



**Request for City Council Committee Action
From the City Attorney's Office**

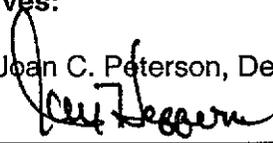
Date: July 5, 2002
To: Ways and Means
Referral to:

Subject: Exchange of Attorney between Hennepin County and Minneapolis to facilitate the transition to Felony DWI.

Recommendation: That the City Council authorize the City Attorney to enter into an Intergovernmental Exchange pursuant to Minnesota Statute sections 15.51 to 15.57 with the Hennepin County Attorney's Office to exchange attorneys for a period of six months with an option to renew for an additional six months to facilitate the transition to the new felony Driving While Intoxicated law.

Previous Directives:

Prepared by: Joan C. Peterson, Deputy City Attorney Phone: 612-673-2861

Approved by: 
Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

<p>Financial Impact (Check those that apply)</p> <p><input checked="" type="checkbox"/> No financial impact - or - Action is within current department budget. (If checked, go directly to Background/Supporting Information)</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Capital Budget</p> <p><input type="checkbox"/> Action requires an appropriation increase to the Operating Budget</p> <p><input type="checkbox"/> Action provides increased revenue for appropriation increase</p> <p><input type="checkbox"/> Action requires use of contingency or reserves</p> <p><input type="checkbox"/> Other financial impact (Explain):</p> <p><input type="checkbox"/> Request provided to the Budget Office when provided to the Committee Coordinator</p>

<p>Community Impact: City Goals: Build Community</p>

Background/Supporting Information

The Minnesota Legislature enacted a Felony-level Driving While Intoxicated (DWI) law that will go into effect on August 1, 2002. Since DWI offenses were previously prosecuted only at the misdemeanor or gross misdemeanor level, the Hennepin County Attorney's Office prosecutors do not have experience litigating them. In order to allow the Hennepin County Attorney's Office prosecutors to gain that experience, that office asked for assistance from the Minneapolis City Attorney's Office.

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The two offices jointly determined that the best solution is to have a City Attorney assigned temporarily to the County Attorney's Office. The County Attorney's Office would then assign one of their prosecutors to the City Attorney's Office in exchange. The exchange would occur pursuant to Minnesota Statute, Sections 15.51 to 15.57. Under that law, an employee maintains his or her same salaries and benefits and is considered an employee of the sending agency for all other purposes except that the supervision of their duties during the period of detail. The law also specifies that any employee who suffers disability or death as a result of personal injury arising out of and in the course of such assignment or sustained in the performance of duties in connection to that assignment shall be treated, for the purpose of the receiving agency's employee compensation program, as an employee. The exchange would be for a period of six months with an option to renew for an additional six months.