



JAN 26 2006

Office of the State Auditor Local Government Cooperation Waiver Application

1. Applicant Name(s). All entities listed must be local units of government. If request is on behalf of a nonprofit organization, include name of nonprofit organization.

Red Rock Township

2. Application Contact Person. The contact person should be able to respond to questions regarding this application.

Name: John Mueller

Phone: (507) 433-2364

Fax: _____

Title: Township Supervisor

Address: 61884 230th Street

Agency: Red Rock Township

Austin, Minnesota 55912

E-mail: jtmueller@netscape.com

3. Service/Program. Identify the specific service or program for which you are requesting a waiver.

Utilization of "qualified newspaper" for posting notices.

4. Rule/Law. Specifically identify the rule(s) or procedural law(s) governing the delivery of services from which you are requesting a waiver as well as any related rule(s) or law(s) (for example: M.R. 9525.0125, subp. 1 or M.S. 279.03, subd. 1).

MSS 331A.03 subd. 1 Where notice published.

5. Is the request for a waiver from a statutory notice requirement?

_____ Yes XX No

If yes, application need not be submitted, because the State Auditor's may not grant the application pursuant to Minn. Stat. § 6.80, subd. 3.

6. School Districts. *Does the Commissioner of Education have authority to grant variance under section 122A.163.*

_____ Yes XX No

If yes, the State Auditor cannot grant a waiver or variance pursuant to Minn. Stat. § 6.80.

7. Do you know of any state statute, federal law, or state or federal constitutional doctrine that could be interpreted to inhibit the waiver of the rule or law requested?

_____ Yes (CITE AND DISCUSS AS APPROPRIATE) XX No

8. Is there a Minnesota statute or a federal law, other than Minn. Stat. §§ 6.80, 14.055 and 14.056 that currently allows a waiver from the rule or law?

_____ Yes XX No

If yes, please cite the applicable rule or law and explain why a waiver or exemption is then needed from the State Auditor.

9. Does the requested waiver or exemption only change the procedural requirements imposed on the applicant?

XX Yes _____ No

If yes, please explain. It is not sufficient merely to affirm that granting the waiver will only change the procedural requirements of the applicant. You are required to describe: (1) who must deliver a service; (2) where the service must be delivered; (3) to whom and in what form reports regarding the service must be made; and (4) how long or how often the service must be made available to a given recipient. In addition, you must describe the nature of the law or rule and show that its waiver will not have any substantive impacts on the applicant's responsibilities.

Townships, like other government bodies, must post certain legal notices in qualified newspapers. However, not all of our township residents subscribe to our nearest "legal" or "qualified" newspaper, the Austin Daily Herald. There is a second local newspaper, Post Bulletin – Austin Edition, that some residents subscribe to. There's even a third, fourth, and fifth local newspapers that residents in our township subscribe to. They are The Adams/Stacyville Monitor in the southern part of the township; The Hayfield Herald in the northern part; and The Meadow Area News in the eastern part.

With so many newspapers available in different parts of our township, it is not likely that the majority of our residents subscribe to the legal newspaper we currently must utilize, The Austin Daily Herald.

We have what we feel is a better option. The Mower County Shopper is a classified/advertising paper that is delivered free of charge to all homes and businesses in our entire township and is also available to the public at numerous locations. We can better serve our township residents by posting legal notices in the Mower County Shopper because all residents receive it. It is not limited to only those who subscribe.

Furthermore, it is substantially less expensive to publish notices in The Shopper than it is to utilize the nearest legal newspaper. This is the most fiscally responsible and most effective method to post legal notices for the residents of Red Rock Township.

10. Previous Requests. *If request is for exemption from an administrative rule, has the petitioner requested and been denied an exemption from the appropriate agency per Minn. Stat. §§ 14.055 and 143056?*

N/A _____ Yes, when: _____ No

If yes, please attach the agency's findings.

If no, you must request an exemption from the appropriate agency and be denied before submitting this application.

11. In the past three years, has the applicant or any related party been involved in any litigation, mediation, arbitration, or review by an agency or tribunal involving the applicable rule or law for which a waiver is requested?

_____ Yes XX No

If yes, identify the parties and all persons having information about the action. Also, include all relevant documentation from the action.

12. Overseeing Agency. *List any state or metropolitan agencies having jurisdiction over the rule or law from which the waiver or exemption is sought.*

N/A

13. For waivers of administrative rules, indicate the length of time for which you would like the waiver to be effective.

Waiver of administrative rules can be granted for no less than two years and no more than four year, subject to renewal if both parties agree. Exemptions from enforcement of procedural laws automatically expire ten days after the adjournment of the next regular legislative session in the next calendar year, unless extended by the legislature.

Maximum Allowable Years (Permanent or non-expiring if possible.)

14. Affected Parties. *List the name, address, and telephone number of any person, business, or other government unit you know would be adversely affected by the grant of this petition. In addition, include any materials you may have relating to their position on this issue.*

Any qualified newspaper, specifically The Austin Daily Herald 310 2 St. NE Austin, MN 55912
Phone (507) 433-8851.

They have not been contacted on this matter

15. Exclusive Representatives. *You must provide a copy of this application to the exclusive representative (union) certified under M.S. 179A.12 to represent employees who provide the service or program affected by your request.*

Are the affected employees represented by an exclusive representative? Yes: _____ No: _____

List all applicable exclusive representatives and indicate the date on which you sent the copy:

I don't believe this section applies as there are no employees affected.

Exclusive representatives: You may submit written comments on this application, including objections, to the State Auditor within 60 days of receipt of the application.

This application is submitted to the State Auditor pursuant to Minn. Stat. §6.80. The local government unit(s) requesting the waiver agrees (agree) to abide by the requirements of Minnesota law and the operating procedures of the Office of the State Auditor. To the best of my (our) knowledge the information contained in this application, including the attached narrative and resolution, is accurate and complete.

Ray M. Lindke
(Signature)
TOWNSHIP CHAIRMAN
(Title)

04/17/06
(Date)

John J. Mueller
(Signature)
TOWNSHIP SUPERVISOR
(Title)

011606
(Date)

RED ROCK TOWNSHIP

◆ MOWER COUNTY ◆

Supervisors – Roger Slindee, Gene Tapp, John Mueller Clerk – Theresa Booms Treasurer – Elaine Quill
Correspondence: Clerk Theresa Booms 59637 265 Street Brownsdale, MN 55918 (507) 567-2036

Office of the State Auditor
525 Park Street, Suite 500
Saint Paul, MN 55103

March 29, 2006

Office of the State Auditor:

On March 28, 2006 the board of Red Rock Township, Mower County, passed a resolution declaring our desire to be exempted from having to use a statutorily defined legal newspaper for those notices that must be published.

Currently there are no less than five (5) newspapers that are circulated within Red Rock Township. The Austin Daily Herald and The Meadow Area News are listed as Mower County legal newspapers according to the Office of the Secretary of State. For the most part, residents in the southern and western part of the township subscribe to the Austin Daily Herald while The Meadow Area News is received by residents in the northeast part of the township. In addition, The Austin Post Bulletin, published by an Olmsted County legal newspaper, is also subscribed to or purchased by various Red Rock Township residents.

Each of those newspapers is sold by subscription. However none of the newspapers is delivered to every household within Red Rock Township and not all of the newspapers are available for purchase at a public place in our township such as a gas station or grocery store.

Some residents in the northern part of the township subscribe to or buy The Hayfield Herald, and some in the southeast part of the township subscribe to or buy the Adams/Stacyville News Monitor which covers news for the Minnesota – Iowa border towns of Adams, MN and Stacyville, IA.

Our township is served by three different school districts. News for each of those districts is generally reported in different newspapers. For instance, The Austin Daily Herald does not usually report the news of Southland or Hayfield School Districts but does report on the Austin School District. The Adams/Stacyville Monitor generally does not cover news from the Austin or Hayfield School Districts but does cover Southland School news. And finally, The Hayfield Herald covers Hayfield schools but not much if any Southland or Austin school news. Finally, The Austin Post Bulletin provides Austin and Rochester news while The Meadow Area News concentrates on the Grand Meadow school news.

As you can see, because of the proximity our township has to different towns and school districts, the residents of Red Rock Township utilize several different newspapers. There is however one weekly publication that is delivered free of charge to all residents in our township. In addition, it is available for free at grocery stores and gas stations, not only in Red Rock Township, but throughout Mower County.

Another factor in this waiver application is the cost to publish notices. We post items in The Austin Daily Herald because we have to in order to be in compliance with state law. However, in some cases we have also published the same notice in the Mower County Shopper because The Shopper is circulated to all of our residents and therefore it is a better source to disseminate the information we are publishing.

To post a public notice in The Austin Daily Herald can be quite expensive compared to the Mower County Shopper. Just to give you an example in 2005 we published some legal notices in the Austin Daily Herald relating to a subordinate sewer district. One of those notices cost us \$657.60 and another one was \$269.70 to publish in the Herald. That same \$657.60 would have been nearly a full page ad in the Shopper!

In the past three years, the most expensive notice in The Shopper we have published was \$60.00. A comparable posting in The Herald is \$93.00.

In summary, we have in the past and will continue to comply with state law in regards to posting and publishing public and legal notices. We would however like an exemption from using a "legal newspaper" and be authorized to use a suitable alternative publication that is accepted by the Office of the State Auditor, with that alternative publication being the Mower County Shopper. By doing so, published notices would be made available to a greater number of our township residents and at a significantly lower cost.

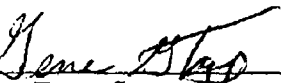
We feel we would be most fiscally responsible to our residents by publishing public and legal notices in The Mower County Shopper, which all residents have access to for free and which charges a significantly lower rate than the "legal newspaper" does for publishing notices.


And in closing, we as a board are grateful that our residents have so many newspaper choices available to them and we would encourage them to read the newspaper of their choice.

For any correspondence, please contact John Mueller, Red Rock Township Supervisor, at 61884 230th Street Austin, MN 55912 or by telephone at 507-433-2364 or mobile phone 507-438-2228. Thank you for considering our waiver application.

Sincerely,
Red Rock Township Board


Roger Slindee, Chairman Supervisor


Gene Tapp, Supervisor


John Mueller, Supervisor Chairman

RESOLUTION NUMBER 2006-02

APPLICATION TO STATE AUDITOR FOR EXEMPTION FROM UTILIZING LEGAL NEWSPAPER FOR NOTICE PUBLICATIONS

WHEREAS, the town board of Red Rock Township, Mower County, Minnesota is required to publish certain notices in a statutorily recognized legal newspaper;

WHEREAS, the town board finds this to be impractical and financially inefficient because due to the fact that the township is served by at least five different newspapers including but not limited to the Austin Daily Herald, the Austin Post Bulletin, The Hayfield Herald, The Adams/Stacyville Monitor Review, and the Grand Meadow Area News, none of which are printed within the township, and none are delivered to all residents within the township;

WHEREAS, there is a circulation known as The Mower County Shopper, which is not a statutorily defined legal newspaper, but is delivered free of charge to all residents within the township and is available free of charge at several businesses to which the public has access to; and

WHEREAS, the town board has determined that the residents of a larger population of the township residents will be better informed by utilizing one publication that is delivered and available to all residents without cost or subscription; and

WHEREAS the board has knowledge that the cost of publishing notices in The Mower County Shopper is significantly less than that of a legal newspaper, the board would be exercising fiscal responsibility by utilizing The Mower County Shopper to post those notices that must be published because it will reach more residents at less expense;

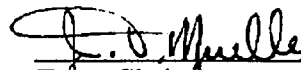
NOW THEREFORE BE IT RESOLVED by the Red Rock town board, Mower County, Minnesota, that the town board hereby resolves that it shall petition the State Auditors Office for exemption from the requirement of using a legal newspaper for publication of notices and accepting The Mower County Shopper as an approved alternative for those notices that must be published.

Adopted this 28th day of March, 2006.

Voted Yes - 3 - John Mueller, Gene Tapp, Roger Skinder
No - 0
Absent - 0 Abstain - 0

By the Board,

Attest: 
Town Clerk


Town Chair