
Options in County Government Structure

Counties have a number of options as to how they structure their governments. There are provisions in general law to change certain offices from elective to appointive and to combine certain offices. There are also provisions for more comprehensive restructuring. Most of the options require a referendum. This information brief describes options in county government structure available in general law. It also summarizes what options counties have implemented and whether they have used the general law or gotten special legislation in order to make the change more easily.¹

Contents	Page
What county offices can be changed from elective to appointive and how?.....	2
What county offices can be combined and how?.....	2
How many counties have implemented changes in county offices?.....	4
Can a county change the size of its board?.....	9
What other options are there for restructuring county government?.....	10
Have any counties made use of these optional forms of county government?.....	15
Can a county abandon an adopted option or plan?.....	15

¹ In 2001, legislation was debated, but not enacted, that would have made it easier under general law to change certain county offices from elective to appointive positions. H.F. 1290/S.F. 510 (2001). Since then, 11 counties have gotten special legislation to make the changes under the same conditions as were proposed in the bill to change the general law.

What county offices can be changed from elective to appointive and how?

Under [Minnesota Statutes, section 382.01](#), each county must have an elected county auditor, treasurer, sheriff, recorder, attorney, and coroner. But since 1973, [Minnesota Statutes, section 375A.10](#), has allowed a county to appoint a county auditor, county treasurer, sheriff, or county recorder, if the offices have not been abolished by the adoption of other options.

These options may be adopted only after the voters in the county approve it in a referendum. [Minn. Stat. § 375A.12](#). The referendum may be initiated by:

- a resolution by the county board,
- a recommendation of a county government study commission, or
- a petition signed by voters equal in number to 5 percent of the electors voting at the last election for the office of governor.

If a study commission has been established under [Minnesota Statutes, section 375A.13](#), a referendum on an option may not be initiated by a resolution of the county board or a petition of voters until after the commission has completed its study.

If an office is made appointive, the board of county commissioners makes the appointment to the office. The statutorily required duties, functions, and responsibilities of the office are then vested in and performed by the board of county commissioners through a board-appointed department head. The board can initiate and direct any reorganization, consolidation, reallocation, or delegation of duties, functions, or responsibilities for the purpose of promoting efficiency in county government; the board may also make any other necessary administrative changes including abolishing or terminating the office or the transfer of personnel, without diminishing, prohibiting, or avoiding those specific statutorily required duties to be performed by those officials. [Minn. Stat. § 375A.10](#), subd. 3.

The officer elected to the office at the time of the adoption of this option serves as the head of any department created by the board of county commissioners to perform the functions formerly performed by the office until the term of office expires. [Minn. Stat. § 375A.10](#), subd. 3.

What county offices can be combined and how?

1. Auditor and Treasurer

The offices of the county auditor and treasurer may be combined. [Minn. Stat. § 375A.10](#), subd. 2, cl. (c). The combined office is the office of auditor-treasurer. If the combined office is to remain elective and a referendum is not held, the resolution providing for the change must be adopted by 80 percent of the county board members. If the combined office is to be appointive, a referendum must be held under [section 375A.12](#). If the combined office is to remain elective, the proposed change generally is not subject to a referendum. However, the county board may still require a referendum on the change. In addition, a referendum may be required if a petition

is signed by a number of voters equal to 10 percent of those voting in the county at the last general election. The county auditor must receive the petition for a referendum within 30 days after the second publication of the board resolution that orders the combination.

The persons last elected as auditor and treasurer before the resolution has been adopted serve in those offices until the completion of the terms to which they were elected.

The statutorily required duties, functions, and responsibilities of the county auditor and the county treasurer are then vested in and performed by the auditor-treasurer.

2. Assessor and Auditor, Treasurer, or Auditor-Treasurer

A number of counties have combined the office of assessor with that of auditor, treasurer, or auditor-treasurer. Because of concerns with the compatibility of these offices, the law now explicitly provides for combining the offices. Whenever the assessor's office is combined with another, the person holding the office still must meet the qualifications required for assessor.

Compatible offices. The office of county assessor is compatible with the office of auditor, treasurer, or auditor-treasurer if those offices are appointed positions. A combined assessor-auditor must not serve on the board of appeal and equalization. The county board must not delegate any authority, power, or responsibility under the tax abatement process to the combined office.

An elected county auditor, treasurer, or auditor-treasurer may also serve as the county assessor if the auditor, treasurer, or auditor-treasurer office will be an appointed position within five years. The five-year period covers the time it might take from the referendum to make the auditor, treasurer, or auditor-treasurer an appointed office until the current elected officeholder's term expires.

Incompatible offices. A county assessor must not serve in the listed elected positions: county attorney, county board member, elected auditor, elected treasurer, elected auditor-treasurer, town board supervisor for a town in the same county, or mayor or city council member for a city in the same county. Similarly, a city assessor must not also serve as a mayor or city council member for the same city, and a town assessor must not serve as a town board supervisor for the same town.

Except for an elective office that will become appointive, an assessor who accepts an office that is incompatible with the office of assessor is deemed to have resigned from the assessor position on the day of taking the incompatible office.

[Minn. Stat. § 273.061](#), subs. 1a, 1b, 1c.

How many counties have implemented changes in county offices?

The table below indicates what options counties have used and provides a citation to the session law if the option was authorized by special legislation. An “X” means that the *2005-2006 Minnesota Legislative Manual* indicates the option followed by the county, presumably pursuant to the general law. As can be seen at a glance, the most popular options are 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 were made following special legislation. To date, no county has opted to make the sheriff an appointive position.

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 percent;
- (2) provided for a reverse referendum;
- (3) required local approval; and
- (4) provided for the elected officeholder, if any, to continue to hold the office until the term expires.

Counties that Have Exercised Options

LA = local approval required and done • NR = no referendum required • RR = reverse referendum required • X = 2005-2006 *Minnesota Legislative Manual* indicates the position. It is assumed it was established under Minnesota Statutes, chapter 375A, because there is no known special legislation

County	Appointed Auditor	Appointed Treasurer	Appointed Recorder	Elected Auditor-Treasurer	Appointed Auditor-Treasurer
Anoka	1989 c 243 (RR, LA)	1989 c 243 (RR, LA)	1989 c 243 (RR, LA)		
Beltrami				X	
Benton ²				1997 c 91 (RR)	
Blue Earth	1990 c 431 (RR, LA)	1990 c 431 (RR, LA)	1990 c 431 (RR, LA)		
Brown				X	
Carlton			2002 c 263 (RR, LA)	X	
Cass ³			2001 c 105 (RR, LA)	X	2001 c 105 (RR, LA)
Chippewa				1992 c 421 (RR, LA)	
Chisago			1998 c 302 (RR, LA)		
Clay				X	
Cook ⁴				X	
Cottonwood				X	
Dakota			1991 c 338 (RR)	1991 c 338 (RR)	1998 c 308 (RR, LA)
Dodge				X	
Douglas				X	

² Laws 1997, chapter 91, also authorized Benton County to make the offices of recorder and auditor-treasurer appointive but these options were not implemented. There was a petition to require a referendum and the part that combined the offices of auditor and treasurer passed, but the part to make the combined office appointive failed.

³ The auditor-treasurer still appears as an elected officeholder as of 2005, with a term ending in 2007.

⁴ A referendum on the proposal was held in 1976 and the part to combine the offices passed, but the part to make the combined office appointive failed.

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County	Appointed Auditor	Appointed Treasurer	Appointed Recorder	Elected Auditor-Treasurer	Appointed Auditor-Treasurer
Fillmore				X	
Freeborn ⁵				X	
Goodhue ⁶			2001 c 184 (RR, LA)	X	2001 c 184 (RR, LA)
Hennepin			1967 Minn. Stat. § 383B.025		1967 Minn. Stat. § 383B.025
Hubbard	2001 c 105 (RR, LA)	2001 c 105 (RR, LA)	2001 c 105 (RR, LA)		
Itasca				1993 c 127 (RR, LA)	
Jackson				X	
Kanabec				X	
Kandiyohi				1992 c 421 (RR, LA)	
Kittson				X	
Koochiching				X	
Lac qui Parle ⁷			2005 c 75 § 2 (RR, LA)		2005 c 75 § 2 (RR, LA)
Lake				1974 c 227 (RR)	
Lyon				X	
Marshall				X	
Martin				1991 c 81 (RR, LA)	

⁵ The offices of auditor and treasurer were combined in 1982 following a referendum on the question. Freeborn County was given special authority to make the county recorder and combined office of auditor-treasurer appointive offices. [Laws 1994, ch. 393](#). Although local approval was completed for the special legislation, the options were not implemented after a referendum was held pursuant to a petition and failed.

⁶ The 2005-2006 *Minnesota Legislative Manual* show the positions are still elected with terms to 2007.

⁷ As of the date of this publication, the certificate of local approval of the 2005 law had not been filed with the secretary of state.

Counties that Have Exercised Options

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County	Appointed Auditor	Appointed Treasurer	Appointed Recorder	Elected Auditor-Treasurer	Appointed Auditor-Treasurer
Mille Lacs ⁸				X	
Murray				1993 c 200 (RR, LA)	
Nobles ⁹			2005 c 75 § 3 (RR, LA)	1993 c 200 (RR, LA)	2005 c 75 § 3 (RR, LA)
Norman				X	
Olmsted			1992 c 474 (RR, LA)	1990 c 438 (RR, LA)	1998 c 307 (RR, LA)
Pine ¹⁰			2002 c 263 (RR, LA)		
Polk			2002 c 258 (RR, LA)	1993 c 127 (RR, LA)	2002 c 258 (RR, LA)
Pope ¹¹			2005 c 75 § 1 (RR, LA)	X	2005 c 75 § 1 (RR, LA)
Ramsey	1971-73 Minn. Stat. § 383A.20	1971-73 Minn. Stat. § 383A.20	1971-73 Minn. Stat. § 383A.20		
Redwood				X	
Renville				X	
Rice				X	
Rock			2003 c 43 (RR, LA)	1993 c 200 (RR, LA)	
St. Louis			1986 Minn. Stat. § 383C.136 (NR, LA)	1969 Minn. Stat. § 383C.136	

⁸ The positions were combined following a referendum in 1980. A 1974 referendum to combine the offices and make the combined office appointive failed.

⁹ As of the date of this publication, the certificate of local approval of the 2005 law had not been filed with the secretary of state.

¹⁰ Pine County may also combine the duties of the appointed recorder and the county assessor into one department, as long as the person appointed has the qualifications required in statute for assessors.

¹¹ As of the date of this publication, the certificate of local approval of the 2005 law had not been filed with the secretary of state.

Counties that Have Exercised Options

LA = local approval required and done • **NR** = no referendum required • **RR** = reverse referendum required • **X** = 2005-2006 *Minnesota Legislative Manual* indicates the position. It is assumed it was established under Minnesota Statutes, chapter 375A, because there is no known special legislation

County	Appointed Auditor	Appointed Treasurer	Appointed Recorder	Elected Auditor-Treasurer	Appointed Auditor-Treasurer
Scott ¹²	1997 c 90 (RR)	1997 c 90 (RR)	1997 c 90 (RR)		
Sherburne				X	
Stearns				X	
Steele			2002 c 256 (RR, LA)		
Stevens				X	
Todd				X	
Wabasha				X	
Wadena ¹³				X	
Washington			1997 c 153 (RR, LA)		1997 c 153 (RR, LA)
Wright			2001 c 180 (RR)	X	
Yellow Medicine				X	

¹² [Laws 2000, chapter 259](#), allowed Scott County to generally reorganize and transfer the duties of the appointive positions to the county administrator.

¹³ Wadena County was authorized by [Laws 1994, chapter 394](#), to combine the offices of auditor and treasurer, subject to local approval of the special legislation. Wadena County did not file the local approval as required, and the authority under special law has expired. However, the 2005-2006 *Minnesota Legislative Manual* indicates that the offices are combined; presumably the combination was done under general law in [Minnesota Statutes, chapter 375A](#).

Big Stone County was authorized by Laws 1992, chapter 421, to combine the offices of auditor and treasurer (elective, subject to reverse referendum), but never approved the local law as required. A petition for a referendum was filed and the referendum failed. Thus, the option was not implemented and the authority to implement it under special law has expired.

Koochiching County was authorized by [Laws 1994, chapter 387](#), to make the office of county recorder appointive, and although the special legislation was approved by the county board, the option was not implemented after the referendum held pursuant to a petition failed.

Pipestone County was authorized by Laws 1993, chapter 200, to combine the offices of auditor and treasurer, and although the county board approved the local law, the option was not implemented after the referendum held pursuant to a petition failed.

In addition, a number of other counties held referenda that failed on whether to change county offices.

Can a county change the size of its board?

Yes. There are two statutes that a county can use to change the size of its board.

First, under [Minnesota Statutes, section 375A.09](#), a county board may change its size to three, five, seven, or nine members. The county board can implement this change only after an affirmative vote of the voters in the county on the question. The referendum may be initiated by:

- a resolution by the county board,
- a recommendation of a county government study commission, or
- a petition signed by voters equal in number to 5 percent of the electors voting at the last previous election for the office of governor.

If a study commission has been established, a referendum on an option may not be initiated by a resolution of the county board or a petition of voters until after the study commission has completed its study.

The county auditor conducts the referendum following the procedures provided in [section 375.20](#), as far as practicable. The referendum may be held at any primary, general, or special election held not less than 30 days before the first day on which candidates may file for county office.

When the number of commissioners has been changed, the county board must redistrict the county accordingly. The resolution redistricting the county shall be adopted not less than 30 days before the first day candidates may file for the office of county commissioner. Commissioners to be elected to the modified county board are elected at the general election following the adoption of the modification.

Second, under [Minnesota Statutes, section 375.01](#), each county is to have a board of five commissioners, except Anoka, Hennepin, Ramsey, and St. Louis counties, which must have seven commissioners. However, under [375.056](#), “[a]ny county with a population of 100,000 or more according to the last federal decennial census may by resolution of its county board provide for a seven-member board of county commissioners.” A certified copy of the resolution of the county board of any county choosing to exercise this option shall be transmitted to the secretary of state. The county commissioner districts must be redistricted by the county board if the number is increased.

At this time, all counties in Minnesota have five-member boards except Anoka, Dakota, Hennepin, Olmsted, Ramsey, and St. Louis, which have seven-member boards. As stated above, [section 375.01](#) requires Anoka, Hennepin, Ramsey, and St. Louis to have seven-member boards. In addition to the authority under [section 375A.09](#) to expand or reduce the size of the county board as described above, under [section 375.056](#), a county board of a county with a population of 100,000 or more may, by resolution, establish a seven-member county board. Dakota, Olmsted, Stearns, and Washington qualify, but only Dakota and Olmsted have established seven-member boards.

What other options are there for restructuring county government?

Under [Minnesota Statutes, chapter 375A](#), counties may choose from the following five plans of organization:

- 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. [Minn. Stat. § 375A.12](#). A county administrator may be appointed by the county board without a referendum. [Minn. Stat. § 375A.06](#), subd. 5.

A referendum required to be held as a condition of adoption of a plan may be initiated by:

- a resolution of the county board,
- a recommendation of a county government study commission, or

- a petition signed by voters equal in number to at least 5 percent of the voters voting at the last previous election for the office of governor, requesting that a referendum be held on the adoption of one or more of the plans.

If a study commission is established under [Minnesota Statutes, section 375A.13](#), 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.

Elected Executive Plan

The elected executive plan provides for a county executive elected by the voters of the county to a four-year term of office. [Minn. Stat. § 375A.02](#).

- The county executive is the administrative head of the county with all the power and duties of an administrative or executive nature vested in or imposed upon the county board.
- The salary of the county executive is set by the county board at a figure not less than 150 percent of the highest paid member of the county board.
- The county executive is responsible for the administration of the affairs of the county and, by resolution of the county board, may serve as head of a county department.
- Specific powers and duties are described in [section 375A.02](#), subdivisions 3 and 4. 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. Also, the offices of county auditor, treasurer, and recorder are abolished and the office of county coroner and county surveyor are made appointive unless previously abolished and terminated. [Minn. Stat. § 375A.04](#).

St. Louis County proposed establishing the elected executive plan in 1974, but the referendum failed.

County Manager Plan

The county manager plan provides for an appointed chief executive officer who is designated as county manager. [Minn. Stat. § 375A.03](#).

- The manager is appointed by the county board for an indefinite period of time and serves at the board's pleasure.
- The county board sets the manager's salary.

- The county manager is the administrative head of the county and has all the powers and duties of an administrative or executive nature vested in or imposed upon the county board.
- The official is responsible for the administration of the affairs of the county and may, by resolution of the county board, serve as head of any county department.
- Specific powers are described in [section 375A.03](#), subdivision 3. 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. Also, the offices of county auditor, treasurer, and recorder are abolished and the office of county coroner and county surveyor are made appointive unless previously abolished and terminated. [Minn. Stat. § 375A.04](#).

At-Large Chair Plan

Under the at-large chair plan, a chair of the board of county commissioners is elected in a countywide election. [Minn. Stat. § 375A.05](#).

- The at-large chair is elected, but is otherwise a member of the county board and is its chairperson.
- The salary of the at-large chair is set by the county board, but cannot be less than 120 percent of the highest paid member of the board.
- The at-large plan may be adopted only in counties that have a five- or seven-member county board.
- The term is four years, as is the case for other members of the board.

County Administrator Plan

The county administrator plan 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 either the elected executive plan, the county manager plan, or the auditor-administrator plan. [Minn. Stat. § 375A.06](#).

- 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 salary of the administrator is set by the county board.

- 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.
- Specific powers and duties of the administrator are described in [section 375A.06](#), subdivision 4. (See below)
- The county board may appoint an administrator without going to a countywide referendum on the question.

Referenda in 1976 to establish the county administrator plan in St. Louis County and Cook County both failed. A 1978 referendum to create a position of county administrator in St. Louis County also failed.

“County Administrator” or “County Coordinator”

About 24 counties have a position with the title “county administrator.” Because that title may be used for a county coordinator under [Minnesota Statutes, sections 375.48 to 375.50](#), it is difficult to know how many counties have actually adopted this option. However, there are several differences in the powers and duties of each.

Statutory Comparison	
County Administrator Minn. Stat. § 375A.06, subd. 4	County Coordinator Minn. Stat. § 375.49, subd. 1 and 2
<p>“The county administrator shall be the administrative head of the county and shall be responsible for the proper administration of the affairs of the county placed in the administrator’s charge. The administrator shall exercise general supervision over all county institutions and agencies and, with the approval of the county board, coordinate the various activities of the county and unify the management of its affairs. If required by the county board, the administrator may act as the head of any department, the appointment of which is made by the county board, provided the administrator has the qualifications required by law. Responsibilities shall include, but are not limited to, the following duties:”</p>	<p>“The county board shall prescribe the duties of the county coordinator. . . .</p> <p>The county coordinator may be assigned any of the following duties and responsibilities:”</p>

Related Provisions	
County Administrator Minn. Stat. § 375A.06, subd. 4	County Coordinator Minn. Stat. § 375.49, subd. 1 and 2
“(a) Hire qualified staff to assist the administrator in the performance of duties as approved by the board;”	“(a) to manage any or all of the affairs of the county which the county board has authority to control;”
“(b) Provide for the execution of all ordinances, resolutions and orders of the board and all laws of the state required to be enforced through the county board, by the administrator or by officers who are under the administrator’s direction and supervision;”	“(d) to see that all orders, resolutions and regulations of the county board are faithfully executed;”
“(d) Provide for county purchases including purchases of service as directed by the county board and pursuant to purchasing regulations established by the board;”	
“(e) Prepare and submit to the county board a proposed annual budget and long-range capital expenditure program for such period as the county board may direct, each of which shall include detailed estimates of revenue and expenditures and enforce the provisions of the budget when adopted by the county board;”	“(c) to submit to the board recommendations concerning the affairs of the county, its future financial needs, and its offices, departments and agencies as the county coordinator considers proper; (e) to initiate and present a proposed annual budget to the county board for its review and consideration; and”
“(f) Attend all meetings of the county board and recommend measures for adoption as the administrator deems advisable or expedient;”	
	“(f) to serve as clerk of the county board. When a resolution is adopted directing the county coordinator to assume the responsibilities of clerk of the board, the county auditor shall no longer be held responsible for the duties as clerk to the board imposed by section 384.09 .”
“(g) Examine the books and papers of officers and departments of the county as directed by the county board and report the findings to the county board, keep the county board fully advised as to the financial condition and needs of the county and make such other reports from time to time as required by the board or the administrator deems advisable.”	“(b) to examine regularly the books, papers and accounts of each department, office, and agency of the county under the control of the county board and to report to the board the condition in which the county coordinator finds them and other information as the board directs;”

County Auditor-Administrator Plan

The county auditor-administrator plan provides for the county auditor to assume the additional duties of county administrator.

- 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.
- Neither is the plan permitted in counties operating under the elected executive or manager plan.
- The office of auditor-administrator is elective with the candidate standing for office designated by that name.

Have any counties made use of these optional forms of county government?

None of the four organizational plans which require a referendum (i.e., county executive, at-large chairperson, county manager, and auditor-administrator) have been adopted in any county. In fact, few have been proposed. Referenda in 1976 to establish the county administrator plan in St. Louis County and Cook County both failed. A 1978 referendum to create a position of county administrator in St. Louis County also failed.

About 24 counties have a position with the title “county administrator.” Because that title may be used for a county coordinator under [Minnesota Statutes, sections 375.48 to 375.50](#), it is difficult to know how many counties have actually adopted this option.

Can a county abandon an adopted option or plan?

Yes. Any optional plan or other option provided for in [sections 375A.01 to 375A.13](#) may be abandoned by the same procedures required for the adoption of the optional plan or the option. Except as otherwise provided in [sections 375A.01 to 375A.13](#), any plan or option shall remain in effect until abandoned or another plan or option is adopted, but a plan or option shall remain in effect not less than three years after its adoption before proceedings to abandon may be commenced. Options that are consistent with the at-large chair plan and the administrator plan may be adopted at any time after either the at-large chair plan or the administrator plan has been adopted. [Minn. Stat. § 375A.12](#), subd. 6.

For more information about local governments, visit the government operations area of our web site, www.house.mn/hrd/issinfo/gv_local.htm.