into law abiding and independently functioning members of our society, while also breaking the cycle of familial dysfunctioning from generation to generation. With success, this project will result in a significant reduction of ineffective social and legal expenditures.



Memorandum

TO: Honorable Mayor Strand
Members of the City Council

DATE: 1/16/2015

FROM: Todd Prafke
City Administrator

RE: Human Rights Commission Modification

ACTION/RECOMMENDATION

None needed. For your information and discussion.

BACKGROUND

Members may recall your discussion related to membership on the Human Rights Commission (HRC). Maintaining membership on that Commission has been an ongoing struggle. In addition, some of the initiatives supported by the Commission failed to grab the attention of the community in a way that the Commission members had hoped. This was exemplified by the lack of interest in nomination for the Saint Peter Human Rights Award over the last couple of years.

The Council discussed the important mission that the Commission works to fulfill and had suggested that a review be done to determine whether that role could be taken on by the Council, thereby effectively making sure membership was addressed and that the mission of the HRC received the attention deserved by the community.

You will find attached a couple of documents. Those documents represent the State Statute, your ordinance and the Bias Hate Crime Policy that was adopted by the Commission a number of years back to meet its obligation to respond to a hate or bias crime. These three documents provide a flavor of the mission and give direction as to the Commission's work.

My goal is to check in with the Council and make sure you continue to have interest in moving in the direction of assigning the duties of the Commission to the Council. That would be done through the ending of the Commission and assignment of the duties to Council. Additionally, the Council may then wish to review and adopt an updated Bias Hate Crime Policy. As an alternative, the Commission could stay in place with all the members of the Council being assigned to it. Please know that there are more Commission seats currently than the number of Councilmembers and Mayor. If the Council wishes to make that change I think, all things being equal, the concept of moving duties to the Council is less confusing and a straighter path.

The Council could take action early in February or March. Action of this type certainly has the potential to meet the discussed goals of the Council which are as follows:

- Ability to meet statutory requirements for response

- Maintain membership levels to fully function
- Additional impact within the community
- Planning for changing demographics within Saint Peter.

Please feel free to contact me if you have any questions or concerns about this agenda item.

TP/bal



CITY OF SAINT PETER BIAS/HATE CRIME RESPONSE PLAN

The Saint Peter Human Rights Network Belief Statement: "Hate, violence and prejudice are unacceptable in our community. We are a community open to all persons of all races, colors, religions, genders, sexual orientations, ages, abilities and national origins, striving to understand and empower one another."

Purpose:

The purpose of this plan is to establish a local response showing strong community support for the victim and zero community tolerance for bias/hate crimes. The Saint Peter Human Rights Commission (SPHRC) will not investigate such crimes. It will provide or coordinate support to victims in such crimes and leadership in the community in the prevention of bias and hate crimes through education and collaborative community action against prejudice and bigotry.

The Commission seeks:

- A commitment from the Saint Peter Police Department that the Commission will be notified as soon as possible after a confirmed bias/hate crime complaint. Contact is to be made through the Chief of Police.
- The participation of the Saint Peter Human Rights Network which can be activated to support victims of bias/hate crimes.
- The participation of the Saint Peter Human Rights Network in the development of a community response if appropriate and with consent of the victim.
- To raise awareness of hate crime issues within the community.
- The expansion and participation of community organizations in the Human Rights Network.
- The cooperation of the local media in support of the victims of bias/hate crimes and in developing community awareness of human rights issues and in providing the community with information regarding the Human Rights Network and the Bias/Hate Crime Response Plan.

Hate Crime Defined:

A hate crime, as defined by criminal statute, is a criminal act committed against a person, institution, or property, for which the primary motivation is the victim's affiliation with a protected class. State law established the following protected classes: *race, color, religion, gender, sexual orientation, age, disability and national origin*. As of 2004, the law allows for the perception of either the victim or the police officer regarding the bias motivation of the crime to cause it to be categorized as a hate crime. Convictions resulting from hate crimes carry enhanced penalties.

Hate crimes are different from discrimination complaints. Although discrimination is against the law, it is not a crime, but rather a civil matter.

Partnership:

In order to provide timely, meaningful support to victims of bias/hate crimes, the Commission must partner with the citizens and organizations in the community. The key partners include:

- The Saint Peter Police Department
- The Saint Peter Human Rights Commission
- The Saint Peter Human Rights Network
- The Saint Peter media

RESPONSE TO A BIAS/HATE CRIME:

Immediate Response - law enforcement

Police Department commitment to report bias/hate crimes to the SPHRC is necessary for this plan to be viable. The rights and wishes of the victim of a bias/hate crime must be given the utmost consideration at each step of this plan.

If an officer becomes aware of an incident which may be defined as a "bias/hate crime", as part of the investigation of the situation, the officer will:

1. Explain the definition of a "bias/hate crime" and the option of making a referral to the Human Rights Commission to the victim. The role of the SPHRC is to support the victim and, if appropriate, develop a community response to the hate crime. The SPHRC will not conduct a criminal investigation of the incident.
2. If the victim would like the support of the SPHRC, assist the victim in completing the Saint Peter Police Department Bias/Hate Crime Referral Report. Immediately forward the referral to the Saint Peter Chief of Police. The Chief of Police will contact the SPHRC chairperson.
3. If the victim does not feel the need for SPHRC support, give them the telephone number of the SPHRC staff liaison in the event support is needed at some future time.

Immediate response - referral through other than law enforcement:

1. If the report of a bias/hate crime is made directly to a member of the SPHRC or the Saint Peter Chief of Police, the person receiving the report will encourage the victim to report the incident to the Saint Peter Police Department or other appropriate law enforcement agencies.
2. Offer to go with the victim to report the incident to the Saint Peter Police Department.
3. Obtain an address or telephone number from the victim for future contacts.
4. Explain to the victim the definition of "bias/hate crime" and the option of making a referral to the Human Rights Commission. *The role of the SPHRC is to support the victim.*
5. After the initial meeting, consult with the SPHRC chairperson, if appropriate a second meeting with the victim will be held to explain the option of developing a community response to the bias/hate crime. *A broad-based community response plan will not be initiated unless the victim is supportive of the effort.*
6. The SPHRC will not conduct a criminal investigation of the incident.
7. If the victim would like the support of the SPHRC, immediately notify the SPHRC staff liaison. The staff liaison will contact the SPHRC chairperson.
8. If the victim does not feel the need for SPHRC support, give them the telephone number of the SPHRC staff liaison in the event support is needed at some future time.

Human Rights Commission response to a bias/hate crime referral:

1. The SPHRC chairperson will contact the Commission members and inform them of the referral. Together they will organize the initial victim contact. A response coordinator and team member will be appointed.

2. The response coordinator will contact the victim by telephone if possible. Express empathy. Ask if you and a SPHRC member might visit in person to discuss the incident and offer support and assistance. If the victim does not desire a visit, follow with a letter offering assistance at a later date if desired. Include information on other services in the community that might be of benefit.
3. Ask permission to report the information to the League of Minnesota Human Rights Commission and the Saint Peter Human Rights Network.
4. If contact by telephone is not an option the response coordinator and team member will visit the victim for the initial victim contact.
5. The SPHRC chairperson will be the designated spokesperson to the media regarding the bias/hate crime response plan.

Human Rights Visit Team Members

1. Human Rights Commission members participating as team volunteers will participate in a training program prior to being selected to be a team volunteer.
2. The SPHRC chairperson will select the team members with greatest consideration towards the victim and the nature of the bias/hate crime. Members may also include Human Rights Network members.

Personal Visit

With a team of at least two, visit with the victim, either at his/her home or other location of the victim's choice. Identify the team, which may include Network members, as members of the SPHRC and explain the purpose for the meeting.

Interview Questions:

These questions are meant to be a guide. The interview team may wish to add or change these questions. First and foremost in importance is that all interviewers show an appropriate level of concern and be willing to spend enough time to obtain the victim's story. Oftentimes more can be learned through careful listening than through extensive questioning. If you are unsure of the victim's response to a question, rephrase their response to clarify the answer. If your understanding is not correct, the victim then has the opportunity to clarify their response. Be very careful not to place your personal feelings into follow-up reports. Take careful notes of important facts and details.

At the initial contact or visit:

- Explain the extent of the confidentiality of the conversation.
- What happened?
- Was this the first incident or have there been others?
- Were children involved?
- How can we help you?
- What can we do together to prevent this from happening again?
- Is there anyone else you would like to contact you or that we can contact for you?

At the second contact or visit:

- If appropriate and warranted and with the advice of the Human Rights Commission and the consent of the Mayor, we would like to organize a community wide response. Consider the victim's wishes as to confidentiality and level of publicity. Would you agree to this?
- Do you mind if we use your name, or would you prefer that we didn't?
- Are you comfortable with us contacting the media?

This format is a guide. It is not rigid. Questions should be sensitive to the individual circumstances.

The team members should review future contact information (telephone numbers if possible). Again, offer support and any assistance and explain future follow-up contacts.

Human Rights Network - Community Response

1. Contact the Saint Peter Mayor and Chief of Police and inform them of the incident. Review the information from the referral and interview. Discuss and agree upon the appropriateness of a community response.
2. Contact the League of Minnesota Human Rights Commissions to seek support.
3. The SPHRC Chair may select a Community Response Team made up of at least two members of the SPHRC. The team may also be comprised of Network members.
4. A team consisting of a Human Rights Commissioner and Human Rights Network Bias/Hate Crimes Response team may conduct a secondary interview if appropriate.
5. At the earliest possible time arrange for a meeting of the SPHRC and the Human Rights Network Community Response team to develop a community response plan. Invite the Mayor and Chief of Police to participate in the planning process.
6. The community response plan may include, among other activities:
 - A letter to the editor;
 - Contacting other media;
 - A community meeting;
 - A "quick response - not in our town" activity;
 - Or sending a letter or a representative to local churches and schools. Call a meeting of the Human Rights Network representatives and involve the organizations in the response.
6. Maintain frequent contact with the victim. **Always remember this is about the victim. The victim should be comfortable with the community response plan**

Follow-up contact with the victim: Whatever the response to the bias/hate crime, a follow-up contact should be made within one week, in person or by telephone. Check on any recurrences, other problems, and offer continued support. If appropriate, a follow-up visit after one month may also be appropriate.

Review Response:

1. The SPHRC shall review the overall process. Note the effectiveness of the response and suggestions for future responses. Invite the Mayor, Chief of Police and Network members involved to provide a review and suggestions.
2. The SPHRC shall send letters of appreciation to the Human Rights Network Team members involved in the plan and other supportive organizations and individuals.
3. The SPHRC shall provide the Mayor and Chief of Police with a summary report.

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363A.07 LOCAL COMMISSIONS.

Subdivision 1. **Jurisdiction of county commissions.** If a county or group of counties creates a local commission, the commission does not have jurisdiction over any part of the county that is within the jurisdiction of a local commission created by city charter or municipal ordinance.

Subd. 2. **Referral from commissioner.** The commissioner, whether or not a charge has been filed under this chapter, may refer a matter involving discrimination because of race, color, religion, sex, creed, disability, marital status, status with regard to public assistance, national origin, age, sexual orientation, or familial status to a local commission for study and report.

Upon referral by the commissioner, the local commission shall make a report and make recommendations to the commissioner and take other appropriate action within the scope of its powers.

Subd. 3. **Referral to commissioner.** A local commission may refer a matter under its jurisdiction to the commissioner.

The charging party has the option of filing a charge either with a local commission or the department. Notwithstanding the provisions of any ordinance or resolution to the contrary, a charge may be filed with a local commission within one year after the occurrence of the practice. The exercise of such choice in filing a charge with one agency shall preclude the option of filing the same charge with the other agency. At the time a charge comes to the attention of a local agency, the agency or its representative shall inform the charging party of this option, and of the party's rights under Laws 1967, chapter 897.

Where this chapter provides additional protections and remedies not provided for under a local antidiscrimination ordinance, the local commission shall advise a party bringing a charge under a local ordinance of those additional protections and remedies and of the option to file a charge under this chapter.

The term "local commission" as used in this subdivision has the same meaning given the term in section 363A.03, subdivision 23.

Subd. 4. **Withdrawal from local commission.** Notwithstanding the provisions of any law or ordinance to the contrary, a person who has filed a charge with a local commission may bring a civil action as provided in section 363A.34 at the following times:

(1) within 45 days after receipt of notice that the local commission has determined that there is no probable cause to credit the allegations contained in the charge; receipt of notice is presumed to be five days from the date of service by mail of the written notice; or

(2) after 45 days from the filing of the charge if a hearing has not been held or if the local commission has not entered into a conciliation agreement to which the charging party is a signator. The charging party shall notify the local commission of an intention to bring a civil action, which shall be commenced within 90 days of giving the notice.

A charging party bringing a civil action shall mail by registered or certified mail a copy of the summons and complaint to the local commission and upon their receipt the local commission shall terminate all proceedings before the local commission relating to the charge. No charge shall be filed or reinstated with the local commission after a civil action relating to the same unfair discriminatory practice has been brought unless the civil action has been dismissed without prejudice.

(7) recommend to the legislature appropriate changes in law necessary to carry out the mission and improve the performance of the department.

Subd. 4. Publication of case account. The commissioner may publish an account of a case in which the complaint has been dismissed or the terms of settlement of a case that has been voluntarily adjusted. Except as provided in other sections of this chapter, the commissioner shall not disclose any information concerning efforts in a particular case to eliminate an unfair discriminatory practice through education, conference, conciliation and persuasion.

History: 1955 c 516 s 7,8; 1961 c 428 s 7,8; 1967 c 299 s 9; 1967 c 897 s 18,19; 1969 c 567 s 3; 1969 c 975 s 8,9,10; 1969 c 1129 art 10 s 2; 1971 c 24 s 45; 1973 c 254 s 3; 1973 c 729 s 5-8; 1974 c 406 s 70; 1976 c 301 s 1,2; 1977 c 351 s 8; 1977 c 408 s 4; 1977 c 430 s 25 subd 1; 1979 c 156 s 1; 1980 c 531 s 5; 1980 c 540 s 3; 1981 c 330 s 2-5; 1981 c 364 s 1; 1982 c 424 s 130; 1983 c 247 s 143; 1983 c 301 s 199,200; 1984 c 567 s 2,3; 1984 c 640 s 32; 1985 c 248 s 70; 1Sp1985 c 13 s 325,326; 1Sp1985 c 14 art 9 s 75; 1986 c 444; 1987 c 375 s 2-4; 1988 c 660 s 5,6; 1989 c 209 art 1 s 37; 1989 c 280 s 15; 1989 c 329 art 8 s 11; 1990 c 567 s 7,8; 1993 c 22 s 16; 1994 c 483 s 1; 1995 c 248 art 11 s 22; 1996 c 305 art 2 s 60; 1997 c 7 art 2 s 52; 1997 c 182 s 1; 1998 c 366 s 77; 2001 c 186 s 2; 2001 c 194 s 3; 2004 c 206 s 52; 2007 c 54 art 4 s 2

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DIVISION 10. - HUMAN RIGHTS COMMISSION**Sec. 2-647. - Continued.**

A Human Rights Commission is hereby continued.

(Code 1989, § 2.37; Ord. No. 360(2nd Ser.), § 3, 1-12-2004)

Sec. 2-648. - Purpose.

The purpose of the Human Rights Commission is to secure for all citizens equal opportunity in employment, housing, public accommodations, public services and education and full participation in the affairs of this community by assisting the State Department of Human Rights and implementing the Minnesota Human Rights Act, M.S. § 363A.001 et seq., and by advising the Council on long range programs to improve community relations in the City.

(Code 1989, § 2.37; Ord. No. 360(2nd Ser.), § 3, 1-12-2004)

Sec. 2-649. - Composition.

The Human Rights Commission shall consist of nine members. One member shall be a Councilmember and shall be appointed for a one-year term. All remaining members shall be appointed for three-year terms. All members shall be appointed by the City Council. Members may be removed by the Mayor for cause. Vacancies during the term of any member shall be filled by the Council for the unexpired portion of the term.

(Code 1989, § 2.37; Ord. No. 360(2nd Ser.), § 3, 1-12-2004)

Sec. 2-650. - Duties.

In fulfillment of its purpose, the Human Rights Commission's duties and responsibilities shall be:

- (1) Adopting bylaws and rules for the conduct of its affairs;
- (2) Drafting a memorandum or agreement with the State Department of Human Rights for the purpose of determining regulatory and enforcement procedures;
- (3) Enlisting the cooperation of agencies, organizations, individuals in the community in an active program directed to create equal opportunity and eliminate discrimination and inequalities;
- (4) Formulating a human relations program for the City;
- (5) Advising the Mayor and Council on human relations and civil rights problems, and recommending the adoption of such specific policies or actions as are needed to provide for full equal opportunity in the City;
- (6) Developing in cooperation with the State Department of Human Rights such programs of formal and informal education as will assist in the implementation of the Minnesota Human Rights Act, M.S. § 363A.001 et seq.

(Code 1989, § 2.37; Ord. No. 360(2nd Ser.), § 3, 1-12-2004)

Secs. 2-651—2-673. - Reserved.