
SUBJECT: ORDINANCE #2018-2 (WEST CENTRAL REGIONAL JUVENILE CENTER)

ADOPTED DATE: FEBRUARY 5, 2018

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**ORDINANCE NO. 2018-2
CONSTRUCTION AND FINANCING OF THE
WEST CENTRAL REGIONAL JUVENILE CENTER**

PURPOSE:

It is the purpose of this Ordinance to facilitate the construction and financing of an addition to the West Central Regional Juvenile Center at 919 8th Avenue North in Moorhead, Minnesota. It is also the purpose of this Ordinance to provide for the construction and financing through a process and manner that is different from and supersedes that provided in North Dakota Century Code 11-11-16 and 21-03-07.

DEFINITIONS:

West Central Regional Juvenile Center: The West Central Regional Juvenile Center is a building located at 919 8th Avenue North in Moorhead, Minnesota, that provides secure and non-secure housing for juveniles who are in need of out-of-home placement as well as education, recreation, treatment and counseling for the juveniles in the facility.

HISTORY:

The County has had an agreement with Clay County to use the West Central Regional Juvenile Center for juvenile detention since November 3, 2014. The County recognizes that it can provide juvenile detention and programming services to the community more efficiently and effectively by partnering with Clay County.

The West Central Regional Juvenile Center is operated with participation and funding from several additional Minnesota counties to collectively provide these necessary services.

The County recognizes that partnering with Clay County and other Minnesota counties to provide these services will enable the County to provide these services without the need to expand and renovate the Cass County Jail or the Annex to the Cass County Courthouse.

AUTHORITY:

The County is operating under a Home Rule Charter approved by the voters of Cass County on November 1, 1994 with 57.75% positive vote. Paragraph 2 of Article 2, Home Rule Powers of County, reads in part:

“Control its finances and fiscal affairs; appropriate money for its purposes, and make payments of its debts and expenses; subject to the limitations of Article 9, levy and collect taxes, excises, fees and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; establish charges for any county or other services to the extent authorized by state law, and establish debt and mill levy limitations subject to Article 9.”

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Article 9 of the Home Rule Charter deals with revenue authority and Section 2 Limitations, Subsection 1, reads in part:

“No ordinance or resolution may be adopted by the Board of County Commissioners levying property taxes in excess of 75 mills in total until referred by the Board of County Commissioners for approval by the electorate at any regular county election.”

The Cass County Commission will review a request for funding the Cass County portion of the construction and financing of an addition to the West Central Regional Juvenile Center during the 2019 budget review as part of the 2019 Budget approval process. Funds for Cass County’s share of the construction will budgeted in the Capital Projects Fund established by Ordinance #2018-1.

SEVERABILITY:

Should any section, provision or part of this Ordinance be adjudged invalid or unconstitutional, such adjudication should not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

APPROVED:

ss/Rick Steen
Rick Steen, Chairman
Board of Commissioners of the
County of Cass

ATTEST:

ss/Michael Montplaisir
Michael Montplaisir
Cass County Auditor

First Reading: January 2, 2018
Second Reading: February 5, 2018
Final Passage: February 5, 2018
Publication: January 8, 2018

(SEAL)

HISTORICAL REFERENCE DATE: FEBRUARY 5, 2018