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June 19, 2006

John Mueller
Township Supervisor
Red Rock Township
61884 230th Street
Austin, MN 55912

Re: Waiver Application – Red Rock Township

Dear Mr. Mueller:

After a thorough review of the facts, I am unable to grant the waiver you requested in your application.

You, and the rest of the Red Rock Town Board, are to be commended for looking for ways to save taxpayer dollars and to deliver information about town activities to more people. However, the law concerning publication requirements leaves me little option. As noted by the Minnesota Attorney General's Office, the statute authorizing my office to grant waivers does not allow exemptions from statutory notice requirements. Because your request for an exemption pertains to public notice requirements, it is beyond my authority under the statute.

If your request was within my authority, the Mower County Shopper does not appear to provide the expected notice that a newspaper provides. Additionally, the Shopper does not meet all of the substantive requirements of a qualified newspaper. These requirements help ensure that the public has adequate access to public notices. For example, there is no evidence that the Shopper is maintained for future view with the State Historical Society.

In addition, there was no showing that granting the exemption would provide a more efficient means of providing the government service. The public does not expect to find public notices in an advertising circular. The Town would have to take extra steps to ensure that the public actually is able to find its public notices. The exemption then, would not provide a more efficient means of providing the service.

Even though you were not successful, I appreciate your willingness to participate in this new waiver process.

If you have any questions please feel free to contact Deputy State Auditor Tony Sutton at 651-282-6112 or tony.sutton@state.mn.us.

Sincerely,

Patricia Anderson
State Auditor

Cc: Kevin True, Austin Daily Herald
Mark Anfinson
Kenneth Raschke, Jr., Assistant Attorney General