

A G E N D A

Dakota County Board of Commissioners Special Meeting

May 11, 2021

11:00 AM

(or following the Physical Development Committee of the Whole)

Boardroom, Administration Center, Government Center, Hastings, MN

View Live Broadcast <https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx>

1. **Call To Order And Roll Call**
2. **Approval Of Agenda** (Additions/Corrections/Deletions)

REGULAR AGENDA

3. **County Board/County Administration**
 - 3.1 *Employee Relations* - Appointment Of County Attorney
4. **Adjournment**

For more information, call 651-438-4417

Dakota County Board meeting agendas are available online at

<https://www.co.dakota.mn.us/Government/BoardMeetings/Pages/default.aspx>

Public Comment can be sent to CountyAdmin@co.dakota.mn.us

DAKOTA COUNTY BOARD OF COMMISSIONERS**Appointment Of County Attorney**

Meeting Date: 5/11/2021	Fiscal/FTE Impact:
Item Type: Regular-Action	<input type="checkbox"/> None <input type="checkbox"/> Other
Division: County Administration/County Board	<input checked="" type="checkbox"/> Current budget <input type="checkbox"/> Amendment requested
Department: Employee Relations	<input type="checkbox"/> New FTE(s) requested
Contact: Benish, Andrew	Board Goal: Excellence in public service
Contact Phone: (651) 438-4382	Public Engagement Level: N/A
Prepared by: Benish, Andrew	

PURPOSE/ACTION REQUESTED

Appoint Kathryn M. Keena as County Attorney to fill vacancy and serve out the remaining County Attorney term ending on January 1, 2023.

SUMMARY

County Attorney James C. Backstrom retired effective February 27, 2021. Under Minn. Stat. §§ 382.02 and 375.08, when a vacancy occurs in the Office of the County Attorney the County Board has the authority to appoint an individual to fill such vacancy for the balance of the current term of office of the departing County Attorney. The next election to fill the office of Dakota County Attorney will be on November 8, 2022, with a term of four years commencing on the first Monday of the following year, which is January 2, 2023.

By Resolution No. 21-107 (February 16, 2021), the County Board authorized the Director of Employee Relations to seek candidates for appointment to the office of County Attorney by advertising in appropriate locations for a three week period, a job posting providing the minimum qualifications, a general description of the statutory duties of the County Attorney and summary of the expected knowledge, skill and abilities of the candidates. The application period closed on March 8, 2021.

By Resolution No. 21-131 (March 9, 2021), a subcommittee to review applicants and identify finalists was authorized by the County Board. The subcommittee met on March 16, 2021 to review the list of applicants for County Attorney. Based on a review of qualifications and experience, the subcommittee unanimously identified three applicants to proceed as finalists. By Resolution No. 21-171 (March 23, 2021), the Dakota County Board of Commissioners approved Kathryn Keena, Elizabeth Lamin and Thomas Pugh as finalists. On April 30, 2021, Thomas Pugh notified the Board that he withdrew his application.

By Resolution No. 21-210 (April 20, 2021), the Dakota County Board of Commissioners held a special meeting on May 4, 2021, to interview the remaining two finalists for appointment as the County Attorney. After completion of the interviews, the County Board selected Kathryn M. Keena as the preferred candidate to appoint as the County Attorney, subject to completion of necessary background checks and recommendation of the terms of appointment by the subcommittee with assistance from the County Manager and Director of Employee Relations.

The subcommittee completed necessary background checks and determined recommended terms of appointment. The subcommittee recommends an annual salary of \$190,000 with other terms as set forth in the Board approved 2021 Unclassified Employees Merit Compensation Policy and Plan and granting a leave of absence to Ms. Keena from her current position as Chief Deputy County Attorney for the duration of this appointed term. The Chief Deputy County Attorney position will remain vacant during the leave absence, which will result in a cost savings to the County. If Ms. Keena chooses not to run for election or is not elected as the next County Attorney, she may return to the position of Chief Deputy. An elected County Attorney has the discretion to replace any members of the County Attorney Office management team upon taking office.

RECOMMENDATION

Appoint Kathryn M. Keena as County Attorney for unexpired term created by the retirement of County Attorney James C. Backstrom, effective on May 11, 2021 at the annual salary of \$190,000 with other terms as set forth in the 2021 Unclassified Employees Merit Compensation Policy and Plan, and grant a leave of absence to Kathryn M. Keena from her current position as Chief Deputy County Attorney for the term of this appointment.

EXPLANATION OF FISCAL/FTE IMPACTS

Sufficient funding is included in the 2021 County Attorney Office budget.

Supporting Documents:**Previous Board Action(s):**

21-107; 2/16/21

21-131; 3/9/21

21-210; 4/20/21

21-247; 5/4/21

RESOLUTION

WHEREAS, County Attorney James C. Backstrom retired effective February 27, 2021; and

WHEREAS, under Minn. Stat. §§ 382.02 and 375.08, when a vacancy occurs in the Office of the County Attorney the County Board has the authority to appoint an individual to fill such vacancy for the balance of the current term of office of the departing County Attorney; and

WHEREAS, by Resolution No. 21-107 (February 16, 2021), the County Board authorized the Director of Employee Relations to seek candidates for appointment to the office of County Attorney by advertising in appropriate locations for a three week period, a job posting providing the minimum qualifications, a general description of the statutory duties of the County Attorney and summary of the expected knowledge, skill and abilities of the candidates; and

WHEREAS, the application period closed on March 8, 2021; and

WHEREAS, by Resolution No. 21-131 (March 9, 2021), a subcommittee to review applicants and identify finalists was authorized by the County Board; and

WHEREAS, the subcommittee met March 16, 2021 to review the list of applicants for County Attorney and based on a review of qualifications and experience, the subcommittee unanimously identified three applicants to proceed as finalists; and

WHEREAS, by Resolution No. 21-171 (March 23, 2021), the Dakota County Board of Commissioners approved the following applicants recommended by the subcommittee as finalists:

- Kathryn Keena
- Elizabeth Lamin
- Thomas Pugh

; and

WHEREAS, on April 30, 2021, Thomas Pugh notified staff and the Board that he withdrew his application for consideration of the Appointed County Attorney position; and

WHEREAS, by Resolution No. 21-210 (April 20, 2021), the Dakota County Board of Commissioners held a Special Meeting for May 4, 2021, to interview the two finalists for appointment as the County Attorney; and

WHEREAS, the Dakota County Board of Commissioners selected Kathryn M. Keena as the preferred candidate for appointment as Dakota County Attorney; and

WHEREAS, the subcommittee together with assistance from the County Manager and Director of Employee Relations completed any necessary background checks and finalized the terms of the appointment with the preferred candidate.

NOW, THEREFORE, BE IT RESOLVED, That the Dakota County Board of Commissioners hereby appoints Kathryn M. Keena as County Attorney, effective May 11, 2021, to serve out the remaining County Attorney term ending on January 1, 2023, at an annual salary of \$190,000 with other terms as set forth in the 2021 Unclassified Employees Merit Compensation Policy and Plan; and

BE IT FURTHER RESOLVED, The Dakota County Board of Commissioners hereby grants a leave of absence to Kathryn M. Keena from her current position as Chief Deputy County Attorney for duration of this appointive term as County Attorney.

County Manager's Comments:

- Recommend Action
- Do Not Recommend Action
- Reviewed---No Recommendation
- Reviewed---Information Only
- Submitted at Commissioner Request

Reviewed by (if required):

- County Attorney's Office
- Financial Services
- Risk Management
- Employee Relations
- Information Technology
- Facilities Management



County Manager

